

Topic 1. Administrative and legal regulation in the spheres of security and protection of the state border

LECTURE PLAN

1. General characteristics of the foundations of national security of Ukraine

2. Organization of state administration in the field of security

3. The state border and its protection and security

Question 1. General characteristics of the foundations of national security of Ukraine

National security of Ukraine - protection of state sovereignty, territorial integrity, democratic constitutional system and other national interests of Ukraine from real and potential threats.

National security is a complex, multifaceted phenomenon that includes state, economic, environmental, public, informational, defense and other types of security.

The main directions of the state policy regarding the national security of Ukraine are:

- in the political sphere — formation of a mechanism for the protection of citizens' rights, prevention and elimination of attempts to interfere in the internal affairs of Ukraine; adaptation of Ukrainian legislation to EU legislation;

- in the social sphere — creation of an effective system of social protection of a person, protection and restoration of his physical and spiritual health, elimination of alcoholism, drug addiction, and other negative phenomena, application of timely measures to counter demographic crisis processes;

- in the sphere of state security and in the military sphere — reforming the law enforcement system with the aim of increasing the efficiency of its activities, strengthening control over the state of weapons and the security of military facilities; intensification of weapons disposal works;

- in the economic sphere — ensuring the conditions for sustainable economic growth, improving antimonopoly policy, overcoming the "shading" of the economy through reforming the tax system, control over export-import activities;

- in the scientific and technological sphere — the application of complex measures for the protection and development of the natural environment, control over its condition;

- in the information sphere — the application of comprehensive measures to protect the information space, ensure the information sovereignty of Ukraine, and actively involve the mass media in the fight against corruption.

Ensuring security is achieved by a set of measures of an economic, political, organizational, legal and other nature, adequate to threats to the vital interests of the individual, society and the state.

The main subject of security is the state, which performs functions in this area through legislative, executive and judicial authorities. The state not only ensures the safety of every citizen on the territory of the country, but also guarantees protection to citizens of Ukraine who are outside its borders.

Subjects of security, creating a security system and being its interdependent elements, act on the basis of a strict separation of powers.

The main functions of the security system are: creation of the regulatory and legal framework necessary for the effective functioning of the national security system; identification and forecasting of internal and external threats to the vital interests of security objects, implementation of a complex of operational and long-term measures for their prevention and neutralization; creating and maintaining the readiness of security forces and means; management of forces and means of ensuring security in everyday conditions and during emergency situations; implementation of a system of measures to restore the normal functioning of security facilities in the regions affected by the emergence of an emergency situation; participation in measures to ensure security outside of Ukraine in accordance with international treaties and agreements,

concluded or recognized by Ukraine; systematic monitoring of the state and manifestations of international and other types of terrorism.

Question 2. Organization of state administration in the field of security

Several subjects play a key role in the organization of public administration in the field of security.

The President of Ukraine as head of state:

- determines the main areas of ensuring the internal and external security of the state;
- carries out general management of state bodies providing security;
- controls and coordinates the activities of these bodies;
- forms and heads the National Security and Defense Council of Ukraine;
- within the scope of competence defined by law, makes operational decisions regarding security;
- under the conditions and in the manner prescribed by the Constitution of Ukraine and current legislation, introduces a state of emergency on the territory of Ukraine or in some of its localities with immediate notification to the Verkhovna Rada of Ukraine;
- at least once a year submits a report to the Verkhovna Rada of Ukraine on ensuring the security of Ukraine;
- supervises the activities of the Security Service of Ukraine.

The Constitution of Ukraine (Article 107) provides a special place for the Council of National Security and Defense of Ukraine (hereinafter referred to as the National Security and Defense Council), which is a coordinating body for national security and defense issues under the President of Ukraine.

The NSDC develops and considers at its meetings and submits proposals to the President of Ukraine regarding the determination of Ukraine's strategic national interests, conceptual approaches and directions for ensuring national security and defense in various spheres of the state's vital activities, coordinates and carries out ongoing control over the activities of executive authorities, submits relevant conclusions to the President of Ukraine and proposals, coordinates and controls the activities of state authorities, local self-government bodies within the limits of the granted powers during the introduction of martial law or a state of emergency.

The NSDC creates conditions for the President of Ukraine to exercise his constitutional powers to protect the rights and freedoms of man and citizen, to protect the sovereignty of Ukraine, its independence and state integrity. The NSDC examines issues of internal and external policy of Ukraine in the field of security, strategic problems of state, economic, public, defense, informational, economic and other types of security, public health protection, forecasting, prevention of emergency situations and overcoming their consequences, ensuring stability and law and order in the country.

The head of the National Security Council is the President of Ukraine. The staff of the NSDC is formed by the President of Ukraine. The members of the NSDC ex officio include the Prime Minister of Ukraine, the Minister of Defense of Ukraine, the head of the Security Service of Ukraine, the Minister of Internal Affairs of Ukraine, and the Minister of Foreign Affairs of Ukraine. Its members can also be heads of other central executive bodies.

The Secretary of the National Security Council is appointed and dismissed by the President of Ukraine and reports directly to him. The legal status of the secretary of the NSDC as a civil servant is determined

President of Ukraine in accordance with the Law of Ukraine "On Civil Service".

The secretary of the NSDC ensures the organization of work and the implementation of its decisions, he has deputies who are appointed and dismissed by the President of Ukraine at his request.

The National Security and Defense Council of Ukraine: determines the vital interests of the individual, society and the state, identifies internal and external threats to security objects; develops the main directions of the strategy for ensuring the security of Ukraine, organizes the preparation of programs for its security; prepares recommendations to the President of Ukraine for

making decisions on domestic and foreign policy issues in the field of ensuring the safety of the individual, society and the state, operational decisions on the prevention of emergency situations that may cause significant socio-political, economic, military, environmental and other consequences, decisions on the organization their liquidation; submits proposals to the President of Ukraine on the introduction, extension or cancellation of the state of emergency; develops proposals for coordinating the activities of executive authorities in the process of implementing the decisions made in the field of security and evaluates their effectiveness; improves the security system by developing proposals for reforming existing or creating new bodies that ensure the security of the individual, society and the state.

In accordance with the specified tasks and functions, the NSDC forms permanent or temporary interdepartmental commissions that can be created on a functional or regional basis on a permanent or temporary basis.

Meetings of the National Security Council are held at least once a month. If necessary, extraordinary meetings can be held. Permanent members of the National Security Council have equal rights when making decisions. Members of the National Security Council participate in its work with the right of an advisory vote.

Decisions of the National Security Council on the most important issues are formalized by decrees of the President of Ukraine, other decisions by protocols.

In terms of ensuring state security, the Security Service of Ukraine (hereinafter referred to as the SBU) plays a key role, the foundations of its organization and activities are enshrined in the Law of Ukraine "On the Security Service of Ukraine". According to this Law, the SBU is a special state law enforcement agency that ensures the state security of Ukraine, subordinate to the President of Ukraine and under the control of the Verkhovna Rada of Ukraine.

The Security Service of Ukraine, within the limits of competence defined by legislation, is entrusted with the protection of state sovereignty, the constitutional system, territorial integrity, economic, scientific and technical and defense potential of Ukraine, the legitimate interests of the state and the rights of citizens from the intelligence and subversive activities of foreign special services, encroachments by individual organizations, groups and individuals, as well as ensuring the protection of state secrets.

The tasks of the SBU also include the prevention, detection, termination and disclosure of crimes against the peace and security of humanity, terrorism, corruption and organized criminal activity in the sphere of management and economy and other illegal actions that directly threaten the vital interests of Ukraine.

The Law of Ukraine "On the Security Service of Ukraine" stipulates the duties of its bodies, namely: to carry out intelligence and information-analytical work; carry out counterintelligence support measures for diplomatic missions, consular and other state institutions; detect, stop and solve crimes, the investigation of which is assigned to their competence; conduct inquiries and investigations in these cases, search for persons who are hiding in connection with the commission of the specified crimes; carry out counter-intelligence support of the defense complex, energy, transport, communication, as well as important objects of other branches of the economy; participate in the development and implementation of measures to protect state secrets; to provide assistance to border troops, internal affairs bodies, customs service in the fight against crime,

The SBU, its bodies and employees are given the appropriate rights to fulfill the duties assigned to them: to demand from citizens and officials the cessation of offenses and actions that prevent the exercise of the SBU's powers, to check in this connection the documents certifying their identity, and also conduct an inspection of persons, their belongings and vehicles, if there is a threat of the escape of the suspect or the destruction or concealment of physical evidence of criminal activity; to submit to the state administration bodies mandatory for consideration proposals on matters of national security of Ukraine; receive, at the written request of the head of the relevant SBU body, from ministries, state committees, other departments, institutions, organizations, military units, citizens and their associations, data and information necessary to ensure the state security of Ukraine, and also use official documentation and reporting for this

purpose; to enter their territory and office premises in accordance with the procedure agreed with the administration of enterprises, institutions and organizations and the command of military units; to have pretrial detention centers for the detention of persons taken into custody and detained by the SBU and others.

A separate body of the executive power in the field of security is the State Security Office of Ukraine, which, in accordance with the Law of Ukraine "On State Security of State Powers of Ukraine and Officials", is a special state law enforcement body subordinate to the President of Ukraine and under the control of the Verkhovna Rada of Ukraine.

State security of the state authorities of Ukraine and officials is a system of organizational-legal, regime, operational-investigative, engineering-technical and other measures, which are carried out by specially authorized state authorities in order to ensure the normal functioning of the state authorities of Ukraine, the safety of officials and objects defined by the Law "On State Protection of State Authorities of Ukraine and Officials".

Management of the activities of the Office is carried out by the head, who is appointed and dismissed by the President of Ukraine.

The Department issues orders, organizes and monitors their implementation within the scope of its powers based on and for the implementation of laws and other legal acts.

The Office is entrusted with the following tasks: implementation of state protection in relation to the state authorities of Ukraine; ensuring the security of officials, namely the President of Ukraine, the Chairman of the Verkhovna Rada of Ukraine, the Prime Minister of Ukraine, the Chairman of the Constitutional Court of Ukraine, the Chairman of the Supreme Court of Ukraine, the First Deputy Chairman of the Verkhovna Rada of Ukraine, the First Deputy Prime Minister of Ukraine, the Minister of Foreign Affairs of Ukraine, the Prosecutor General of Ukraine, as well as members of their families who live with them or accompany them; prevention of illegal encroachments on officials and members of their families and objects subject to state protection, their detection and termination; protection of objects defined by this Law; ensuring the safe operation of vehicles, appointed for the officials specified by this Law; participation in measures aimed at combating terrorism.

Officials subject to state protection have certain rights and obligations. They have the right to receive information about measures to ensure their safety; to provide personal consent regarding nominations of persons who will provide their personal protection; for a temporary waiver of personal protection (in writing), taking full responsibility for the possible negative consequences of this action. The main duties of officials who are subject to state protection are the following: responsible attitude to their own safety, assistance to state protection bodies in the performance of their assigned tasks.

State protection is carried out in the following directions: a) termination of illegal activities of individuals or groups that threaten the normal functioning of the state authorities of Ukraine, life, health, honor and dignity of officials and their family members; b) personal protection of persons; c) protection of objects and maintenance of control and access regime on them; d) equipping objects with technical means of protection at the expense of legal entities that use these objects; e) carrying out a set of preventive measures to prevent illegal encroachments.

Control over the activities of the Office is carried out by the President of Ukraine.

The state, as a guarantor of ensuring citizens' rights, must have a system of bodies, forces and means, with the help of which it organizes and ensures the protection of the population from negative consequences in various emergency situations.

In the implementation of a set of measures to protect the vital interests of the main security objects, the main role belongs to the central bodies of the executive power. When carrying out activities in extreme conditions, they use their regular and specially created management bodies, coordinate the forces and means necessary for timely prevention and liquidation of emergency situations.

The State Service of Ukraine for Emergency Situations (SES) is the central body of the executive power, whose activities are directed and coordinated by the Cabinet of Ministers of

Ukraine through the Minister of Internal Affairs and which implements state policy in the field of civil protection, protection of the population and territories from emergency situations and their prevention, liquidation consequences of emergency situations, rescue work, fire extinguishing, fire and man-made safety, activities of emergency and rescue services, as well as hydrometeorological activities.

The main tasks of the State Emergency Service are:

1) implementation of state policy in the field of civil protection, protection of the population and territories from emergency situations, prevention of their occurrence, liquidation of the consequences of emergency situations, rescue work, fire extinguishing, fire and man-made safety, activities of emergency and rescue services, as well as hydrometeorological activities;

2) implementation of state supervision (control) of compliance with and fulfillment of the requirements of legislation in the field of civil protection, fire and man-made safety, activities of emergency and rescue services;

3) submission to the Minister of Internal Affairs for consideration of proposals to ensure the formation of state policy in the specified areas;

4) implementation of state policy in the field of volunteering within the limits of the powers provided for by law.

Question 3. The state border and its protection and security

The main legislative act that directly establishes and regulates the issue of border protection, its regime and border regime is the Law of Ukraine "On the State Border of Ukraine". This Law defines the state border of Ukraine as a line and a vertical surface passing along this line, which define the boundaries of the territory (land, water, underground and air space) of Ukraine. The state border at sea is the line of the outer boundary of the territorial sea of Ukraine, which is located at a distance of 12 nautical miles from the coast. Thus, the border of Ukraine is a spatial boundary that covers a certain territory within which the state sovereignty of Ukraine is defined.

The state border of Ukraine is determined by the Constitution and laws of Ukraine, as well as international treaties of Ukraine.

Protection and protection of the state border is one of the most important functions of the state. The Laws of Ukraine "On the State Border of Ukraine" and "On the State Border Service of Ukraine" reveal the essence and main categories of protection and protection of the state border.

The protection of the state border of Ukraine is an integral part of the state-wide system of ensuring national security and consists in the coordinated activity of military formations and law enforcement agencies of the state. This activity is carried out by applying a complex of political, organizational and legal, diplomatic, economic, military, border, immigration, intelligence, counter-intelligence, operative-search, environmental protection, sanitary-quarantine, environmental, technical and other measures.

Coordination of the activities of military formations and state law enforcement agencies in the protection of the state border is carried out by the State Border Service of Ukraine, which is tasked with ensuring the inviolability of the state border and protecting the sovereign rights of Ukraine in its adjacent zone and exclusive (maritime) economic zone. The protection of the state border ensures the vital interests of the individual, society and the state at the state border within the border territory (border zone, part of the waters of border rivers, lakes and other bodies of water, the territorial sea and internal waters of Ukraine, where the border regime is established), checkpoints through the state border, as well as the territory of administrative districts and cities, sanatorium-resort zones, etc.

The protection of the state border is an integral part of the state-wide system of protection of the state border, which is carried out by the State Border Service of Ukraine on land, sea, rivers, lakes, and other bodies of water, as well as by the Armed Forces of Ukraine in the air and underwater space in accordance with the powers granted to them for measures aimed at ensuring the inviolability of the border of Ukraine.

Protection of the state border involves the functioning of the relevant legal regimes. The law establishes the following regimes: a) state border regime; b) border regime; c) regime at checkpoints across the state border.

