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Justification of the legal mechanism of the government control of antiterrorist security system of Ukraine

Proved relevance of doing research of studying the legal mechanism of the government control of antiterrorist security system of Ukraine. Researched general international and state regulatory legal acts as to counteraction to terrorism. Disclosed the plot of the legal mechanism of the government control of antiterrorist security system and adduced its author attribution. Justified general directions of improvement and development the legal mechanism of the government control of antiterrorist security system of Ukraine.

Keywords: *government control, mechanism of the government control, legal mechanism, antiterrorist security*

Nowadays in the world more and more often act of terrorism occurs. Changing of the socio-economic policy exposes to citizen's dissatisfaction, which expresses in strikes, riots, disorders. Appearing terrorist threats as well as in Europe as Asia demand accurate attitude of governments to terrorist threats.

Ukrainian society analysis testifies, that quantity of terrorist threats increase constantly and it is justifiable threat to national security. Moreover, armed conflict on the East of Ukraine lasts and caused to constant losses as well as civilians as militaries.

Therefore, situation in Ukraine and in the world causes appearance of outnumbered acts of terrorism. According to these conditions, state authority has to react opportunely and effectively to terrorist threats.

Problem area of the legal security and terrorist threats were mention in works of O. Kuznichenka, O.G Komissarova, O.V. Krivenko, O.V. Pletniiova, M.B. Saakiana and other scientists. Works of O.M. Bandurki, S.V. Belaya, O.G. Bondarenka, M.M. Orlova, O.O. Trusha were devoted to government regulation of service activity of law enforcement units. Herewith, questions of studying the mechanism of the government management antiterrorist system was not pay attention enough.

The purpose of the work is a research of a basic nature of the government management antiterrorist security system mechanism of Ukraine.

The terrorism is a very complicated, dynamical and multifaceted phenomenon. According scientific community [1-5], to defeat the terrorism in 21 centuries is impossible, not to mention social problems that generate it. Consequently, the war against criminal manifestations of terrorism has to become one of the main targets of government authorities. Prevention act of terror becoming the daily routine is the main task of the government antiterrorist system. The government management antiterrorist security system implements with the help of appropriate mechanisms of the government management.

Notion "mechanism" is wide use, first in technical sciences, whereas it brings own start (mechanism is an internal structure of a car, a set, a device which carry into effect, transmit and transform into energy). In humanitarian areas, the notion "mechanism" uses as a method for solving tasks. Nevertheless, now in numerous public significance sciences the notion of mechanism uses both of scientists and practitioners. The government management is not exception too.

In the government management antiterrorist security system field, legal maintenance implements appropriating legal mechanism. The notion of legal mechanism allows systemizing judicial assets of legal effect on social relations,

determine the place and role different judicial assets in the legal life of society. Also, the legal mechanism concerns legal norms, legal enactments, judicial facts, jural relationships, enforcement of the right, legal consciousness, legitimacy, law and order which conducts in the result of achievement targets of the legal regulation. Rules and principles of law, proved in legal enactments is an essence of the legal mechanisms, as from the rules of behavior begins the legal effect [6].

Laws and legal enactments form the basis of the legal mechanism of the government control antiterrorist system. Legal enactments adds and concretize its issues.

According to the generally accepted decision, legal enactments is mandatory official decision of a specially authorized entity, adopted in a certain order, which establishes new legal norms. The legal enactments are one of the main sources of modern law state, the prevailing form of legal regulation of social relations, which form a harmonious system that carries out its legal assistance.

Analyzing the work of law enforcement forces, possible to build such a hierarchical system of normative legal acts by their legal force:

- Constitution of Ukraine;
- International legal enactments ratified by Ukraine;
- Constitutional laws of Ukraine;
- Codes and laws of Ukraine;
- Resolutions of the Verkhovna Rada of Ukraine;
- Decrees and orders of the President of Ukraine;
- Resolutions of the Cabinet of Ministers of Ukraine;
- Interdepartmental regulations, departmental and interdepartmental regulations;
- Normative acts of local state administrations;
- Normative acts of local self-government bodies.

Separately, in this system, there are regulatory acts of special management bodies, which creates, if necessary, in special conditions, namely emergency committees, operational headquarters, etc.

The Constitution of Ukraine determines that Ukraine is a sovereign and independent, democratic, social, and law-governed state. Ukraine's sovereignty extends over its entire territory, Ukraine is a unitary state. The territory of Ukraine within the boundaries of the existing border is integral and inviolable. Human, life and health, honor and dignity, inviolability and security recognize in Ukraine as the highest social value. Human rights and freedoms and their guarantees determine the content and direction of the state's activities. The state is responsible to a person for his activities. The assertion and guarantee of human rights and freedoms is the main responsibility of the state [7].

A special role in the legal regulation of Ukraine give to international legal acts. The Constitution of Ukraine [7] stipulates that existing international treaties, the consent of which is binding on the Verkhovna Rada of Ukraine, is part of the national legislation. The above principles are enshrined in the Law of Ukraine [8]. Consequently, on the issues of anti-terrorist legislation, a separate bloc is the international normative-legal documents on combating terrorism ratified by Ukraine, in particular:

- Convention on the Suppression of Unlawful Seizure of Aircraft;
- Convention on the Suppression of Unlawful Acts Against the Safety of Civil Aviation;
- Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents;
- European Convention on the Suppression of Terrorism;
- International Convention for the Suppression of Terrorist Bombings;
- International Convention for the Suppression of the Financing of Terrorism, etc.

