

ABSTRACT&REFERENCES

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THE GENEZIS OF THE NATIONAL GUARD OF UKRAINE AS A SUBJECT OF COUNTERACTION TO THREATS TO THE NATIONAL SECURITY OF UKRAINE

p. 4-7

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The article is devoted to a comprehensive study of the historical and legal overview of the formation and development of the National Guard of Ukraine as a subject of counteraction to threats to the national security of Ukraine. An author's vision of the provisions of the genesis of the formation of the National Guard of Ukraine as a military formation with law enforcement functions has been improved. It is determined that the National Guard of Ukraine, being a participant in legal relations in the area of counteracting threats to the national security of Ukraine, carries out activities regulated by the norms of military-administrative law, which is based and varies depending on administrative-legal regimes; has the statutory authority to detect, deter, eliminate and reduce the adverse impact of an aggressor. The genesis of the formation of NGU as a military formation with law enforcement functions is represented by a classification consisting of two stages:

1) the creation and development of the organizational structure of the MIA in the period from 1991 to 2000;

2) the time of reforming in two periods: from 2001 to 2013 (the time of functioning of the Internal Troops of the Ministry of Internal Affairs of Ukraine) and from 2014 to present time (the time of formation and updating of NGU in accordance with world standards). Attention is focused on the problematic issues that arise at the present stage of development of the state

Keywords: *historical and legal review, genesis, National Guard of Ukraine, activities, subject, national security*

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ACTIVITY OF SUBJECTS OF THE PUBLIC ADMINISTRATION FOR THE PROVISION OF PUBLIC SERVICES: PROBLEM QUESTIONS AND WAYS OF THEIR SOLUTION

p. 8-15

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The article describes the experience of public administration actors in providing public services. The types of subjects of the central level of providing public services are described in detail. The activities of local self-government bodies regarding the provision of public services are revealed. The problems of providing public services by the relevant actors and ways of their solution are highlighted.

It is established that for today there are more than 30 executive bodies that provide public services, which, in turn, leads to difficulties for the relevant entities to apply for a certain public service. The expediency of creating a nationwide single center for the provision of public services through the optimization and reorganization of the centers for the provision of administrative services through expanding the range of all types of services, the transfer of functions of the executive authorities to the provision of public services, etc. is proposed.

It is grounded that the reform of public authorities in relation to the provision of public services is as follows: deregulation and administrative simplification, that is, the general reduction of the number of public services; decentralization of basic public services, ie, their delegation to local governments; streamline relations with the payment of public services and overcome corruption.

The ways of reforming local self-government bodies in the field of providing public services are highlighted: the approach of providing public services to residents of territorial communities and their associations; a clear division of powers between local government bodies at different levels, local authorities, territorial bodies of central executive authorities regarding the provision of public services; determination of full and exclusive self-responsibility and responsibility of local self-government bodies for the provision of public services according to territoriality; transfer of functions from local bodies of executive power and territorial bodies of central executive authorities to local self-government bodies regarding the provision of public services; creation of proper material, financial and organizational conditions for ensuring the authority of local self-government bodies to provide public services, etc.

Keywords: decentralization, local self-government, subject of public administration, service, public service, center for providing administrative services

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CHARACTERISTICS OF PROVIDING PUBLIC SERVICES BY NATIONAL POLICE DEPARTMENTS OF UKRAINE

p. 16-20

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The scientific article is devoted to coverage of scientific approaches to understanding such category as «police service», «public service», resulting in the proposed concept of a public service provided by the National Police of Ukraine. The provision of public services based on the division of the National Police of Ukraine is disclosed. Areas of realization of public services provided by the National Police of Ukraine with the justification on normative-legal acts are distinguished. So public services in the area of public safety and order should be understood as the activities of bodies and officials of the National Police, carried out on the basis of transparency, openness and active interaction with the public, in order to meet the urgent needs and demands of the population to ensure the necessary conditions for the safe, normal life and social interaction (communication, communication,

etc.), free and unhindered exercise their rights, freedoms and legal interests.

Proved public services Ukraine National Police in the following areas:

1) associated with the issuance of permits on firearms, ammunition and other items;

2) road safety;

3) security activities (protection of property of citizens, organizations, as well as objects subject to mandatory protection, etc.).