The regime of the state border is a set of rules establishing the procedure for its observance and crossing by citizens and vehicles; movement of goods and animals across the border; conducting economic, industrial and other activities on it; resolution of incidents with foreign countries related to violations of the border regime.

Border regime - a set of rules for entry (passage), temporary stay of persons and vehicles in the border lane; carrying out economic, industrial and other activities within its limits; holding mass socio-political, cultural and other events in the border zone, etc.

The border strip is a part of the territory of Ukraine directly adjacent to the state border along its entire length.

Crossing the border is carried out through checkpoints, which means the territory within the limits of a railway station, a car station, a sea port, a river port, an airfield open for international traffic, as well as another specially equipped place where border control and, if necessary, other types of control are carried out and passage of persons, vehicles, goods and animals across the state border.

The regime at checkpoints across the state border is a set of rules for entry, stay and exit of persons, vehicles, import, stay and export of goods and animals. This regime is necessary for carrying out border, customs, veterinary and other types of control.

Crossing the state border of Ukraine is carried out on the roads connecting the state border in compliance with the established procedure. Rail, road, sea, river, ferry, air and pedestrian connections across the state border are carried out at checkpoints established by the Cabinet of Ministers of Ukraine in accordance with the legislation and international treaties of Ukraine.

A state border crossing point is a specially designated area at railway and automobile stations, sea stations and river ports, airports (airfields) with a complex of buildings, structures and technical facilities, where border, customs and other types of control and passage across the state border are carried out persons, vehicles, cargo and other property.

Sea and river non-military vessels and warships cross the state border in accordance with the current legislation, as well as rules issued by the authorized state bodies of Ukraine.

According to Art. 8 of the Law of Ukraine "On the State Border Service of Ukraine", the State Border Service of Ukraine and the activities of the Administration of the State Border Service of Ukraine are managed by the Head of the State Border Service of Ukraine (hereinafter - the Chairman), who is personally responsible for the performance of the tasks assigned to this service.

The main functions of the State Border Service of Ukraine are (Article 2 "On the State Border Service of Ukraine"):

protection of the state border of Ukraine on land, sea, rivers, lakes and other bodies of water in order to prevent illegal changes to its line, ensuring compliance with the state border regime and border regime;

implementation of border control and passage through the state border of Ukraine and to and from the temporarily occupied territory of persons, vehicles, goods, as well as detection and termination of cases of their illegal movement;

protection of Ukraine's sovereign rights in its exclusive (maritime) economic zone and control over the exercise of rights and fulfillment of obligations in this zone by other states, Ukrainian and foreign legal entities and individuals, and international organizations;

conducting intelligence, information-analytical and operational-research activities in the interests of ensuring the protection of the state border of Ukraine in accordance with the laws of Ukraine "On intelligence agencies of Ukraine" and "On operational-research activities";

participation in the fight against organized crime and combating illegal migration at the state border of Ukraine and within controlled border areas;

participation in measures aimed at combating terrorism, as well as stopping the activities of illegal paramilitary or armed formations (groups), organized groups and criminal organizations that violated the procedure for crossing the state border of Ukraine;

participation in the implementation of state protection of places of permanent and temporary stay of the President of Ukraine and officials, defined in the Law of Ukraine "On State Protection of State Authorities of Ukraine and Officials";

protection of foreign diplomatic institutions of Ukraine;

coordination of the activities of military formations and relevant law enforcement agencies related to the protection of the state border of Ukraine and access to and from the temporarily occupied territory, as well as the activities of state bodies that carry out various types of control when crossing the state border of Ukraine and access to the temporarily occupied territory and from it or participate in ensuring the regime of the state border, the border regime and the regime at checkpoints across the state border of Ukraine and at entry-exit control points.

Recommended Books:

1. Yermak O.O. Administrative and legal status of a civil servant in the system of law enforcement bodies: monograph. Zaporizhzhia: Helvetica Publishing House, 2021. 290 p.

2. Zamryga A. V. Administrative and legal support of economic activity in Ukraine. Theory and practice: monograph. Kherson: "OLDI-PLUS", 2020. 374 p.

3. Constitution of Ukraine dated June 28, 1996. URL: <https://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80#Text>.

4. Administrative law of Ukraine. Complete course: textbook / V. Galunko, P. Dikhtievskiy, O. Kuzmenko, etc.; under the editorship V. Galunka, O. Pravotorova. The fourth edition. Kherson: OLDI-PLUS, 2021. 656 p.

5. On the approval of the Regulations on the Administration of the State Border Service of Ukraine: Resolution of the Cabinet of Ministers of Ukraine dated October 16, 2014 No. 533. URL: <https://zakon.rada.gov.ua/laws/show/533-2014-%D0%BF#Text>.

Topic No. 2. Administrative and legal regulation in the sphere of justice

LECTURE PLAN

- 1. General characteristics of state legal policy**
- 2. Organization of state administration in the field of justice**
- 3. Forms of activity of the Ministry of Justice of Ukraine**
- 4. State control in the sphere of justice**

Question 1. General characteristics of state legal policy

According to the Constitution of Ukraine, a person, his life and health, honor and dignity, inviolability and security are recognized as the highest social value in our country. The main efforts of the state authorities of Ukraine, primarily the judiciary, are aimed at achieving this goal and guaranteeing human rights and freedoms.

Legal policy is one of the most important types of state policy. That is why it is impossible to understand the essence of legal politics without knowing what politics is in general. Modern political scientists, relying on the thinkers of the past, emphasize that politics is also the art of the possible, the art of compromises, the reconciliation of the desired and the objectively achievable.

Legal policy as an applied science is designed to determine the current legislation and contribute to the development of a more perfect law. Legal policy is a special form of expression of state policy, it is a means of legal legitimation, consolidation and implementation of the political course of the country and state authorities. Legal policy is primarily a legal category, i.e.

the most general typical concept used in law, it is a means of constructing and understanding law as a systemic entity for regulating social relations, i.e. interconnected with the legal system in general.

State legal policy is the principles, strategic directions and ways of creating and implementing legal norms based on general and specific patterns of development of the national legal system, it is the activity of subjects of the political system aimed at ensuring the rights and freedoms of man and citizen.

Today, the main task of the state legal policy is the regulatory and legal support of reforms.

The main principles of legal policy, on the basis of which it should be developed and implemented, are: the priority of human rights as the highest social value; social conditioning; justice; legitimacy and democratic nature; compliance with the main provisions of the legislation of the European Union and international law; publicity; scientific validity; stability and predictability.

Question 2. Organization of state administration in the sphere of justice

State legal policy is formed by the President of Ukraine, the Verkhovna Rada of Ukraine, the Cabinet of Ministers of Ukraine, and other state authorities. Political parties, public organizations, movements, associations, as well as citizens participate in the formation of this policy, both directly and through state authorities and local self-government bodies.

The Ministry of Justice of Ukraine (Ministry of Justice) is the central body of the executive power, whose activities are directed and coordinated by the Cabinet of Ministers of Ukraine.

in the field of execution of criminal punishments and probation, in the field of legal education of the population; ensures the formation of state policy in the field of archival affairs and record keeping and the creation and functioning of the state documentation insurance fund system.

The Ministry of Justice is the state body for bankruptcy.

The Ministry of Justice is the body authorized to ensure the verification provided for by the Law of Ukraine "On Purification of Power".

The main tasks of the Ministry of Justice are:

- 1) ensuring the formation and implementation of state legal policy, bankruptcy policy;
- 2) ensuring the formation of state policy in the field of archival affairs and record keeping and the creation and functioning of the state documentation insurance fund system;
 - 2-1) ensuring the inspection provided for by the Law of Ukraine "On Purification of Power";
 - 2-2) ensuring the formation and implementation of state policy in the field of state registration of acts of civil status, state registration of property rights to immovable property and their encumbrances, state registration of encumbrances of movable property, state registration of legal entities, public formations that do not have the status of a legal entity, and natural persons - entrepreneurs, registration of the statute of the territorial community of Kyiv, registration of the statutes of the National Academy of Sciences and national branch academies of sciences, state registration of printed mass media and information agencies as subjects of information activity;
 - 2-3) ensuring the formation and implementation of state policy in the field of organization of enforcement of decisions;
 - 2-4) ensuring timely, complete and impartial execution of decisions in accordance with the procedure established by legislation;
 - 2-5) ensuring the formation and implementation of state policy in the field of execution of criminal penalties and probation;
 - 2-6) ensuring the formation of a system of supervisory, social, educational and preventive measures that are applied to convicts and persons taken into custody;
 - 2-7) control over the observance of human and citizen rights, the requirements of legislation regarding the execution and serving of criminal punishments, the realization of the legal rights and interests of convicts and persons taken into custody;

2-8) ensuring the formation and implementation of state policy in the field of legal education, legal awareness, informing the population, access of citizens to sources of legal information;

3) implementation of general management in the field of providing free primary legal assistance and free secondary legal assistance;

4) ensuring the self-representation of the Ministry of Justice as a state authority, which, in cases provided for by law, participates in cases and acts in the courts of Ukraine on behalf and in the interests of the state, in particular through the territorial bodies of the Ministry of Justice; protection of Ukraine's interests at the European Court of Human Rights, during the settlement of disputes and consideration in foreign jurisdictions of cases involving foreign entities and Ukraine;

4-1) ensuring the representation and self-representation of the interests of the Cabinet of Ministers of Ukraine in the courts of Ukraine in cases provided for by law, in particular through the territorial bodies of the Ministry of Justice;

4-2) ensuring the self-representation of the Ministry of Justice as a body that is granted the right to apply to the court in the interests of persons who do not have a permanent place of residence in Ukraine, during the consideration of cases in the courts of Ukraine in cases provided for by the Convention on Civil Legal Aspects of International Kidnapping children;

5) expert provision of justice;

6) organization of notary work;

8) prevention and countermeasures against the legalization (laundering) of proceeds obtained through crime, the financing of terrorism and the financing of the proliferation of weapons of mass destruction (regarding law offices, bar associations and lawyers who practice law individually; notaries; business entities that provide legal services; persons who provide services related to the creation, provision of activity or management of legal entities);

9) implementation of international legal cooperation, ensuring compliance and fulfillment of obligations undertaken under international treaties of Ukraine on legal issues.

Question 3. Forms of activity of the Ministry of Justice of Ukraine

The forms of activity of the Ministry of Justice in ensuring the implementation of state legal policy, based on the special status of this ministry, are closely interconnected and have a certain mutual conditioning and mutual influence.

The legal forms of activity in the implementation of state legal policy include: rule-making activity and the implementation of legal expertise of projects of regulatory and legal acts; planning, based on the proposals of other central executive bodies, legislative work and work on adaptation of the legislation of Ukraine to the legislation of the European Union, coordination of rule-making activities of central executive bodies and control over the implementation of such activities; state registration of normative legal acts of ministries and other executive authorities.

Normative activity and implementation of legal expertise of projects of regulatory and legal acts. The Ministry of Justice of Ukraine is guided by the Regulations of the Cabinet of Ministers of Ukraine, the plans for legislative works of ministries and other central executive bodies for each year, and the annual work plan of the ministry in the process of implementing standard-setting activities and conducting legal examination of normative legal acts.

At the same time, the scope of the ministry's legislative work testifies to its main, coordinating and determining role in the sphere of rule-making activity and formation of the national legal field.

The function of planning, coordination and control of the ministry's legislative activity, as well as coordination of work in relation to interaction with the Verkhovna Rada of Ukraine, its committees, parliamentary factions (groups), people's deputies of Ukraine, is entrusted to the relevant structural unit of the ministry, which keeps constant records of development, passage, discussion in committees of the Verkhovna Rada of Ukraine and making decisions on them at plenary sessions of the parliament.

The Ministry also carries out a legal examination on the conformity of the Constitution of Ukraine, the laws of Ukraine, draft international treaties of Ukraine, prepares conclusions on the implementation of domestic procedures necessary for the entry into force of international treaties of Ukraine.

The Ministry of Justice ensures the implementation of legal expertise of draft regulatory acts for compliance with the Convention on the Protection of Human Rights and Fundamental Freedoms of 1950 and its protocols.

In accordance with the Regulation on the Government Commissioner in the cases of the European Court of Human Rights, approved by the Resolution of the Cabinet of Ministers of Ukraine dated May 31, 2006 No. 784, the Government Commissioner in the cases of the European Court of Human Rights is an official who is entrusted with the authority to ensure the representation of Ukraine in to the European Court of Human Rights during consideration of cases of violations of the Convention on the Protection of Human Rights and Fundamental Freedoms, as well as informing the Committee of Ministers of the Council of Europe about the progress of the Court's decisions.

The activities of the Commissioner are ensured by the Secretariat of the Government Commissioner in the cases of the European Court of Human Rights, which is formed as part of the central apparatus of the Ministry of Justice with the rights of the department. In the absence of the Authorized Person, the head of the Secretariat performs his duties on the authority of the Minister of Justice.

The activities of the authorized person at the regional level are ensured by the representatives of the Government Commissioner for the European Court of Human Rights, who work as part of the Main Department of Justice of the Ministry of Justice in the Autonomous Republic of Crimea, the regional, Kyiv and Sevastopol city departments of justice and head the regional offices of the Secretariat of the Government Commissioner for the European Court of Human Rights human rights court.

Planning, based on the proposals of other central executive bodies, legislative work and work on the adaptation of the legislation of Ukraine to the legislation of the European Union, coordination of the rule-making activities of the central executive bodies and control over the implementation of such activities. The Ministry of Justice of Ukraine is entrusted with the functions of planning legislative work and work on adapting the legislation of Ukraine to the legislation of the European Union at the request of ministries, other central executive bodies, coordination of rule-making activities of executive bodies and control over these activities.

The Ministry is the main developer of draft laws that have socially significant consequences, define conceptually new approaches and are fundamental for the regulation of public relations in the relevant spheres of public administration.

Adaptation of Ukrainian legislation to the legislation of the European Union is an integral component of improving national legislation, gaining Ukraine's membership in the European Union, ensuring the implementation of state legal policy, which is also formed under the influence of international law.

Thus, the National Program for the Adaptation of the Legislation of Ukraine to the Legislation of the European Union defines the peculiarities of consideration of projects of regulatory legal acts of ministries, other central bodies of executive power, which belong by subject of legal regulation to spheres in which legal relations are regulated by the law of the European Union, in particular it is provided that such projects are examined for compliance with the *acquis communautaire* — the legal system of the European Union.

State registration of normative legal acts. State registration of normative legal acts of ministries, other executive bodies, which affect the rights, freedoms and legitimate interests of citizens or are of an interdepartmental nature, is carried out by bodies of justice.

The state registration of a normative legal act consists in carrying out a legal examination of its compliance with the Constitution and legislation of Ukraine, the Convention on the Protection of Human Rights and Fundamental Freedoms and its protocols, international treaties of Ukraine,

consent to the bindingness of which has been granted by the Verkhovna Rada of Ukraine, and the *acquis communautaire*, as well as taking into account the practice of the European Court of Human Rights, the adoption of a decision on state registration of this act, assigning it a registration number and entering it into the Unified State Register of Regulatory Legal Acts.

