

UDC 342.9



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INTERACTION BETWEEN THE NATIONAL GUARD OF UKRAINE AND CIVIL SOCIETY INSTITUTIONS

The article analyses the peculiarities of interaction between civil society institutions of Ukraine and the National Guard of Ukraine. The author substantiates the view that the current legislation does not directly define the principles of interaction between the units of the National Guard of Ukraine and civil society institutions; at the same time, the interaction is indirect, since it takes place in a three-element model, in the implementation of which the units of the National Police of Ukraine are involved.

It is noted that in order to ensure that the interacting entities comply with the principles of legality, the rule of law, respect for human and civil rights and freedoms, partnership, etc., it is advisable to amend certain legislative acts with a view to ensuring interaction between the bodies of the National Guard of Ukraine, the National Police of Ukraine and public order protection groups.

Keywords: *civil society, institution, institution, National Guard of Ukraine, interaction, emergency legal regime, martial law, activity, legal act, law.*

Statement of the problem. According to such characteristics as the public implementation of the main activities of the State, carried out under its control, the main purpose of which is to satisfy the interests of the State and society; performance of functions inherent mainly to executive authorities, with the use of legal measures of influence on certain categories of subjects, in particular in the form of persuasion or coercion; implementation of this activity by specially trained and authorized (competent) employees, whose actions may be appealed in cases provided for by law This is also stated in the Law of Ukraine "On the National Guard of Ukraine", which defines it as a military formation with law enforcement functions, structurally affiliated to the system of the Ministry of Internal Affairs of Ukraine and designed to perform tasks related to the protection and defense of life, rights, freedoms and legitimate interests of citizens, society and the state from criminal and other types of unlawful encroachments, protection of public safety and order and ensuring public security, as well as in cooperation with law enforcement agencies – to ensure state security and defense.

Given the realities of today, in particular, the long period of martial law in Ukraine, it is not unreasonable to note that the most urgent task is to restore the disturbed security environment in the state. After all, as scholars rightly point out, the

system of ensuring the national security of Ukraine (embodied by public authorities) built over the years of independence has shown its unpreparedness to neutralize real threats to national interests during the armed conflict in Ukraine [3, p. 115].

One of the ways to implement the task of restoring the disturbed security environment is to ensure the effective operation of law enforcement agencies, which is also possible through the establishment of practical principles of their interaction with civil society and its individual formalized structures.

Analysis of recent research and publications. The peculiarities of the National Guard of Ukraine (NGU), the specifics of implementation of certain tasks by its units have been the subject of research by many national scholars.

In the context of determining the place and role of the NGU in the defense and security sector, its powers in ensuring the state (national) security of our country, the most recent works include those of S. Belay, S. Godlevskyi [4], A. Tupikov [5], Y. Allerov, O. VKryvenko [6], R. Trotskyi, O. Kurylo [7] and other scholars. Certain aspects of service and combat activities of the NGU units were paid attention to by D. Kornienko [8], R. Sopilnyk, R. Skrynkovskyi [9], and its legislative support – by M. Balan, O. Kryvenko [10] and other researchers.

Some aspects of the NGU's police activities are covered in the articles by I. Volkov, V. Perepada [11], V. Maltsev [12], O. Komisarov, O. Kobzar [13], and many other scholars.

In addition, studies have paid attention to certain aspects of interaction between the NGU units and other law enforcement agencies. In this context, it is worth noting the work of S. Belyi, S. Ostrovskiy, O. Mynko [14, 15, 16] and others.

It is also worth noting the work of scholars in the field of administrative and legal science. In the context of the issues outlined in the article, there are undoubtedly comprehensive studies which provide a thorough analysis and highlight the administrative and legal statuses of the NGU [17], the NGU Commander [18], the administrative and legal framework of the NGU [19], administrative and legal support of the NGU's law enforcement activities [20], etc. Thus, we can state that the achievements of scholars in various aspects of ensuring the NGU's activities, direct implementation of professional activities by its units and other aspects are quite significant. However, given such an area of activity as law enforcement, as well as the strategic directions for the development of civil society in Ukraine, as defined by the National Strategy for Promoting the Development of Civil Society in Ukraine for 2021–2026 [21], it becomes important to establish effective interaction between law enforcement agencies and civil society institutions, which have not yet been the subject of comprehensive research.

The purpose of the article is to define the concept, legal framework and specific features of interaction between civil society institutions of Ukraine and the National Guard of Ukraine in the context of the implementation of the law enforcement function of the State.

Summary of the main material. The National Guard of Ukraine is entrusted with the implementation of many functions of the state. One of them is ensuring national security, because according to the provisions of the current legislation, which constitute the legal basis for the activities of the NGU, and therefore define its functions and tasks, they are aimed at ensuring state security in general and in relation to specifically defined areas of society.

