Peculiarities in interaction of executive authorities in the sphere of law and order at regional and local levels

Ia. Melnyk

National Academy of Public Administration under the President of Ukraine

The article deals with the directions, organizational methods, forms and ways for interaction of executive authorities in the field of law and order at the regional and local levels, which determine the peculiarity of measures for its implementation.

Thus, we focus your attention on peculiarities in interaction of executive bodies in the field of law and order at the regional and local levels in Ukraine.

1. The interaction takes place at the level of rule-making activity, which is not regulated by the current legislation, in particular its organizational component.
2. The police initiate the cooperation in preparation of normative acts about preventive orientation, and local councils and executive authorities act as the initiators at the stage of their coordination and examination.
3. The existence of coordination structures for such interaction and an extensive number of coordination and organizational measures.
4. The interaction generates the administrative-procedural relations, which belong to the administrative legal relations.
5. The administrative commissions of local executive bodies act as the subjects of administrative offenses prevention.
6. The specifics of interaction are based on administrative agreements, related to the joint exercise of power, coordination of efforts to achieve any integrated results of management. The agreements are of civil nature, excluding the ones, related to the exercise of power. They are becoming extremely relevant in terms of deepening the decentralization process in Ukraine.
7. The police and local governments act as equal subjects of preventive activity that do not depend on each other structurally.

Keywords: interaction of executive authorities in the field of law enforcement; organizational methods; organizational forms; organizational methods; prevention; rulemaking; law enforcement; administrative and preventive measures; administrative contract.

Introduction

The power and governance decentralization requires the new organizational approaches, mechanisms, forms, methods and organizational measures to develop the interaction of executive bodies in the field of law and order at the regional and local levels, especially in terms of their interaction with local governments. To solve this problem, there is a need to clarify the existing features for interaction of these organizational structures in order to provide with public safety and law and order at the regional and local levels in Ukraine.
level but not in terms of changes in mechanism and organizational work on interaction of executive bodies and local governments in the field of public safety and law and order, stipulated by state policy of power and governance decentralization.

**The goal**

Purpose of article – to characterize the peculiarities in interaction of executive bodies in the field of law and order at the regional and local levels for optimal formation of mechanism for interaction between local governments and law enforcement agencies within decentralization of public administration.

**Results and discussions**

There are several areas of interaction between executive authorities in the field of law and order at the regional and local levels, which form its peculiarities.

The first of them is the interaction of territorial police with local executive bodies and local self-government in the form of participation in preparation of regulations with local and regional importance. The importance of this form for interaction is underestimated in modern science and public administration practice.

The rule-making of local executive bodies (first of all, local state administrations) and local self-government bodies testifies that a significant part of their legal acts belongs to administrative acts that have the coordination potential. Regulate and clarify the procedure and peculiarities in interaction between participants in administrative relations [3, p. 121].

The activity of police in the vast majority of cases is a direct object of coordination effect in prevention of administrative offenses that determines the interaction of territorial police, which must implement the coordination decisions, with local governments in the form of “joint development of management decisions” [4, P. 510]. The police participate in project-consultative work starting from preparation stage of act about management of preventive activities or at approval stage of the project, which is fixed in the relevant regulations.

Rule-making activity at the local and regional level is not sufficiently regulated by legal norms; in particular, it is necessary to address the issue about determination of subjects that initiate the preparation of a draft legal act. The practical activity of the police shows that they are mainly the initiators for preparation of normative acts with preventive orientation [1, p. 79].

Local councils and local state administrations mostly initiate cooperation with the police at coordination and examination stage of already prepared draft management decision. The special attention should be paid to the actual management issues about adoption of management act, which is determined by the specific situation [5, P. 112]. The procedure to submit a draft legal act of management, prepared or agreed with the relevant police department to local state administrations and local self-government bodies is regulated by appropriate normative legal acts, in particular in ss. 56-68 Standard Regulations of Local State Administration (approved by Resolution from the Cabinet of Ministers of Ukraine, dd. 11, December, 1999 № 2263207) [6] and in regulations of the relevant state administrations.

At the same time, the police cooperate in the departments for interaction with law enforcement agencies, as these structural subdivisions of the state administrations are tasked to develop the draft decisions by management and advisory bodies of the regional state administration on law enforcement issues. The initiative to make such decisions in many cases belongs to coordination bodies. The design and advisory work of the police to prepare the preventive decisions of local councils and their executive bodies is also carried out, involving the relevant coordinating bodies of the executive committees or through cooperation with standing committees, deputy groups or individual deputies. The design and advisory work of the police to establish the comprehensive programs for prevention of crime and certain types of offenses or offenses of individual entities is of special importance. In particular, in many regions and cities, the active participants in preparation of crime prevention programs were the headquarters of the internal affairs bodies [2, pp. 80-81].

Another way of interaction within administrative lawmaking in order to prevent the administrative offenses is to issue the joint administrative acts, which are underestimated in modern law enforcement practice, including the preventive potential for coordination of administrative actions with other state and self-governing bodies. The police have only recently become more active in using the possibilities of joint administrative law-making with non-law enforcement agencies.

