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Kasian O. *researcher of Training Research and Production Center of the National University of Civil Protection of Ukraine Kharkiv*

ORCID: 0000-0003-2582-3794

ACTIVITY OF THE SAFETY MANAGEMENT SYSTEM OF THE POPULATION AND TERRITORIES DURING EMERGENCY SITUATIONS

The article analyzes the normative and legal framework of management during the liquidation of emergency situations. Problematic issues in the legislation have been identified, issues necessary for finalization and clarification of terms related to the issue of liquidation of emergency situations and their consequences have been identified. The issue of demarcation of concepts in the field of environmental disasters and man-made disasters is outlined. In matters of emergency situations, a proposal was made to create special commissions to eliminate the consequences of man-made disasters with the participation of specialists from various fields of activity.

Keywords: *emergency situation, man-made disasters, man-made safety, management, liquidation, public safety, liquidation of the consequences of disasters.*

Formulation of the problem. So far, about more than 200 regulatory legal acts have been adopted, which in one way or another relate to the problems of managing the safety of the population and territories against emergencies of a natural and man-made nature. However, it is not yet possible to talk about the sufficiency and systematicity of the regulation of this area of legal relations. This is due to the fact that over the past 15 years: the understanding of the factor of emergency situations in the formation of the socio-economic policy of the country has changed, sufficient experience has been accumulated

in the legal regulation of relations in the field of emergency situations, new laws have been adopted in the field of administrative responsibility, technical regulation, industry laws of local self-government and many other legislative and regulatory acts. All this requires a detailed study and determination of the main directions for improving the system for liquidation of emergency situations and their consequences, in connection with the high technology of production and the constant change of the situation in the world.

Analysis of recent research and publications. In the number of multifaceted publications in the field of civil protection system management indicates an urgent need to improve existing ones and the feasibility of developing and implementing new approaches to improving this system. The works of specialists Polkovnychenko D., Kulieba O., Buravlov Ye., Barylo O., Andreiev S. are devoted to the study of the essence of civil protection and the improvement of the emergency response system.

Presenting main material. The Civil Protection Code, approved by the Law of Ukraine in 2013, belongs to the main regulatory documents regulating safety issues in the man-made and natural-man-made spheres. It establishes the legal principles of ensuring the security of the individual, society and the state, reveals the structure of the security system and its functions. Definitions given in the code of such concepts as security, vital interests of the individual, society and the state, threat to security, ensuring security, etc., are of exceptionally important organizational importance. Thus, the code defines security as a state of protection of the interests of the individual, society and the state against internal and external threats. Vital interests mean a set of needs, the satisfaction of which reliably ensures the existence and possibilities of progressive development of the individual, society and the state. The Code refers to the main objects of security: the individual - with his rights and freedoms; society - with its material and spiritual values; the state - with its constitutional system, sovereignty and territorial integrity. Provisions regarding the definition of subjects of security and ways of achieving this goal are of great importance. The Code establishes that the main subject of security is the state, which performs functions in this field through legislative, executive and judicial authorities. At the same time, it was established that citizens, public and other organizations and

associations are also subjects of security. They have certain rights and responsibilities in the field of security in accordance with the law. The state ensures legal and social protection of citizens, public and other organizations and associations that contribute to ensuring security.[1] At the same time, the code stipulates that security (a state of security) is achieved by a unified state policy in the field of security, a system of economic, political, organizational and other measures, adequate to threats to the vital interests of the individual, society and the state. The general provisions regulate: the concept of security and its scope, subjects of security, threats to security, principles and legislative principles of security, observance of the rights and freedoms of citizens while ensuring security. The law defined the security system of Ukraine, which includes:

- basic safety elements;
- basic functions of the security system;
- separation of authorities in the security system;
- management of state security agencies;
- security forces and means.

Implementation of a system of measures to restore the normal functioning of security facilities in regions affected by emergency situations is defined as one of the functions of the state security system. The emergency response services, the formation of civil defense and the bodies that ensure the safe conduct of work in industry are classified by the code as security forces and means. The implementation of state policy in the field of security is carried out through the President of Ukraine, and the preparation of decisions is carried out by the Security and Defense Council of Ukraine. In addition, the financing of safety activities (from the state budget, regional budgets, as well as extra-budgetary funds) and control over these activities have been established, but there is no uniform approach to understanding all aspects of safety: environmental, industrial, man-made, etc. Perhaps that is why new areas of security have appeared, which are poorly coordinated and agreed with each other, both in terms of regulation and the system of prescribed measures. The effectiveness of legislative regulation of emergency risk reduction issues is significantly influenced by the following factors:

- lack of a single conceptual basis and strategy for the adoption of legislative and other normative legal acts, which determine the level and sequence of legislative regulation;

- lack of a mechanism for solving the problems of emergency risk reduction in the legislation;

- the predominance of departmental interest in determining the priority of the adoption of legislative acts, which leads to fragmentation, incompleteness, significant loopholes in the legal regulation of some of the most important problems of emergency situations;

- the spread of legal acts of the same level to different subjects of legal relations and different territorial space, which does little to help solve the problem comprehensively and in full.