The base of the national legislation of terrorism counteraction is the law of Ukraine "On fight against terrorism" [9]. The law in order to protect individuals, states and societies from terrorism, to identify and eliminate the causes and conditions that generate it, determinates the legal and organizational bases for fight this dangerous phenomenon, the powers and responsibilities of executive authorities, associations of citizens and organizations, officials and individuals in this field, the procedure for coordination their activities, guarantees of legal and social protection of citizens in connection with participation in the fight against terrorism.

The state policy in the field of terrorism counteraction is defined by Concept of Fight against terrorism in Ukraine [10], which determines purpose, task, main principles and directions of improvement of the national system of anti-terrorism in view of the current terrorist threats to the national security of Ukraine and the prediction of their development. The implementation of the regulations of the Concept gives the opportunity to provide increasing of effectiveness of the fight against terrorism, strengthen the protection of state sovereignty, the constitutional system and territorial integrity of Ukraine, promote the improvement of legal and organizational principles of activity of subjects of anti- terrorism, interaction of struggle subjects against terrorism between themselves and with the public.

The basic principles of the coordinating body for fight against terrorism are defined by the Regulation on the Anti-Terrorism Center and its coordination groups with the regional bodies of the Security Service of Ukraine [11]. The Antiterrorist Center is a permanent body at the Security Service of Ukraine, which coordinates the activities of counterterrorism individuals in preventing terrorist acts. The main form of activity of the interagency coordination committee is meetings, which are held as needed, but at least once a quarter. In case of a terrorist act or threat of its commission, special or extraordinary meetings are held. The headquarters is the executive body of the Antiterrorist Center, is formed at the expense of the authorised staff size of the Security Service of Ukraine and is subordinated to the head of the Anti-Terrorist

Center. As part of the headquarters for analyzing current risks and threats in the field of counterterrorism, an information and analytical group operates, in which, on a voluntary basis, representatives of the subjects of the fight against terrorism can be involved in the established procedure. Coordination groups at the regional bodies of the Security Service of Ukraine are headed by the relevant heads of departments [11].

At present, Ukraine has a unified state system for preventing, reacting and stopping terrorist acts and minimizing their consequences, which is currently in force in accordance with the Regulation [12]. The Regulation determines the mechanism of functioning of a unified state system of prevention, reaction and termination of terrorist acts and minimization of their consequences, levels of terrorist threats and measures of reaction of subjects of combating terrorism to the threat of committing or committing a terrorist act.

The tasks of the unified state system are: prevention of terrorist activity, including ensuring timely detection and elimination of the causes and conditions conducive to committing terrorist acts; informing the population about the level of threats of committing or committing a terrorist act; providing security facilities for possible terrorist attacks.

Thus, on the basis of the foregoing it may be noted that under the legal mechanism, modern scientific thought is understood as a system of interconnected legal means, measures, tools, levers, etc., which function in order to implement the right regulation. Also, legal mechanisms are identified with the creation and operation of a single system of right regulation.

Thus, it is possible to provide the following author's definition of the legal mechanism of state control of the system of anti-terrorist security of the state – a set of legal measures, means, levers, incentives through which the state authorities ensure the functioning of the antiterrorist system of the state in order to reduce the level of terrorist threats.

On the basis of the conducted researches [13-15], we note that the main directions of improvement and development of the legal mechanism of state control of the anti-terrorist security system of Ukraine are currently improving the domestic legislation on joint interagency response of military formations and law-enforcement agencies of Ukraine's special assignment to threats of a terrorist nature in accordance with the unified state system of prevention, termination of terrorist acts and minimization of their consequences. That is, the creation and maintenance of a unified system of legal regulation of subjects of combating terrorism.

In order to improve the efficiency of management of the system of right regulation, it is necessary to have scientifically substantiated proposals and recommendations for making managerial decisions. The solution of this problem of improving and developing the legal mechanism of state administration of the anti-terrorist security system of Ukraine requires institutional, financial, organizational, economic and scientific support.

According to mention above, it is possible to form the following.

1. An analysis of the security situation in the countries of the world and Ukraine indicates that the number of terrorist threats is constantly increase and poses a real threat to national security. Besides, armed confrontation in the East of the state continues and leads to permanent losses of both civilians and servicemen. Thus, the current situation in Ukraine and in the world leads to the emergence of numerous terrorist acts. Under such conditions, the state authorities must respond in time and effective manner to terrorist threats. One of the main factors of the latter is the effectiveness of the relevant legal provision.

2. In the field of public administration, the system of anti-terrorism security is implemented by the appropriate legal mechanisms. The concept of a legal mechanism allows to systematize legal means of legal influence on social relations, to determine the place and role of a legal means in the legal life of a society. The basis of the legal

mechanism of public administration of the system of anti-terrorist security are laws and sub-normative acts.

3. The base of the national legislation on countering terrorism is the Law of Ukraine "On Fight against terrorism". The state policy in the field of fight against terrorism is defined by the Concept of the fight against terrorism in Ukraine. Fundamental principles of the coordinating body for the fight against terrorism are defined by the Regulation on the Anti-Terrorism Center and its coordination groups at the regional bodies of the Security Service of Ukraine. Also, in Ukraine, there is a single state system of prevention, response and termination of terrorist acts and minimization of their consequences.

4. The legal mechanism of state control of the system of anti-terrorist security of the state is a set of legal measures, means, levers, incentives through which the state authorities ensure the functioning of the antiterrorist system of the state in order to reduce the level of terrorist threats.

5. The main directions of improvement and development of the legal mechanism of public administration of the system of anti-terrorist security of Ukraine are currently improving the domestic legislation on joint interagency response of military formations and law-enforcement agencies of Ukraine's special purpose to threats of a terrorist nature in accordance with the unified state system of prevention, response and termination of terrorist acts and minimization their consequences.

6. Further researches will be directed on improvement of the existing system of antiterrorist security of the population of Ukraine.

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