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FEATURES OF THE PUBLIC SERVICE IN THE POLICE BODIES OF UKRAINE: ADMINISTRATIVE-LEGAL AND SECURITY ASPECTS OF THE PROVISION OF PUBLIC SERVICES

It has been established that service in the police is a specific type of public service with characteristic features. Therefore, the essence of this type of public and state service lies in the fact that it is a unique administrative and official activity, formalized in a separate system of bodies - the National Police, which is entrusted with performing a number of tasks and functions aimed at ensuring internal security in the state, establishing a high level of public order, serving the people and providing other types of police assistance. Service in the National Police is carried out by persons who meet the requirements and are appointed to the appropriate position, endowed with exclusive powers of a state-imperious nature, which allows them to carry out the functions assigned to them. Taking into account the peculiarities of the functioning of a service-oriented state, it is proposed to consider the activities of such bodies from the point of view of their provision of public services aimed at ensuring public security.

Keywords: *public administration, public authorities, public security, police authorities, police services, public services, administrative and legal aspect, security aspect.*

Problem setting. The state service is a special type of labor activity, which involves the appointment of a person to a position in state authorities and its passage under the conditions and in the order established by legislation. Since the National Police of Ukraine in accordance with Art. 1 of the Law of Ukraine "On the National Police" [1] is the central body of executive power, so, accordingly, police officers are state employees.

In the national legal doctrine, the issue of the concept and features of service in internal affairs bodies is widely studied. However, in connection with the currently ongoing reform of the law enforcement system in general and internal affairs bodies, in particular, the problem of the concept and essence of public service in police bodies will take on a new form, and its study becomes one of the topical areas of research in modern legal science.

The relevance of the research topic is confirmed by the fact that there are practically no scientific works devoted to the concept and essence of public service in police bodies in modern conditions, which emphasizes the importance and timeliness of this article.

Recent research and publication analysis. State of research. Questions devoted to the definition of the concept and essence of public service were investigated by such scientists as: A. A. Bandurka, V. V. Bashnannyk, D. O. Hrytsyshyn, O. V. Kravchuk, O. M. Muzychuk, O. V. Popova, N. O. Runova, A. O. Selivanov, M. I. Tsurkan, S. V. Shestakov, L. V. Sergiienko and others [2; 3; 7; 8; 9; 10; 12; 16]. However, there are no relevant studies devoted to the definition of the concept and essence of public service in police bodies, which also determines the relevance of the proposed topic.

Paper objective. The purpose of the article is to determine the features of the public service in the Ukrainian police: administrative, legal and security aspects.

Paper main body. Passing public service in police bodies provides for the emergence of a number of legal relations, among which special place is occupied by administrative and service-labor legal relations. To determine the specifics of such a legal entity, first of all, it is necessary to understand the etymology of the concept under study and to determine the meaning of the category "state service in police bodies".

The term "service" is defined as: 1) the action means to serve: to work, engaged in mental work, as well as physical work, not related to production, but to the service of someone, something; to be a servant, servant; perform work for hire; perform any duties in relation to someone, perform something, obeying someone's will, power, etc.; to work for someone, something, in the name of someone, something; fulfill one's purpose, role; 2) work, occupation of the employee, as well as the place of his work; 3) performance of military duties; 4) a special area of work with institutions related to it; 5) the same as divine service; 6) work, occupations as a means of existence; 7) branch of production, as well as establishment, organization in charge of that or another area of work. Such a variety of interpretations of the term "service" causes some ambiguity in its definition in the scientific literature.

After conducting a study of various scientific approaches and concepts to the understanding of the term "service", he came to the conclusion that its features include:

1) the direct focus is not on the production of material values, but on the creation of conditions for material production; 2) possession of a specific subject of work - information that is simultaneously a means of influence (collection, processing, transfer, storage, creation of information) on objects of management or on objects of provision of management services; 3) connection, as a rule, with mental work; 4) payment; 5) implementation by persons holding positions in state or municipal bodies, corporate or public organizations [3].