State registration is carried out by:

- regulatory legal acts of ministries, other central bodies of executive power — the Ministry of Justice;
- regulatory legal acts of ministries and republican committees of the Autonomous Republic of Crimea and territorial bodies of central executive bodies in the Autonomous Republic of Crimea — the Main Department of Justice of the Ministry of Justice in the Autonomous Republic of Crimea;
- regulatory legal acts of regional, Kyiv and Sevastopol city state administrations, their departments, departments, other subdivisions, territorial bodies of central executive bodies — the main departments of justice in the regions, cities of Kyiv and Sevastopol;
- regulatory legal acts of district, district in the cities of Kyiv and Sevastopol state administrations, their departments, departments, other subdivisions — district, district in the cities of Kyiv and Sevastopol, city-district (if formed) administration of justice.

One of the most significant violations of the legislation on state registration of normative legal acts is the direction to the implementation of non-registered, i.e. invalid, acts by the subjects of rule-making. Therefore, the question of establishing the administrative responsibility of officials for violating the legislation on state registration of normative legal acts remains relevant.

Resolution No. 248 of the Cabinet of Ministers dated March 26, 2008 unified the range of rule-making subjects whose acts are subject to state registration in the relevant justice bodies, and the list of acts for which the function of state registration is not carried out, as well as the procedure for adoption by justice bodies of decisions on state registration of normative legal acts and a list of grounds for annulment of these decisions.

Currently, the main tasks of the Ministry for the proper implementation of the function of state registration of normative legal acts is to ensure the adoption of the Law "On Normative Legal Acts", which should comprehensively regulate the issue of state registration of normative legal acts of rule-making subjects, including acts of bodies and officials of local self-government, and establish responsibility for violation of the legislation on state registration of normative legal acts.

Organizational forms of activity of the Ministry of Justice include the following: organizational support of courts of general jurisdiction; organization of execution of decisions of courts and other bodies; ensuring the functioning of the state executive service in Ukraine; expert provision of justice and development of judicial expert institutions of the Ministry of Justice of Ukraine; maintenance of unified state registers; organizing the work of the notary and civil status registration bodies, providing legal services to the population; legal work and methodical management of legal services of ministries, other central bodies of executive power; development of legal informatization and legal education of the population of Ukraine.

Thus, the Ministry of Justice of Ukraine organizes, in accordance with the established procedure, the timely, complete and impartial execution of the decisions of courts and other bodies (officials), which is entrusted to state executors.

Enforcement proceedings as the final stage of court proceedings and enforcement of decisions of other bodies (officials) are a set of actions of bodies and officials specified in the Law "On Enforcement Proceedings" aimed at enforcement of decisions of courts and other bodies (officials), which are carried out on the grounds, in the manner and within the limits of the powers defined by this law, other normative legal acts issued in accordance with this Law and other laws, as well as by decisions subject to compulsory execution in accordance with this Law.

In accordance with the Law of Ukraine "On Bodies and Persons Carrying Out Enforcement of Court Decisions and Decisions of Other Bodies", the enforcement of court decisions and decisions of other bodies (officials) is entrusted to bodies of the state executive service and in the cases specified by the Law of Ukraine "On Enforcement Proceedings" - on private performers.

The task of the bodies of the state executive service and private executors is the timely, complete and impartial execution of decisions, the enforcement of which is provided for by law.

System of decision enforcement bodies

The system of decision enforcement bodies consists of:

- 1) Ministry of Justice of Ukraine;
- 2) bodies of the state executive service, established by the Ministry of Justice of Ukraine in accordance with the procedure established by legislation.

According to this Law, state executives are heads of state executive service bodies, their deputies, chief state executives, senior state executives, state executives of state executive service bodies.

The state bailiff is a representative of the government, acts on behalf of the state and is under its protection, and is authorized by the state to carry out enforcement activities in accordance with the law.

State executors, managers and specialists of state executive service bodies are civil servants.

The employees of the state executive service bodies specified in the first part of this article are issued certificates, the model and procedure for issuing them are approved by the Ministry of Justice of Ukraine.

The Ministry of Justice organizes, in accordance with the legislation, the expert provision of justice and the conduct of research and development in the field of forensic examination, directs and controls the activities of scientific and research institutes of forensic examination that belong to the sphere of management of the Ministry, coordinates the work of central executive authorities on the development of forensic examination, carries out attestation of forensic experts, maintains the Register of certified forensic experts and supervises their activities. The Ministry of Justice assigns the qualification of a forensic expert and issues a certificate of the established model.

The main goal of the institutes is to develop a scientific and methodological base of forensic examination and to meet the needs of inquiry, pre-trial and judicial investigation bodies in using the possibilities of forensic examination in the consideration and investigation of criminal cases.

The Ministry of Justice carries out in accordance with the legislation:

- legalization of all-Ukrainian associations of citizens, carries out registration of international public organizations, branches, representative offices and other structural units of public (non-governmental) organizations of foreign countries in Ukraine, all-Ukrainian and international charitable organizations, monitors compliance by associations of citizens with the provisions of their statutes; registration of political parties and their symbols, monitors compliance by political parties with the requirements of the Constitution and laws of Ukraine, their statutes, and also carries out registration of all-Ukrainian creative unions, the Chamber of Commerce and Industry, permanent arbitration courts, all-Ukrainian professional unions, their associations and the symbols of the relevant associations of citizens and charitable organizations, the statute of the Social Insurance Fund against accidents at work and occupational diseases,
- carries out state registration of printed mass media and information agencies as subjects of information activity in accordance with the legislation.

One of the important organizational forms of activity of the Ministry of Justice and its territorial bodies is management in the field of notary.

According to the Law of Ukraine "On Notaries", a notary in Ukraine is a system of bodies and officials entrusted with the duty to certify rights, as well as facts of legal significance, and to perform other notarial actions provided for by law, with the aim of providing them legal probability.

The performance of notarial acts in Ukraine is entrusted to notaries who work in state notary offices, state notarial archives (state notaries) or engage in private notarial activities (private notaries).

Ministry of Justice of Ukraine:

- organizes the work of notary institutions, inspects their activities and takes measures to improve them, monitors the legality of notarial acts by state and private notaries, issues and

cancels certificates of the right to engage in notarial activities, ensures the registration of private notarial activities, organizes the production and monitors the use of special forms of notarial documents, maintains a register of certificates on the right to engage in notarial activity, determines the number of private notaries within notarial districts, approves samples of state and private notaries' seals and conditions for ordering their production;

- prepares notarized documents for their consular legalization, provides assistance to consular institutions in matters of notarial acts;
- ensures the work of the Higher Qualification Commission of the Notary.

Practice shows that the rural population is not provided with notarial services, so it is necessary to discuss the possibility of creating notary offices in this area in order to bring notarial services closer to rural residents.

Creation of such offices is possible on the initiative and at the expense of local self-government bodies. However, such offices must operate only for a certain period - until the establishment of a single notary.

It is also necessary to define at the legislative level the place of the notary in the system of public administration, the performance by notaries of the so-called "currently uncharacteristic" functions (tax agents, participation in the fight against money laundering, registration activities, etc.). The status of a notary as a subject of administrative and criminal liability requires a legislative definition.

The Ministry and its bodies on the ground organize the work of civil status registration bodies.

According to the Law of Ukraine "On Civil Status Registration Bodies", the system of civil status registration bodies consists of:

- civil status registration departments of the Main Department of Justice of the Ministry of Justice of Ukraine in the Autonomous Republic of Crimea, main departments of justice in regional, cities of Kyiv and Sevastopol, district, district in cities, city (cities of regional significance) departments of justice;
- executive bodies of village, settlement, city (except cities of regional importance) councils.

Departments of registration of civil status acts of district, district in cities, city (cities of regional significance) departments of justice carry out registration of birth, death, marriage, dissolution of marriage, establishment of paternity, change of surname, first name, patronymic, accept and consider applications of citizens to make changes, additions, renewals, as well as annulment of records of civil status acts and keep the act books in accordance with the established procedure.

Executive bodies of village, settlement, city (except cities of regional importance) councils register births, deaths, marriages, and establish paternity.

Registration of birth, death, marriage, dissolution of marriage, establishment of paternity, change of surname, first name, patronymic of citizens of Ukraine living abroad is carried out by consular institutions and diplomatic missions of Ukraine. The specified institutions and representative offices also accept and consider citizens' applications for changes, additions, renewals and annulments of records of civil status acts.

Yes, the Ministry of Justice of Ukraine:

- carries out measures to improve the efficiency of civil status registration bodies, monitors their activities, ensures the production and controls the use of civil status registration certificate forms;
- provides practical and methodical assistance to consular institutions and diplomatic missions of Ukraine abroad regarding the registration of acts of civil status.

Methodical management of legal work. Carrying out methodical management of legal work in ministries and other central bodies of executive power, checking the state of such work and providing recommendations for its improvement and bringing the normative acts of these bodies into compliance with legislation, taking measures to improve the qualifications of legal service employees is one of the main areas of activity of the ministry .

Legal work involves the legal support of activities in the relevant spheres of state administration, as well as in the national economy, which is carried out by relevant legal services or legal consultants, including methodical management of legal work at enterprises, institutions, organizations belonging to the sphere of administration of ministries, other central bodies of executive power, with the aim of ensuring legality in their work, preventing violations of the rights and legitimate interests of citizens, enterprises, institutions, and organizations.

The Ministry performs these functions both directly and through territorial administrations of justice. This work is carried out in two directions: first, it is the activity of the Ministry itself and the departments of justice; secondly, checking the organization of this work in ministries, other central bodies of executive power, enterprises, institutions, and organizations.

Maintenance of the Unified State Register of Regulatory and Legal Acts, ensuring the functioning of a unified legal informatization system.

Question 4. State control in the sphere of justice

Bodies of justice during the implementation of state legal policy, provision of administrative (management) services exercise state control. It is carried out both directly by the bodies of justice accountable to the Ministry of Justice of Ukraine, and by objects that are in the sphere of state administration of the bodies of justice indirectly.

In particular, the Ministry has the right to:

- bring to disciplinary responsibility the heads of justice departments, enterprises, institutions and organizations belonging to the sphere of its management;
- within the limits of their competence, cancel the acts of the administration of justice that contradict the Constitution of Ukraine, the acts of the legislation of Ukraine and the decisions of the Ministry;
- check in ministries, other central and local bodies of executive power, institutions and organizations compliance with the legislation on state registration of normative legal acts, the state of the organization of rule-making activities, make proposals for the elimination of identified shortcomings and violations and bring to justice the guilty officials;
- cancel the decision on state registration of normative legal acts of ministries, other central and local bodies of executive power, institutions and organizations;
- to carry out, within the limits of their competence, together with the relevant central bodies of the executive power, control over the targeted use of state funds allocated for the implementation of projects, implementation of programs, including international ones;
- to suspend or cancel the certificates issued by him on the assignment of the qualification of a forensic expert.

Bodies of justice exercise control over the activities of notaries, civil status registration bodies, as well as during the legalization of associations of citizens, registration of political parties, state registration of mass media, as well as when performing other functions.

Thus, the Ministry of Justice of Ukraine during its rule-making activities is able to ensure the implementation of control over the legality of normative legal acts both at the stage of preparation of relevant projects and at the stage of already adopted acts, including laws sent to the President of Ukraine for signature. That is, the scope of the ministry's control powers extends to normative legal acts not only of executive authorities, but also of all state authorities. At the same time, the ministry itself plays the role of a methodological center in the sphere of rule-making activities.

The Ministry of Justice and its local bodies prevent the adoption of illegal legal norms during the state registration of normative legal acts adopted by authorized rulemaking subjects.

Currently, justice bodies have only the following means of influence on violators of current legislation, in particular, the right: to refuse state registration of a normative-legal act of the subject of rule-making; to return the normative legal act for revision; cancel the decision on the state registration of a normative legal act.

Control is also ensured by conducting inspections of the state of compliance by the subjects of rule-making legislation on state registration of regulatory legal acts and making proposals for the elimination of detected violations, in particular directing the implementation of unregistered (invalid) regulatory legal acts.

Inspections carried out by the ministry and its territorial bodies testify to a still significant number of violations committed by notaries when performing notarial acts and, accordingly, to violations of the rights and legitimate interests of individuals and legal entities. These violations can be eliminated by court decisions, but it is known that not all citizens, knowing about such violations, have the desire to go to court.

It is undisputed that only a court can make a final conclusion regarding the legality of a notarial act.

It should not be forgotten that it is the state that authorizes notaries to perform notarial acts, therefore, through certain mechanisms, it should have the right to monitor the compliance of their actions with the law.

State control should be in the form of both administrative (by the ministry, financial authorities, etc.) and judicial (in the case of a person going to court). In addition, in certain forms, control should be carried out by a professional self-governing organization.

Organizations that act to solve issues of professional self-governance have a different legal nature from public organizations. The main difference is that the state provides them with certain functions, the decisions of these organizations are binding for all participants. Only being a member of this organization gives the right to engage in a certain type of professional activity. In addition, the bodies of these organizations have the right to apply so-called professional penalties to their members. There are other differences that require not only practical understanding, but also theoretical research.

Recommended Books:

1. Zamryga A. V. Administrative and legal support of economic activity in Ukraine. Theory and practice: monograph. Kherson: "OLDI-PLUS", 2020. 374 p.

2. The Constitution of Ukraine dated June 28, 1996. URL: <https://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80#Text>.

3. Administrative law of Ukraine. Complete course: textbook / V. Galunko, P. Dikhtievskiy, O. Kuzmenko, etc.; under the editorship V. Galunka, O. Pravotorova. The fourth edition. Kherson: OLDI-PLUS, 2021. 656 p.

4. On the approval of the Regulation on the Ministry of Justice of Ukraine: Resolution of the Cabinet of Ministers of Ukraine dated July 2, 2014 No. 228. URL: <https://zakon.rada.gov.ua/laws/show/228-2014-%D0%BF#Text>.

Topic No. 3. Administrative and legal regulation in the field of internal affairs

LECTURE PLAN

- 1. General characteristics of the sphere of internal affairs**
- 2. Organization of state administration in the field of internal affairs**
- 3. The National Police is a constituent part of the internal affairs bodies**
- 4. Police measures**

Question 1. General characteristics of the sphere of internal affairs

The administrative activity of internal affairs bodies is their executive activity regulated by the norms of administrative law, which is aimed at ensuring the personal safety of citizens, protecting their rights and freedoms, legitimate interests, public order, public safety, and combating offenses.

The first direction of administrative activity is usually called intrasystemic or organizational. This activity is aimed at streamlining the management relations that arise in matters of organization of the system itself and the structure of internal affairs bodies, ensuring the necessary conditions for its functioning.

The second direction is external administrative activity (that is, it goes beyond the system of internal affairs bodies and is related to the regulation of relations in society). This type of activity is called law enforcement administrative activity. This name is due to the fact that the main content of this work is reduced to the provision by employees of internal affairs bodies of functions for the protection of legal relations. Despite the fact that the police also carry out law-enforcement administrative activities, it should be emphasized that this activity has a service character, acting as a means of ensuring law enforcement activities.

In the direction of further detailing, the following types of law enforcement administrative activity of internal affairs bodies can be distinguished:

- protection of public order;
- ensuring public safety (rules of the permit system, road safety);
- property protection;
- ensuring the rules of the passport system;
- compliance with the rules of entry into Ukraine and residence in the country of foreign citizens and stateless persons, as well as the departure of citizens abroad.

