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**ANALYSIS OF ADMINISTRATIVE AND LEGAL BASES OF THE
ACTIVITIES OF THE STATE SECURITY SERVICE MIA OF UKRAINE**

Paper analyzes theoretical approaches to the study of the administrative and legal support of the State Security Service MIA of Ukraine. Attention is focused on the key concept of the "administrative law bases" and the revealing of its contents, several characteristics regarding the activities of the State Security Service MIA of Ukraine are stated. Normative and legal regulation of the activities of the State Security Service MIA of Ukraine in terms of determining the amount of office services and the possibility of an optimal system to support its work to implement the necessary measures in the security field.

Keywords: bases, administrative and legal bases, the State Security Service MIA of Ukraine, powers, administrative-legal relations.

Definition of the problem Proper performance of the duties of the State to ensure the protection of the rights and freedoms of citizens of the State Security Service MIA of Ukraine requires theoretical research and practical study on administrative and legal principles of the activities of this service, disclosure of the features of their implementation.

Study of Researches and Publications The issues of administrative and legal regulation of law enforcement activities were reflected in writings of the researchers of administrative law, particularly: V. Averianov, O. Andriyko, O. Bandurka, D. Bakhrakh, I. Bachilo, V. Bilous, Y. Bityak, A. Vasilliyeu, V. Garashchuk, I. Gorinetsky, Y. Dodin, R. Kaliuzhny, V. Kolpukov, A.T. Komziuk, O. Koreniev, V. Futkhutdinov etc.

The Goal of the Paper is to study the administrative and legal principles of

the State Security Service MIA of Ukraine as a system that can be used as a factor in increasing the efficiency of this body of the State.

Report of Basic Material One of the directions of perfection of the mechanism of promotion of the rights and freedoms in modern conditions of development of Ukraine as a legal State must recognize the increasing efficiency of activity of bodies that carry out measures for the protection of the rights and freedoms of citizens. According to administrative law, it is a special place with the implementation of measures concerning protection of objects and property, temporary storage of currency values, ensuring the personal safety of citizens belonging to the State Security Service of Ukraine. Considering the importance and significance of the specified service, the State should always take appropriate steps to improve its operations. One of the above mentioned aspects is the development of questions of administrative and legal principles of activities of the State Security Service MIA of Ukraine.

As rightly observes, K. Volinka, legal type of the State is characterized by mediated right to all forms of its activity, because the legal State is a legal form of public political power, at the appropriate level are recognized and human rights [1, p. 82–83]. Above mentioned is reflected in the rules of part 2 art. 17 of the Constitution of Ukraine, with the analysis which follows that law enforcement authorities are engaged in ensuring national security, and their organization and order of activities are determined by law. Therefore, we note that the activities of the State Security Service MIA of Ukraine to implement the authority granted during the security operation has the appropriate reason, the verge and the method of their implementation, the starting point of the definition which is the availability of administrative and legal principles of activities of this body. Installation of these principles is a recognition on the part of States to the importance of proper legal arrangement of relations in the sphere of security activity, including part of the definition of administrative and legal powers of the State Security Service at MIA of Ukraine. Regarding the latter point, the implementation of the granted powers provides the ability to perform the functions concerning the

implementation of the above measures. Punctuating the credentials of State Security Service MIA of Ukraine, which is the basis of its administrative and legal status as a law enforcement officer, indicates that while organizing his relations the main focus should be given precisely to relations and their interrelations. In other words, if the language of the legal framework for the activities of the State Security Service of the Ministry of Internal Affairs, it should be noted that they are aimed at determining the status of State Security Service MIA of Ukraine that is implemented within their respective administrative-legal relations.

Consequently, the previously noted that administrative and legal principles are a means of identification of legal parameters (the grounds limits) of State Security Service MIA of Ukraine that characterize it as a law enforcement body, the subject of administrative law, administrative-legal or administrative and jurisdictional relations. Analysis of the conceptual row says about the mechanism of incorporation of the State Security Service MIA of Ukraine in the administrative-legal relations. This allows you to point out that from the point of view of participation in these legal principles should characterize (define) of the State Security Service MIA of Ukraine as a subject of law, more precisely, the subject of administrative law, which by its legal and organizational nature is a state law enforcement agency. Therefore, in our opinion, the administrative and legal framework for the activities of the State Security Service MIA of Ukraine at the Ministry of Internal Affairs is not the other, as the legal basis defining and consolidating its status as a State law enforcement agency, which implements its powers in the area, regulated with the norms of administrative law, assuming the administrative-legal relations as their subject. To establish the concept of "administrative and legal principles", means, in our opinion, to reveal its contents

