

The legal basis of the militia's activity during the period of the formation of an independent state of Ukraine (end of 1990 - mid-1991).

The article is devoted to the coverage of some aspects of the legal norms of the Law of Ukraine "About the police" of 20.12.1990 and "The Regulations on the service of an ordinary person and the commanding staff of the bodies of internal affairs" of 29.07.1991 as the legal basis for the militia during the period of the formation of an independency of Ukraine.

Right now, when Ukraine is in the process of actively reforming of all state authorities, the issue is the formation of high-quality police officers, which is possible only if the process of opening and rigorous selection of personnel is ensured, providing them with quality education and adequate modern conditions for military training, fair and transparent appointment (transfer) of specialists to positions, creation of conditions for the stability of the labor relations of persons of ordinary and commanding personnel, as well as satisfying the material needs of the police.

Development of effective and scientifically grounded strategy It is advisable to reform the law enforcement agencies in Ukraine on the basis of a thorough study and rethinking of national historical experience, in particular, the legislative framework of the activity of the police of Ukraine in the late 1990's - mid-1990's.

The urgency of the topic is also that, its elaboration will create an opportunity to supplement the existing in the science with the idea of the functioning of the police on the territory of Ukraine during the specified period.

The purpose of the article is to study the legal norms of the Law of Ukraine "On the police" and 1990 "Regulations on the passage of service by ordinary and bosses of the bodies of internal affairs" through analysis, generalization, comparison of the basic norms and provisions of the legislation in force at that time.

A number of works by scientists are dedicated to separate problems of the militia in the context of the formation of an independent Ukraine – both historians and lawyers. Among such works stands out multi-volume documentary by editing P.P. Mikhaïlenko and Ya.Yu. Kondratiev [1]. No less important is work Yu.F. Kravchenko "Police of Ukraine" [2]. In studies M.I. Anufriyev, O.M. Bandura, O.N. Yarmish [3], O.B. Gorovaya [4], E.O. Guida [5], S.D. Gusariev [6], I.V. Gamalia [7], L.A. Sidorchuk [8], A.N. Klyuyev [9], Yu.V. Kidruk [10], S.M. Timchenko [11], Yu.D. Kuniyova [12] A wide range of problems of functioning of the police of Ukraine is researched. which cover the legal and organizational-managerial aspects of its activities. These works, of course, have a significant scientific value, at the same time, the analysis of the legal norms of the militia during the period of the formation of an independent state of Ukraine (the end of 1990 - the middle of 1991) in them is described fragmentarily.

In the early 80's there was a change in the leadership of the Ministry of Internal Affairs of the USSR, which led to unprecedented clearance of the personnel

of the police. However, later it was acknowledged that during this campaign there were explicit exaggeration, and a certain part of the dismissed employees was resumed at work in the police. All the released, who did not return to the police, there was quite a lot [2, c. 95].

The so-called restructuring and disintegration of the USSR have caused further destabilization of personnel. If earlier the police released mostly new people, who did not withstand the conditions of work in the police, then in the late 80's - in the early 90's police officers left professionals with great work experience, which offered much better working conditions and payments in various commercial structures [2, c. 95].

On December 20, 1990, the Law of the Ukrainian SSR came into force "About the police" [13], which affirmed that the legal basis for the militia is the Constitution of the Ukrainian SSR, Law "About the police", other legislative acts of the Ukrainian SSR, resolutions of the Supreme Soviet of the Ukrainian SSR, the decision of local Soviets of People's Deputies, accepted within their competence, normative acts of the Ministry of Internal Affairs of the Ukrainian SSR, as well as the Constitution of the USSR, other legislative acts of the USSR, normative acts of the Ministry of Internal Affairs of the USSR, if they do not contradict the Constitution of the Ukrainian SSR, Declaration on State Sovereignty of Ukraine and the Universal Declaration of Human Rights, international legal norms, ratified in the established order (Article 4).

The law defined the main tasks (Article 2), the principles (Article 3), duties (Article 10) and the rights of the police (Article 11), pointed to the order of application of measures of physical influence, special means and firearms (Articles 12, 13, 14, 15), regulated the legal (Article 21) and social (Article 22) protection of police officers, state insurance and indemnification in case of death or injury of a police officer (Article 23), defined the bodies that were under the control of the police (Article 26).