At the same time, organizational administrative activity covers the performance of functions regarding:

- improvement of the structure of services of internal affairs bodies, their apparatus;
- provision of human resources, financial and material support;
- making management decisions on the activities of internal affairs bodies and monitoring their implementation.

Question 2. Organization of state administration in the field of internal affairs

The Ministry of Internal Affairs of Ukraine (MIA) is the central body of the executive power, whose activities are directed and coordinated by the Cabinet of Ministers of Ukraine.

The Ministry of Internal Affairs is the main body in the system of central bodies of executive power, which ensures the formation of state policy in the following areas:

ensuring the protection of human rights and freedoms, the interests of society and the state, combating crime, maintaining public safety and order, as well as providing police services;

protection of the state border and protection of sovereign rights of Ukraine in its exclusive (maritime) economic zone;

civil protection, protection of the population and territories from emergency situations and their prevention, liquidation of emergency situations, rescue work, fire extinguishing, fire and man-made safety, activities of emergency and rescue services, as well as hydrometeorological activities;

migration (immigration and emigration), including combating illegal (illegal) migration, citizenship, registration of natural persons, refugees and other categories of migrants defined by law.

The main tasks of the Ministry of Internal Affairs are to ensure the formation of state policy in the following areas:

1) protection of human rights and freedoms, interests of society and the state, combating crime, ensuring public safety and order, as well as providing police services;

2) protection of the state border and protection of the sovereign rights of Ukraine in its exclusive (maritime) economic zone;

3) civil protection, protection of the population and territories from emergency situations and their prevention, liquidation of emergency situations, rescue work, fire extinguishing, fire and man-made safety, activities of emergency and rescue services, as well as hydrometeorological activities;

4) migration (immigration and emigration), including combating illegal (illegal) migration, citizenship, registration of individuals, refugees and other categories of migrants defined by law.

Question 3. The National Police is a constituent part of the internal affairs bodies

The National Police is a constituent part of the internal affairs bodies, in which relevant police units, units and institutions are created. Tasks and duties assigned by the state to the police are carried out by various police units, which organizationally belong to central and local bodies of internal affairs or are independent units.

The National Police of Ukraine (police) is a central executive body that serves society by ensuring the protection of human rights and freedoms, countering crime, and maintaining public safety and order.

The tasks of the police are to provide police services in the following areas:

- 1) ensuring public safety and order;
- 2) protection of human rights and freedoms, as well as the interests of society and the state;
- 3) combating crime;
- 4) providing, within the limits defined by law, assistance services to persons who, for personal, economic, social reasons or as a result of emergency situations, need such assistance.

The police system consists of:

- 1) the central body of police management;
- 2) territorial police bodies.

The apparatus of the central police management body includes organizationally combined structural subdivisions that ensure the activities of the police chief, as well as the performance of the tasks assigned to the police.

The police force includes:

- 1) criminal police;
- 2) patrol police;
- 3) bodies of pre-trial investigation;
- 4) security police;
- 5) special police;
- 6) special purpose police.

In the police system, research institutions and security institutions, institutions of professional (vocational and technical) education with specific training conditions can be formed.

The structure of the central police management body is approved by the head of the police in agreement with the Minister of Internal Affairs of Ukraine.

Territorial police bodies are formed as legal entities under public law in the Autonomous Republic of Crimea, regions, cities of Kyiv and Sevastopol, districts, cities, districts in cities and as interregional (whose powers extend to several administrative and territorial units) territorial bodies within the limits of the maximum number of police and funds allocated for its maintenance.

Territorial police bodies are formed, liquidated and reorganized by the Cabinet of Ministers of Ukraine at the request of the Minister of Internal Affairs of Ukraine on the basis of the proposals of the head of the police.

The structure of territorial police bodies is approved by the head of the police in agreement with the Minister of Internal Affairs of Ukraine.

The police, in accordance with the tasks assigned to it:

- 1) carries out preventive and prophylactic activities aimed at preventing the commission of offenses;
- 2) discovers the reasons and conditions that contribute to the commission of criminal and administrative offenses, takes measures within its competence to eliminate them;
- 3) takes measures to detect criminal and administrative offenses; terminates identified criminal and administrative offenses;
- 4) takes measures aimed at eliminating threats to the life and health of individuals and public safety that have arisen as a result of the commission of a criminal or administrative offense;

5) responds in a timely manner to applications and notifications about criminal, administrative offenses or events;

6) carries out a pre-trial investigation of criminal offenses within the limits of the specified jurisdiction;

7) searches for persons who are hiding from pre-trial investigation bodies, the investigating judge, the court, evading criminal punishment, missing persons, and other persons in cases specified by law;

8) in the cases specified by law, conducts proceedings in cases of administrative offenses, makes decisions on the application of administrative fines and ensures their implementation;

9) delivers detained persons suspected of committing a criminal offense and persons who have committed an administrative offense in the cases and procedure specified by law;

10) takes measures to ensure public safety and order in streets, squares, parks, squares, stadiums, train stations, airports, sea and river ports, and other public places;

11) regulates road traffic and exercises control over compliance with the Traffic Rules by its participants and the legality of the operation of vehicles on the street-road network;

12) escorts vehicles in cases specified by law;

13) issues permits for the movement of certain categories of vehicles in accordance with the law; in cases specified by law, issues and approves permit documents in the field of road safety;

14) takes all possible measures to provide emergency, in particular pre-medical and medical, assistance to persons who have suffered as a result of criminal or administrative offenses, accidents, as well as to persons who have found themselves in a situation dangerous to their life or health;

15) takes measures to identify persons who are unable to provide information about themselves due to their health, age or other circumstances; identifies an unidentified corpse;

16) ensures the safety of persons taken under protection on the grounds and in the manner determined by law;

17) within the limits of its competence, defined by law, exercises control over compliance with the requirements of laws and other regulatory legal acts regarding guardianship, care of orphans and children deprived of parental care, takes measures to prevent child neglect, delinquency among children, as well as social patronage for children who were serving prison sentences;

18) takes measures to prevent and counter domestic violence or gender-based violence;

19) carries out the protection of objects of state ownership in the cases and according to the procedure specified by law and other regulatory legal acts, and also participates in the implementation of state protection;

20) performs protection of individuals and objects of private and communal property rights on a contractual basis;

21) supervises compliance by individuals and legal entities with special rules and procedures for the storage and use of weapons, special means of personal protection and active defense, ammunition, explosives and materials, other items, materials and substances covered by the permit system of internal affairs bodies;

22) receives, stores and destroys seized, voluntarily surrendered or found firearms, gas, cold and other weapons, ammunition, cartridges, explosive substances and devices, narcotic drugs or psychotropic substances in accordance with the procedure established by law;

23) carries out control within the limits of his competence, defined by law, in compliance with the requirements of the radiation safety regime in a specially defined zone of radioactive contamination;

24) participates in accordance with the powers in ensuring and implementing measures of the legal regime of martial law or state of emergency, zone of emergency ecological situation in case of their introduction on the entire territory of Ukraine or in a separate area;

25) fulfills requests of law enforcement agencies (law enforcement agencies) of other states or international police organizations in accordance with the law and international treaties of Ukraine within the limits of competence;

26) carries out operational and investigative activities in accordance with the law;

27) takes measures to ensure public safety and order during the enforcement of court decisions and decisions of other bodies (officials), summons persons by decision of the temporary investigative commission of the Verkhovna Rada of Ukraine, and also takes measures aimed at eliminating threats to life and health of state executors, private executors and other persons who participate in the execution of executive actions, conducts a pretext in enforcement proceedings, conducts a search for a debtor or a child in enforcement proceedings in cases provided for by law or a court decision.

Recruitment of police officers for enforcement actions is carried out by reasoned resolution of the executive, which is sent to the head of the territorial police body at the place of the relevant enforcement action. Refusal to involve the police to carry out executive actions is allowed only on the grounds of involving the personnel of this territorial police body to stop a group violation of public safety and order or mass riots, as well as to overcome the consequences of large-scale accidents or other large-scale emergency situations;

28) ensures that the Commission on Missing Persons under Special Circumstances is informed about the progress of the pre-trial investigation, taking measures to search for missing persons, including persons missing under special circumstances, for entering data into the Unified Register of Missing Persons under special circumstances;

29) detects vehicles for personal use, temporarily imported into the customs territory of Ukraine by citizens for more than 30 days and not registered in Ukraine within the time limits established by law;

30) takes measures to detect illegal driving of vehicles in respect of which the restrictions established by the Customs Code of Ukraine have been violated, namely: the terms of their temporary importation and/or movement in the customs transit regime have been violated; vehicles are used for the purposes of business activity and/or income generation in Ukraine; vehicles were transferred to the possession, use or disposal of persons who did not import them into the customs territory of Ukraine or did not place them in the customs transit regime, as well as measures to detect illegal dismantling of such vehicles.

31) on the basis of the relevant resolution of the Commissioner for the Protection of the State Language, takes measures to ensure that the Commissioner for the Protection of the State Language exercises his powers, including assists in the collection of factual data on the presence or absence in the actions (inaction) of certain persons of signs of violation of the requirements of the Law of Ukraine "On Ensuring the functioning of the Ukrainian language as a state language".

The involvement of police officers is carried out based on a reasoned application of the Commissioner for the Protection of the State Language, which must specify what actions the police officers are proposed to take. Such an appeal is sent to the head of the territorial police body at the place where the actions specified in the appeal were committed;

32) ensures joint measures with the regulatory body in the fields of electronic communications and the radio frequency spectrum with the aim of establishing and bringing to justice the owners of radio equipment of any purpose, the operation of which is prohibited in Ukraine or which is operated without a radio frequency assignment determined by the law, termination of violations of the legislation in the fields of electronic communications and the radio frequency spectrum, in the order of interaction, which is approved by joint legal acts.

33) within the scope of their competence, supervise compliance with the procedure for walking pets (dogs) in public places, compliance with the requirements in the field of animal protection against cruelty and take appropriate measures in case of violation of legislation in this field;

34) carries out, in cooperation with the Armed Forces of Ukraine, the National Guard of Ukraine, the State Border Service of Ukraine, the State Special Transport Service, the Security

Service of Ukraine, fight against sabotage and reconnaissance forces of the aggressor (adversary) and paramilitary or armed formations not provided for by the laws of Ukraine;

35) assists the State Border Service of Ukraine in identifying channels of illegal crossing of the state border, movement of weapons, ammunition, explosives and, together with relevant law enforcement agencies, eliminates such channels.

Question 4. Police measures

A police measure is an action or set of actions of a preventive or coercive nature that limits certain rights and freedoms of a person and is used by the police in accordance with the law to ensure the fulfillment of the powers assigned to the police.

The police measure is used exclusively for the execution of police powers. The chosen police measure must be legal, necessary, proportionate and effective.

The chosen police measure is legal if it is defined by law. The police officer is prohibited from applying any measures other than those defined by the laws of Ukraine.

The chosen police measure is necessary if it is impossible to apply another measure for the execution of police powers or its application will be ineffective, and also if such a measure will cause the least harm both to the addressee of the measure and to other persons.

The applied police measure is proportionate if the harm caused to the rights and freedoms of a person protected by the law or the interests of society or the state does not exceed the good for the protection of which it is applied or the created threat of harm.

The chosen police measure is effective if its application ensures the fulfillment of police powers.

A police measure is terminated if the goal of its application is achieved, if the impossibility of achieving the goal of the measure is obvious, or if there is no need for further application of such a measure.

Types of police measures

In order to fulfill the tasks assigned to it, the police takes measures to respond to offenses defined by the Code of Ukraine on Administrative Offenses and the Criminal Procedure Code of Ukraine, on the basis and in the manner determined by law.

The police, in order to protect human rights and freedoms, prevent threats to public safety and order or stop their violation, also applies police preventive measures and coercive measures defined by this Law within the limits of their competence.

The police may apply other measures defined by separate laws to fulfill the tasks assigned to it.

If the policeman cannot be identified by external features, he is obliged to show the person a document certifying his authority.

Recommended Books:

1. Yermak O.O. Administrative and legal status of a civil servant in the system of law enforcement bodies: monograph. Zaporizhzhia: "Helvetika" Publishing House, 2021. 290 p.

2. Zamryga A. V. Administrative and legal support of economic activity in Ukraine. Theory and practice: monograph. Kherson: "OLDI-PLUS", 2020. 374 p.

3. Constitution of Ukraine dated June 28, 1996. URL: <https://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80#Text>.

4. Administrative law of Ukraine. Complete course: textbook / V. Galunko, P. Dikhtievskiy, O. Kuzmenko, etc.; under the editorship V. Galunka, O. Pravotorova. The fourth edition. Kherson: OLDI-PLUS, 2021. 656 p.

5. On the approval of the Regulation on the Ministry of Internal Affairs of Ukraine: Resolution of the Cabinet of Ministers of Ukraine dated October 28, 2015 No. 878. URL: <https://zakon.rada.gov.ua/laws/show/878-2015-%D0%BF#Text>.

6. On the National Police: Law of Ukraine dated July 2, 2015 No. 580-VIII. URL: <https://zakon.rada.gov.ua/laws/show/580-19#Text>.

Topic 4. Administrative and legal regulation in the field of defense

LECTURE PLAN

- 1. General principles of defense organization**
- 2. Armed Forces of Ukraine and military duty**
- 3. Organization of state administration in the field of defense**
- 4. Control in the field of defense**

Question 1. General principles of defense organization

The military security of Ukraine is one of the fundamental conditions for the realization of the Ukrainian people's right to self-determination, the preservation of the state of Ukraine and ensuring its sustainable development based on the highest values of democracy, the rule of law, freedom, dignity, security and prosperity of citizens of all nationalities.

Protection of the sovereignty and territorial integrity of Ukraine is the most important function of the state, the cause of the entire Ukrainian people. The implementation of this norm of the Constitution of Ukraine in the conditions of an existential military threat to national security, the growing shortage of financial resources and the imbalance of the military potentials of Ukraine and the Russian Federation necessitates the development of a new military security strategy based on the comprehensive defense of Ukraine.

Comprehensive defense of Ukraine is a set of measures, the main content of which is:

preventive actions and steady resistance to the aggressor on land, at sea and in the airspace of Ukraine, countermeasures in cyberspace and imposing one's will in the information space;

using the entire potential of the state and society (military, political, economic, international legal (diplomatic), spiritual, cultural, etc.) to repel aggression;

application of all forms and methods of armed struggle against the aggressor, in particular asymmetric and other actions for the defense of Ukraine, in compliance with the principles and norms of international law.

Comprehensive defense of Ukraine involves maintaining a certain balance and synergy of military and non-military means to ensure the military security of Ukraine, in particular:

coordination of the capabilities of the Armed Forces of Ukraine, other components of the defense forces with the capabilities of other components of the security and defense sector of Ukraine, coordination of their development with the development of the defense industry and political and diplomatic measures;

harmonious development of all components of the military reserve of human resources with a combination of capabilities of the operational and mobilization reserve, which includes reservists and conscripts, and citizens who voluntarily participate in ensuring national security and defense and are included in the public reserve;

development of the capabilities of the territorial defense forces of the Armed Forces of Ukraine and the resistance movement with the support of civil society;

use of the latest high-tech and highly effective means of armed struggle.

