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PRINCIPLES OF PREVENTION OF THE NATIONAL POLICE IN THE FORM OF ADMINISTRATIVE SUPERVISION

Abstract. Purpose. The purpose of the article is to define, using means of analysis, the concept of the principles of administrative supervision as a type of prevention of the National Police, to identify their specificities and to classify them. **Results.** The article emphasises that the principles of administrative supervision, as fundamental rules and ideas, form the basic component of the functioning of the authorised units of the National Police of Ukraine, in the course of preventive measures aimed at deterring offenses and encouraging lawful conduct of an indefinite range of participants in public relations. In addition, it is noted that the principles of administrative supervision are aimed not only at determining the framework for its implementation, but also at continuous improving the procedure for such police prevention. It is underlined that the principles of administrative supervision enable to reflect the specifics of preventive police measures, to reveal their content and procedure, specificities; to regulate relations between the authorised actor and the object of regulatory influence; to protect legitimate rights, freedoms and interests of a person guaranteed by the legislation in force. The principles of administrative supervision are aimed not only at determining the framework for its implementation, but also at continuous improving the procedure for such police prevention. **Conclusions.** During the implementation of administrative supervision as a type of prevention of the National Police, relying on the content of the legislation in force and the tasks of preventive measures, the following principles are applied: the rule of law; legality; observance of human rights and freedoms; impartiality; compliance with procedural requirements; openness and transparency; objectivity and fairness; systematic and comprehensive; political neutrality; public trust and public support; interaction and cooperation; priority of preventive measures. The content of each principle individualises it, thus emphasising the equal legal significance of each of them for achieving the ultimate goal of prevention.

Key words: principles, fundamental ideas, preventive measures, administrative supervision, National Police.

1. Introduction

Administrative supervision as an area of prevention of the National Police is one of the priorities of Ukraine as a legal, democratic state. For the proper implementation of prevention, the state focuses on improving the efficiency of the police in this area.

The regulatory basis for any relations arising in society are certain principles, fundamental rules and ideas that should guide the authorised actors in the performance of their functional duties, while respecting the rights and interests of other participants in this group of relations.

Undoubtedly, activities related to the implementation of administrative supervision, including the activities of the police, should be based on certain legislatively stipulated fundamentals, main provisions, key rules, that is, on principles.

In addition, the principles of administrative supervision as police prevention remain poorly studied by experts in administrative law and require further research.

The analysis of existing scientific works reveals that the research of the issue raised in this paper is fragmented, in particular by the following scientists: V.B. Averianov, O.M. Bandurka, V.V. Halunko, M.P. Hurkovskiy, A.V. Denysova, O.V. Dzhafarova, V.O. Ilnytskyi, O.F. Kobzar, S.V. Kivalov, Ya.M. Kohut, A.M. Kolodii, T.O. Kolomoiets, A.T. Komziuk, R.V. Myroniuk, D.H. Overchenko, S.V. Pietkov, Ye.Yu. Sobol, S.O. Shatrava, and others.

The purpose of the article is to define, by means of analysis, the concept of the principles of administrative supervision as a type of prevention of the National Police,

to identify their specificities and to classify them.

2. Prevention of the National Police

Fulfilment of the tasks facing the prevention units of the National Police involves the implementation of principles based on the recognition of universal human values, respect for human rights and freedoms, recognition of their priority in relations with the state (Ulianov, Nikolaiev, Koniev, Bakhchevan, 2017, p. 39).

According to O.F. Andriiko, the principles are one of the conditions for the effectiveness of control activities and proper focus on the implementation of its tasks (Andriiko, 1999, p. 11).

Therefore, the purpose of the study requires to define the essence of the concept of "principle" at the general theoretical level.

"Principle" is the basic starting point of any scientific system, theory, ideological trend, etc.; the basic law of any exact science; a feature underlying the creation or implementation of something; a way of creating or implementing something; a rule underlying the activities of any organisation, etc. (Busel, 2005, p. 1125).

The *Encyclopedic Dictionary of Public Administration* characterises "principle" as the basic starting point of any theory or doctrine, the fundamentals of explanation or guidance for action; fundamentals, basic ideas characterised by universality, general significance, higher imperative and reflecting the essential provisions of theory, doctrine, science, system of law, state system, etc. They are inherent in the property of abstract reflection of the laws of social reality, which determines their special role in the structure of a wide range of phenomena (Surmin, Bakumenko, Mykhnenko, 2020, pp. 561).

