

TYPES OF REGULATORY LEGAL ACTS AS A RESULT OF THE REGULATORY ACTIVITY OF THE MINISTRY OF INTERNAL AFFAIRS OF UKRAINE

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Abstract: *the article is devoted to the study of types of normative legal acts as a result of normative activity of the Ministry of Internal Affairs of Ukraine. Doctrinal sources on the system of normative legal acts of the Ministry of Internal Affairs are analyzed. Emphasis is placed on the characteristics of certain types of acts, as well as adjustments and suggestions for improvement. The directions of increase of efficiency of influence of the right on public relations through by-laws are offered. It is determined that departmental acts of the Ministry of Internal Affairs of Ukraine are bylaws issued in accordance with the law, on the basis of it, in order to specify legislative provisions and regulations, their explanation or establishment of primary norms and are administrative acts of a state body endowed with special functional competence.*

Keywords: *lawmaking; departmental lawmaking; by-laws; law-making process; law-making activity; legal act; normative prescription; executive body; mechanism of legal regulation.*

Summary of the main material of the study: The need for security is one of the basic values of every society. Therefore, it is natural that the assessment of the effectiveness of the state is based not only on the achieved level of material well-being and social security, but also its ability to ensure the personal and property rights of citizens. The implementation of this function directly depends on law enforcement agencies, among which the leading role belongs to the Ministry of Internal Affairs of Ukraine, as the central executive body and coordinator in the activities of the entire law enforcement system. It is the Ministry of Internal Affairs of Ukraine that is entrusted with the function of developing and adopting normative legal acts that assist, coordinate and facilitate the activities of law enforcement officials. The correctness and clarity of the developed regulations depends on the effectiveness of the performance of official duties by law enforcement officers, which can result in a reduction in crime, or, conversely, its increase.

Since the independence of Ukraine, many scholars in their research are trying to find an approach to a more successful system of regulations. Particular attention has been paid to this area since 2014, when Ukraine embarked on the path to joining the European Union, which requires compliance with European standards. Legislators of Ukraine adopt laws in accordance with EU requirements, respectively, and bylaws of central executive bodies must fully comply with them.

Scientists such as V. Kolpakov, A. Komzyuk, N. Krestovskaya, L. Matveeva, O. Muzychuk, O. Negodchenko, V. Olefir, V. Opryshko, M. Orzikh, O. Skakun, P. Rabinovich, O. Ryabchenko, A. Selivanov, O. Skakun,

M. Tishchenko, V. Shapoval, V. Shkarupa, O. Yakub and others. However, some aspects remain undisclosed, namely those related to the types of regulations.

Before we begin to consider the classification of regulations, we should consider the concept of regulation as a whole. In his research, each scientist has developed the most successful approach to the interpretation of regulations, offering his vision. For example, Krestovskaya N. and Matveeva L., argue that the normative legal act - a written document issued in the prescribed manner by the competent authority of the state, containing legal norms of a general nature [3, p. 34]. More broadly, this concept is considered Skakun O., believes that the normative legal act - an official act of expression (decision) of the authorized subjects of law, which establishes (changes, cancels) legal norms to regulate public relations. Or in other words: an act of lawmaking, which contains legal norms. Thus, the normative legal act is a decision of the law-making body aimed at establishing, changing or repealing the rules of law [8, p. 225]. Legislators of Ukraine are also trying to consolidate the definition of the legal act at the legislative level. The first attempts were to develop the Draft Law of Ukraine "On the normative legal act", which states that the normative legal act is an official document adopted (issued) by an authorized entity in the form and manner prescribed by law, which establishes the rules of law for indefinite range of persons and is designed for repeated use [7]. Unfortunately, this bill has not been adopted yet.

Thus, based on the definition of the normative legal act, which is submitted by some scholars, we

can say that it is an officially adopted document in writing, the jurisdiction of which extends to the entire territory of the state, or to the relevant departments.