Goals, priorities and tasks of implementing state policy in the military sphere, the sphere of defense and military construction

Taking into account the fundamental national interests defined by the Constitution of Ukraine and other laws of Ukraine, the Strategy provides for the achievement of the following goals of the implementation of state policy in the military sphere, the sphere of defense and military construction:

sufficient defense capabilities of the state, which, in combination with consolidated international pressure on the Russian Federation, can ensure containment of further escalation of armed aggression against Ukraine and restoration of its territorial integrity within the state border of Ukraine;

powerful territorial defense, which, in cooperation with the resistance movement, will contribute to increasing the level of the state's defense capability, the cohesion of society, the patriotic education of citizens, giving the defense of Ukraine a national character and the population's readiness for the defense of the state;

effective management in the field of defense, based on the principles of democratic civilian control, other Euro-Atlantic principles and standards, innovative solutions and modern business practices, program and project management of defense resources, improved processes for determining and meeting Ukraine's defense needs;

the professional personnel of the Armed Forces of Ukraine and other components of the defense forces, which is in the center of attention of the state, is supported by improved systems of personnel management, training for military service and military-patriotic education of youth, can be strengthened in a short time by a trained and motivated military reserve;

modern high-tech weapons, military and special equipment of the Armed Forces of Ukraine, other components of the defense forces, which ensures the fulfillment of their assigned tasks, in particular in NATO operations;

developed military infrastructure, unified logistics and sufficient stockpiles of material resources, an effective system of medical support that meet the needs of the defense forces;

defense forces built on national and Euro-Atlantic values, which meet the criteria for Ukraine's full membership in NATO, are compatible with the relevant competent bodies of NATO member states, and are able to make a worthy contribution to the NATO operation.

The priorities for achieving the goals of state policy in the military sphere, the sphere of defense and military construction are:

introduction of a unified leadership for the preparation and conduct of comprehensive defense of Ukraine;

development of institutional capacities of the Ministry of Defense of Ukraine and other management bodies of the defense forces;

increasing the capabilities of the Armed Forces of Ukraine, the territorial defense forces in their composition, and other components of the defense forces to fulfill the assigned tasks.

The identified priorities will be implemented by performing the following main tasks:

according to priority - the introduction of a unified leadership for the preparation and conduct of the all-encompassing defense of Ukraine

creation of a system of complex strategic analysis of military threats to the national security of Ukraine, coordination of the activities of intelligence agencies, development of joint intelligence capabilities of the defense forces in order to obtain complete and reliable preventive information for timely decision-making on ensuring the military security of the state;

formation, in accordance with Euro-Atlantic principles, of a system of joint leadership for the preparation and conduct of the comprehensive defense of Ukraine as a component of the state management system, which will ensure the mobilization of all military, economic, social, and other potential for the comprehensive defense of Ukraine and democratic civilian control over the defense forces of Ukraine;

capacity building for airspace protection and anti-aircraft cover of important state and military facilities, their transformation into the national defense system of Ukraine;

ensuring the formation and implementation of effective state policy in the military sphere, in the sphere of defense and military construction, the implementation of the unified goals, priorities and tasks of the Strategy, the Strategic Defense Bulletin of Ukraine, programs and activity plans of the Cabinet of Ministers of Ukraine, coordinated with other planning documents in the sphere of national security and defense;

the organization of the comprehensive defense of Ukraine based on the implementation of the measures of the defense plan of Ukraine, improvement of mobilization training and mobilization systems, operational equipment of the territory of the state, strategic deployment of the defense forces, conducting operations by the defense forces, development of the capabilities of

the Armed Forces of Ukraine regarding the organization and management of the territorial defense of Ukraine, the resistance movement and preparation of the population for the defense of the state;

development of the capabilities of the defense forces of Ukraine regarding strategic communications in the field of defense;

introduction of modern information and space technologies, automation of management processes and digitalization of activities in the defense forces of Ukraine with the appropriate level of security of the information being processed;

state support for equipping the Armed Forces of Ukraine and other components of the defense forces with new, in particular high-tech, weapons, military and special equipment;

legislative regulation and provision of the necessary conditions for military service and service in the military reserve, social protection of military personnel, their family members, and persons released from military service;

ensuring the creation, maintenance and renewal of stocks of material resources sufficient for the strategic deployment of troops (forces), operations of the defense forces, the conduct of the territorial defense of Ukraine and the organization of the resistance movement;

development of capabilities to ensure cyber security, cyber protection and cyber defense during the preparation and conduct of comprehensive defense of Ukraine;

acquisition of Ukraine's full membership in NATO, further integration into European security structures, pragmatic international defense cooperation;

by priority - the development of the institutional capabilities of the Ministry of Defense of Ukraine and other management bodies of the defense forces

achievement by the Ministry of Defense of Ukraine of the necessary institutional capabilities to ensure the formation and implementation of state policy in the military sphere, the sphere of defense and military construction with the participation of other management bodies of the components of the defense forces, implementation of the established order of coordination of the activities of state bodies and local self-government bodies, as well as interaction with competent by bodies of other states and international organizations during preparation for the all-encompassing defense of Ukraine, repelling and deterring armed aggression against Ukraine, liquidation of the armed conflict, and during the reconstruction period after the end of hostilities;

coordinated with the resource capabilities of the national economy, the planning of the development of defense capabilities and the planning of the comprehensive defense of Ukraine, their combination in the planning system in the field of national security and defense;

implementation of program and project management of defense resources with the development and timely updating of a set of programs and projects for the development of defense capabilities, plans for the maintenance and development of the relevant components of the defense forces, ensuring the implementation of state target programs;

improvement of the processes of planning the development of weapons, military and special equipment, taking into account all stages of the life cycle, their ordering, conducting research and development, state tests, quality control at the stages of production and delivery to the Armed Forces of Ukraine, other components of the defense forces;

ensuring the necessary legal, material and social conditions of military service, introducing effective and transparent mechanisms for providing living quarters for servicemen of the Armed Forces of Ukraine and other components of the defense forces, except for conscripted servicemen, in particular those released into reserve or retirement, remaining on the register of citizens in need improvement of housing conditions, after release and their family members;

as transparent as possible for society planning and ensuring the effective use of expenses for financing the defense forces, taking into account the new principles of classifying information as a state secret;

streamlining the accounting of defense lands and ensuring control over their effective use;

implementation of effective anti-corruption programs and introduction of intolerance to corruption and manifestations of corruption, detection and termination of criminal and other offenses, increasing the level of integrity in the defense forces;

by priority - increasing the capabilities of the Armed Forces of Ukraine, the territorial defense forces in their composition, other components of the defense forces to fulfill the assigned tasks

updating doctrines, concepts, plans, other documents regarding the preparation and use of the defense forces in terms of ensuring their ability to quickly form the necessary groups and deploy in threatening directions, conduct preventive, unpredictable, asymmetric and innovative actions to eliminate the numerical and technological advantage of the enemy, perform tasks in separation from the main forces, using a single information space;

increasing the quality and intensity of joint training of the defense forces to conduct strategic actions (strategic deployment, territorial defense of Ukraine, resistance movement, operations of the defense forces), participation in international operations to maintain peace and security;

increasing the level of combat capability of the Armed Forces of Ukraine and other components of the defense forces with the achievement and maintenance of the specified capabilities regarding fire damage to the enemy, the use of aviation and air defense of Ukraine, control of the near sea zone, conducting special operations, territorial defense of Ukraine, management and comprehensive support of troops (forces) , repelling aggression in cyberspace (conducting cyber defense);

legislative regulation of the transfer of the Armed Forces of Ukraine and other components of the defense forces to a professional basis with the replacement of fixed-term military service with mandatory service in the military reserve;

creation of an effective system of recruiting and equipping the defense forces with professional, trained and motivated personnel, improvement of mobilization training, accounting of military-trained human resources, preparation for military service and military-patriotic education of youth, introduction of training of citizens for comprehensive defense of Ukraine;

strengthening the personnel potential of the Armed Forces of Ukraine and other components of the defense forces, effective management of the career growth of personnel with the provision of professional advancement of individuals according to clearly defined, transparent, fair criteria based on knowledge, skills, values, experience, integrity, as well as compliance gender equality, formation of a new style of military leadership and transformation of professional culture based on Euro-Atlantic principles;

development of systems of military education and personnel training for the defense forces, introduction of educational and professional training programs for officers, noncommissioned officers and senior officers using combat experience, training methods, NATO principles and standards;

development of the system of military science aimed at solving the theoretical and practical tasks of ensuring comprehensive defense of Ukraine, development of the latest weapons systems, military and special equipment;

maintenance of technical readiness and modernization of weapons, military and special equipment, equipping the defense forces with high-precision means of attack, unmanned platforms (systems) of ground, sea and air bases, space equipment of military (dual) purpose;

development according to NATO standards of the system of logistical support of the Armed Forces of Ukraine and other components of the defense forces during the performance of the tasks of the comprehensive defense of Ukraine, automation of logistics processes, their integration with the relevant processes of the national economy to support the operations of the United Forces and participate in the implementation of measures in the field anti-mine activities;

improvement of the deployment and basing of troops (forces), development of military infrastructure, meeting the needs of troops (forces) in military training grounds, modular field camps for placement during exercises and the performance of combat (special) tasks;

ensuring survivability, protection and fire safety of arsenals, bases and warehouses, implementation of principles and standards adopted by NATO regarding the organization of storage of ammunition, fuel and lubricants, and other property;

achieving the compatibility of the Armed Forces of Ukraine and other components of the defense forces with the relevant structures of NATO member states, the introduction of new military statutes (doctrines) based on Euro-Atlantic principles and taking into account national traditions, the development of capabilities for receiving assistance from foreign partners and providing it to other states .

Coordination and control over the implementation of tasks in the field of military security and the achievement of the priorities of state policy in the military field, defense and military construction defined in the Strategy will be carried out by:

The Council of National Security and Defense of Ukraine - on issues of introduction of the unified leadership for the preparation and conduct of comprehensive defense of Ukraine;

The Cabinet of Ministers of Ukraine - regarding the development of the institutional capabilities of the Ministry of Defense of Ukraine and other management bodies of the defense forces;

The Ministry of Defense of Ukraine - regarding the formation of a combat-ready Armed Forces of Ukraine and other components of the defense forces capable of performing assigned tasks.

Taking into account the priority and resource capabilities of the state, tasks for the implementation of state policy in the military sphere, defense and military construction will be carried out in the following sequence:

in the short term

improvement and legislative standardization taking into account modern approaches and national experience of mobilization preparation and mobilization, territorial defense of Ukraine, organization of the resistance movement, preparation of the territory and population for the defense of the state;

development of the institutional capabilities of the Ministry of Defense of Ukraine regarding the formation and implementation of state policy in the military sphere, the sphere of defense and military construction on the basis of democratic civilian control with the participation of other management bodies of the defense forces;

using the opportunities of public-private partnership and military-technical cooperation for the domestic and joint development, production and equipping of the defense forces with modern weapons, military and special equipment, provision of means of destruction, including unmanned and robotic ones, making long-term investments in the development of military infrastructure ;

improvement of the forms and methods of application and reformation of the defense forces, their reorganization based on NATO principles and standards, taking into account preparation for conducting network-centric combat operations, which provide for the combination in a single information network of information sources (intelligence), control bodies and means of defeating geographically dispersed military units and subdivisions;

accelerated professionalization of the Armed Forces of Ukraine and other components of the defense forces, the development of military education and science, solving the problems of military service, ensuring appropriate legal, material and social conditions for servicemen, their family members and persons released from military service;

increasing the quality and intensity of joint training of military management bodies, military units and units of the Armed Forces of Ukraine and management bodies and units of other components of the defense forces;

creation of motivational factors for military service in the military reserve, participation in territorial defense, increasing the effectiveness of training of reservists and conscripts, formation of a powerful military reserve;

the development of the state's naval capabilities, in particular the system of surface and underwater coverage, the expansion of the defense forces' access to information coming from dual-purpose space systems;

in the medium term

development and integration of the state's defense capabilities, in particular through rational planning and effective use of available defense resources and international aid;

increasing the level of combat readiness and capabilities of the Armed Forces of Ukraine and other components of the defense forces to perform tasks as assigned, including by completing their professionalization and equipping them with the latest weapons systems;

development of territorial defense as a complete system, improvement of its management system and comprehensive support;

deploying a secure information exchange network between the defense forces' management bodies that meets the requirements for information protection;

implementation of automated systems for the management of troops and weapons, modern technologies of communication, telecommunications, information protection, intelligence and logistics, digital transformation of activities in the military sphere, the sphere of defense and military construction;

supplying the troops (forces) with modern missile weapons capable of hitting important military, infrastructural and other enemy objects at a long distance;

the development of missile weapons of certain classes and types as one of the main means of deterring the enemy;

ensuring the gradual rearmament of the Armed Forces of Ukraine and other components of the defense forces with modern air defense systems;

in the long run

strengthening the deterrence potential by increasing the combat capability of the Armed Forces of Ukraine and integrating the capabilities of all components of the defense forces;

ensuring the state's ability to quickly adapt to changes in the security environment, to effectively resist military threats, to function smoothly before and during a military conflict, as well as to quickly recover after its end;

creation of stocks of material resources necessary for strategic deployment, organization of the resistance movement, conduct of the territorial defense of Ukraine and operations of the defense forces;

modernization and elimination of disparities in the development of military infrastructure, solving the housing problem in the defense forces;

completion of implementation in the defense forces of military (administrative, operational and technical) standards adopted by the armed forces of NATO member states;

transformation of professional culture on the basis of NATO principles and standards in the systems of leadership of defense forces, management of troops (forces), their training, military education and science;

equipping the defense forces with high-tech weapons, providing modern military and special equipment, in particular with the use of space technologies, rearming the Armed Forces of Ukraine with multi-purpose combat aircraft and combat helicopters.

Question 2. The Armed Forces of Ukraine and military duty

The Armed Forces of Ukraine is a military formation that, according to the Constitution of Ukraine, is responsible for the defense of Ukraine, the protection of its sovereignty, territorial integrity and inviolability.

The Armed Forces of Ukraine ensure deterrence of armed aggression against Ukraine and repulse it, protect the airspace of the state and the underwater space within the territorial sea of Ukraine in cases defined by law, participate in measures aimed at combating terrorism.

The Armed Forces of Ukraine have the following general structure:

General Staff of the Armed Forces of Ukraine;

Command of the combined forces of the Armed Forces of Ukraine;

types of Armed Forces of Ukraine - Ground Forces, Air Forces, Naval Forces;

separate forces of the Armed Forces of Ukraine - Special Operations Forces, Territorial Defense Forces, Logistics Forces, Support Forces, Medical Forces;

separate branches of the Armed Forces of Ukraine - Airborne Assault Troops, Communications and Cyber Security Troops;

military administration bodies, units, military units, higher military educational institutions, military educational units of higher education institutions, institutions and organizations that do not belong to the types and separate branches of troops (forces) of the Armed Forces of Ukraine.

Organizationally, the Armed Forces of Ukraine consist of military administration bodies, units, military units, higher military educational institutions, military educational units of higher education institutions, institutions and organizations.

