

# ПОВІТРЯНЕ, КОСМІЧНЕ, ЕКОЛОГІЧНЕ ПРАВО

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## ADMINISTRATIVE DOCTRINE OF INCREASING THE PUBLIC SECURITY LEVEL IN COUNTRIES OF THE EUROPEAN COMMUNITY

*The paper is dedicated to the problems of public security maintenance in the present-day context. Methods, techniques and strategies of public security maintenance as a scientific and public phenomenon are revealed. The levels of public security maintenance within the European Community are defined.*

**Key words:** public security, mechanisms of security maintenance, activities, management, concepts.

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*Адміністративно-правові засади забезпечення національної безпеки*

*Стаття присвячена проблемам забезпечення суспільної безпеки в сучасних умовах. Розкриваються методи, методика і стратегія забезпечення суспільної безпеки як наукового та громадського феномену. Визначаються рівні забезпечення суспільної безпеки в Європейському товаристві.*

**Ключові слова:** суспільна безпека, механізми забезпечення безпеки, діяльність, управління, концепції.

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*Административно-правовые основы обеспечения национальной безопасности*

*Статья посвящена проблемам обеспечения общественной безопасности в современных условиях. Раскрываются методы, методика и стратегия обеспечения общественной безопасности как научного и общественного феномена. Определяются уровни обеспечения общественной безопасности в Европейском обществе.*

**Ключевые слова:** общественная безопасность, механизмы обеспечения безопасности, деятельность, управление, концепции.

**Problem statement.** The development of science of administrative law in the countries of the European Community under the conditions of global existential threat is to ensure the increase in the level of public security of all Community members.

The key point that leads to this is appearance of new risks, threats and challenges to the EU countries in the present-day context. Risks and threats to the EU countries under the current conditions can be classified as follows: external threats (migration crisis, terrorist attacks, military threat) and internal threats (increase in the level of ethnic animosity, economic crisis, dissatisfaction of some citizens with the policy of the Community). One of the ma-

ior threats is the negative impact of external states and organizations aimed at decreasing the efficiency levels of the EU management.

The analysis of the latest events in separate EU countries as well as practical experience in counter-terrorism policy enables to form the base for building up the concept of public security maintenance within the EU countries [1].

**Analysis of recent research and publications.**

For now, various aspects that pertain to legal assurance of public security have been considered in the following references: Buromenskyi, M., Bychkov, A., Butkevych, V., Hizhevskyi, V., Zhabarnyi, G., Kalyuzhnyi, R., Tymchenko, L.,

Ryzhyi, V., Merezhko, O., and others. However, taking into account that the role of the European Union is significantly increasing in the modern world, studying the law of this integrated association has gained both the theoretical and practical value.

**The purpose of the paper.** The paper is dedicated to the performance of analysis regarding an administrative doctrine intended to enhance public security in the European society.

**Statement of the base material.** The constructive activity in the sphere of the EU public security maintenance cannot be achieved without scientific studies of security and risk as integral parts in the activity of all elements of public security. It is to be noted that one approach is not enough for such a research. One of the main tasks in considering the category of the EU public security is development of practical mechanisms of avoidance and neutralization of internal and external risks and threats of various intensity.

The increase in the level of public security of the European Community has an integrated nature and involves solving legal, economic, social, psychological and other issues. Management structures of the European Community's public security perform organizational, coordinating and mobilization functions. The general direction of the activity of the EU public security maintenance and its importance within the system of state management are responsible for the special place of the European Community in the system of public security administration: on the one hand, as its constituent, on the other hand, - as a complex of special characteristics of each element of this system. In this respect, the safety is considered to be the state when the risk of harm infliction to the EU public security or losses (damages) are limited by (maximum permitted) level. The core activity of the EU public security maintenance as a type of management is defined as targeted administrative and managerial steps, taken by particular institutions of the European Community and their officials for the purpose of decreasing of impact level of external and internal threats on the EU public security to real (natural) level.

The procedure of mechanism development of the European Community public security maintenance consists of several basic levels [2].

The first level defines the scientific character of the category «phenomenon of the European Community's public security» in the following directions: a) classification of levels of the European

Community's public security maintenance mechanism; b) structuring and optimization of the proposed elements of mechanism of the European Community's public security maintenance.

The second level provides an opportunity to conduct experimental researches with the view of maintenance of the European Community's public security towards: a) the change of existing mechanisms of the European Community's public security maintenance; b) the integration of the proposed elements into the existing mechanism of the European Community's public security maintenance; c) the investigation of possible changes during the proposed element implementation.

The third level is practical; it defines the final versions of the changes implementation of existing model of the European Community's public security maintenance in: a) the legislative framework, b) the management of the European Community's public security, c) the optimization of interaction process of the European Community's public security.