Undoubtedly, an important task is to ensure and maintain an adequate level of national security, which is professionally performed by the NGU units, especially during martial law, as they are classified as defense forces in such circumstances. In the context of the war against Ukraine, as scholars rightly emphasize, the potential of the

NGU is to counter military threats and prevent threats to public security and order [6, p. 3–8].

Considering the NGU in peacetime, it is worth noting that, as a general rule, it is defined as a component of the security forces, which is quite actively involved in the implementation of the law enforcement function. At the same time, as scholars emphasize, there are certain peculiarities in the implementation of this function by the NGU units under martial law. Under such conditions, it is appropriate to mention service and combat activities, which are especially manifested during the state of emergency and martial law, because it is then that these units perform service and combat (operational) tasks within the main types and forms of service and combat activities at the strategic level, during their daily service [22, p. 22].

Given that the article is based on the study of the issues of interaction between the NGU and civil society institutions, it is worth noting that interaction is typical for activities related to maintaining the security of the state. After all, defense tasks should be considered professional activities of state bodies, not formalized civil society structures.

Taking into account the main functions of the NGU as defined in the relevant law, it should be noted that interaction between its units and the public is legally provided for in the context of protecting public security and order, ensuring protection and defense of life, health, rights, freedoms and legitimate interests of citizens, as well as participation in ensuring public security and public order during meetings, rallies, marches, demonstrations and other mass events that pose a danger to the life and health of citizens [2], i.e. to ensure.

Public security and order are defined by the legislator as the protection of vital interests, human and civil rights and freedoms, which are a priority for the security forces, other state bodies, local self-government bodies, their officials and the public, which take coordinated measures to implement and protect national interests from the impact of threats [23].

According to the legal literature, public security is ensured by the NGU units in the following ways.

1. Implementation of tasks on joint patrolling of public places – on the basis of the "Plan for the involvement of forces and means of a military unit in public order protection service", which is developed for a month and approved by the commander of the NGU military unit. The forces of the National Police of Ukraine may also take part in such patrols within the framework of interagency cooperation [24], as well as public associations established in accordance with the procedure provided for by the Law of Ukraine "On the

Participation of Citizens in the Protection of Public Order and the State Border" [25].

2. Performing tasks to ensure public safety during meetings, rallies, street marches, demonstrations, other mass and sporting events, during events in public (public) places with the participation of persons subject to state protection, as well as joint activities to stabilize the operational situation in case of its aggravation within the territory of one or more administrative-territorial units [24].

At the same time, the literature also draws attention to the NGU's police activities, which include measures aimed at preventing any violations of the rights and freedoms of citizens and the state, measures to directly stop violations of the rights and freedoms of citizens and create conditions for their further restoration. Its main functions within the framework of the law enforcement function of the state include: combating crimes, administrative, security, anti-terrorism, civil protection, border control, and defense. It is community oriented – public order and protection of personal non-property and property rights of members of society [13, p. 97].

Thus, along with the tasks of ensuring the defense of the country and National resistance, the NGU units are also inherent in the implementation of the law enforcement function, which consists mainly in ensuring public order and security, as well as combating crime. At the same time, when assessing the peculiarities and limits of measures authorized to be taken by the NGU units, it would be more appropriate to point out the preventive nature of the latter's actions, the implementation of which is based on the possibility of using preventive measures and police coercion by the NGU servicemen. At the same time, the functions of investigation and prosecution are performed by completely different bodies.

Focusing on the peculiarities of interaction between the NGU and civil society institutions, we note that, given the analysis of the provisions of the legal acts that constitute the legal basis for the activities of the Guard, we can note that they do not regulate the specifics of their joint activities. In this regard, O. Piskun even notes that the principle of active involvement of the public in the defense of the country and ensuring its national security (as constituent elements of the purpose of the military management of the NGU) should be enshrined in law [18, p. 88].

At the same time, taking into account the analysis of the provisions of the Laws of Ukraine "On the National Guard of Ukraine" [2], "On the National Police of Ukraine" [26], "On the Participation of Citizens in the Protection of Public Order and the State Border" [25], the Procedure for Organizing Interaction

between the National Guard of Ukraine and the National Police of Ukraine in Ensuring (Protecting) Public Safety and Order, approved by Order of the Ministry of Internal Affairs of Ukraine of 10.08.2016 No. 773 [24], we can note that the interaction between the units of the National Guard of Ukraine and civil society institutions is not carried out directly, but indirectly – through the units of the National Police of Ukraine (NPU).