The leadership of the Armed Forces of Ukraine within the limits stipulated by the Constitution of Ukraine is carried out by the President of Ukraine as the Supreme Commander-in-Chief of the Armed Forces of Ukraine. In a special period, the President of Ukraine may direct the Armed Forces of Ukraine and other military formations through the Staff of the Supreme Commander-in-Chief, whose working body is the General Staff of the Armed Forces of Ukraine.

The Minister of Defense of Ukraine exercises military-political and administrative leadership of the Armed Forces of Ukraine, as well as other powers provided for by legislation.

Military-political leadership of the Armed Forces of Ukraine - activity aimed at ensuring the implementation of state policy in the Armed Forces of Ukraine, political and strategic goals in the field of defense, principles and directions of development of the Armed Forces of Ukraine.

Administrative management of the Armed Forces of Ukraine is an activity aimed at comprehensively ensuring the life of the Armed Forces of Ukraine, their functioning and development within the framework of the implementation of the main tasks of state policy in the field of defense.

The Commander-in-Chief of the Armed Forces of Ukraine is the highest military official in the Armed Forces of Ukraine.

The Commander-in-Chief of the Armed Forces of Ukraine exercises direct military leadership of the Armed Forces of Ukraine through the General Staff of the Armed Forces of Ukraine.

Direct military leadership is an activity aimed at implementing measures for the development of the Armed Forces of Ukraine, their technical equipment, training and comprehensive support, determining the basis of their use, as well as their management.

The commanders of the types and separate branches of the armed forces (forces) of the Armed Forces of Ukraine are subordinate to the Commander-in-Chief of the Armed Forces of Ukraine and are responsible for the development of the troops (forces) subordinate to them, their technical equipment and comprehensive support, training and readiness to perform assigned tasks.

In the process of organizing the training of subordinate troops (forces) and providing them with weapons, military equipment, and other material and technical means, commanders of types and separate branches of troops (forces) of the Armed Forces of Ukraine develop relevant doctrines, instructions, combat statutes, operational and tactical training standards for use and conducting operations (combat operations).

The powers of the commanders of the types, separate branches of troops (forces) of the Armed Forces of Ukraine, the main tasks and the order of operation of the commands of the types, separate branches of troops (forces) of the Armed Forces of Ukraine are determined in the provisions approved by the Commander-in-Chief of the Armed Forces of Ukraine.

The commander of the joint forces is subordinate to the Commander-in-Chief of the Armed Forces of Ukraine and, through the Joint Operational Headquarters of the Armed Forces of Ukraine, carries out operational control over their acquisition of operational (combat) capabilities, deployment planning and direct management of the joint forces and means of the Armed Forces of Ukraine, other component forces of defense, which are transferred to its subordination, as well as by the national contingent and national personnel participating in international operations to maintain peace and security.

The commanders of the types and separate branches of the armed forces (forces) of the Armed Forces of Ukraine transfer the set of combat-capable forces and assets determined by the

Commander-in-Chief of the Armed Forces of Ukraine to the Commander of the Joint Forces, who exercises operational control over their acquisition of operational (combat) capabilities and management of their use.

Commanders of types, separate branches of troops (forces) of the Armed Forces of Ukraine, commanders (leaders) of other military formations, from which a certain set of forces and means have been transferred to the joint forces, continue to staff them with personnel, weapons, ammunition, military and special equipment, other material and technical means.

Commanders of types and separate types of troops (forces) of the Armed Forces of Ukraine may conduct operations involving the forces and means of the corresponding type or separate type of troops (forces) and manage forces and means in peacetime operations outside the borders approved by the Commander-in-Chief of the Armed Forces of Ukraine responsibility of the Commander of the United Forces.

Protection of the Motherland, independence and territorial integrity of Ukraine is a constitutional duty of Ukrainian citizens. Military service is established for the purpose of preparing citizens of Ukraine to protect the Motherland, providing personnel for the Armed Forces of Ukraine, other military formations formed in accordance with the laws of Ukraine, as well as special law enforcement agencies (hereinafter - the Armed Forces of Ukraine and other military formations), positions in which are staffed by military personnel.

Military duty includes: preparation of citizens for military service; registration at conscription stations; acceptance on a voluntary basis (under a contract) and conscription for military service; military service; performance of military duty in reserve; service in the military reserve; compliance with the rules of military accounting.

Regarding military duty, citizens of Ukraine are divided into the following categories: conscripts - persons subject to registration at conscription stations; conscripts - persons assigned to conscription stations; military personnel - persons undergoing military service; conscripts - persons who are in the reserve to equip the Armed Forces of Ukraine and other military formations for a special period, as well as to perform work to ensure the defense of the state; reservists - persons who serve in the military reserve of the Armed Forces of Ukraine, other military formations and are assigned to their staffing in peacetime and in a special period.

Citizens of Ukraine who are assigned to conscription stations or are in the reserve of the Armed Forces of Ukraine, the Security Service of Ukraine, the Foreign Intelligence Service of Ukraine or are serving in the military reserve are obliged to:

to arrive at the call of the district (united district), city (district in the city, united city) territorial center of recruitment and social support (hereinafter - the corresponding district (city) territorial centers of recruitment and social support), the Central Administration or the regional body of the Service of Security of Ukraine, the relevant unit of the Foreign Intelligence Service of Ukraine for issuing military registration documents (certificates of registration at conscription stations, military tickets, temporary certificates of conscripts), registration, passing a medical examination, referral to training for the purpose of obtaining or improving military registration specialty, conscription for military service or for meetings of conscripts and reservists;

undergo a medical examination and treatment in medical and preventive institutions in accordance with the decisions of the registration commission, conscription commission or military medical commission of the relevant district (city) territorial center of recruitment and social support, health care institutions of the Security Service of Ukraine, and in the Foreign Service intelligence services of Ukraine - by decision of the heads of the relevant units or the military medical commission of the Foreign Intelligence Service of Ukraine;

undergo training for military service, military service and perform military duty in reserve; to comply with the rules of military accounting established by law.

Reservists are obliged to arrive at the military unit in which they are serving in the military reserve upon the summons of the commander of this military unit.

Women who have a specialty and/or a profession related to the corresponding military accounting specialty specified in the list approved by the Ministry of Defense of Ukraine, and who

are suitable for military service due to their health and age, are accepted for military registration of conscripts.

Women who are on the military register may be conscripted into military service or involved in work to ensure the defense of the state in wartime. In peacetime, women can be accepted for military service and service in the military reserve only on a voluntary basis (under contract).

Women perform military duty on an equal basis with men (with the exception of cases provided for by legislation on maternity and childhood protection, as well as the prohibition of discrimination on the basis of sex), which includes voluntary acceptance (under contract) and conscription, passing military service, serving in the military reserve, performing military duty in the reserve and observing the rules of military accounting.

Military service is a state service of a special nature, which consists in the professional activity of citizens of Ukraine suitable for it in terms of health and age (with the exception of cases specified by law), foreigners and stateless persons, related to the defense of Ukraine, its independence and territorial integrity. For citizens of Ukraine, the time spent in military service is included in their insurance experience, work experience, work experience in a specialty, as well as civil service experience.

Types of military service: conscript military service; military service by conscription during mobilization, for a special period; military service under the contract of private members; military service under the contract of non-commissioned officers and non-commissioned officers; military service (training) of cadets of higher military educational institutions, as well as higher educational institutions that include military institutes, military training faculties, military training departments, military training departments (hereinafter - higher military educational institutions and military educational units of higher educational institutions); military service under the contract of officers; military service by conscription of officers; military service by conscription of reservists in a special period.

The Armed Forces of Ukraine and other military formations are staffed by military personnel through: conscription of citizens of Ukraine for military service; acceptance of citizens of Ukraine for military service under contract.

Registration of citizens of Ukraine to conscription stations

Enrollment of male citizens of Ukraine at conscription stations is carried out for the purpose of registering them for military registration, determining the available conscription resources, the degree of suitability for military service, establishing the educational level, acquired specialty or profession, the level of physical training, studying personal qualities.

Conscription stations are formed in districts (cities) for registration of citizens of Ukraine.

Conscripts who turn 17 in the year of enrollment are assigned to conscription stations every year during January-March. Registration is carried out by the relevant district (city) territorial centers of recruitment and social support at the place of residence.

Citizens of Ukraine who are serving sentences in penal institutions or who have been subjected to coercive measures of a medical nature are not subject to registration at conscription stations.

Local self-government bodies, enterprises, institutions, organizations, educational institutions, regardless of subordination and form of ownership, are obliged to submit lists of citizens of Ukraine to the relevant district (city) territorial centers of recruitment and social support every year within the terms and in the manner established by the Cabinet of Ministers of Ukraine, which are subject to registration at conscription stations.

In order to register at the conscription station, citizens of Ukraine are required to personally arrive at the relevant district (city) territorial center of recruitment and social support within the time limit specified in the summons and submit the necessary documents, the list of which is established by the Ministry of Defense of Ukraine.

According to the results of the medical examination of a citizen of Ukraine and taking into account the level of his educational training, personal qualities, type of activity and specialty, the assignment commission can make one of the following decisions: suitable for military service and

previously assigned to serve in the Armed Forces of Ukraine or another military formation; temporarily unfit for military service, in need of treatment; is subject to referral for an additional medical examination and a repeat medical examination (with an indication of the date); unfit for military service in peacetime, limited fit in wartime, subject to registration as conscripts; unfit for military service with exclusion from military registration, subject to exclusion from military registration; is subject to being entered into the military register of conscripts as such, who was previously sentenced to deprivation of liberty, restriction of liberty, arrest, correctional labor for committing a criminal misdemeanor, minor crime, including with exemption from serving the sentence; is subject to exclusion from military registration as someone who was previously sentenced to imprisonment for committing a serious or particularly serious crime.

Citizens of Ukraine assigned to conscription stations are issued certificates of enrollment, rights and obligations, rules of military registration and responsibility for violations of these rules are explained.

Conscription age. Conscription of citizens of Ukraine for military service

Male citizens of Ukraine who are fit for this in terms of their health, who have reached the age of 18 by the day of being sent to military units, and older persons who have not reached the age of 27 and do not have the right to exemption or postponement of conscription are called up for temporary military service. for military service (hereinafter referred to as citizens of conscription age).

Citizens of conscription age may voluntarily be accepted for military service under a contract under the conditions provided for in the first part of Article 20 of this Law and in the manner determined by the regulations on military service by citizens of Ukraine.

Conscription of citizens of Ukraine for term military service includes passing the conscription commission and sending them to military units.

The organization of preparation and recruitment of Ukrainian citizens for military service is carried out by city (district) state administrations (executive bodies of city councils) in cooperation with the relevant district (city) territorial recruitment and social support centers.

The procedure for organizing the preparation and conscription of citizens of Ukraine for military service is determined by this Law and regulatory legal acts of the Cabinet of Ministers of Ukraine.

The terms of conscription (conscriptations) of citizens of Ukraine for military service are determined by the Decree of the President of Ukraine. Such a decree is published in mass media no later than one month before the end of the year preceding the year of conscription (conscriptations) of citizens of Ukraine for military service, except for the decree on conscription (conscriptations) of citizens of Ukraine for military service in a special period, which is published not no later than a month before the start of the conscription (conscriptations) of citizens of Ukraine for military service.

After the Decree of the President of Ukraine on the next conscription comes into force: conscripts who have received a summons from the relevant district (city) territorial center of staffing and social support to arrive at the conscription station to pass the conscription commission must arrive at the point and at the time specified in the summons ; if, under any circumstances, the summons is not received, citizens of conscription age are obliged to appear at the conscription station within ten days from the day of the start of the corresponding regular conscription, determined by the Decree of the President of Ukraine; conscripts who have changed their place of residence are required to arrive at the relevant district (city) territorial center of recruitment and social support at their new place of residence within seven days for military registration; heads of enterprises,

Postponement of conscription for military service

Postponement from conscription for term military service is granted to conscripts based on the decision of the district (city) conscription commission in accordance with this Law based on family circumstances, health status, for obtaining an education and continuing professional activities.

Conscripts who have:

1) disabled father and mother or single disabled father (single disabled mother) or disabled persons under the guardianship, care or support of the conscript, or persons over whom the conscript exercises guardianship or guardianship, if they do not have other able-bodied persons - citizens of Ukraine, obliged by law to maintain them. The incapacity for work of the specified persons is determined in accordance with the procedure established by law;

2) minor relatives (consanguineous or non-consanguineous) brothers and sisters or incapacitated relatives (consanguineous or non-consanguineous) brothers and sisters, regardless of their age, if they do not have other able-bodied persons, except the conscript, who are obliged by law to support them;

3) a single father or a single mother, who have two or more minor children to support, until the eldest of them reaches the age of majority, provided the conscript is officially employed;

4) a child under the age of three or a child over the age of three who is being raised without a mother due to her death or by a court decision;

5) two or more children;

6) a child with a disability;

7) wife with a disability;

8) pregnant wife.

A deferment from conscription for military service due to family circumstances may be granted to a conscript who is an orphan or child deprived of parental care at his own request.

In the event that several sons are subject to conscription for military service at the same time, a postponement may be granted to one of them at their request, taking into account the proposal of the parents for the time of the brothers' military service, until the release of one of them to the reserve.

A postponement of conscription for term military service due to the state of health for a period of up to one year is granted to conscripts who are recognized during a medical examination as temporarily unfit for military service.

A deferment from conscription for term military service for obtaining an education for the entire period of study is granted to citizens of draft age who are studying: in institutions of general secondary education of the III degree and professional (vocational-technical) education with a full-time form of education. In the event that such conscripts reach the age of 21, the deferral becomes invalid; in institutions of professional preliminary higher education with a full-time form of education, including during the acquisition of the initial level (short cycle) and the first (bachelor) level of higher education according to the programs of the degree system of education; in institutions of vocational pre-higher and/or higher education with a full-time form of education, including during the acquisition of the next degree of education; in institutions of secondary or higher spiritual education with full-time education; in internship, postgraduate or doctoral studies with or without a break from production.

A deferment from conscription for term military service is also granted to citizens of Ukraine who undergo military training under the reserve officer training program at higher military educational institutions and military educational units of higher education institutions. Such deferral is granted for the entire period of military training and for the period from the completion of such training to the assignment of the primary military rank of an officer to a citizen of Ukraine, but no longer than until the end of the current year after the completion of training.

Citizens of Ukraine who, within the framework of international agreements of Ukraine, are studying in educational institutions of other states also have the right to deferment from conscription for military service for the purpose of obtaining an education.

Postponement from conscription for term military service to continue professional activity is granted to the following citizens of conscription age: pedagogical workers who have obtained a higher education, whose main place of work is general secondary education institutions, subject to full workload in the position they hold, - for the entire period of their work for specialty; for medical workers, under the condition of full workload in the position they hold, - for the entire

period of their work by profession in rural areas; clerics who have graduated from institutions of higher or secondary spiritual education and hold a position in religious organizations operating on the basis of a charter (regulation) registered in the prescribed manner - for the duration of the duties of a cleric; to village, settlement, city heads - for the period of their performance of these powers;

persons who have the degree of Doctor of Philosophy (Candidate of Science)/Doctor of Arts or Doctor of Sciences and work in positions in a specialty according to the group of specialties in the fields of knowledge (science)/arts for which a scientific/educational-creative degree was awarded - for the entire period their work in this specialty; reservists - for the entire period of service in the military reserve; to policemen, members of the rank and file of the civil protection service and employees of the State Bureau of Investigation - for the entire period of their service; employees of the Court Security Service - for the entire period of their service.

