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**ADMINISTRATIVE-LAW REGULATION SAFETY OF CIVIL AVIATION**

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**Abstract**

**Purpose:** the purpose of our research is an analysis the norms of the Air Code of Ukraine concerning aviation safety and academic literature with aim to give definition administrative-law regulation safety of civil aviation. **Methods:** using the methods of comparison and analysis in conjunction with formal legal determined by the nature are given definitions environmental safety, economic safety and information safety. Also is given definition administrative-law regulation safety of civil aviation. **Results:** in the context of analysis the norms of the Air Code of Ukraine and academic literature the author considers an aviation safety as a complex legal phenomenon that, on the one hand is a relatively stable condition, and on another consists of five elements. An environmental safety, economic safety and information safety should be given a definition and included in the Article 1 of the Air Code of Ukraine. The article provided the following definition of administrative-law regulation safety of civil aviation: it is carried out by the State overbearing influence on the operators of aircraft and other aviation activities by adopting regulations varying legal force (as well as authorization in to national legislation regional and international agreements) regarding a safe usage of aviation objectives in order to ensure of a safety of civil aviation. **Discussion:** in this article the author to consider of a concept of aviation safety and its elements. Also presents own definition of some elements of a safety of civil aviation and a concept of administrative-law regulation safety of civil aviation.

**Keywords:** aviation safety; aviation security; economic safety; environmental safety; flight safety; information safety.

**1. Introduction**

The appearance of aircraft heavier than air and capable of flying both within the territory of registration and more than one state, which later was named «aircraft» was needed in the national and international legal regulation of flight. One of the aspects of legal regulation of aircraft safety is the use of high-tech and science intensive products, such as an aircraft.

Signs of an aircraft are that it is an aircraft that is kept in the atmosphere due to its interaction with the air other than interaction with air reflected from land surface and can maneuver in three dimensions.

According to the Air Code of Ukraine of 19.05.2011, № 3393 - VI (paragraph 20, part 1 of Art. 1) «aviation safety - state civil aviation sector in which the risk of job losses to people or property is reduced to an acceptable level as a result continuous

process of determining the level of risk and control it and kept at a level or declining further in the areas of flight safety, aviation security, environmental safety, economic safety and information safety».

Part 1 of Art. 10 of the Air Code of Ukraine determines that an aviation safety consists of flight safety, aviation security, environmental safety, economic and informational safety. So an aviation safety is regarded by the legislator as a complex legal phenomenon that, on the one hand is a relatively stable condition, and on another consists of five elements.

Determinations of flight safety and aviation security are contained in the Art. 1 the Air Code of Ukraine. «Aviation security - protection of civil aviation from acts of unlawful interference, which is provided by a set of measures involving the human and material resources» (paragraph 2, part 1 of Art. 1). And a flight safety as part of aviation safety -

«state in which the risk of injury or damage is limited to an acceptable level» (paragraph 21 part 1 of the Art. 1 of this Code) [1].

## 2. Analysis of the research and publications

Legal regulation of aviation safety and its same elements was investigated in the researches of such scientists as V.P. Babak, V.G. Didyk, V.P. Kharchenko, A.V. Linkov, V.I. Ryzhyy, A.V. Filippov and other. But at researches mentioned scientists don't contain definitions «environmental safety», «economic safety» and «information safety» of civil aviation and administrative-law regulation safety of civil aviation in whole.

## 3. Research tasks

All the above mentioned shows the relevance of research such elements of aviation safety as «environmental safety», «economic safety» and «information safety» of civil aviation, wider imagine flight safety as a main element of aviation safety and to give definition of «administrative-law regulation safety of civil aviation».

## 4. Research results

The Air Code of Ukraine doesn't contain definitions of «environmental safety», «economic safety» and «information safety» of civil aviation. But contains a Section X «Environment protection». Analysis of the articles of this section allows concluding that the environmental safety of civil aviation is compliance with the subjects of aviation activity set standards a content of pollutants in exhaust gases and the influence of physical factors during the operation of an aircraft on ground and in air, and other objects of aviation activity.

Concerning economic safety and informational safety of civil aviation can include the following. Economic and information safety according to the Law of Ukraine «On the Fundamentals of National security of Ukraine», are treated as separate areas of national security of Ukraine together with environmental, etc. areas [2].

Judgment of the scientists of the National Institute for Strategic Studies that economic safety is a state of the national economy, which provides resistance to internal and external threats and is able to satisfy the needs of the State, society, family, individual citizens, enterprises, institutions, organizations, individual areas, seems to be quite complete and contains all the basic components of this concept [3].