Interaction between the NGU and the NPU is carried out through:

– joint patrols of streets, squares, parks, squares, railway stations, airports, sea and river ports and other public places;

– ensuring the protection of public safety and order during meetings, rallies, street marches, demonstrations, other mass and sporting events, as well as during events in public places with the participation of persons subject to state protection;

– carrying out joint activities to stabilize the operational situation in case of its aggravation within the territory of one or more administrative-territorial units [27].

Thus, in the author's opinion, the interaction of the NGU units, the NPU and civil society institutions, represented by public associations, to participate in the protection of public order and the State border is aimed at preventing and suppressing administrative and criminal offences, protecting the life and health of citizens, the interests of society and the State from unlawful encroachments, as well as at rescuing people and property in the event of natural disasters and other emergency circumstances. The implementation of such measures should be organized and purposeful, with a clear distribution of roles and functions reflected in the relevant interaction plans, the place and time of their implementation, the number of entities involved in their implementation, the functions and powers of managers, and the specifics of actions in the event of an emergency. However, in order to ensure that the actions of such entities comply with the principles of legality, the rule of law, respect for human and civil rights and freedoms, partnership, etc., it is advisable to amend certain legislative acts to clarify the legal basis for interaction between the NGU and NPU and the above-mentioned civil society groups.

Conclusions

The formation of partnership relations between its institutions and civil society institutions is important in building a state governed by the rule of law. The same applies to the activities of the security and defense sector, which is authorized to carry out the law enforcement function of the state, including the national guard of Ukraine.

Currently, the current legislation does not define the principles of interaction between the units of the NGU and civil society institutions. At the same time, it is permissible to point out that interaction between these entities does take place, but it is indirect, as it is implemented through the units of the National Police of Ukraine, with which interaction is enshrined both on the part of the NGU and public order protection groups.

The interaction between the NGU and public order protection groups, as provided for by the current legislation, is aimed at maintaining public order and security and combating crime. It is mostly of a preventive nature.

At the same time, we believe that the interaction of the units of the National Guard of Ukraine, the National Police of Ukraine and civil society institutions, represented by public associations, to participate in the protection of public order and the state border, aimed at preventing and suppressing administrative and criminal offences, protecting the life and health of citizens, the interests of society and the state from unlawful encroachments, as well as rescuing people and property in the event of natural disasters and other emergencies, should be organized.

The provisions outlined above highlight the author's vision of the issues under study, but require further in-depth scientific research, since the legal system is undergoing rapid changes in the realities of today.

The direction of further scientific research will be to improve the forms and methods of organizing the interaction of the National Guard of Ukraine with civil society institutions.

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The article was submitted to the editorial office on 02.02.2024

УДК 342.9

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ВЗАЄМОДІЯ НАЦІОНАЛЬНОЇ ГВАРДІЇ УКРАЇНИ ТА ІНСТИТУТІВ ГРОМАДЯНСЬКОГО СУСПІЛЬСТВА

В умовах спеціальних правових режимів змінюється порядок державного управління, функціонування інституцій та інститутів громадянського суспільства. По-перше, це пов'язано з нормативно-правовими змінами, які регулюють суспільні відносини відповідно до реалій суспільного життя. Внесено законодавчі зміни до тих нормативно-правових актів, що регулюють професійну діяльність працівників сфери безпеки і оборони, якими надано додаткові повноваження на період воєнного стану. При цьому значущою є роль підрозділів Національної гвардії України не лише в обороні, а й у забезпеченні безпеки держави, яка досягає більшого у здійсненні правоохоронної функції. Тому метою дослідження було визначити специфіку взаємодії інститутів та інститутів громадянського суспільства з Національною гвардією України. Для досягнення мети використано методи аналізу та синтезу, порівняльно-правовий метод, системно-структурний метод, методи системного аналізу та прогнозування.

Проаналізовано особливості взаємодії інститутів громадянського суспільства України з Національною гвардією України. Обґрунтовано думку, що наразі чинне законодавство прямо не визначає засад взаємодії підрозділів Національної гвардії України та інститутів громадянського суспільства; при цьому взаємодія має опосередкований характер, тому що відбувається у трьохелементній моделі, у реалізації якої беруть участь підрозділи Національної поліції України.

Наголошено, що задля забезпечення відповідності взаємодіючих суб'єктів засадам законності, верховенства права, дотримання прав і свобод людини і громадянина, партнерства тощо доцільним є внесення змін у визначені законодавчі акти з метою забезпечення взаємодії між органами Національної гвардії України, Національної поліції України та громадськими формуваннями з охорони громадського порядку.

Ключові слова: громадянське суспільство, інституція, інститут, Національна гвардія України, взаємодія, надзвичайний правовий режим, воєнний стан, діяльність, нормативно-правовий акт, закон.

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