Since we are considering the regulations of the Ministry of Internal Affairs of Ukraine, it should be noted that in accordance with the Order of the Ministry of Internal Affairs № 649 of 27.07.2012 "On approval of the Instruction on the organization of rule-making activities in the Ministry of Internal Affairs - the Ministry of Internal Affairs of Ukraine" written document, which is accepted by the Ministry of Internal Affairs as a subject of rule-making, in accordance with the procedure established by law and the established form, aimed at regulating public relations, contains rules of law, has an impersonal nature and is designed for repeated use [6]. Thus, based on the definition of the normative - legal act of the Ministry of Internal Affairs of Ukraine is an officially adopted document by structural units of the Ministry of Internal Affairs of Ukraine, and are mandatory for all units of the Ministry of Internal Affairs of Ukraine.

Analyzing the whole system of normative legal acts in Ukraine, it can be divided into national normative legal acts and branch ones. The domestic ones include regulations that extend their jurisdiction to the entire territory of our state. And, to branch it is possible to carry those regulations which extend the jurisdiction to a certain division and accordingly accepted by this division. National and legal acts are the Constitution of Ukraine, as the Basic Law of Ukraine, and the laws of Ukraine, which are adopted by the Verkhovna Rada of Ukraine and are binding on all public authorities. Sectoral regulations are orders, directives, resolutions, instructions, decisions, which are adopted by the relevant public authority and extend their jurisdiction to the relevant system of public authorities.

It should be noted that the problem of classification of legal acts is not new and scientists have devoted enough scientific work to its study.

V. Nersesyants points out that there are a large number of types of legal acts, but together they as a separate source of law within a national system of law form a certain hierarchical system of acts of different legal force. According to the legal force, normative legal acts are divided into laws and bylaws [5, p. 402].

V. Kolpakov and O. Kuzmenko classify acts according to the following criteria: by legal properties (normative (law-making, acts of general nature) and non-normative (individual, law enforcement, law enforcement)); beyond action (actions of acts in space and time); by the nature of the competence of the bodies that issue acts (acts of general, sectoral and functional management); according to the position of the bodies issuing acts in the management hierarchy (classified depending on which bodies issue them) [1, p. 215].

Scientific classification of regulations makes it possible to clarify their legal nature, determine the role and importance in the management process, in solving general and special tasks of public adminis-

tration, to develop the clearest and most perfect order of their publication, to develop effective measures to control them. implementation.

The division of regulations into groups depends on their properties, purpose and practical significance. This makes it possible to better understand their legal origin and to clearly understand the differences and purpose of each type of these acts. All this serves to improve the legal forms of public authorities, because it provides an opportunity to help improve the procedure for issuing acts and develops a clear procedure for monitoring compliance with their implementation.

If we analyze the scientific classification of regulations of internal affairs bodies, we agree with V. Konoplyov, who classifies management decisions according to the following criteria:

- 1) by legal consequences: legal and non-legal;
- 2) by object of influence: external and internal;
- 3) by areas of managerial influence: general and partial;
- 4) by purpose: strategic and situational (tactical);
- 5) depending on the number of entities that make management decisions: individual, collegial and collective;
- 6) for objects in respect of which management decisions of internal affairs bodies are made: individual and normative;
- 7) under the conditions (reasons) of acceptance: initiative and directive;
- 8) in the form of external expression: written, oral and implicit;
- 9) for the duration of implementation (realization): calculated for a certain period of time, the validity of which is not set in advance, such that cease to have effect as they are performed;
- 10) by the criterion of publicity: closed and open [2, p. 49–64].

In our opinion, this is a fairly wide range of classification of regulations of law enforcement agencies and covers all types of acts of theoretical significance.

Since, the Ministry of Internal Affairs of Ukraine is the main subject of rule-making activity in the system of internal affairs bodies and is authorized to develop and adopt within the legislation normative legal acts of secondary nature, which contain secondary, are derived from legislative norms of higher state authorities, and specify appropriate primary rules for ease of use by units that are part of the ministry's structure. The key is that all regulations adopted by the ministry should be issued only on the basis of the Constitution and laws of Ukraine in order to detail them. However, such acts should not be construed as having less legal force and legal binding force. We are not talking about the supremacy and universality of such norms, because it is inherent only in the laws of our state. However, the normative legal acts of the Ministry of Internal Affairs of Ukraine occupy an important place in the system of normative legal acts, as they ensure the implementation of laws through

specific normative regulation of the relevant public relations and are binding.

