

## ADMINISTRATIVE AND LEGAL PREVENTION OF DELICTS IN THE FIELD OF PUBLIC ORDER AND PUBLIC SAFETY

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As the aggravation of the criminogenic situation in Ukraine progresses, a problem of ensuring public safety and public order in society becomes more urgent. The escalation of the negative situation is primarily bound to the reformation of modern society and the emergence of new social phenomena that are destroying society and the state as a whole.

It is to note that the concepts of "public order" and "public safety" are quite controversial issues, and are the subject of research by many domestic scholars, in particular, O.B. Andreeva, Yu.P., Bytyak, O.M. Bandurki, E.V. Dodina, D.S. Kablova, B.O. Logvinenko, R.V. Myroniuka, V.P. Moroz, R.M. Opatsky and others.

The main legal act that regulates the issue of administrative liability for violations of public safety or public order is the Code of Ukraine on Administrative Offenses. The Code of Administrative Offenses clearly states the list of acts that violate relations in the field of public safety and public order, as well as administrative penalties for such acts.

In our opinion, the better understanding of the essence of those legal relations regarding public safety and public order necessitates providing a definition of their concepts.

Therefore, an administrative offense that encroaches on public order and public safety is defined as an activity that has arisen, illegal and socially harmful, for which the law provides a special type of coercion - administrative liability.

According to the general theory of administrative law, public order in a broad sense means all social relations that take place in Ukraine and in a narrow sense – those that have developed in public places, and, in some cases, outside of them, for example, a fight in a private apartment that interferes with neighbors. Hence, it is logical to classify places that can be attributed to public, and they include streets, squares, avenues, stations, stadiums, shops, markets, etc.

As for the concept of "public safety", it is quite accurately characterized by Yu.P. Bytyak, who notes that public safety should be characterized by a set of measures and tools aimed at implementing and protecting the legal rights and freedoms of citizens [2, p.41]. In addition, V.V. Kovalenko understands public safety as the activities of certain units that regulate issues of public relations, which arise in connection with the prevention and counteraction of harmful consequences of those who negatively affect the lives of others [3, p.157]. However, we believe that public safety is to be characterized as a stable state of society in relation to negative factors.

Many scholars inextricably combine the concepts of "public order" and "public safety" into interdependent categories. Others have a different viewpoint, in particular that these concepts should not be subjected to an inextricable linking, as they are separate categories, with different features of their provision.

We believe it is prudent to adhere to the third opinion on the above issue, namely that these concepts must not be divided, but it should be borne in mind that they have their own individual characteristics and features, which expresses the peculiarities of their legal enforcement, prosecuted, in particular, by the National Police of Ukraine.

Ensuring public order and public safety by the police is one of the priority areas of the prevention function, which is part of their responsibilities.

Returning to the issue of prevention of administrative offenses related to public order and public safety, it should be noted that the prevention of offenses is one of the main responsibilities of the police, which is regulated by the provisions of Art. 23 of the Law of Ukraine "On the National Police".

Apart from the subjects of power, the issue of prevention of offenses related to the violation of public order and public safety are taken care of by the citizens themselves, uniting in public formations (organizations).

Prevention of administrative offenses is performed through both law and organizational forms of management. Since in many cases the preventive activities of public organizations are tied to the use of administrative coercion, it is important to inquire about the boundaries for such activity to complete. Proper legal regulation of prevention work can not only increase the efficiency of preventive measures against these groups, but as well increase the legal security of the entire system of social prevention, and ultimately promote the protection of constitutional rights and freedoms of citizens.

It is also to note that the main document regulating the activities of public groups on prevention is the Law of Ukraine "On Citizens' Participation in the Protection of Public Order and the State Border" of June 22, 2000 [5].

According to the provisions of Art. 9 of this Law, the main tasks of public organizations in the field of public order include: assisting law enforcement agencies in ensuring public order and public safety, prevention of administrative offenses and crimes, participation in traffic safety. They may exercise these powers on their own behalf, following orders of the relevant authorized persons, or jointly with police officers.

Finally yet importantly, ensuring the prevention of violations of public order and public safety is the cooperation of all state and non-state institutions, in particular, local governments, public authorities and citizens themselves. In our view, such interaction should be embodied in mutual projects that will be legally formalized and will have appropriate practical application.

In conclusion, it appears reasonable to us to mention that prevention activities in the field of violations of public order and public safety are quite relevant nowadays. Ensuring the prevention of this type of delict should be fulfilled through effective cooperation between all subjects of public administration of the state, in particular, public authorities, local governments and the public. Creating mutual projects, programs and platforms that will regulate the prevention of offenses that encroach on public order and public safety will assist not only in establishing sustainability in society, but also in ensuring fundamental rights and freedoms, eliminating stereotypes of anomie, delusions of impunity among those inclined to lead an antisocial or anti-social lifestyle.

#### References:

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3. Administrative activity of internal affairs bodies: Training assistant; under the general ed. Kovalenko V.V.K. : PE "Direct Line", 2014. 408 p
4. On the National Police: Law of Ukraine of 02.07.2015 № 580-VIII (Information of the VerkhovnaRada (VVR), 2015, № 40-41, p.379)
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