

PUBLIC CONTROL AS A MEANS OF ENSURING THE LEGALITY OF THE APPLICATION OF ADMINISTRATIVE COERCION MEASURES

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In a modern democratic state, law enforcement agencies are called to act as one of the main state institutions for the protection of the rights and freedoms of a person and a citizen and support the security and stability of society. The priority of law enforcement agencies should be the protection of human rights and orientation toward serving society.

The concept of reorientation of the state to serve people, and not to manage people, on the one hand, and the other, when taking into account Ukraine's current course of deepening European integration to gain membership in the EU (the process of integration includes the improvement of the domestic legislative framework in the form of adaptation of the legislation of Ukraine to EU legislation) [1, p. 108], explain the review of established approaches to ensuring the rights and freedoms of a person and a citizen in administrative and jurisdictional activities, and directly during the application of various measures of administrative coercion.

Public control is one of the important tools for maintaining law and order, primarily during the application of administrative coercion measures. Convinced that effective public control contributes to the achievement of a high level of observance of fundamental human rights and freedoms, it is necessary to take into account the fact that law enforcement agencies are endowed with exclusive powers to protect individual rights and freedoms, but at the same time are the least prone to control by a society which makes the development of public control over law enforcement agencies a priority.

Unfortunately, along with numerous examples of high professionalism in the performance of assigned tasks by various law enforcement agencies, there are not only cases of violations by law enforcement officers of their official duties, abuse of official powers, and, as a result, unacceptable violations of the legal rights and freedoms of a person and a citizen.

The existing system of public control is unable to solve absolutely all the existing problems of law enforcement agencies, which are related to both the high level of unprofessionalism and corruption, as well as the obvious disintegration and distrust of the population towards the latter.

Public control, acting as a feedback mechanism, can provide the population with the opportunity to realistically evaluate and adjust the work of law enforcement agencies and individual employees. The declared high status of law enforcement agencies as servants of the people is impossible without evaluation and correction of their activities by the people themselves. This is not accidental, because ensuring legality during the application of administrative coercion measures –is the creation of such an administrative and legal regime in society, under which the entire system of bodies, performing the functions of maintaining public order, ensuring public safety, and fighting crime, is obliged, on the one hand, to strictly comply with the requirements of laws, and on the other hand, to demand from officials and citizens of the unconditional implementation of these laws and other law enforcement and law enforcement measures to strengthen law and order in the state.

Public control as a type of social control is a function of civil society, a way of involving the population in managing society and the state. It is an important form of implementation of democracy, as it allows the population to participate in state administration, in solving state and public affairs, to actively influence the activities of state authorities and local self-government [2, p. 75].

By the current legislation, and in particular Chapter VIII "Public Control of Police Activities" of the Law of Ukraine "On the National Police", the following forms of public control of police activities are normatively defined: obtaining and publishing a report on police activities; control over the activities of the head of the police and adoption of a resolution of no confidence in him; through interaction between the heads of territorial police bodies and representatives of local self-government bodies; by involving the public in considering complaints about the actions or inaction of police officers.

R. Mironyuk singles out eight legally defined forms of public control over the activities of the National Police of Ukraine: 1) representation of the public in collegial bodies at the central and territorial units of the National Police of Ukraine; 2) participation of the public in the discussion and preparation of normative legal acts that regulate the activities of the police; 3) direct appeal of citizens and mass media to police bodies in order to obtain information about their activities; 4) participation of public representatives in the selection of candidates for the police and the passing of personnel certification; 5) participation of members of the public in conducting an official inspection regarding complaints about the actions or inaction of police officers; 6) form of organization of surveys of citizens regarding satisfaction with police activities; 7) the obligation of reporting by the leadership of police units on the results of their activities; 8) participation of human rights non-governmental organizations in the development of police activity programs [3, p. 28-29].

"Forms of public control," emphasizes O.S. Yunin, - compared to the "classic" concept of control over the activities of executive authorities, have certain features, since they do not provide for the direct intervention of citizens and institutions of civil society, local self-government in the operational activities of the police and the absence of powers to impose sanctions for violations, which were found in control process" [4, p. 26].

A separate form of public control over the legality of the use of coercive measures can also be considered the involvement of the public in considering complaints about the actions or inaction of subjects of administrative jurisdiction. Such control can be carried out in the form of involving members of the public in the joint consideration of complaints about the actions or inaction of such subjects and in the verification of information about the proper performance of the duties assigned to them by the laws and other regulatory legal acts of Ukraine [5].

Thus, summarizing what has been said, attention should be paid to the fact that the essence of public control over the legality of the application of administrative coercion measures is to ensure compliance with laws and the protection of the rights of citizens on the part of society in the process of administrative-jurisdictional activity of subjects of power. Such control provides access to complete and objective information about the applied measures of administrative coercion. This means that citizens should be aware of what measures are being taken, on what grounds, and what rights they have in this situation [6]. Also, citizens should have the opportunity to appeal decisions made during the application of administrative coercion measures, if they consider them illegal or unfair. This can be through official complaints to government bodies or through appeals to public organizations that can help in the protection of rights.

The essence of public control over the legality of the application of administrative coercion measures is aimed at ensuring justice, protecting the rights of citizens, and preventing abuse by the relevant entities authorized to apply them.

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