The features of the service highlighted by the author generally apply to the characteristic features of the state service, which, however, should be supplemented with the following features:

1) financial and logistical support of the state service, as a rule, is carried out at the expense of the State budget;

2) presentation of special requirements for the level of education, mastery of skills and practical experience and other requirements for an applicant for a position in the system of public service bodies;

3) extension of the legislation on the prevention of corruption to civil servants, and therefore the requirements set forth in relation to political neutrality, incompatibility, etc.;

4) vesting of public servants with official powers in the sphere and within the limits determined by the legislation;

5) distribution of special social and other guarantees to civil servants, necessary for the implementation of their activities, protection of the rights and interests of them and their family members, etc.

The activation of international integration processes on the territory of Ukraine led to the emergence and wide spread of the concept of "public service", which today exists and is used along with the category "state service". In this regard, it is necessary to clarify the question of the relationship between these terms and their application to service in the police.

According to Art. 1 of the Law of Ukraine "On State Service", state service is the professional activity of state employees in the preparation of proposals for the formation of state policy, ensuring the implementation and provision of administrative services [4].

It should be noted that the draft Law of Ukraine "On Public Service" of March 30, 2015 (Register No. 2490) proposes a specification of the functions and tasks of the state, which are called upon to be implemented by the public service. They include:

1) analysis of state policy at the national, sectoral and regional levels and the preparation proposed for its formation, including the development and examination of draft programs, concepts, strategies, draft laws and other normative legal acts, draft international treaties;

2) ensuring the implementation of state policy, implementation of national, sectoral and regional programs, implementation of laws and other normative legal acts;

3) ensuring the provision of affordable and high-quality public, in particular administrative, services, etc. [5].

Public service in the Code of Administrative Judicial Proceedings of Ukraine is defined as activity in public political positions, professional activity of judges, prosecutors, military service, alternative (non-military) service, diplomatic service,

second state service, service in the authorities of the Autonomous Republic of Crimea, local self-government bodies [6].

From the above defined categories "state service" and "public service" it is believed that these concepts are similar in meaning, but their complete identification is inadmissible. To clarify the relationships between these concepts, let's turn to the relevant scientific literature (fig. 1).

Scientist A. Selivanov understands the concept of "public" as a legal sign of the presence of the state in public relations, which are regulated by positive law, when a citizen, perceiving the Constitution as the Basic Law, agrees with the transfer to the state of certain natural subjective rights that can be alienated, therefore public power its constitutional and legal characteristics acquire the features of legal subjectivity from the sovereignty of the people [7, p. 32]. The author, recognizing the actual presence of the state in the sphere of public service implementation, nevertheless believes that its primary basis is the people (citizens), who transfer part of the subjective rights to public servants.