While carrying out the planned activities, police officers and employees of other state and local authorities in many cases used the form of management such as law enforcement, within which the administrative cases and disputes were considered and settled [7, p. 95].

Most of the measures for prevention of administrative offenses are carried out within law enforcement. The following stages of law enforcement are distinguished in science:

- establishing the legally significant facts and finding the legal norm to be applied to them;
- analysis of the selected legal norm, which includes checking the authenticity and correctness of the text, determining the scope and interpretation of the legal norm;
- resolution of a legal case with the final adoption of the act about application of the rule of law [8, P. 180-186].

All groups of administrative coercive measures have a preventive focus. The appropriate interaction is characterized and mediated by administrative-procedural forms as the complex proceedings in cases about application of measures for administrative coercion are a type of administrative-procedural law enforcement proceedings. The peculiarity of administrative-procedural relations is that they in their development give rise to a number of procedural links [9, p. 271]. Administrative-procedural legal relations belong to administrative legal relations [10, P. 152]. Procedural scholars emphasize the interaction not as a joint activity, coordinated in place, time and means but as a mutual behavior of subjects [11, p. 69], which arises as a result from action of one person and causes the obligation of another subject to carry out certain actions.
The peculiarities of interaction include the implementation of law enforcement activities through application of measures for administrative coercion measures. Among the tasks for proceedings on administrative offenses, the legislation identifies the tasks of executive authorities, local governments, NGOs, labor collectives to develop and to implement the measures, aimed at preventing the administrative offenses [2, p. 90].

The consistent interaction of police with local executive bodies and local governments in prevention of administrative offenses is carried out, as a rule, in cases, where the police officers initiate and investigate a case of administrative offense, and the relevant local government officials consider and decide on the case.

The implementation of proceedings on administrative offenses is regulated by the Code of Administrative Offenses, at the time of its publication the most important among the bodies, authorized to consider the cases of administrative offenses, were the administrative commissions at executive committees of village, settlement, city councils and, directly, the executive committees of village councils [13, p. 122-123]. The administrative commissions act as subjects in prevention of administrative offenses. The forms of their preventive activities are various; generalization and analysis of committed administrative offenses by categories of cases; identification of conditions and causes of offenses, based on this activity; speeches in the media with explanation of administrative law; conducting other types of educational work [14, P. 20].

The administrative preventive measures are distinguished with certain manifestations for interaction of territorial police with local self-government bodies and local executive bodies. Among these measures, which have a special preventive focus and potential for effective interaction, we should mention the registration and official warning of persons about inadmissibility of illegal behavior, as well as restrictions on traffic in certain sections of streets, temporary restriction of access to certain areas and facilities, inspection of cargo, luggage, vehicles for compliance with their various requirements, administrative supervision of persons, released from prisons, etc.

The interaction of the police with local governments and local executive bodies is also carried out through conclusion of administrative agreements.

The conclusion of agreement for joint management activities is one of the most promising options in the field of public administration [15, P. 133]. They are the effective and indispensable means to solve a number of issues, related to the joint exercise of power, coordination of efforts to achieve any integrated results of management [16, p. 361].

The coordinated management and development of regional and local teams, coordination of their various, sometimes opposing interests, can be done only through legally regulated cooperation between councils and other organizations that both subordinate to them and not [15, P. 171-172]. Such agreements can be concluded in various areas of management, in particular in the field of public order and security. They are a legal form of police administrative activity and are mainly about conclusion of agreements about protection of certain objects, when they have a civil nature [17, p. 11], excluding the agreements that involve the exercise of power.

The police and local governments under modern conditions act as equal prevention subjects that do not depend on each other structurally. That is why the question arises about the need to regulate their relations not by the method of “power-subordination” but by dispositive method, one of which legal forms is the conclusion of administrative agreements. The regulation of administrative offenses prevention by dispositive method will be quite effective at the local level, when the participants in prevention distribute their powers for the period of its implementation [18, P. 136].

The expediency in conclusion of administrative agreements about interaction between the police and local executive bodies is stipulated by objective processes of state power decentralization and de-concentration [2, p. 99]. The relations are built on the basis of autonomy, equality and lack of subordination and on conciliatory and contractual foundations, which are beginning to occupy a prominent place not only in the legal system but also in state and legal relations [19, p. 118]. The system of subjects for prevention of administrative offenses prevention is quite complex and multi-element. That is why the coordination of actions by subjects through administrative acts is not always effective and leads to the necessary result. The conclusion of administrative agreements about interaction of police with other subjects in system of administrative offenses prevention has its advantages, which are determined by the general principles for contractual regulation of relations, in particular:

1) dispositive legal regulation (freedom of contractual terms);
2) autonomy of the parties' will (voluntary conclusion);
3) formal and legal equality of the parties;
4) mutual responsibility of the parties [2, P. 99].

The organizational forms of management for prevention of administrative offenses belong to the sphere of practical activity, i. e. to the performance of certain administrative actions in order to prevent from any influence on administrative tort, most of which are carried out to avoid from administrative offenses within the legal form. As a rule, they do not require any detailed legal regulation but are carried out in accordance with certain competence and within current regulations.