Using this definition, and taking into account the norms of the Air Code of Ukraine to determine the economic security of civil aviation, it should be understood: firstly, the economic efficiency of using aircrafts; secondly, a dynamic, integrated management of air traffic and air space of Ukraine, that accomplish safely, economically and effectively by providing tools and continuous service in cooperation with all the parties and involving the onboard and ground-based functions; thirdly, implementation of national spending on aviation activities related to State regulation of economic policy on the use of airspace of Ukraine, legal providing of aviation activity, ensuring government control and supervision over the safety of civil aviation.

In the academic literature an information safety of a State is defined as a status of information security at which special information operations, acts of foreign information aggression, information terrorism, illegal removal of information (by means of special technical means) and computer crimes don't cause significant harm to national interests [4, p. 11].

Taking into account provisions of the Air Code of Ukraine it is possible to formulate information safety of civil aviation as a state of protection of air navigation, on flight safety, weather and information about air traffic services under which wrongful special information action for removal of information don't causing significant harm to activities of aviation subjects when using aviation objects. Special attention deserves the Art. of the 122 Air Code of Ukraine (Ensuring protection of information from flight safety).

According to part 1 of this article the Expert Agency to investigate air accidents during the investigation of air accidents and incidents must ensure protection and don't spread information about the investigation of air accidents and incidents and provide it to the authorities only by court.

The main functional purpose of an aircraft is flying. Therefore, a category «flight safety» in a sistem of aviation safety, in our opinion, is particularly important regulatory value.

Terminological definition a flight of aircraft in the national legislation was first given in the Air Code of Ukraine in 1993 «during the flight of an aircraft shall mean the moving of airspace and crash» (part 2 of article 51) [5].

If we consider a flight of an aircraft from a legal point of view it can be defined as «institution of

national and international air law in the course of which certain subjects of national and / or international law, enter into relations governed in accordance with the regulations rules of national law or national legal and international legal systems to achieve specific objectives in accordance within the sovereign or the sovereign and open air space» [6, p.356].

The issue of safety remained and will remain relevant as long operated aircraft of different purposes, including aircraft of civil aviation. Is constantly improving the design of aircraft, means and methods of operation, pilot training, issue airworthiness zhyvuchesti aircraft, air safety, which is constantly under review by representatives of operators and research institutions. These processes represent most acute problem of lack of new methods of management of safety, identifying threats and appropriate sources of air danger, and then continue to become more relevant [7, p.85].

In the State program of aviation civil aviation security definition of «flight safety» is missing. However, describing the features of the act of unlawful interference with the legislature uses the phrase «ndangers the safety of an aircraft in flight» in several interpretations. And only when describing the act of unlawful interference as unlawful and intentional use of the device, substance or weapon used category «safety» but at airport, airport) [8].

In the literature to ensure of civil aviation safety be discussed as an integrated process that provides safety, protection of civil aviation against acts of unlawful interference (aviation safety) and environmental protection from the harmful effects of air (environmental safety) [9, p.312]. The same position justifies in their work and A. Filippov, which considers the safety of civil aviation as part of transport security, which in turn is part of the national security of Ukraine and concluded that the safety of civil aviation including flight safety, aviation safety, environmental safety of civil aviation [10, p.9].

At one time in 2009 by the Cabinet of Ministers of Ukraine № 273 on March 5, approved the Conception of the State program of flight safety to 2015. In our opinion, the program would be an effective tool in ensuring the safety defined ways and methods of problem solving and the expected results and determine its effectiveness. Unfortunately, due to certain reasons the said order was canceled in April 2012.

In terms of flight safety system approach should be seen as a systemic phenomenon. Therefore, the order of the State Service of Ukraine for Aviation Safety of 25.11.2005, № 895 approved the Regulations on the management of flight safety in aviation. This order of flight safety - a comprehensive description of air transport and aviation, which determines the ability to operate without threat to life and health and safety management system - a structured and documented system that enables operations personnel to provide effective security operations.

In literature of technical direction the concept of «flight safety» is defined as a «complex characteristics of air transport and aviation operations, which determines the ability to operate without threat to life and health» [11, p.551].

Flight safety as a complex phenomenon that depends, in our opinion, the following factors:

- firstly, the state of airworthiness of the aircraft;
- secondly, from meteorolichnyh conditions that use the aircraft depending on its tactical and technical characteristics;
- thirdly, the human factor, i.e. an ability and the ability to use acquired skills and knowledge of members of the crew in its use in flight sytuatiyi that fall under signs «safety poltiv».