In the dictionary of the Ukrainian language, the word "principles" is defined in the following meanings: a) the basis of something; What is important, what is, is anything; b) source, the main provisions, the principle; the basis of worldview, a rule of conduct; in the method implementation) way to anything [2, p. 48]. Close to the first and second definitions of the word "principles" is used in the rules of

the Constitution (for example, in the section "general principles" or in designs "carried out on the basis of", "legal principles") and in the names of many laws of Ukraine ("About the Principles of Domestic and Foreign Policy" from July 1, 2010, "About the Principles of Prevention and Combating Corruption" from April 7, 2011, on the principles of preventing and counteracting discrimination in Ukraine from September 6, 2012, etc.). You should pay attention to quite frequent identification of the applicable legislation grasp "principles" and "the basics". For example, the notion of "fundamentals" is used in such laws as the "organizational-legal bases of struggle with organized crime from 30 June 1993" on fundamentals of national security of Ukraine "from June 19, 2003, a model law "Fundamentals of Legislation on Anti-corruption Policy" dated November 15, 2003 and others. However, the law of Ukraine is not provided an exhaustive interpretation of these concepts

Parallel use of the notions of "principles" and "the basics" quite often can be found in the legal literature. So, under the legal principles O. Yakimets understands the essence of the content of normative regulation of legal relations. The author notes that the legal basis is the "legal basis", the source of the soil which are various activities [3]. It is worth noting that, despite the rather common use of the expression "administrative and legal principles" in the title of many research, most authors do not provide interpretation of its concept, and immediately transferred to the analysis of regulatory-legal acts that regulate one or another activity. Considering the concept of administrative-legal bases of development of governance in Ukraine N. Panova assures that the analysis of the concept allows to characterize them as a collection of administrative and legal norms that define the basic values, principles, objectives, forms and methods of development of legal and prescriptive activities of executive bodies [4, 7]. Exploring the essence and content of administrative-legal principles, D. Zabroda offers to understand them set forth in the rules of administrative law parameters (characteristics) of social phenomena and issues that require settlement through administrative and legal means [5].

According to V. Spasenko, administrative and legal principles is the original principles and provisions that are the Foundation of the legal status of the Organization and functioning of the body [6]. In terms of B. Logvinenko, content, administrative-legal principles constitute the three main characteristic public-management elements: a) model, b) functions, c) form. The author specifies that: the model determines the peculiarities of organization of methodical management on all levels-command; function fixed main lines (kinds of) such activities. Forms characterize the external manifestation of specific organizational and managerial action to direct the implementation of these functions [7, pp. 9–10]. Considering the administrative and legal foundation for the enforcement of the State Security Service MIA of Ukraine M. Mazepa notes that the system of regulatory enforcement activities of State Security Service MIA of Ukraine is a set of laws and regulations that create a legal bases for its proper organization and functioning. According to the author, the above structural system of normative-legal regulation of the enforcement activity is characterized by a hierarchical combination of its elements, which acts as a necessary logical relationship of this system [8]

In terms of P. Synytsky, administrative and legal regulation of the security activity is a system of administrative-legal means (elements), a set of legal techniques and methods of influence on social relations, which is determined by the complex organizational and special measures designed to restrict access to objects, protect their territory, facilities and personnel from unlawful encroachments, and ensure the personal safety of citizens, fight with other offenses in places that are a certain way [9, p. 69]. Analyzing of organizational and legal principles of activities of the State Security Service MIA of Ukraine, Ugrovetsky offers under the notion of legal regulation of the Organization activity of the service, to understand the specific type of social regulation, what is the rulemaking authorized bodies regarding the organization of the State Security Service MIA of Ukraine as a structural component of the system of executive bodies, as well as ensuring interaction of the State Security Service MIA of Ukraine (officials) with the public in order to protect objects of all forms of property from illegal

encroachments on contractual basis and fight with other offences in the field of service [10, p. 46].

Administrative and legal bases for the activities of the State Security Service MIA of Ukraine find their PIN in the corresponding normative-legal regulation. The regulatory consolidation not only helps to define the scope of services, but also gives the opportunity to set the optimal system of provision of services concerning the implementation of the necessary measures in the field of security activities. Thus, identifying the essence of administrative and legal principles of the activities of the State Security Service MIA of Ukraine, should pay attention to the following points: – firstly, administrative-legal principles are the means of incorporating service to the sphere of law, a prerequisite for the legitimization of its activities; – secondly, due to the regulatory ensuring for legal control exercised pinning characteristics of service as a State law enforcement officer; – thirdly, normative-legal framework for the fixed service as the subject of administrative law and administrative-legal relations; – fourthly, the contents of administrative-legal foundations for service is its legal status, which is enshrined in the norms of the current legislation of Ukraine. Provisions of the Constitution establish the basic purpose and the principles of the creation, functioning and development of activity units of the State Security Service MIA of Ukraine determine the organizational and legal principles of State regulation of the service.