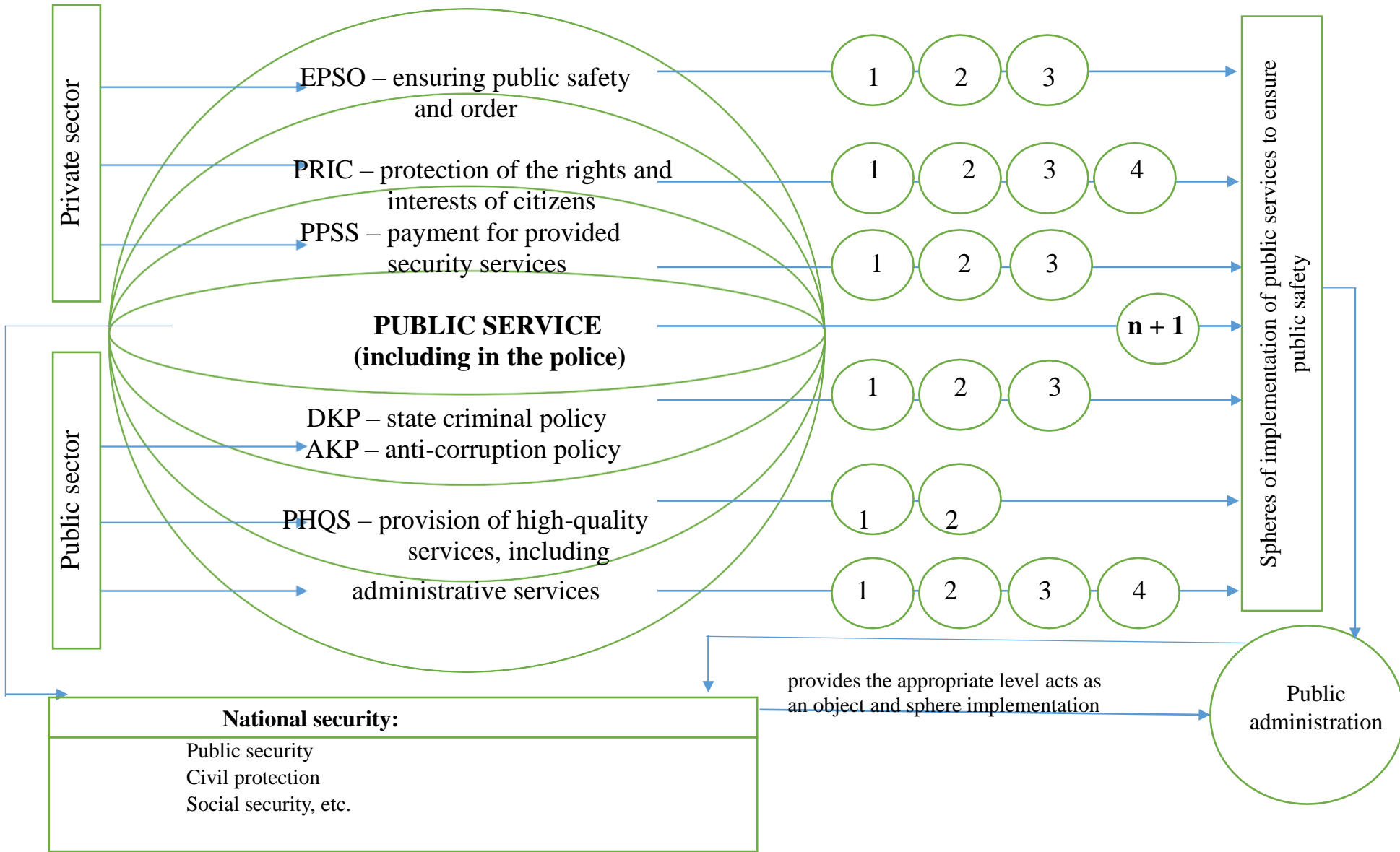


Figure 1. The essence of public service in police bodies in the context of ensuring public security
 Source: Compiled on the basis of [11; 13; 14; 15; 16]

According to N. Runov, public service is the exercise of power by society (people) through the professional activity of public servants. At the same time, the scientist believes that based on the provisions of Art. 5 of the Constitution of Ukraine, a public servant is an employee who holds a position in an executive power body, a government apparatus, or a local self-government body on the basis of the actual composition, a mandatory element of which must be the act of appointment to the position, and carries out professional executive and managerial administrative activities on a permanent basis, based on from public interest [8, p. 273].

Scientist O. Popova believes that public service should be defined as the realization of power by the people through the performance of tasks and functions of the state, aimed at ensuring public interests, by persons on a permanent professional remunerated basis at the expense of budget funds in the executive authorities, apparatuses of all branches of the authorities, local self-government bodies on the basis of an administrative-legal act of appointment to a position [9, p. 586]. However, in this case, we believe that the scientist's opinion is insufficiently substantiated due to the fact that the legal relations determined by him should rather be attributed to the category of public service. Namely, financing from the state budget, the affiliation of the body in which the service takes place to the bodies of executive power and local self-government — these are all characteristic features of public service.