Conscripts who have been notified of a suspicion of committing a criminal offense or in respect of whom a criminal case is being considered by a court are deferred from conscription for term military service - until the relevant decision is made.

In cases not provided for by this Law, conscripts may be deferred from conscription for term military service in accordance with the decisions of the draft commission of the Autonomous Republic of Crimea, regional and Kyiv city draft commissions at the request of district (city) draft commissions.

Conscripts who have been granted a deferment from conscription for term military service are obliged to submit documents confirming their right to deferment to the relevant district (city) territorial recruitment and social support centers every year by October 1.

Citizens of Ukraine who are recognized as unfit for military service in peacetime due to their state of health are exempted from conscription for military service in peacetime; who reached the age of 27 by the day of sending to military service; who fulfilled their duties in the military reserve during the terms of the first and second contracts; whose father or mother, biological (consanguineous, non-consanguineous) brother or sister died, died or became disabled persons during military service or gatherings of conscripts. Conscripts who are entitled to exemption from conscription on this basis may not use it; who completed military service in other states before acquiring Ukrainian citizenship; who were convicted of committing a criminal offense to deprivation of liberty, restriction of liberty, including with exemption from serving a sentence; who, after graduating from institutions of higher education, were awarded military (special) ranks of officers (supervisors).

Terms of military service in calendar calculation are established:

for soldiers and sailors, sergeants and foremen who are serving a term of military service in the Armed Forces of Ukraine and other military formations - up to 18 months;

for persons who, at the time of conscription, have a master's degree - up to 12 months;

2. For citizens of Ukraine who are accepted for military service under a contract and appointed to positions, the following terms of military service are established in calendar calculation:

for private members - 3 years;

for non-commissioned officers and senior officers - from 3 to 5 years;

for cadets of higher military educational institutions and military educational units of higher education institutions - time of study at a higher military educational institution or military educational unit of a higher education institution;

for officers from among:

military personnel who graduated from higher military educational institutions, military educational units of higher education institutions under the training program for military service as officers and mastered:

aviation flight crew specialties - 10 years;

other specialties - 5 years;

citizens who were assigned a primary military rank after completing a full course of military training under the reserve officer training program or in the process of certifying individuals before assigning primary military ranks to reserve officers, - from 2 to 5 years;

other citizens - from 1 to 5 years.

the period of military service can be extended under a new contract until reaching the maximum age for military service:

for military servicemen who are doing military service in rank-and-file positions - for 3 years;

for military servicemen who undergo military service in the positions of sergeant and foreman - for a period of 3 to 5 years;

for officers - for a period of 5 to 10 years.

For officers who have the right to a pension for years of service, at their request, the term of military service under a new contract can be extended for a period of 2 to 10 years, but not more than until reaching the maximum age of military service.

During the special period for servicemen, at their request, the term of military service under a new contract may be extended for a period of 1 to 10 years, but not more than until reaching the maximum age of military service.

5. For officers who have less than 5 years left before reaching the maximum age of military service, when transferring to military service under a contract, the duration of the first contract is determined by the period remaining until they reach the established maximum age of military service.

6. Military servicemen accepted for military service under a contract from among conscript military servicemen and citizens of conscription age who have not completed conscript military service, in the event of termination of the contract, are sent to complete conscript military service, if they have not served the established terms of conscript military service, under with the exception of the cases stipulated by subparagraphs "b", "d", "g" or "g" of paragraph 1 of part five of Article 26 of this Law.

7. For citizens of Ukraine who are called up for military service, the following terms of military service in calendar calculation are established:

for officers serving in military service under conscription - up to 18 months;

for military servicemen who are conscripted during mobilization, for a special period - until the end of the special period or before the decision on demobilization is announced;

for servicemen who undergo military service under the draft of reservists in a special period - for the terms determined by the decision of the Supreme Commander-in-Chief of the Armed Forces of Ukraine.

Question 3. Organization of state administration in the field of defense

Important functions of state management in the field of defense are entrusted to the President of Ukraine - the guarantor of state sovereignty and territorial integrity of the state. President:

is the Supreme Commander-in-Chief of the Armed Forces of Ukraine, appoints and dismisses from positions above the command of the Armed Forces of Ukraine, other military formations; carries out leadership in the field of state defense and makes decisions in this field, which are subsequently approved by the parliament; approves the military-administrative division of the territory of Ukraine; heads the National Security and Defense Council of Ukraine; forms its personnel in accordance with the Constitution of Ukraine; submits to the Verkhovna Rada of Ukraine a submission on declaring a state of war and makes a decision on the use of the Armed Forces of Ukraine in the event of armed aggression against Ukraine, on general defense or partial mobilization in the event of a threat and danger to the state independence of Ukraine; approves the concepts, development and application programs of the Armed Forces of Ukraine, their structure and composition, mobilization plans; issues decrees on conscription of citizens of Ukraine for military service and dismissal from military service, resolves other issues in the field of defense

Cabinet of Ministers of Ukraine:

organizes the preparation and implementation of national programs for the development of the Armed Forces of Ukraine, weapons and military equipment, other state programs related to the Armed Forces of Ukraine, the state defense order for the supply (purchase) of products, the execution of works, the provision of services for the needs of the Armed Forces of Ukraine, the creation of inviolable and mobilization stocks ;

ensures the supply of weapons, military equipment, energy, material and technical and other resources and property to the Armed Forces of Ukraine, the provision of services and their financing in the amounts necessary for the effective performance by the Armed Forces of Ukraine of the tasks and functions assigned to them;

ensures the staffing of the Armed Forces of Ukraine, their mobilization and operational deployment in a special period, carries out measures related to the preparation and conscription of citizens for military service;

establishes the procedure for providing the Armed Forces of Ukraine with the management of state-owned objects, including land (water) plots, other natural resources, funds and property, use of air and water space, sea and river ports, airports and airfields (airfields), means of communication and radio frequency resources, communications, other state infrastructure facilities, navigational, topographic, meteorological, hydrographic and other information, conducting geodetic and cartographic works necessary for the performance of the functions and tasks entrusted to the Armed Forces of Ukraine, both on a paid and free of charge, in monetary and other forms of payments;

determines the procedure for financing the Armed Forces of Ukraine at the expense of charitable donations of individuals and legal entities to ensure combat readiness, mobilization readiness, combat capability and functioning of the Armed Forces of Ukraine;

establishes the procedure for ensuring the serviceability, technical suitability and modernization of weapons and military equipment of the Armed Forces of Ukraine;

determines the procedure for the use of weapons and military equipment by units, military units and units, including regular forces, of the Armed Forces of Ukraine in peacetime and in a special period (except for the period of martial law) in the event that they perform tasks in the cases specified in part four Article 1 and Article 1-1 of this Law;

ensures the realization of the right to social and economic protection of servicemen and persons released from military service, their family members, as well as family members of servicemen who died (died), went missing, became disabled during military service or were captured in during hostilities (war) or during participation in international operations to maintain peace and security;

regulates economic and economic activity in the Armed Forces of Ukraine;

in accordance with the Constitution and laws of Ukraine, exercises control over the activities of the Armed Forces of Ukraine and other powers to ensure combat readiness, mobilization readiness, combat capability and functioning of the Armed Forces of Ukraine.

The Armed Forces are directly managed by the Ministry of Defense of Ukraine (Ministry of Defense).

The Ministry of Defense of Ukraine (Ministry of Defense) is the central body of executive power, the activities of which are directed and coordinated by the Cabinet of Ministers of Ukraine. The Ministry of Defense is the main body in the system of central executive bodies, which ensures the formation and implementation of state policy on national security issues in the military sphere, the spheres of defense and military construction in peacetime and special periods.

The Ministry of Defense is the central body of executive power and military administration under which the Armed Forces and the State Special Service of Transport are subordinated.

The Ministry of Defense is headed by the Minister, who is appointed from among civilians to the position at the request of the President of Ukraine and dismissed from the position by the Verkhovna Rada of Ukraine.

The Minister has a first deputy and deputies who are appointed to the position from among civilians and dismissed from the position by the Cabinet of Ministers of Ukraine at the request of the Prime Minister of Ukraine in accordance with the Minister's proposals.

The main tasks of the Ministry of Defense are:

1) ensuring the formation and implementation of state policy on issues of national security in the military sphere, the spheres of defense and military construction in peacetime and a special period regarding:

organization of defense planning measures in the defense forces;

determination of the principles of military, military personnel and military-technical policy in the field of defense;

2) implementation of military-political and administrative leadership of the Armed Forces;

3) carrying out in the established order the coordination of the activities of state bodies and local self-government bodies regarding the preparation of the state for defense;

4) ensuring, within the limits of the powers provided for by law, the implementation of the state policy on defense issues related to the use of the airspace of Ukraine and the protection of the state's sovereignty;

5) coordination of the activities of the State Special Transport Service to ensure the stable functioning of transport in peacetime and in special periods.

Powers of the Ministry of Defense of Ukraine in the sphere of management of the Armed Forces of Ukraine

Ministry of Defence Ukraine:

carries out military-political and administrative management of the Armed Forces of Ukraine;

implements state policy in the Armed Forces of Ukraine, develops the principles of their construction, determines directions of development of the Armed Forces of Ukraine and their training in peacetime and wartime;

ensures the vital activity of the Armed Forces of Ukraine, their functioning, combat and mobilization readiness, combat capability, preparation for the performance of tasks assigned to them, deployment, staffing and training, supply of weapons and military equipment, maintenance of serviceability, technical suitability and modernization of the specified weapons and equipment, material, financial, other resources and property in accordance with the needs determined by the General Staff of the Armed Forces of Ukraine within the limits of the funds provided by the State Budget of Ukraine, and exercises control over their effective use, organizes the performance of works and the provision of services in the interests of the Armed Forces of Ukraine;

conducts intelligence and information-analytical activities in order to ensure the fulfillment of the tasks assigned to the Armed Forces of Ukraine;

interacts with state authorities and public organizations, monitors compliance with legislation in the Armed Forces of Ukraine;

considers appeals, receives citizens on issues that are within the competence of the Ministry of Defense of Ukraine;

carries out international cooperation within the limits of its competence in military-political, military-technical and other areas, as well as on issues of civil-military relations with relevant bodies of other states and international organizations;

exercises other powers provided for by law.

Provision of certain types of activities of the Armed Forces of Ukraine may be carried out by state enterprises established in accordance with the procedure established by the Ministry of Defense of Ukraine.

Question 4. Control in the field of defense

Among the measures to ensure the protection of Ukraine's national interests, the establishment and strengthening of the constitutional foundations of a democratic, legal state in the field of military relations, and the provision of human rights and freedoms, democratic civilian

control over the Military Organization and law enforcement agencies (civilian control) occupies an important place.

Democratic civilian control - a complex of legal, organizational, informational, personnel and other measures carried out in accordance with the Constitution and laws of Ukraine to ensure the rule of law, legality, accountability, transparency of security and defense sector bodies and other bodies, the activities of which are related to the limitation of specified by law in cases of human rights and freedoms, promoting their effective activity and performance of the functions assigned to them, strengthening the national security of Ukraine.

The civil control system consists of control carried out by the President of Ukraine; control carried out by the Verkhovna Rada of Ukraine; control carried out by the National Security and Defense Council of Ukraine; control carried out by the Cabinet of Ministers of Ukraine, executive power bodies and local self-government bodies; judicial control; public supervision.

The subject of civil control is: 1) compliance with the requirements of the Constitution and laws of Ukraine in the activities of security and defense sector bodies, preventing their use for usurpation of power, violation of human and citizen rights and freedoms; 2) content and state of implementation of strategies, doctrines, concepts, state programs and plans in the spheres of national security and defense; 3) the state of law and order in the bodies of the security and defense sector, their staffing, equipment with modern weapons, military and special equipment, provision of necessary supplies of material resources and readiness to perform assigned tasks in peacetime and in special periods; 4) the effectiveness of the use of resources, in particular budget funds, by the bodies of the security and defense sector.

As for the implementation of state control in the field of defense by individual state bodies, the National Security and Defense Council of Ukraine has a special place here.

The NSDC supervises the activities of the executive authorities in peacetime, in wartime or state of emergency, in the event of crisis situations that threaten the national security of Ukraine, in particular:

involves the control, inspection and supervisory bodies operating in the executive power system to control the timely and high-quality implementation of the decisions adopted by the Security Council, put into effect by the decrees of the President of Ukraine; carries out current control over the activities of executive authorities in the field of national security and defense, submits relevant conclusions and proposals to the President of Ukraine; controls the transfer of central and local bodies of executive power, as well as the country's economy to work in conditions of war or emergency; controls the activities of local self-government bodies within the limits of the granted powers during the introduction of a state of war or emergency; coordinates and controls the activities of executive authorities in repelling armed aggression, organizing the protection of the population and ensuring its livelihood, life protection,

The Ministry of Defense of Ukraine as the central body of executive power in the field of defense: controls the implementation of laws and other normative legal acts in the field of defense; promotes the activities of entities that exercise democratic civilian control over the Armed Forces; in matters of organization of financial, economic and economic activities, he supervises the effective spending of funds and material assets and their preservation, accounting and reporting; manages the state property assigned to enterprises, institutions and organizations that ensure the activities of the Armed Forces, controls their activities; supervises the activities of the military administration bodies regarding the implementation of humanitarian and social policy in the Armed Forces.

The General Staff of the Armed Forces of Ukraine as the main military body for state defense planning, management of the use of the Armed Forces of Ukraine, coordination and control over the implementation of tasks in the field of defense by other military formations formed in accordance with the laws of Ukraine, executive authorities, local self-government bodies, law enforcement agencies, the State Special Transit Service and the State Special Service: controls the state of combat and mobilization readiness, combat capability of the management bodies, units, units, institutions and organizations of other military formations and law

enforcement agencies, the State Special Transport Service and the State Special Service, designated for subordination to the military management bodies in a special period and performance of territorial defense tasks; controls the preparation of the communication system, communications and the entire territory of the state for defense; participates in the organization of control over the air, water, information space of the state and carries it out in a special period; supervises the training of military formations, law enforcement agencies, the State Special Transport Service and State Special Communications to perform tasks in the field of state defense; carries out general management of the work related to the organization and maintenance of military records of conscripts and conscripts, control over the state of this work in local self-government bodies, enterprises, institutions and organizations regardless of subordination and forms of ownership; carries out control over military transports of all types in the state in a special period, as well as transports, which are carried out for the Armed Forces in peacetime; supervises the service of troops in the Armed Forces; supervises the implementation of measures in the Armed Forces to ensure the protection of state secrets, information with limited access, which is the property of the state.

Recommended Books:

1. Zamryga A. V. Administrative and legal support of economic activity in Ukraine. Theory and practice: monograph. Kherson: "OLDI-PLUS", 2020. 374 p.

2. The Constitution of Ukraine dated June 28, 1996. URL: <https://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80#Text>.

