

ПОВІТРЯНЕ, КОСМІЧНЕ, ЕКОЛОГІЧНЕ ПРАВО

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DOCTRINE OF TRANSPORTATION SECURITY IN THE CONTEXT OF THE MODERN STATE FORMATION

The article states the directions, aim, task and the problems of the state regulation in the field of the transportation security of Ukraine. It analyses the preconditions, financial and regulatory support of the transportation security.

Key words: transportation security, security arrangements, transportation, state regulation, security.

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Доктрина транспортної безпеки в умовах сучасного державотворення

У статті розглянуто основні напрями, мету, завдання і проблеми адміністративного регулювання у сфері забезпечення транспортної безпеки України. Визначено склад системи забезпечення транспортної безпеки з позицій адміністративного права та теорії управління. Проаналізовано передумови, проблеми фінансування та нормативно-правового забезпечення транспортної безпеки.

Ключові слова: транспортна безпека, забезпечення безпеки, транспорт, державне регулювання, безпека.

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Доктрина транспортної безпеки в умовах сучасного державотворення

В статье рассмотрены основные направления, цели, задачи и проблемы административного регулирования в сфере обеспечения транспортной безопасности Украины. Определен состав системы обеспечения транспортной безопасности с позиций административного права и теории управления. Проанализировано предпосылки, проблемы финансирования и нормативно-правового обеспечения транспортной безопасности.

Ключевые слова: транспортная безопасность, обеспечение безопасности, транспорт, государственное регулирование, безопасность.

Problem definition. The problems of transportation security in Ukraine are given little attention to nowadays. In particular, the main normative documents in this field are still not still adopted: strategy and the concept of transportation security, transportation security legislation. And the measures taken to provide transportation security are of low efficiency.

However the provision of the proper level of transportation security is one of the main tasks of the modern state. Nowadays this is confirmed by the attention paid to the security matters in the developed countries, including transportation, and is the subject to the significant importance of

transportation development for any modern country. Notwithstanding the necessity of integration into European and world community, Ukraine is doomed to pay much attention to transportation security.

Besides it should be mentioned that Ukraine has the highest transit rating in the Europe. Accordingly it can get significant income due to the transit and provision of other transportation services only if the robust transportation security system is built. This also stipulates the importance of transportation security matters for Ukraine.

The analysis of the recent researches and publications being the basis for the solution of the problem mentioned and the author relies on.

Notwithstanding the importance, the management in the field of transportation security in Ukraine was and now is paid not sufficient attention to. At the same time the national literature specifies issues directly connected with the problems researched. The works of V. B. Averiyanov, O. F. Andriiko, M. I. Anufriiev, I. V. Aristov, O. M. Bandurko, O. O. Bandurko, Y. P. Bytiak, V. T. Bilous, I. L. Borodin, I. S. Bratkov, N. P. Bortnyk, V. M. Harashchuk, I. P. Holosnichenko, V. L. Hrokholskyi, Y. V. Dodin, V. O. Zarosylo, R. A. Kaliuzhnyi, S. V. Kivalov, T. O. Kolomoiets, V. K. Kolpakov, A. T. Komziuk, S. F. Konstantinov, V. V. Konopliov, O. V. Kopan, B. A. Kornych, M. V. Kornienko, O. V. Kuzmenko, V. I. Kurylo, M. N. Kurko, V. A. Lipkan, O. A. Martynenko, O. A. Muzyka-Stefanchuk, V. I. Olifer, O. I. Ostapenko, V. P. Pietkov, A. M. Podoliaka, T. O. Protsenko, L. A. Savchenko, A. A. Starodubtsev, A. I. Stakhov, M. M. Tyshchenko, N. P. Khrystynchenko, V. K. Shkarupa, I. M. Shopina, H. P. Yarmaki, O. N. Yarmysh and of the other national and foreign scientists are emphasized.

Problem definition. Although some problems being the subject of this article are described in the works of the abovementioned and other authors, the main directions of the transportation security in Ukraine were not defined yet. The definition of transportation security as a part of the state security requires the doctrine of transportation security to be formed.

Direct materials. The security spheres (types, elements) are defined by the living environment of the society where the danger sources exist and the challenges, risks and threats occur. The national legislation specifies the main elements of the national security as the political, national, military, economic, scientific and technological, ecological, social, humanitarian and informational [1].

From our point of view the transportation security may also be included in the list. This is due to the high level of the danger of risks and threats to the modern society typical for the transportation and due to the fact that the transportation field (including the informational element) is closely connected with the other spheres of living and society security and significantly influences on them (directly or indirectly), for example, on ecological, military, food spheres etc.

The division of security into types (spheres) is relative in full as usually the danger sources can be connected with two or more spheres of living. And the challenges, risks and threats in any field influence on two or more spheres of social life in many different aspects.