Current legislative acts are insufficiently coordinated among themselves, sometimes they contradict each other;

- an insignificant share of basic laws in comparison with the number of by-laws, taking into account the specificity and significance of the regulated problems;

- low awareness of the subjects involved in the implementation of the tasks of reducing the risks of emergency situations and mitigating their consequences;

- lack of a single legally established concept of "risk", "risk reduction", "mitigation of the consequences of accidents and disasters";

- the absence of a new (by its concept and essence) basic system-forming law "in the field of emergency risk reduction, which would form the basis of national policy in this field of legal relations;

Lack of a sufficiently coordinated organizational mechanism for the prevention (prevention) of emergency situations. A feature of the current legislation is the "emphasis" on the regulation of relations that arise either during an emergency situation or during the liquidation of its consequences. [3] Only recently, special attention has been paid to preventive measures, such as licensing, project expertise, issuing permits for the construction of potentially dangerous facilities. Due to the specificity of the state

management system, a certain multiplicity of regulatory regulation of various "dangers": "industrial", "ecological", "man-made", "sanitary", "radiation", etc. The main causes and sources of man-made accidents and disasters are, in one way or another, usually related to industrial facilities. Ideally, the implementation of an objective, complete and comprehensive assessment of the impact of the planned object on the health of the population (including the personnel of the industrial object itself) and the environment is the basis of the legal doctrine of the safety of industrial objects.

Emphasizing the fundamental need for the adoption of a legislative act, it should be noted that many of its institutions (expertise, licensing, insurance, etc.) cannot be implemented in practice without the adoption of a number of by-laws, and this can create problems with a comprehensive understanding of industrial safety. and with the mechanism for solving the specified problems. [5]

Thus, with the adoption of the Law of Ukraine, terminologically and functionally, the term "industrial" safety appeared instead of the previously used in scientific literature, in legislation and in practice, the integrated concept of "environmental safety". First of all, due to the specifics of Ukrainian legislation, the concept of environmental safety was actually equated with primarily environmental problems, which is not correct. But that is why there are numerous attempts to separate individual categories into independent objects of legal regulation (nuclear safety, construction safety, etc.). [4] The legality of such allocation is admissible and acceptable, however, with one caveat - the legislation has a fundamentally expressed feature and "categorical" necessity precisely in the allocation of the object and subject of legal regulation. In our opinion, entrusting one body to ensure industrial safety (and, therefore, the protection of society) to break this function with the function of liquidation of the consequences of emergency situations may not be entirely correct, but it is expedient. In general, taking into account the existing terminology, the legal term "man-made accidents and disasters" should be used to refer to "man-made safety", which expands the subject of regulation of the Basic Law and, possibly, eliminates the departmental focus of regulation.

The analysis of the articles of the Criminal Code shows that the application of the

formula "public disaster" is not analogous to the concept of "emergency situation", therefore it is necessary to introduce articles to the Special Part of the Code that regulate legal relations directly during the occurrence of an emergency situation and during the liquidation of its consequences. [6] Analogous can be norms regulating behavior during a declared state of emergency or martial law. In our opinion, during an emergency situation, the effect of criminal (first of all) legislation should be sharply strengthened and unambiguously marked as an aggravating feature for any type of offense caused by the temporary absence of "normal" legal mechanisms. An analogy with the qualification "source of increased danger" is relevant here. The approach to the mechanism of action of the law in emergency situations should be based on the principled recognition of the crisis of the situation - a presumption that can be refuted by additional evidence. Any emergency situation is a crisis, and law enforcement in such a situation is, in principle, a crisis, i.e. insufficient both in terms of goals and intensity. As for the Code of Ukraine on Administrative Offenses, it states: "Committing an administrative offense in the conditions of a natural disaster or under other extraordinary circumstances" is aggravating administrative responsibility. It is primarily about economic levers that make it extremely profitable to replace equipment and technology, to find a way out of the zone of "dangerous industries".

No strengthening of control measures can match the simple formula of strengthening tax and other financial regulators in the field of emergency prevention. The issue of the relationship between emergency zones and other types of crisis zones, such as emergency disaster zones and ecological emergency zones, also remained complex and unresolved in the legislation. Obviously, the difference lies in the persistence of negative consequences in a specific area and the order of the problems to be solved. [9] Thus, the zone of an emergency situation may acquire the status of an ecological disaster zone or the status of other crisis territories after liquidation works. It should be emphasized that in the legislation emergency situations are not only environmental, but also other situations related to various man-made accidents, catastrophes and natural disasters. Almost simultaneously with the legal regulation of zones of emergency environmental

situations, the legislation on crisis areas affected by radiation exposure, major accidents, catastrophes and natural disasters began to develop. For the first time, the state was faced with the full-scale need to regulate the regime of such territories only after the Chernobyl disaster, and the specificity of the legislation in this area is that specific crisis territories are subject to regulation, it is complex in nature and includes norms defining the boundaries of the affected territories, special rehabilitation and social activities