Of course, this is not an exclusive list of factors that affect on the safety of aircraft operations.

In legal encyclopedia regulation is determined as the State's using all legal means might impact on social relations with a view to streamlining, consolidation, security and development, and impact on behavior and consciousness of citizens by proclamation of their rights and responsibilities, setting specific permissions and prohibitions, adoption of new regulations, etc. [12, p.369].

Administrative-law regulation of social relations in every area of existence of society and human activities including regulation of safety of aircrafts, is derived from the definition provided by regulations. Given the above, we can make a conclusion.

## 5. Conclusion

Given that atmosphere air and international airspace is a common property of mankind and the airspace over territory of the state is the national territory, seems to provide the following definition of administrative-law regulation safety of civil aviation: it is carried out by the State overbearing

influence on the operators of aircraft and other aviation activities by adopting regulations varying legal force (as well as authorization in to national legislation regional and international agreements) regarding a safe usage of aviation objectives in order to ensure of a safety of civil aviation.

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### Адміністративно-правове регулювання безпеки цивільної авіації

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**Мета:** Метою дослідження є аналіз норм Повітряного кодексу України щодо безпеки авіації та навчальної літератури з метою надати визначення адміністративно-правового регулювання безпеки цивільної авіації. **Методи дослідження:** Використовуючи методи порівняння та аналізу у взаємозв'язку із формально-юридичним надано визначення екологічної безпеки, економічної безпеки та інформаційної безпеки. Також надано дефініцію адміністративно-правового регулювання безпеки цивільної авіації. **Результати:** В контексті аналізу норм Повітряного кодексу України та навчально-наукової літератури автор розглядає безпеку авіації як комплексне правове явище, що, з одного боку є відносно стабільним станом галузі, а з іншого складається з п'яти елементів. Слід надати дефініції екологічної безпеки, економічної безпеки та інформаційної безпеки та включити їх в ст. 1 Повітряного кодексу України. У татті надається наступне визначення адміністративно-правового регулювання безпеки цивільної авіації: це здійснюваний державою владний вплив на експлуатантів повітряних суден та інших суб'єктів авіаційної діяльності шляхом прийняття нормативно-правових актів різної юридичної сили (а також санкціонування у національне законодавство регіональних та універсальних міжнародних угод) щодо безпечного використання об'єктів авіаційної діяльності з метою забезпечення безпеки цивільної авіації. **Обговорення:** В даній статті автор розглядає поняття

безпеки авіації та її елементів. Також представлено власне визначення деяких елементів безпеки цивільної авіації та поняття адміністративно-правового регулювання безпеки цивільної авіації.

**Ключові слова:** авіаційна безпека; безпека авіації; безпека польотів; екологічна безпека; економічна безпека; інформаційна безпека.

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**Административно-правовое регулирование безопасности гражданской авиации**

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**Цель:** Целью исследования является анализ норм Воздушного кодекса Украины касаемо безопасности авиации и учебной литературы с целью предоставить определение административно-правового регулирования безопасности гражданской авиации. **Методы исследования:** Используя методы сравнения и анализа во взаимосвязи с формально-юридическим определено понятие экологической безопасности, экономической безопасности и информационной безопасности. Также предоставлено дефиницию административно-правового регулирования безопасности гражданской авиации. **Результаты:** В контексте анализа норм Воздушного кодекса Украины и учебно-научной литературы автор рассматривает безопасность авиации как комплексное правовое явление, которое, с одной стороны есть относительно стабильным состоянием отрасли, а с другой – состоит из пяти элементов. Следует предоставить дефиниции экологическая безопасность, экономическая безопасность и информационная безопасность и включить их в ст. 1 Воздушного кодекса Украины. В статье даётся следующее определение административно-правового регулирования безопасности гражданской авиации: это осуществляемый государством властное влияние на эксплуатантов воздушных судов и других субъектов авиационной деятельности путём принятия нормативно-правовых актов разной юридической силы (а также санкционирование в национальное законодательство региональных и универсальных международных соглашений) касаемо безопасного использования объектов авиационной деятельности с целью обеспечения безопасности гражданской авиации. **Обсуждение:** В данной статье автор рассматривает понятие безопасности авиации и ее элементов. Также предоставлено собственное определение некоторых элементов безопасности авиации и понятие административно-правового регулирования безопасности гражданской авиации.

**Ключевые слова:** авиационная безопасность; безопасность авиации; безопасность полётов; информационная безопасность; экологическая безопасность; экономическая безопасность.

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