It has been established that public service function in the activities of the National Police of Ukraine can be considered in a broad and narrow sense. In a broad sense – it is defined regulatory activities of the specially established state institution that focuses on the tasks and functions of the state to ensure the rights and freedoms and protecting the interests of society and the state, maintaining public order and security, combating crime. In a narrow sense, this activity is aimed at providing public services in public security and order, carried out at the request of individuals and legal entities, and to acquire, change or termination of rights or obligations in the relevant field of public relations

Keywords: classification, service, police service, public service, service function, subjects, sphere

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ADMINISTRATIVE SERVICES OF THE SERVICE CENTERS OF THE MIA OF UKRAINE RELATED TO THE ADMISSION OF DRIVERS TO THE MANAGEMENT OF VEHICLES

p. 21-25

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The scientific research is devoted to the coverage of administrative services of service centers of the Ministry of Internal Affairs of Ukraine, related to the admission of drivers to the management of vehicles. The work analyzes the existing regulatory legal acts regulating the admission of drivers to the management of vehicles and determines the procedure for the provision of administrative services by the service centers of the Ministry of Internal Affairs of Ukraine regarding the taking of examinations on the right to drive vehicles, the most important of which is the Law of Ukraine “On Road Traffic”, the resolution Cabinet of Ministers of Ukraine of 08.05.1993 number 340 “On Approval of the Regulation on the procedure for issuing driver’s licenses and admission of citizens to the management of vehicles.

On the basis of this, an examination procedure was established at the service center of the Ministry of Internal Affairs of Ukraine, which consists in compiling candidates for a driver’s license for a theoretical exam in determining the level of knowledge of the Rules of the road and other theoretical issues in the field of road traffic safety and practical

examination aimed at identifying practical driving skills of vehicles.

Considering the procedure for the admission of persons to the management of vehicles, the following stages of the provision of services by the service centers of the Ministry of Internal Affairs of Ukraine regarding the issuance of a driver's license for the right to drive vehicles are defined:

- 1) acceptance of the application and other documents prescribed by the legislation to it;
- 2) preparation for the passing of the exam;
- 3) acceptance of examinations and determination of their results;
- 4) appeal of the results of the examination. The peculiarities of the officials of service centers of the Ministry of Internal Affairs of Ukraine on each of the listed stages are described. Having analyzed the requirements of the legislation on the age and length of service necessary for obtaining a driver's license of certain categories, the necessity of amending the Law of Ukraine "On Road Traffic" in the part concerning raising the age rating for obtaining a driver's license of certain categories and justifying the availability of work experience as a necessary condition for obtaining a driver's license for the relevant category

Keywords: administrative service, service centers of the Ministry of Internal Affairs of Ukraine, traffic safety, drivers of vehicles

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COMPETITIVE POLICY OF THE STATE AS A KEY FACTOR OF ITS LEGAL ORGANIZATIONAL-ECONOMIC INFLUENCE

p. 26-30

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The article is devoted to the "competitive policy of the state" and legal means and forms of its realization. There were analyzed articles and dissertation studies of scientists-economists and lawyers as to the competitive policy of the state and noted a necessity to revise the legislative support of questions of competitive policy realization.

The main aim and direction of the competitive policy of the state is realization and optimal coordination of interests of economy and consumers, based on combining private and public interests due to methods of stimulating competition. The no less important aim is the growth of the effective socially-oriented economy of the market type, based on overcoming monopolism and oligarchism.

On the occasion the author notes a necessity to revise the existent legislation and introduce effective norms, which first- turn aims will be elaboration of both program documents and development strategy at the market. The important moment is overcoming monopolized and oligopolistic markets in many fields, provision of equal possibilities of entrance to the market for all economic subjects and elimination of barriers, including administrative ones.

The competitive policy of the state has the instrumental character and its efficiency proportionally depends on realized functions, directed on attaining practical results – maintaining competitive conditions of economic activity, in certain branches of economy, prevention of anti-competitive actions and so on. Mechanisms of the competitive policy of the state are realized by legal means through the activity of antimonopoly bodies, which main task is prevention and stop of violations of antimonopoly regulation, stimulation of competition and protection of economic competition from different kinds of dishonest methods of competitive fight. This all can be realized only by applying effective methods, amenability for these violations from antimonopoly organs together with introducing stimulating methods of competition development. The special attention is needed also by the revision of the system of sanctions and mechanism of applying amenability

for competitive offences. The method of determining fines is not always adequate, comparing with the harm, caused by offences. The first-turn task in this sense is also the compositional analysis of offences and introduction of procedural norms of the competitive legislation

Keywords: *competitive policy of the state, means and mechanisms of realization of competitive policy, functions of competitive policy of the state*

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FOREIGN EXPERIENCE OF LEGAL REGULATION OF ADMINISTRATIVE SERVICES IN ENVIRONMENT AND NATURAL RESOURCES

p. 31-35

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The scientific research is devoted to the coverage of foreign experience in providing administrative services in the field of ecology and the use of natural resources and the way of implementation in the domestic legislation of Ukraine. The legislation of Kazakhstan, France, the United States, and the United Kingdom on the provision of administrative services in the field of ecology and the use of natural resources is covered. The expediency of developing and implementing a common environmental permit operating in the territory of the European Union countries is determined, and it will help to ensure the integrated use of natural resources.