As being correctly specified in the literal sources the selection of the correct sphere to specify the security type significantly depends on the practical tasks to be solved herewith and is quiet conditional [1, page 13].

The condition of the transportation security in Ukraine is insufficient in comparison to the other developed countries worldwide. Primarily it is subject to the automobile and railway transportation being the main source of the threats in the transportation security sphere. Taking into account the requirements of the European Union regarding the Association Agreement in the field of security it is necessary to prioritize the innovations in the field [2]. Thus nowadays namely the provision of all types of security is the propriety task among all its other types worldwide. Accordingly it is the level of the transportation security to be the one of the main indexes of the transportation security level in the country [3].

The doctrine of the transportation security lays in the formation of the unified normative, technical, methodological and system approaches to the provision of the security while using all transportation types [4].

The development and implementation of this doctrine is possible while constantly improving the normative base, forming the technical requirements to the transportation vehicles. Herewith the doctrine of transportation security covers the ecological, air, space, economic and administrative legal categories.

Among the main *reasons* of the low level of the transportation security in Ukraine are:

- No unified policy to provide the transportation security in the country;
- Imperfection of the national legislation in the field of the transportation security and no main normative documents to regulate the public relations in the field: law, concept, strategy and program;
- Inconformity and non-systemic character of measures and efforts of the state authorities to uplevel the transportation security;

- Low level of legal consciousness and discipline of the employees and users of the transportation sphere;
- Insufficient technical state of the transportation vehicles, communications and objects, the huge number of the old transportation vehicles and constructions used in Ukraine;
- Divergent growth of the cars in the country against the lag of road infrastructure;
- Insufficient financing of measures directed on uplevel of the transportation security;
- Low level of the efficiency of the persons influencing the transportation security, including the official of this field, the drivers of the cars and the other employees of the transportation sphere etc.

The necessary background for the reliable and effective operating of the mechanism to secure the transportation security and to implement the corresponding measures is the acknowledgement by the state authorities and society of the importance of the transportation security for both national and public security of Ukraine and for the interests of the society and each citizen.

Notwithstanding the great number of deaths due to the car accidents and huge economic losses unfortunately nowadays neither state authority nor the society acknowledge that [5].

This is confirmed also by the fact that there are almost none normative documents to solve the problem of the transportation security. There is no law on transportation security, no corresponding concept and strategy of the transportation security. The normative documents to regulate some issues of the transportation security are imperfect and very often contain the conflicting provisions. And the comprehensive work is not made in this direction [6].

The formation of the unified complex of the normative documents in the field of the transportation security in Ukraine is the main task for today [7]. These normative documents must be clearly structured. This requires the development of the main conceptual provisions being the basis for the further system construction. The urgency of this problem is specified by the significant everyday losses of our country due to the low transportation security. This relates to the highway transportation.

Except the normative documents such as law, concept, strategy and program it is necessary to

develop the sectoral laws to secure specific transportation types [8]. The highway transportation requires such a program in particular. The program to develop public transport and aviation security is very importance.

The necessity for the national legislation to follow the requirements of the international standards is specified by the importance of active development of the international transit in Ukraine. The deficient legal and regulatory framework and low level of the transportation security in Ukraine can be the main barriers to obtain significant incomes from the international transit as the safety sector is the key determinant for the European partners.

First of all Ukraine requires the Law «On transportation security» to be adopted in order to unify the norms which regulate the matter of transportation security for different modes of transport and to make the Ukrainian legislation in the field of transportation security to follow the international obligations of Ukraine.

Nowadays no scientific studies are made in the field of the transportation security and there are almost no publications in mass media. The financial support in the field of transportation security being the key problem of the development of the effective system of the transportation security and is the single reliable factor of the real state's concern is at the extremely low level [9].

The recent strengthening of administrative responsibility for the traffic violation is absolutely positive measure. But in spite of the fact that it is almost the only serious step to uplevel the transportation security in Ukraine, it may happen that the main motives to increase the fines were mostly economic and the decrease number of the car accidents has only temporary effect.

Without the proper financial support even the best measure cannot be implemented. It is impossible to secure the proper level of transportation security, to create the effective system of threat avoidance [10]. The current allocations to solve the matters of transportation security are not enough to satisfy the real needs against the funds allocated by the developed countries. Of course, the budget cannot build the financial capability in full. The extra-budgetary resources are almost not attracted.

For example, the insurance and trucking companies, foreign partners, other objects of the traffic activity are almost not attracted. The attraction of such objects in order to solve the matters of the transportation security is the common practice in the developed countries worldwide.

Thus it is very important to search the alternative financial sources first of all among the business structures, foreign partners and using the public organizations. The promotion of participation of non-government companies in provision of transportation security of Ukraine can be implemented by decreasing the tax load, providing the additional benefits etc. This activity also requires the attraction of the foreign business structures namely the transportation having the economic relations with Ukraine.

