

CIVIL CONTROL UNDER SECURITY SERVICE OF UKRAINE

Developed civil society is an important prerequisite for the construction and development of the rule of law, which is based on declarative prescription of Article 1 of the Constitution of Ukraine, according to which Ukraine is [1]. The Security Service of Ukraine as a state law enforcement agency charged with implementation of the special purpose of basic organic not ephemeral system- state functions – national security of Ukraine (Article 1 of the Law "On the Security Service of Ukraine"). That is, this function is immediate, direct, necessary, fundamental and unique to the Security Service of Ukraine as an organ of state (national) security, but it can also be done by other subjects both state and non-state. Thus, the aim of this study is to determine the place of civil society institutions firstly, as subjects of practical activity to implement the functions of national security of Ukraine, and secondly, as subjects, the fundamental feature of which is a the fundamental feature of which is a non-governmental component, thirdly in forms and methods by which they implement this feature in their relationship in this activity.

Scientific doctrine to the list of civil society institutions usually includes: 1) political parties, lobbying organizations (committees, commissions, councils) established by government and law enforcement bodies; 2) public policy organizations and movements (environmental, active, human rights), the union businesses, consumer associations, trade unions, charities (charitable organization), cooperatives, research and cultural organizations, sports communities; 3) municipal commune self-government and other funds of residence and work, and 4) the association of voters, political clubs; 5) independent means media; 6) religious organizations. These structures represent a set, which can be grouped into several main groups: 1) associations located in the plane of cultural, social, sporting, age, gender, regional, religious, professional, social and other (non-political) interests; 2) associations that are in the sphere to satisfy their political rights (various political parties and movements, 3) bodies with the function of legal protection (various human rights organizations, the legal profession, notaries, Verkhovna Rada of Ukraine Commissioner on Human Rights, etc.); 4) independent media, 5) local governments as having the dual nature of its manifestation in ensuring national security: the state of the delegated functions with one hand – the state-power component, and, as enshrined by the Constitution and laws of Ukraine law and real ability to solve local issues.

Sectoral Framework Act "On the Security Service of Ukraine" Clause 8 (General Principles) provides the legal framework for relations with the Security Service

of Ukraine citizens and their associations, including prescription Part 2 revealed that the citizens of Ukraine and their associations others promote legal activities of the Security Service of Ukraine voluntarily [2]. That is a) citizens and their associations contribute Security Service of Ukraine as the state law enforcement agency whose function (primarily the duty) is to provide national security of Ukraine only within its lawful; b) citizens and their associations contribute Security Service of Ukraine to ensure public safety on a voluntary basis, that is based on the principle of good (actually, not secured by any not secured by any coercion) will and are, in fact, subjective rights of citizens and their associations, the measure of possible behavior; c); the subjects of these relationships can be both individuals and their collective formation, d) analysis of the Law of Ukraine "On the Security Service of Ukraine" in general and legal norms in particular leads to the conclusion that the relationship with civil society institutions regulated only by this law in connection with a somewhat outdated and, to some extent, an imperfect version of the Law of Ukraine with security organs, however, some features of practical implementation on some we conventionally divided civil society groups.

Civil society institutions involved in the implementation of public control, which is a separate independent state and legal institutions and, at the same time, the main way to ensure law and discipline (along with national, office, judicial control, which is a type of state control). Institute of social control in domestic legislation found its legal regulation under the name of civilian control in the relevant law "On democratic civilian control over the military and law enforcement agencies" dated June 19, 2003 [3] and was at the beginning of the XXI century, some legal novelty. This law regulates the relationship due to the people's (folk non-governmental control). Also defines objectives (Article 2), the principles of its implementation (Article 4), the subject of control (Article 5), subjects and controlling system (Article 6), guaranteeing its implementation (Section VI).

In order to increase the efficiency of public control, facilitating the law enforcement agencies, by order of the President of Ukraine № 269/2006-rp of 20 July 2006, the Public Council under the State Security Service of Ukraine was formed. Activities of democratic civilian control, detailed standardized Regulations of the Public Council under the Security Service of Ukraine, approved by Order of the Security Service of Ukraine on October 12, 2012 № 465 whereby the legal status of the Public Council (p. 1) defined as an advisory body that enhances the effectiveness of activity of the Security Service, civic engagement Civil and Democratic Control in public security and confidence to SSU from the community [4]. Also it fixed legal principles, principles of business, formation of, the problem and its competence. The principal requirements of the Regulations is that the Council and its members to begin work on a voluntary basis, and secondly, they cannot interfere in the operational activities of agencies, departments and officers

of the Security Service. The composition of formed amongst civic leaders, representatives of human rights organizations, the media, famous scientists with their consent or offering the public body or association. Analysis tasks and responsibilities as required by applicable regulations, allows to the conclusion that the Council a) promotes the activity of SBU as a state law enforcement agency, special purpose of realization of functions of national security of Ukraine, and b) contributes to public debate on bills and other legal acts, thus is an organizational structure at the Security Service of Ukraine. It promotes public scrutiny by law enforcement. It does this in the following organizational forms: a) by direct participation in the meetings of the Council, and b) by introducing initiatives for immediate consideration for the citizens concerning violations of human rights and freedoms SSU c) through the participation in inspections cases of violation of citizens' rights and freedoms of SBU.

Analysis of national legislation and the structural characteristics of the logical notion of national security functions [5; p. 104–105], the place and role in the process of civil society as social control subjects allows us to conclude that they perform the functions of the Security Service of Ukraine assistance as a public body, the immediate and direct function of which is to ensure the state security of Ukraine. Second, the Law of Ukraine "On the Security Service of Ukraine " in connection with its application should be narrowed to present in the following: Under the protection of the state are people who contribute Security Service of Ukraine: citizens, stateless persons, officials of local governments , members of NGOs, human rights organizations , members of the media involved in ensuring public safety.

Literature

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