According to A.M. Kolodii, the emergence of principles is due to the needs of social development, which reflect the laws of social life, and with the main sources of these principles are politics, economics, morality, ideology and social life (Kolodii, 2012, p. 42).

M.V. Onyshchuk emphasises that the principles of law have become one of the primary objective manifestations of law since its inception. Initially, they embodied the moral, ethical and religious ideals of mankind since the transformation of pre-state society into a state. Over time, the principles of law began to concentrate the ideas of the society and its individuals about "right" and "wrong", valid and desirable law, and with the distinction of law into private and public, national and international, substantive and procedural principles of law became the ideological embodiment of the essence of social relations that were the subject matter of these components of law. For example, even

in classical Roman law, the formula "Principium est porissima pars cujgue rei" (The principle is the most important part of everything) was widespread (Onyshchuk, 2007, p. 146).

In D.M. Pereverziev's opinion, the principles of law are undoubtedly its main mechanisms, main constructions. Regarding law, it should be borne in mind that the principle is primarily an idea, but not only. Just as law itself is not reduced to ideas, but covers both norms and social relations, so its principles go beyond ideas and acquire regulatory and law enforcement content. In other words, the principles of law are primarily ideas that in the process of development acquire external forms of legal provisions and relations (Pereverziev, 2021, p. 70).

Given that administrative supervision as a type of prevention of the National Police is a universal trend in procedurally regulated prevention of authorised units and officials of the police, in the forms established by law, which is designed to provide continuous impact on an indefinite range of actors subject to administrative supervision in order to ensure an adequate level of law and order, resulting in the assessment of the legality of their conduct and prevention of possible negative consequences, it has specific principles.

In addition, it is noted that the principles of administrative supervision are aimed not only at determining the framework for its implementation, but also at continuous improving the procedure for such police prevention.

V. Ilnytskyi improves the definition of the principles of administrative procedure of the National Police, as follows: these are the main ideas, initial provisions enshrined in administrative procedure legislation; they are of general importance, higher imperative (command); they reflect the essential provisions of the procedural activity of the National Police (Ilnytskyi, 2017, p. 3).

The principles of administrative supervision carried out by the police in various sectors of public life function in a certain system and have a clear focus on ensuring public safety and order, road safety, proper functioning of the licensing system and the level of legal awareness of persons released from prison, etc. Moreover, this determines the essence and content of the principles of police prevention.

The principles under study enable to reflect the specifics of preventive police measures, to reveal their content and procedure, specificities; to regulate relations between the authorised actor and the object of regulatory influence; to protect legitimate rights, freedoms and interests of a person guaranteed by the legislation in force; are the basis of police prevention.

Under the regulatory framework, the principles of activity of the preventive service units of the National Police of Ukraine, as well as the entire system of executive authorities, should be considered as the most general initial provisions (legal requirements, ideas) that prevail in the state, the basic principles, guidelines that define the most important rules by which this activity is organised and carried out, enshrined in legal regulations (provisions) (Volokitenko, 2016, p. 196).

According to A.V. Denysova, the principles of administrative supervision are objective interrelated and interdependent rules that reflect the regularities of the implementation of procedures for the implementation of the competence of administrative supervision actors, including in procedural form, concerning both the application of preventive measures and measures of legal protection and defence in order to ensure law and order in a certain sphere of life of the population (Denysova, 2017, pp. 83–84).

Therefore, the principles of administrative supervision as a type of prevention of the National Police are the content of interrelated guiding and fundamental ideas, aimed at an objective reflection of the needs and interests of society in order to ensure the proper conduct of procedures in the field of public safety and order, road safety, permit system and supervision of persons released from prison, in certain legal forms and within the competence of the entity authorised to carry out administrative supervision.

Thus, the system of principles of administrative supervision is a certain set of regulatory orders of the highest legal force, endowed with relative autonomy and stability, which ensure interaction with other elements of the legal system in order to fully implement the tasks faced by the police in the course of prevention.

3. Specificities of the legal mechanism for ensuring constitutional rights and freedoms of man and of the citizen

In the legal mechanism for ensuring constitutional rights and freedoms of man and of the citizen, the principles of police activity constitute a complex, holistic, multilateral and multilevel system of elements. Every principle has inherent functions to make a purposeful, effective impact on social relations in the field of realisation (protection and defence) of constitutional rights and freedoms of man and of the citizen (Hurkovskyi, 2017, p. 171).

All the principles of administrative supervision of the police are logically interconnected, their mutual dependence does not allow sin-

gling out one of the most important among them. The principles, endowed with the property of universality, ensure the internal unity of the functioning of police units in the field of preventive police measures, while violation of one of them will inevitably lead to violation of others. However, their interconnectedness and action in a certain system do not lead to the loss of specificity of each principle and individuality of its content.