Legal regulation of the crisis state of the environment in emergency zones and ecological disaster zones is one of the most important institutions of environmental security. This institute can be considered one of the most important tools of the organizational mechanism of environmental protection. Ecologically dangerous situations exist in a certain limited territory and it is the territorial localization that allows us to theoretically talk about the phenomenon of ecologically unfavorable territories. At the same time, the current legislation on emergency situations and environmental protection uses the term "zones" as an integrating definition, which allows the scientific literature to use the terms: zones of ecological disadvantage or crisis zones. [7] The boundaries of the affected territory do not always coincide with the administrative-territorial division, and, moreover, the emergency zone does not always coincide with the boundaries of the ecologically unfavorable territory, since the real ecological consequences can be detected much later than the state of emergency is declared and the emergency zone is established. At the same time, it is necessary to improve the environment in the territories that have emerged, to neutralize the adverse impact on it, which may remain ongoing.

Higher-level legislation establishes the possibility of establishing both emergency zones and environmental emergency zones. In connection with the above, we come to the following conclusions: First, if environmental emergency situations are legally defined, then the legislation on natural and man-made emergency situations does not fully apply to them. In the event of an emergency situation, it is difficult to determine its scale and the state authority, local self-government body responsible for eliminating its consequences. Secondly, since the Law on Environmental Protection does not contain the

term "emergency ecological situation", it is logical to assume that the temporary procedure for declaring the territory a zone of an ecological emergency is not applicable.

The main role is played by the problem of both the classification of ecologically disadvantaged territories, and their ratio. In particular, there is still no unequivocal answer to the question of the ratio of zones of an emergency situation or zones of ecological disadvantage with zones of emergency situations that caused adverse ecological consequences. The indicators of these two types of zones are similar in many respects. [8] On the one hand, formally, the state of ecological disadvantage can also be attributed to emergency situations in the sense that it is impossible to get out of it without taking measures of an extraordinary nature. In both types of zones, it is necessary to introduce administrative and legal restrictions on certain rights and freedoms and impose additional duties. This applies to the sphere of nature management, but it is also possible in other spheres - depending on the specific situation. On the other hand, in terms of content, the most important feature of both types of zones is the presence of negative changes in the surrounding natural environment. We can say that they are similar in the present result, if we do not take into account the process that led to this result. Together about the same difference during the formation process belongs to the principle. An emergency situation arises as a result of an accident or disaster, i.e., a negative impact that is rather short-term in time and large-scale in scope. And the appearance of a zone of ecological disadvantage (ecological disaster and emergency ecological situation - according to the current legislation) is a consequence of the impact, on the one hand, much smaller in scope, on the other - much longer. Moreover, in the vast majority of cases, this influence continues to be ongoing. Another, at least important, difference is that emergency measures are taken to eliminate an emergency situation, and it is not enough to eliminate a zone of ecological disadvantage by carrying out only priority measures.

Conclusions. A fundamental restructuring of economic activity is necessary, in fact, the creation of a new economic model with the aim of, firstly, stopping the adverse impact on the environment, secondly, ensuring conditions for the realization of the rights of the population living in the zone, and, thirdly, gradual improvement of the

environment. That is, to eliminate the zone of ecological disadvantage, terms are needed that can be compared with the terms of its occurrence. Finally, in emergency situations, there is an imbalance of "economic" and "administrative" methods of management in favor of the latter. And in the conditions of the zone of ecological disadvantage, the expansion of the scope of application of non-economic forms of influence in it does not mean their superiority over economic ones. Rather, it is the other way around, since the improvement of such a zone is primarily the improvement of its economy.

Thus, the identification of zones of an ecological emergency (as a type of zones of ecological disadvantage) and zones of an emergency with adverse ecological consequences does not have sufficient grounds for the existence of the above-mentioned important differences. In connection with the above, it seems appropriate to abandon the term "emergency situation" in relation to territories with an unfavorable ecological situation, defining them as zones of ecological disadvantage, and zones of an emergency ecological situation - as zones of ecological crisis. This will make it possible to clearly distinguish zones of ecological disadvantage and zones of emergency situations with adverse ecological consequences. At the same time, it should be noted that they can be related to each other etymologically. Most often, emergency measures to eliminate an emergency situation do not reduce the negative impact on the environment to an acceptable level, and the reason for the formation of an ecological disadvantage zone is the impact of the unremedied consequences of this emergency situation. It acquires a long-term character, that is. can be neutralized only in the long term. Therefore, state accident investigation commissions should include representatives of nature protection authorities, who must determine whether it is necessary to carry out an environmental examination of the territory experiencing an accident. That is, immediately after the end of the measures to eliminate an emergency situation with adverse ecological consequences, which did not reduce the degree of negative impact to an acceptable level, it is necessary to conduct an assessment of the ecological situation of the territory regarding its compliance with the signs of an ecological disadvantage zone. And in order to grant the affected territory the appropriate status, it should be considered sufficient to

establish the fact of the presence of negative changes in the environment of a certain degree - without waiting for the deterioration of the health of the population caused by them.

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