There are the following organizational forms of cooperation in crime prevention:

1) joint study about state of crime and other offenses in the service area;
2) development and application of joint measures to prevent the crimes;
3) joint inspections for state of fight against crime at individual sites;
4) joint trips to settlements, educational institutions, enterprises to provide the assistance in crime prevention;
5) advanced training of persons that carry out the preventive activities;
6) discussion of results from measures, taken to prevent offenses;
7) exchanging the information of mutual interest [20, P. 231];
8) joint development and implementation of regional crime prevention programs;
9) coordination of preventive activities;
10) coordination of joint action plans in emergency circumstances;
11) creation of joint headquarters;
12) carrying out the joint target actions and operations with original algorithms of the complex solution for problems, which arise once more (target operations: "Interception", "Siren", "Thunder", "Wave", etc.);
13) mutual assistance in provision with personal safety [21, pp. 12-13].

Scientist O.I. Ostapenko divides the interaction of executive bodies in the field of law and order at the regional and local levels into organizational and functional blocks. The organizational unit consists of:
- identification of causes and conditions of administrative tort;
- organizing the prevention for certain types of torts and other negative phenomena, closely related to offenses;
- registration of offenders and persons with antisocial behavior and organization of preventive influence on them - correspond to the stage of preparation for management decisions.

The executive level of preventive influence corresponds to the functional unit, which consists of:
- raids and special operations, carried out by police and the public to remove offenders from public places;
- reports, lectures, reports, individual and group discussions on prevention of illegal actions;
- holding the meetings, sessions due to the place of work and residence for population and consideration of administrative torts;
- legal propaganda to strengthen the law and order with the use of periodicals, radio and television;
- sending the information to state bodies and public organizations, production teams with various forms of ownership, which helps to identify and to eliminate the causes and conditions of administrative torts;
- mentorship, tutorship and involvement of persons, against whom the prevention is carried out, into socially useful activities [22, P. 253].

The practice of coordination bodies makes it possible to unite the efforts of prevention subjects with different competencies. It is also possible to join the forces and to work out the agreed positions on a voluntary basis, by discussing the issue together rather than following to instructions. The coordination bodies are quite dynamic, able adequately to respond to the slightest changes in the external environment. They can be quickly established, reorganized, eliminated because there are no difficulties, associated with the movement of personnel [23, p. 96].

Local self-government bodies and local state administrations have established several coordination bodies, which include the representatives of the police and which coordinate the efforts for prevention of administrative offenses. Such bodies include, in particular: Coordinating Councils for Socially Dangerous Addictions and Risk Groups of Citizens, Coordinating Councils for Social and Legal Protection of Minors and Prevention of Juvenile Delinquency, and a Working Group for Promoting the Implementation of the Program for Coordinated Actions of Law Enforcement and Control Bodies with illegal production, distribution and sale of audio and video products, CDs and other objects of intellectual property, interdepartmental coordination and methodological councils on legal education of population [2, P. 111].

A typical form of joint organizational measures to make the agreed management decision is to hold the coordination meetings to coordinate the actions by the subjects of prevention from administrative offenses, which are carried out on the initiative from any of the subjects. This form of coordination is used by local state administrations, local governments and prosecutors. The prosecutor’s office organizes the coordination meetings mainly to coordinate the actions of law enforcement agencies in the fight against certain types of crimes, rather than administrative offenses. The police organize such meetings to coordinate the actions with other executive bodies and law enforcement agencies. Leaders or representatives of other subjects and participants of preventive activities may be invited to participate in coordination meetings [24, p. 177], other law enforcement officers, heads of local executive and local self-government bodies, military administration bodies, control bodies, officials, who may participate in discussion of the issues under consideration. The representatives of public associations and mass media may be invited to the meeting to take into account the public opinion and to cover the decisions, being made. Properly executed decisions of the coordination meeting are binding on the bodies and institutions, involved into prevention activities. The heads of bodies, within their powers and the joint decision made, may issue orders, instructions, and directives in order to implement their decisions.

The territorial internal affairs bodies conduct the joint preventive raids and inspections with various local executive bodies and local self-government bodies, which were carried out together with representatives of education and science departments at state administrations, education departments of city executive committees, children’s services of regional state administrations and city executive committees.

The organizational measures, aimed at legal upbringing and education of population, have a significant preventive potential. The effectiveness of general administrative and legal prevention measures depends on the degree and quality of information on administrative legislation [22, p. 250]. The interaction of police in this activity with other subjects of prevention from administrative offenses is carried out through participation in meetings of interdepartmental coordination and methodical councils on legal education of the population, through joint performances in mass media, labor collectives, educational institutions, etc.

The organizational forms of interaction allow making an effective coordinated management decision and taking the measures to implement it. Along with this, we should settle the following problems, such as:
Peculiarities in interaction of executive bodies act as the subjects of administrative offenses prevention.

Conclusions

Thus, we focus your attention on peculiarities in interaction of executive bodies in the field of law and order at the regional and local levels in Ukraine.
1. The interaction takes place at the level of rule-making activity, which is not regulated by the current legislation, in particular its organizational component.
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References


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