The transportation security procedures including the specific measure rely on the sanction of public opinion in general. Therefore it is necessary to discuss and clarify the significant problems of the transportation security attracting the scientists, officials and society. To highlight them it is necessary to attract the mass media including the Internet resources.

The society in Ukraine almost does not participate in transportation security and expresses no concern on this issue. Thus the experience of the developed countries confirms that the society itself must play significant role in solving this matters.

The unified state policy in the field of transportation security is necessary to be implemented in the economic, political and organizational measures. The specified measures must correspond to the threats in the transportation sector.

The current mechanisms of the transportation security in Ukraine (organizational, political, regulatory and economic) do not completely correspond to the current and potential threats in the field. The state surveillance and control over the statutory compliance, coordination of the activities of the central and local executive authorities in the field of the transportation security are deficient. This deals greatly with the actions for road safety.

The background for the effective system of transportation security to be created is the

fundamental scientific studies of its different aspects: political, administrative (organizational), economic, legal, technical etc. In particular, it is necessary to analyze the status of the transportation security in Ukraine, the efficiency of the corresponding measures, the foreign management experience in the field of the transportation security etc.

The following main task of transportation security are specified: legal and regulatory framework in the field of the transportation security; specification of threats to the national security in the transportation sector; development and implementation of the measures to provide transportation security; estimation of vulnerability of the traffic infrastructure objects and transportation means and their classification; establishment of the stable financial support of the transportation security; construction of the system of the objects responsible for the transportation security of Ukraine; networking between them, training of the specialists in the field and their advanced training; control and surveillance in the field of transportation security; informational, material and technical and scientific support of the transportation security [2; 4].

The aim of the transportation security is permanent and safe operating of national transportation complex, safety and defense of the interests and values of a person, society, state and group of the states in the transportation sector.

The main *directions* of the upleveling the transportation security in Ukraine are:

- development and normative consolidation of the cornerstone of state policy in the sector of transportation security;
- fundamental of scientific researches in the field;
- development and improvement of the national legislation on the field of transportation security including the law, concept, strategy and program of transportation security;
- improvement of transportation security subjects, networking between them, upleveling of operational discipline, improvement of training and advanced training of the persons influencing the transportation security (officials, drivers etc.);
- removal of bureaucracy, simplification of operating and liquidation of the excessive regulation of the transportation security;

- provision of legal and social defense of the persons whose duties include the provision of transportation security;
- provision of the traffic counter-terrorist security;
- improvement of the forms and methods to provide transportation security, employment in the field;
- efficiency improvement of preventive maintenance directed on prevention of injuries and stiffening of legal consciousness in the transport sector including the object-oriented, effective promotion of safe behavior in the traffic among the society;
- renovation of the vehicle fleet and major repair of the vehicles in a critical condition and improvement of their performance criteria;
- limitation of the non-controlled growth of the number of the private national vehicle fleet and all-round development of the public transport;
- the permanent job to neutralize the negative influence of the transport on the environment of Ukraine including by using the innovative technologies;
- improvement of control and surveillance over the operation of transportation security system;
- improvement of financial support of transportation security, search of non-budgetary sources of funds;
- improvement of the transport infrastructure and traffic flow management system, the highway in particular;
- development of the possibilities of the intelligence and counterespionage for timely discover and neutralization of the external threats in the field of the transportation security and analysis of their sources etc.

Each of the adopted measures must have the sounding measures, execution period, budget financing and corresponding executors.

The problems in the field of the transportation security must be solved in total as the transportation security is the system-related definition which includes the separate independent sectors or the security modes, namely the safety of people, cargo, transportation vehicles and transportation objects and ecological, economic, military, fire, sanitary,

informational, chemical, bacteriological, radiation and other security modes.

Conclusions. Summarizing the above mentioned it should be mentioned that:

1. The transportation security in Ukraine is paid little attention to nowadays, although its status is unsatisfactory against the developed countries worldwide.

2. The low level of the transportation security in Ukraine is based on the insufficient acknowledgement of the significance of the national interests in the field.

3. There is a great number of the directions to provide the transportation security. The priorities are the provision of highway, ecological and counter-terrorist transport safety etc.

4. The priority direction to improve the financial support of the transportation security must be the search of the extra-budgetary funds.

5. The unified national policy is necessary in the field of transportation security to be implemented in the economic, political and organizational measures.

6. The aim of the transportation security provision is the permanent and safe operation of the national transportation complex, security and defense of the interests and values of a person, society, state and group of the state in the transportation field.

7. The transportation security must be specified as one of the main sectors of the national securities.

8. Formation of the doctrine of transportation security requires complex approach taking into account the norms of ecological, transportation, administrative and other branches of law.

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