Article 25 of the Law "On the Militia" regulated the responsibility of police officers in disciplinary and criminal procedures. In addition, it obliged the wine police officer to compensate for the pecuniary damage caused by his actions (by way of reimbursement of losses incurred) and moral harm (for example, by public apologies for a citizen's request). The law remains valid for 25 years and only with the adoption of the Law of Ukraine "On National Police" [14] has lost its validity.

On July 29, 1991, the Cabinet of Ministers of the Ukrainian SSR has approved "Regulations on the passage of service by ordinary and commanding officers of internal affairs bodies" [15], which determined the list of police ranks from ordinary militiamen to colonel-general of internal service (paragraph 2), the age from which a person was taken to serve in the internal affairs bodies was established (paragraph 3), the deadline for police service for men and women was specified, respectively, 45 and 40 years (paragraph 5), order of assignment of pre-term or one degree higher than a special rank (Article 35). In addition, the Regulation states, mention, that the persons of ordinary and commanding staff law enforcement agencies used all socio-economic, political and personal rights and freedoms, fulfilled all the duties of citizens envisaged by the Constitution of the Ukrainian SSR and other legislative acts, and their rights, duties and responsibilities,

stemming from the conditions of service, were determined by law, the oath, the statutes of the bodies of internal affairs and the Statute itself (paragraph 10).

For exemplary performance of duties and achievement of high results in the service of the person of ordinary and commanding staff could be encouraged by direct directors in accordance with the norms of the Disciplinary Statute of the ATS of the Ukrainian SSR, including state awards (paragraph 14). In paragraph 15 it was noted that the police were forbidden to engage in any kind of entrepreneurial activity, as well as organize strikes and take part in them, but it could be united in public organizations, whose activities were carried out in accordance with the law (Article 22). This norm causes us to have a controversial attitude, because, in our opinion, the prohibition on engaging in entrepreneurial activity is not entirely justified, that the material support of the police officer did not even satisfy the minimum needs of the average family and, moreover, limited constitutional human rights, which by their nature have greater legal force, rather than a departmental legal act.

The situation set a 41-hour working week and assumed a service beyond the specified time, as well as on weekends and holidays. For service overtime, at night, on weekends and public holidays, an additional payment should be made in accordance with the legislation in force. The police officers were required to serve where this was demanded by the interests of the service, which was conditioned by the orders of direct bosses аж to extend the service beyond the republic (paragraph 21).

There were four types of responsibilities: disciplinary, administrative, material and criminal (paragraph 23). Introduced a restriction on the receipt of another special rank in the case of a previously imposed and unoccupied disciplinary sanction (paragraph 36), specified the procedure for deprivation of special ranks for a court sentence, which has acquired legal force, or according to the current legislation (paragraph 38).

In order to improve the functioning of the internal affairs bodies, increase their work efficiency, improve their selection, placement and upbringing of personnel, promotion of professional development, initiative, creative activity and responsibility of employees for the given case the certification of persons of ordinary and commander staff was carried out (paragraph 47). The situation regulated the issue of holidays (regular, short-term, due to illness, vacation, in connection with the completion of educational institutions of the Ministry of Internal Affairs of the USSR and the Ministry of Internal Affairs of the Ukrainian SSR, extra and social (in connection with pregnancy, childbirth and child care, creative, in connection with education) (paragraph VI), dismissal from service in the internal affairs bodies (in reserve, in retirement, due to illness, due to limited health status, for service life, due to service inconsistency, violation of discipline, on their own, due to the reduction of staff) (paragraph VII), as well as the peculiarities of the service of certain categories of persons of the commanding staff (paragraph VIII).

Despite the sufficient normative base, the general state of discipline and the legality among the police officers continued to be complicated. There have been numerous cases of police officers committing robberies, participation in bandit groups, committing workers to other resonant emergencies, among which are the

criminal manifestations, the facts of careless handling of the weapons and their losses, failure to observe the established security rules during performance of official duties, gross violation of traffic regulations, etc.. Extremely acute in the organs of internal rights was the question of compliance of employees of the TIA (The Internal Affairs) of the rights and freedoms of citizens during their official activities [16, p. 42-47].

Thus, the research of the legal basis of the militia's activity during the period of the formation of an independent state of Ukraine (late 1990 - mid-1991) testifies to the existence of a significant regulatory framework, aimed at ensuring the legal activity of the police authorities of the specified period, but disciplinary practice suggests that, despite this, the level of discipline and crime in the police remains low.

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