In our opinion, the category "public service" is broader in terms of its content than the category "state service". In the first case, we are talking about service both in the bodies of state power and local self-government, and in other state bodies that do not belong to any of the branches of power, as well as in state institutions and organizations (notaries, educational institutions, etc.) . The state service presupposes its passage exclusively in the bodies of state power, their apparatus, as well as local self-government bodies on a professional basis in a specific position.

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Moving directly to the definition of the concept and essence of public service in the police, one should agree with the opinion of S. V. Shestakov, who at the time argued that police service is a type of public service in Ukraine. Police officers perform tasks of the state aimed at ensuring the personal safety of citizens, they prevent and prevent crimes, they provide assistance to citizens and legal entities in the exercise of their legal rights and interests, etc. [10, p. 3]. Agreeing with the opinion of the author, we actually come to the conclusion that the service in the police bodies refers precisely to the state service, although it has some peculiarities. Such a conclusion follows from the analysis of Part 1 of Art. 59 of the Law of Ukraine "On the National Police", in which it is determined that service in the police is a public service of a personal nature, which is the professional activity of police officers to fulfill the powers assigned to the police [1].

Scholars have proposed various definitions of service in internal affairs bodies. Thus, some scientists believe that service in internal affairs bodies is a type of public service that takes place in a specialized executive body and is carried out by specially authorized subjects with the aim of implementing the functions of the state in practical legal activity. It has all the features and principles of public service as a variety of professional service [11, p. 38]. Others argue that the passage of service in internal affairs bodies should be defined as a set of organizational and legal norms (rules and procedures), as a rule, administrative ones that create, change or terminate state-service legal relations, the mandatory subject of which is the person of the rank and file of the bodies internal affairs [12, p. 101].

The creation of a new state body - the National Police - led to the emergence of a new type of public service - service in police bodies, and, accordingly, a new type of public servant - police officers. According to Art. 17 of the Law of Ukraine "On the National Police" a policeman is a citizen of Ukraine who has taken the Oath of a police

officer, serves in the relevant positions in the police and is assigned a special police rank [1]. In other words, a police officer is a civil servant appointed to a specific position in the system of police bodies in accordance with the procedure provided by legislation, and who is assigned a special rank corresponding to this position.

Thus, public service in police bodies in the administrative-legal aspect should be understood as a special type of administrative-service activity, which provides for the implementation by a special subject - the police, of some of the functions and tasks of the state in the sphere of ensuring public safety and order, protecting the rights and interests of citizens and other persons who need to provide police assistance, fight against crimes and offenses, in accordance with the procedure and within the limits of the powers determined by the legislation.

The legal nature of public service in police bodies is revealed through its features, which, based on the analysis of the provisions of the Law of Ukraine "On the National Police" [1], should include:

1) the nature of the tasks assigned to police officers (ensuring public safety and order, protecting the rights and interests of citizens, etc.); 2) the possibility of financing not only at the expense of the State budget, but also from other sources (payment for provided security services); 3) serving in the police bodies - policemen, serve exclusively on a professional basis, being politically neutral at the same time; they are subject to a number of restrictions and prohibitions established by Art. 61 of the Law of Ukraine "On the National Police"; 4) as a rule, the contractual form of an employment contract is the basis for the emergence of service-labor rights in police bodies; 5) police officers have the exclusive right to use police equipment in their activities in the order and within the limits determined by legislation, etc.

Conclusions of the research. The research carried out in this article gives grounds for concluding that service in police bodies is a specific type of public service with characteristic features. Therefore, the essence of this type of public service lies in the fact that it is a unique administrative service activity organized into a separate system of bodies - the National Police, which is entrusted with the performance of a number of tasks

and functions aimed at ensuring internal security in the state, establishing high level of public order, public service and other types of police assistance. The service in the National Police is carried out by persons who meet the requirements and are appointed to the appropriate position, who are endowed with exclusive powers of a state-authority nature, which allows them to carry out the functions assigned to them.

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