The implementation of mechanism of the European Community's public security maintenance has to result in the reduction in loss of elements of the European Community's public security in case of risks or threats; the decrease in the level of economic losses and compensation of losses of entities and individuals caused by the activity of the European Community's public security; stabilization of the structure of the European Community's public security concerning the impact of different risks and threats on the activity of the European Community's public security; establishing the level of «safety resistance» of the whole structure of the European Community's public security to overcome the immediate influence of risks and threats in the activity of certain subjects of the European Community's public security; the reduction of impact level of risks and threats on the European Community's public security in relation to other subjects of law in the system of social and public law violations' prevention. The European Community's public security is a multilevel concept. Therefore to give the precise definition for this category, as the element of the mechanism of the European Community's public security, one has to define its specific values and to demonstrate its main characteristics: 1) public security is securing and preservation of material and spiritual potential of the whole society on the territory of the European Community; 2) public security is to be based on principles, spec-

ified in working legislative acts, that regulate public security of the European Community (validity, humanism, respect for the individual, social justice etc.); 3) public security is a key indicator of improvement of protective effectiveness of the constitutional order and law and order in the countries of the European Community; 4) public security acts as a guarantor to insure social-economic and internal political stability in the EU countries; 5) public security maintenance takes place in terms of development of general independence and state sovereignty, territorial integrity and inviolability of borders; 6) the European Community's public security is maintained through insuring personal citizens' and other individuals' protection by means of giving the possibility of choice of forces and means to overcome risks and threats in accordance with the legislation in force; 7) the European Community's public security is the indicator of civil society's development, the level of democracy, effectiveness and validity of rules and regulations of certain country and the EU as a whole, the level of personal security; 8) public security outlines the degree of protection of citizen's legal rights and interests; 9) public security is included in the system of general EU security (as its constituent and characteristic feature); 10) the European Community's public security is defined in terms of geopolitical activity of the community, determined by its geopolitical potential, geostrategic and common information area; 11) public security determines efficiency standard and operational readiness of the European Community, efficiency of the system of international links, based on the partnership and cooperation with other countries (e.g., the USA and China) for the purpose of prevention of international terrorism, crime, human trafficking, distribution of narcotic drugs; 12) public security is determined by the level of general awareness of population, general identity and orientation of development of society as well as the European Community as a whole; 13) the level of development of the European Community's public security is regarded within the frames of development of general consciousness, culture and language and is directly proportional to these elements; 14) the European Community's public security depends on the general strategy of national development, general idea and system of national interests; 15) the European Community's public security is defined within the parameters of unity and consensus; 16) public security is defined as the ability and willingness of the European

Community to apply force as a threat countermeasure for definite purposes; 17) the European Community public security's structure is formed within the frames of legal consciousness of all the participants of law enforcement activities.

All the above-mentioned characteristics of the European Community's public security form complex and methodological procedures for the definition of public security mechanisms of the European Community as the element of development of separate country and all the EU. In this regard, the category as the concept of the European Community's public security can be separated that clearly reflects the essence of the European Community public security's maintenance as the phenomenon of public development [3].

One of the key moments of the EU public security concept is its implementation strategy. The implementation strategy is defined as activities aimed at feasibility of concept of public security maintenance. In general system of the EU security, strategy is considered to be the programme of action. This action is done for the purpose of effective functioning and development of general system of public security. The organization of activities of all law-enforcement agencies concerning public security feasibility concept forms relative management strategy.

The management strategy concretization is determination of public security programmes in the separate EU countries and coordination of these programmes. Programme coordination is achieved through determination of risks and threats in separate countries with the respect to cultural thought pattern and local citizens' customs.

The concept of the European Community's public security can be defined as the main approaches to determination of theoretical and practical background of the European Community public security's maintenance within the area of priority in the sphere of public security of bodies of the European Community.

In the present-day activity of the European community, the main security concepts can be distinguished, which we divide into two main groups: the group of concepts of the European Community's public security as a part of the state activity (national concepts of the European Community's public security) and the group of concepts of the European Community's public security as a part of branch activity (branch concepts of the European Community's public security). These groups of

concepts are complementary and taken as a whole, form the category, known as phenomenon «the European Community public sphere security's science». Consequently, it is affirmed, that the main constituent of public security concept should be «the security science» as the practical element of public security's scientific studies.

The security science of the European Community's public sphere is a complex field of investigation within legal sciences that includes specific features of phenomenon of public security of the European Community and its officials, determination of the range of influence of external and internal risks and threats on such activity and public relations stability level in the EU. Given this, the European Community public sphere security's science involves juridical, psychological, pedagogical and administrative component.

Therefore, we propose to distinguish several groups of public security concepts of the European Community according to the subject and object of practical aspect of the work. The I category implies that the subject of influence on the European Community's public security are the state law enforcement agencies and private offices of property protection, the object of security is person's and citizen's life and health. This concept is proposed to be entitled the concept of personal (professional) security: it is of important role in maintaining public security of the European Community as long as it provides possibility of increasing of protection level of the European Community's citizens. The II group refers to the concept, where the subject is a state and object – the state and national interests, in other words the activity in the sphere of public security of the European Community as the element of state protection from internal and external risks and threats. This group involves the concept of public security management of the European Community in the system of general security and the concept of state security. According to the III group of

concepts, the subject of influence of public security is Ukraine, whereas object – its integrity and adequate functioning. These concepts involve the concept of triad of state, public and general European Community's security and the concept of risks and threats management in the European Community's public security. Having considered all the three approaches the concept of «the service state» appears, that refers to the activity of all state bodies and separate individuals directed at public security maintenance through the policy of noninterference. This concept can be entitled «the concept of comfortable public security».

**Conclusions.** Summarizing mentioned above, the concept of the service state in terms of the EU countries public security maintenance is the definition of course of development of the state mechanism and management of all administrative control branches. The main aim of which is to create mechanisms of risks and threats prevention with the respect to individuals' rights, freedoms and legal interests in the societies of the EU countries. The concept of the service state as such is a practical result of the EU countries policy on elimination and neutralization of migration, military and terrorist threats.

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