In addition, analysis of the norms of the Constitution of Ukraine clearly indicates the purpose of the creation of the State Security Service MIA of Ukraine as one of the Central Government, which provides protection to property. So, rules part 1 c. 41 the Constitution affirmed that "Everyone has the right to enjoy and dispose of his property as a result of his intellectual, creative activities, and rules of part 4 of the specified article noted that" no one may be unlawfully deprived of the right to property. The right of private property is inviolable ". At the legislative level the administrative and legal principles of activities of the State Security Service MIA of Ukraine presented a number of codes and laws, norms which

define the key points of service as well as govern directions of its activity. To the regulations of the special legal regulation of the activities of the State Security Service MIA of Ukraine include the laws of Ukraine, which were created with the purpose of regulating the security activity or its separate directions. The normative-legal acts can be conditionally divided into separate groups.

So, for example, to the dispositions of the laws that determine the administrative-legal status, powers, principles, tasks and functions of the State Security Service MIA of Ukraine, include disposition of Law of Ukraine «About Police» from December 20, 1990, "About the Security Activity" dated March 22, 2012, etc. Dispositions of the Law of Ukraine "About Security Activity" dated March 22, 2012, defined the General Principles of the regulation in the sphere of security activities, outlines the activities of the State Security Service MIA of Ukraine as a subject of security activities, in particular, defined types of security services, measures to ensure the security of, the licensing of security services of GEO at the Ministry, service, etc. Dispositions of art. 7 of the law of Ukraine "About Militia" from 20 December 1990 indicated that police protection is included in the units of the militia, which is the only system of Government that performs administrative, preventive, detective, criminal-procedural, Executive and security (contractual basis) function.

In addition, a number of laws regulating the activities of the State Security Service MIA of Ukraine as a law enforcement officer, particularly regarding areas of crime prevention and crime, the use of special tools, weapons, halt illegal actions on objects of protection is carried out in compliance with the requirements of legislation of the necessary defense, extreme necessity, the detention of the offender, control over the activities of the service: the laws of Ukraine "About Trafficking in Narcotic Drugs, Psychotropic Substances, their Analogues and Precursors" from February 15, 1995; «About Principles of Preventing and Combating Corruption" from April 7, 2011; "About Organizational and Legal Basis to Combat Organised Crime of June 30, 1993", "About Appealing of Citizens" from the October 2, 1996, "About the Democratic Civil Control over the

Military Organization and the Law Enforcement Authorities of the State from June 19, 2006, "About Fundamentals of National Security" dated June 19, 2003 and others. Other groups include the dispositions of the laws that govern the provision of the personal safety of citizens. In particular, the standards including 5 articles of the Law of Ukraine "About Security Activity" dated March 22, 2012, stated that protection of physical persons – activities of the Organization and practical implementation of measures of protection aimed at ensuring personal safety, life and health of individually defined physical person (group of people) by preventing or avoiding the negative direct impact factors (activity or inactivity) illegal character.

Analysis of rules of part 2 of article. 2 of the law of Ukraine "About State Protection of Court Employees and Law Enforcement" of 23 December 1993 that the State Security Service at the MIA of Ukraine has to carry out the protection of such persons as judges, court staff employees and employees of law enforcement bodies specified in part 1 of this paragraph, as well as staff personnel intelligence agencies of Ukraine, Antimonopoly Committee of Ukraine and authorized persons of the National Commission on securities and stock market who take a direct part in the specified in the law. This group of laws include the law on ensuring safety of individuals involved in criminal proceedings, of 23 December 1993, the norms of art. 8 the law determined that the appropriate authorities, who provide security, carried out Guard, protection of housing and property of persons taken under protection. And housing and property of these persons can be equipped with fire and burglar alarms, can be replaced with numbers of their residential phone numbers and Government license plates on vehicles they own. The activity of the State Security Service at the MIA of Ukraine finds its reflection in art. 4-1, which further refine standards indicated above the laws, saying that the police guard may exercise under the measures to protect the personal safety of people's deputies of Ukraine – with known Chairman of Verkhovna Rada of Ukraine; civil servants belonging to the first – the third category – by the head of the Government body; Heads of enterprises, which have strategic importance for the economy and

national security. The third group should include provisions of laws that regulate the activities of GEO in Affairs related to the protection of certain particularly important objects, the list of which is determined in accordance with the current legislation, may be carried out only by legal entities of State ownership. In particular, the provisions of art. 7 of the law on museums and Museum business from June 29, 1995 determined that when creating the mandatory conditions for the protection of the Museum, snap it by means of the security alarm system.

We should note also that the above groupings of laws does not dry out. However, the joint is that the analysis of administrative and legal principles of activities of the State Security Service MIA of Ukraine gives an opportunity to determine the classification of legal acts, which regulate different aspects of the service, including: administrative and legal status, powers, principles, tasks and functions of the State Security Service MIA of Ukraine; protect the personal safety of citizens; the activities of the State Security Service related to the protection of certain particularly important objects; passing the service employees and their social security; organizational and staffing provision; the creation of separate directions of the security activities of the State Security Service MIA of Ukraine; socio-educational and honorable work, analytical and registration work, interaction with other law enforcement, international cooperation, etc.

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