3. Administrative law of Ukraine. Complete course: textbook / V. Galunko, P. Dikhtievskiy, O. Kuzmenko, etc.; under the editorship V. Galunka, O. Pravotorova. The fourth edition. Kherson: OLDI-PLUS, 2021. 656 p.

4. On the approval of the Regulation on the Ministry of Defense of Ukraine: Resolution No. 671 of the Cabinet of Ministers of Ukraine dated November 26, 2014. URL: <https://zakon.rada.gov.ua/laws/show/671-2014-%D0%BF#Text>.

5. On the Armed Forces of Ukraine: Law of Ukraine of December 6, 1991 No. 1934-XII. URL: <https://zakon.rada.gov.ua/laws/show/1934-12#Text>.

Topic 5. Administrative and legal regulation in the field of foreign affairs

LECTURE PLAN

1. General characteristics of state policy in the field of foreign relations

2. Organization of state administration in the field of foreign affairs

3. Diplomatic service

4. State control in the field of foreign affairs

Question 1. General characteristics of state policy in the field of foreign relations

Foreign policy is based on the following principles:

sovereign equality of states;

refraining from the threat of force or its use against the territorial integrity or political independence of any foreign state;

respect for the territorial integrity of foreign states and the inviolability of state borders;

settlement of international disputes by peaceful means;

respect for human rights and fundamental freedoms;

non-interference in the internal affairs of states;

mutually beneficial cooperation between states;

conscientious fulfillment of assumed international obligations;

priority of generally recognized norms and principles of international law over norms and principles of national law;

the use of the Armed Forces of Ukraine only in cases of acts of armed aggression against Ukraine, any other armed encroachments on its territorial integrity and the inviolability of state borders, the fight against international terrorism and piracy, or in other cases stipulated by international treaties of Ukraine, the consent of which is binding provided by the Verkhovna Rada of Ukraine;

application of international sanctions, countermeasures and measures of diplomatic protection in accordance with international law in cases of international illegal acts that harm Ukraine, its citizens and legal entities;

timeliness and adequacy of measures to protect national interests against real and potential threats to Ukraine, its citizens and legal entities.

The main principles of foreign policy are:

ensuring the national interests and security of Ukraine by maintaining peaceful and mutually beneficial cooperation with members of the international community according to generally recognized principles and norms of international law;

ensuring the protection of sovereignty, territorial integrity and inviolability of the state borders of Ukraine, its political, economic, energy and other interests by diplomatic and other means and methods provided for by international law;

use of international potential for the establishment and development of Ukraine as a sovereign, independent, democratic, social and legal state, its sustainable economic development;

creation of favorable foreign policy conditions for the development of the Ukrainian nation, its economic potential, historical consciousness, national dignity of Ukrainians, as well as the ethnic, cultural, linguistic, and religious identity of Ukrainian citizens of all nationalities;

confirmation of Ukraine's leading place in the system of international relations, strengthening of the state's international authority;

promotion of international peace and security in the world, participation in a comprehensive political dialogue to increase the mutual trust of states, overcoming traditional and new security threats;

deepening cooperation with the North Atlantic Treaty Organization with the aim of acquiring membership in this organization;

support for strengthening the role of international law in international relations, ensuring compliance and implementation of existing, developing new principles and norms of international law;

prevention of conflicts in regions bordering Ukraine and settlement of existing conflicts;

ensuring the protection of the rights and interests of citizens and legal entities of Ukraine abroad;

creating favorable conditions for meeting the national, cultural and linguistic needs of Ukrainians living outside Ukraine, maintaining permanent ties with them;

ensuring Ukraine's integration into the European political, economic, and legal space with the aim of becoming a member of the European Union;

supporting the development of trade-economic, scientific-technical and investment cooperation of Ukraine with foreign countries on the basis of mutual benefit;

ensuring the integration of Ukraine's economy into the world economic system for the purpose of full-fledged economic development, improving the well-being of the people;

expansion of international cooperation with the aim of attracting foreign investments, the latest technologies and management experience to the national economy in the interests of its reformation, modernization and innovative development;

support for Ukraine's integration into the global information space.

The state's activities in the field of external relations are aimed at fulfilling the external function of Ukraine. In the field of official international relations, all authorized bodies of Ukraine carry out their activities on behalf of the state as a whole. According to the Constitution of Ukraine, the President of Ukraine, the Verkhovna Rada of Ukraine, the Cabinet of Ministers of Ukraine, the Ministry of Foreign Affairs of Ukraine (MFA) and, within the limits defined by law,

other ministries, as well as foreign bodies (diplomatic missions, consular offices, trade missions) are empowered in this area.

In the sphere of external relations, representative functions are performed by the President of Ukraine. According to Art. 102 of the Constitution of Ukraine The President of Ukraine is the head of the state and speaks on its behalf. He represents the state in the field of international relations, visits foreign countries with official and unofficial visits, participates in the work of international forums, etc., directs the foreign policy activities of the state, conducts negotiations and concludes international treaties of Ukraine.

The President of Ukraine and the Cabinet of Ministers of Ukraine take measures to ensure the implementation of international treaties of Ukraine, make decisions on the recognition of foreign states. In addition, according to Clause 5 of Art. 106 of the Constitution of Ukraine. The President of Ukraine appoints and dismisses the heads of diplomatic missions of Ukraine in other states and international organizations, approves their provisions, accepts letters of credence and letters of revocation of diplomatic representatives of foreign states. The letter of credence is sent by the head of a foreign state to the President of Ukraine, which certifies the official status of the head of the diplomatic mission and he begins to fulfill his mission from the moment the letter of credence is presented. Ambassador Extraordinary and Plenipotentiary of Ukraine,

And finally, the President of Ukraine makes a decision on acceptance of citizenship of Ukraine and termination of citizenship, which is provided for by the Law of Ukraine "On Citizenship".

The powers of the Verkhovna Rada of Ukraine in the field of foreign relations include: defining the principles of domestic and foreign policy; listening to the annual and extraordinary messages of the President of Ukraine on the internal and external situation of Ukraine; declaration of a state of war and conclusion of peace at the request of the President of Ukraine; approval of the decision of the President of Ukraine on the use of the Armed Forces of Ukraine and other military formations in the event of armed aggression against Ukraine; approval of decisions on Ukraine's provision of loans and economic assistance to foreign states and international organizations, as well as on Ukraine's receipt of loans on behalf of states, banks and international organizations not provided for in the State Budget of Ukraine; approval of decisions on providing military assistance to other states, on sending units of the Armed Forces of Ukraine to another state or on the admission of units of the armed forces of other states on the territory of Ukraine; giving consent to the binding nature of international treaties of Ukraine within the time limit established by law and denunciation of international treaties of Ukraine.

According to Art. 116 of the Constitution of Ukraine, the Cabinet of Ministers of Ukraine ensures the sovereignty and economic independence of Ukraine, the implementation of the internal and external policy of the state, the implementation of the Constitution and laws of Ukraine, acts of the President of Ukraine in the field of foreign affairs.

Question 2. Organization of state administration in the field of foreign affairs

The Ministry of Foreign Affairs of Ukraine (MFA) is the central body of the executive power, whose activities are directed and coordinated by the Cabinet of Ministers of Ukraine.

The Ministry of Foreign Affairs is the main body in the system of central bodies of executive power, which ensures the formation and implementation of state policy in the field of foreign relations.

The main tasks of the Ministry of Foreign Affairs are:

1) ensuring the formation and implementation of state policy in the field of external relations;

2) provision of:

protection of national interests of Ukraine in the field of international relations;

diplomatic means and methods of protection of sovereignty, international security, territorial integrity and inviolability of the borders of Ukraine, its political, trade-economic, cultural, humanitarian and other interests;

development of relations with Ukrainians abroad and their public associations, coordination of activities carried out by executive authorities for the purpose of development of such relations; state bodies with information necessary for the implementation of effective foreign and domestic policy of Ukraine;

3) implementation of the foreign policy course of Ukraine aimed at the development of political, economic, cultural, humanitarian, scientific and other relations with foreign countries and international organizations;

4) coordination of the activities of state bodies to ensure the implementation of a unified foreign policy course of Ukraine;

5) protection of the rights and interests of citizens and legal entities of Ukraine abroad;

6) promoting the establishment of Ukraine's international authority, raising its image in the world as a reliable and predictable partner;

7) studying and conducting an analysis of the political and economic situation in the world, the foreign and domestic policies of foreign countries, the activities of international organizations;

8) participation in ensuring, within the limits of the powers provided for by law, the implementation of the state foreign economic policy, the policy of integration of the national economy into the world economic system;

9) participation in the formation and implementation of state policy aimed at the integration of Ukraine into the European political, economic, security and legal space, acquisition of membership in the European Union and the North Atlantic Treaty Organization;

10) participation in ensuring the development of international law.

Question 3. Diplomatic service

The diplomatic service is a state service of a special nature, which consists in the professional activities of officials of the diplomatic service related to the implementation of the foreign policy of Ukraine, the protection of the national interests of Ukraine in the field of international relations, as well as the rights and interests of citizens and legal entities of Ukraine abroad.

The system of diplomatic service bodies consists of:

1) Ministry of Foreign Affairs of Ukraine;

2) representative offices of the Ministry of Foreign Affairs of Ukraine on the territory of Ukraine;

3) foreign diplomatic institutions of Ukraine.

The Ministry of Foreign Affairs of Ukraine is the central executive body that ensures the formation and implementation of state policy in the field of foreign relations and coordinates the activities of state bodies in the field of foreign relations. The Ministry of Foreign Affairs of Ukraine exercises its powers directly and through other bodies of the diplomatic service. The Ministry of Foreign Affairs of Ukraine supervises other bodies of the diplomatic service.

Representations of the Ministry of Foreign Affairs of Ukraine on the territory of Ukraine are bodies of the diplomatic service, which are formed in regions where foreign consular institutions or representative offices of international organizations operate. The status, tasks and functions of the representation of the Ministry of Foreign Affairs of Ukraine on the territory of Ukraine are determined by this Law and the Regulation on the Representation of the Ministry of Foreign Affairs of Ukraine on the territory of Ukraine, which is approved by the Cabinet of Ministers of Ukraine.

Foreign diplomatic institutions of Ukraine are permanent bodies of the diplomatic service, the main tasks of which are the representation of Ukraine in the host countries or at international organizations and maintaining official relations with them, defending the national interests of Ukraine, performing consular functions, including the protection of the rights and interests of citizens and legal persons of Ukraine abroad.

Foreign diplomatic institutions of Ukraine are: 1) Embassy of Ukraine; 2) Embassy of Ukraine with the residence of the Ambassador Extraordinary and Plenipotentiary of Ukraine in

Kyiv; 3) Permanent representation of Ukraine at an international organization; 4) Representation of Ukraine at an international organization; 5) Mission of Ukraine to the international organization; 6) consular institution of Ukraine (Consulate General of Ukraine, Consulate of Ukraine, Vice-Consulate of Ukraine and Consular Agency of Ukraine).

In the system of diplomatic service bodies, special missions can be formed, as well as delegations at sessions of statutory bodies of international organizations, the status, tasks and functions of which, depending on the level of the mission, are determined by the President of Ukraine or the Minister of Foreign Affairs of Ukraine, respectively. Special missions are temporary missions that by their nature represent Ukraine and are sent by Ukraine to another state with its consent to jointly consider certain issues with that state or to perform a certain task in relation to it.

The main tasks of diplomatic service bodies are:

- 1) ensuring the protection of the national interests of Ukraine;
- 2) implementation of the foreign policy course of Ukraine aimed at the development of political, economic, cultural, humanitarian, scientific and other relations with foreign countries and international organizations;
- 3) protection of the rights and interests of citizens and legal entities of Ukraine abroad;
- 4) promoting the establishment of Ukraine's international authority, raising its image in the world as a reliable and predictable partner;
- 5) provision of diplomatic means and methods of protection of sovereignty, international security, territorial integrity and inviolability of the borders of Ukraine, its political, trade-economic, cultural, humanitarian and other interests;
- 6) coordination of the activities of state bodies to ensure the implementation of a unified foreign policy course of Ukraine;
- 7) study and analysis of the political and economic situation in the world, the foreign and domestic policy of foreign countries, the activities of international organizations;
- 8) provision of state bodies with information necessary for effective foreign and domestic policy of Ukraine.

Question 4. State control in the field of foreign affairs

Control over compliance with the principles of domestic and foreign policy is carried out by the Verkhovna Rada of Ukraine, the President of Ukraine, the National Security and Defense Council of Ukraine, the Cabinet of Ministers of Ukraine, and other state authorities within the limits of their powers defined by the Constitution and laws of Ukraine.

Verkhovna Rada of Ukraine in accordance with clause 14 of Art. 85 of the Constitution of Ukraine controls the use of loans received by Ukraine from foreign countries, banks and international financial organizations, which are not provided for in the State Budget of Ukraine.

The Ministry of Foreign Affairs of Ukraine, within the limits of its powers, organizes the implementation of acts of Ukrainian legislation and exercises control over their implementation, for example, the preservation of state secrets in the central apparatus of the Ministry of Foreign Affairs of Ukraine, in diplomatic missions of Ukraine abroad, consular institutions of Ukraine abroad, representative offices of Ukraine at international organizations, representative offices The Ministry of Foreign Affairs of Ukraine and the territory of Ukraine, subject to diplomatic and consular privileges and immunities.

The head of the diplomatic mission of Ukraine supervises the activities of all institutions of Ukraine in the host state, specialists, delegations, officials and other persons staying in that state.

Control of compliance with the requirements of the Rules of entry, exit and transit of foreigners and stateless persons, as well as legal entities and individuals in Ukraine, which receive foreigners and stateless persons or provide them with services, is carried out within the limits of their competence by internal affairs bodies in cooperation with the Ministry of Foreign Affairs of Ukraine, the bodies of the Security Service and the State Border Service of Ukraine.

Recommended Books:

1. Zamryga A. V. Administrative and legal support of economic activity in Ukraine. Theory and practice: monograph. Kherson: "OLDI-PLUS", 2020. 374 p.
2. The Constitution of Ukraine dated June 28, 1996. URL: <https://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80#Text>.
3. Administrative law of Ukraine. Complete course: textbook / V. Galunko, P. Dikhtievskiy, O. Kuzmenko, etc.; under the editorship V. Galunka, O. Pravotorova. The fourth edition. Kherson: OLDI-PLUS, 2021. 656 p.
4. On the approval of the Regulation on the Ministry of Foreign Affairs of Ukraine: Resolution of the Cabinet of Ministers of Ukraine dated March 30, 2016 No. 281. URL: <https://zakon.rada.gov.ua/laws/show/281-2016-%D0%BF#Text>.

RECOMMENDED BOOKS

1. Administrative law of Ukraine (general part): training. manual / [Ostapenko O.I. Kovaliv M.V., Yesimov S.S. etc.]; [Kind. 2nd, supplement.] Lviv: SPOLOM, 2021. 616 p.
2. Administrative law of Ukraine (general part): study guide / O.I. Ostapenko, M.V. Kovaliv, S.S. Yesimov, L.S. Hulak., N.Ya. Otchak, L.O. Ostapenko Lviv: NU "Lviv Polytechnic", 2019. 504 p.
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