It is established that the right of nature use in foreign countries arises in the order of providing administrative services (obtaining permits, licenses, certificates, etc.) or in the order of concluding administrative contracts (usually based on the results of the competition). The first group includes such foreign countries as the Republic of Belarus, the Republic of Moldova, the Russian Federation. The second group of foreign countries includes the Republic of Kazakhstan, the

Republic of Kyrgyzstan, the Federal Republic of Germany in terms of regulating the procedure for granting a subsoil plot for use.

It is proved that the competitive procedure for concluding administrative contracts for the geological study of subsurface resources and (or) mining of minerals allows to avoid the subjective factor in the distribution of natural resources of national importance, provided that the principles of transparency and openness of the relevant administrative procedures are observed. The expediency of introducing the experience of the Republic of Kazakhstan, which provides for the possibility of using combined contracts (contracts) depending on specific operations for the use of nature, is justified, and the procedure for concluding such contracts and their content is determined by law.

The success of the results of the centralization projects for the provision of administrative services in the use of land resources has been determined through the establishment of centralized registers of land registration in the Kingdom of Denmark and the Kingdom of Sweden. It is established that the common world trend, which is typical for Ukraine, is the integration of the functions of administration in the sphere of ecology and natural resources, which, in particular, is expressed in a combination of registration of rights to land and cartographic activities, forest and land resources accounting, and the like.

It is determined that in the system of providing administrative services in the field of natural resources in Western European countries (for example, in the Kingdom of Denmark, in the Kingdom of Sweden, etc.), there is a transition from a decentralized model of state registers, in particular, through the creation of a unified centralized land accounting system, which is primarily due to the need to inform registries and ensure the nationwide access of citizens to such registries, it is possible to provide only in conditions of the state centralized approach.

Keywords: administrative service, permit, implementation, service, natural resources, ecology

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CONCEPT AND PECULIARITIES OF THE PRIMUS IN THE OFFICIAL LAW OF UKRAINE, NOT CONNECTED WITH LEGAL RESPONSIBILITY

p. 36-41

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The article covers the scientific approaches to understanding categories as «coercion», «state coercion», «administrative coercion». The signs of coercion in the official law of Ukraine, which is not related to legal liability, are disclosed, emphasizing the specifics of coercion in the official law of Ukraine, not related to legal liability. Compulsion in the official law, not related to legal liability, is necessary to be understood as the application of the measures provided by the administrative and legal norms of the measures of influence on the law-abiding subjects who are exposed to their negative

consequences of moral, personal, property, organizational or other character with the aim of prevention or termination of unlawful actions, overcoming their harmful consequences. Measures of administrative coercion, not related to legal liability, constitute their own administrative and preventive measures as a set of measures of official influence of state bodies, and in cases of delegation of relevant powers and public associations to individuals, legal entities, regardless of the will and desire of the latter, in the form of moral, personal, property, organizational restrictions of their rights, freedoms, legitimate interests in order to prevent the commission of unlawful acts by any and certain persons, providing law and order under any circumstances.

The purpose of administrative and preventive measures is complex and in fact combines two elements: general preventive and specially preventive (general and special preventive measures). Measures of administrative coercion of a preventive nature are used to prevent the commission of offenses on the part of concrete persons and to prevent certain types of offenses. This circumstance allows the conditional division of the actual preventive measures of administrative coercion into two subgroups: measures special (detailed, with a clearly defined special preventive purpose) and general (with a general purpose purpose) character

Keywords: *administrative and preventive measures, administrative coercion, prevention, restriction, service law, preventive character, coercion, termination, public service*

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PROBLEM QUESTIONS OF STOPPING AUTHORITIES OF A DEPUTY OF A LOCAL COUNCIL BY RECALLING BY PUBLIC INITIATIVE

p. 42-47

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This article realizes the analysis of legal documents and partially of court practice as to stopping authorities of a deputy of a local council by recalling by the public initiative; possibilities of renewal of violated rights of a person, whose authorities were anticipatorily stopped by recalling by the public initiative. There were noted the aspects of protection of declaration of will of electors, who declared their thought about their interests' representation in the territorial community by a certain citizen.

The first-turn attention is paid to changes in the legislation about local elections that take place as a result of accepting the Law of Ukraine of 14 July, 2015 «On local elections». This very law introduces changes in the Law of Ukraine “On political changes in Ukraine”, “On the status of deputies of local councils” and so on.

There is realized the analysis of the Law of Ukraine “On the status of deputies of local councils”, related to recalling deputies by the public initiative.

There is indicated the existent gaps in legislative acts that directly or intermediately favor violation of electors' rights.

At the same time, there is noted the participation of the Central elective commission and administrative courts in these processes.

There are indicated the elements of political corruption, introduced in structures of the elective process of local power bodies as a result of the aforesaid changes in the legislation. This problematics is especially important for safety and proper economic development of Ukraine and is especially urgent for the next campaign of elections in local power bodies

Keywords: stop of authorities of a deputy of a local council, protection of electors' rights, recall of a deputy of a local council, public initiative

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