The content of each principle individualises it, thus emphasising the equal legal importance of each of them for achieving the ultimate goal of prevention.

Frequently, exerts in administrative law form a system of principles at their own discretion, allowing for the content of the legislation in force, scientific perspectives on this issue, providing appropriate justifications.

According to S.S. Vitvitskyi, the content of the category “principle” is formed on the basis of general theoretical provisions and specifics of a certain phenomenon, the specificities of which are reflected in special principles. Therefore, it is appropriate to talk about general and special principles of the existence of a certain phenomenon (material or procedural) (Vitvitskyi, 2016, p. 163).

In D.H. Overchenko’s opinion, the police, in the course of implementing the functions of prevention, is guided by the following principles: the rule of law, respect for human rights and freedoms, legality, openness and transparency, political neutrality, interaction with the public on the basis of partnership; continuity (Overchenko, 2018, p. 17).

Relying on analysis of the activities of the police and the principles of its implementation, Y. M. Kohut believes that the principles, based on the rule of law, are as follows: courtesy, tolerance and respect for the individual, immediate elimination of mistakes, solidarity, mutual assistance and discipline, professionalism, competence, scientific, honesty and justice, maintaining positive traditions (Kohut, 2015, p. 138).

4. Conclusions

In our opinion, during the implementation of administrative supervision as a type of prevention of the National Police, relying on the content of the legislation in force and the tasks of preventive measures, the following principles are applied: the rule of law; legality; observance of human rights and freedoms; impartiality; compliance with procedural requirements; openness and transparency; objectivity and fairness; systematic and comprehensive; political neutrality; public trust

and public support; interaction and cooperation; priority of preventive measures. The content of each principle individualises it, thus emphasising the equal legal significance of each of them for achieving the ultimate goal of prevention.

It should be noted that these principles of administrative supervision imply an educational aspect that contributes to ensuring public safety, increasing the level of law and order and raising the level of legal awareness of citizens.

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ПРИНЦИПИ ПРЕВЕНТИВНОЇ ДІЯЛЬНОСТІ НАЦІОНАЛЬНОЇ ПОЛІЦІЇ У ФОРМІ АДМІНІСТРАТИВНОГО НАГЛЯДУ

Анотація. Мета. Мета статті полягає у визначенні, шляхом аналізу, поняття принципів адміністративного нагляду, як виду превентивної діяльності Національної поліції, виділити їх характерні особливості та здійснити їх класифікацію. **Результати.** В статті наголошується, що принципи здійснення адміністративного нагляду, як основоположні правила та ідеї, формують базисну

складову функціонування уповноважених підрозділів Національної поліції України, в ході реалізації превентивних заходів, направлених на попередження правопорушень та спонукання до правомірної поведінки невизначеного кола суб'єктів суспільних правовідносин. Крім того відзначається, що принципи здійснення адміністративного нагляду мають на меті не тільки визначення основних засад його реалізації, а й запровадити постійне вдосконалення процедури такої превентивної діяльності поліції. Звертається увага на те, що завдяки принципам адміністративного нагляду забезпечується можливість відображення специфіки превентивних поліцейських заходів, розкривається їх зміст та процедура провадження, характеризуючі риси; регулювання відносини між уповноваженим суб'єктом та об'єктом регулюючого впливу; здійснення захисту законних прав, свобод та інтересів особи, гарантованих чинним законодавством. Принципи здійснення адміністративного нагляду мають на меті не тільки визначення основних засад його реалізації, а й запровадити постійне вдосконалення процедури такої превентивної діяльності поліції. **Висновки.** в ході реалізації адміністративного нагляду, як виду превентивної діяльності Національної поліції, з урахуванням змісту норм чинного законодавства та завдань превентивних заходів, знаходять своє застосування наступні принципи: верховенства права; законності; дотримання прав і свобод людини; неупередженості; дотримання вимог процедурності; відкритості та прозорості; об'єктивності та справедливості; системності та комплексності; політичної нейтральності; суспільної довіри та підтримки громадськості; взаємодії та співпраці; пріоритетності профілактичних заходів. Зміст кожного принципу індивідуалізує його, тим самим підкреслюючи рівну юридичну значимість кожного з них для досягнення кінцевої мети превентивної діяльності.

Ключові слова: принципи, основоположні ідеї, превентивні заходи, адміністративний нагляд, Національна поліція.

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