According to the Order of the Ministry of Internal Affairs of Ukraine dated 27.07.2012 № 649 "On approval of the Instruction on the organization of rule-making activities in the Ministry of Internal Affairs of Ukraine", the Ministry issues such types of regulations as regulations, statutes, instructions, rules, guidelines. Also, if necessary, other types of regulations may be issued, which must be approved by order.

Consider the types that are fixed by order:

- The Regulation defines the status, tasks, functions, rights and responsibilities, the procedure for regulatory regulation of specific activities carried out by structural units of the Ministry of Internal Affairs.

- The Charter is a set of provisions (rules) that determine the basics of operational and service activities, the rights and responsibilities of employees (servicemen), the general procedure for service in the structural units of the Ministry of Internal Affairs of Ukraine.

- The charter of a legal entity is a report of regulations (rules) that determines the legal status, tasks, functions, structure, authorized capital and name of the legal entity and its location, the title of the head who heads it, as well as other necessary conditions of the legal entity.

- The instruction establishes the order of application of acts of the legislation and contains the norms establishing by whom, in what order, in what ways, methods and by means of what means this or that kind of activity should be carried out.

In accordance with the above Instruction, the list of types of regulations, in our opinion, is quite wide. It is advisable to classify the regulations of the Ministry of Internal Affairs of Ukraine in more detail according to certain criteria. Example:

1. Depending on the competence of the departments of the Ministry: individual, relate to a specific unit and a specific person responsible for compliance with this act; contractual, relating to cooperation between other executive bodies for the implementation of public policy.

2. Depending on the function: regulatory and protective.

3. Depending on the direction of activity;

4. In the form of: normative - legal acts should be only written;

5. By name: orders, directives, instructions, instructions, instructions, contracts, resolutions, submissions, instructions, protests. In our opinion, it would be appropriate to add to the list of types of regulations of the Ministry of Internal Affairs of Ukraine the above types of regulations. Analyzing them, we can note the following:

- a) orders - a legal act issued by the head, on the basis of laws and for their implementation, containing individual instructions or legal norms on issues, usually internal organizational activities, addressed to subordinate bodies and employees. As a rule, the

text of the order consists of two parts: ascertaining and operative. The ascertaining part sets out the reasons and circumstances that led to the issuance of this order, states its purpose and objectives, assesses the current state of affairs. This part of the order is summarized, touching only on those issues on which there will be instructions in the operative part. The main part of the order is the operative part, which sets out the essence of the document. It begins with the word "I order" and contains specific instructions for performing tasks. Orders are based on the provisions of the Constitution, laws, international treaties of Ukraine. Orders of the Ministry of Internal Affairs of Ukraine are issued on key, basic issues of the organization of the prosecutor's office and on the procedure for implementing measures of material and social security of its employees.

- b) an order is an act issued by the head alone to perform operational tasks. Orders are usually issued in the development of normative orders in order to perform some actions by the prosecutor or investigator. The orders regulate the procedure for conducting comprehensive inspections, the organization of reception-transfer of cases, prevention of cases of possible disclosure of information on the status of criminal investigations and prosecutorial supervision on these issues, etc.

- c) a provision is a normative legal act that establishes the structure and functions of any body, or determines the order of any activity. For example, the Regulations on state metrological supervision, the Regulations on scientific activities of reserves and national nature parks, the Regulations on the procedure for the creation and use of funds for material incentives and socio-cultural development.

- d) instruction - a normative legal act that defines in detail the content and methodological issues of legal regulation in a particular area of public relations. For example, the Instruction on the procedure for state metrological supervision, the Instruction on the procedure for issuing licenses for the extraction of wild ungulates, the Instruction on the procedure for registration, accounting, issuance and storage of documents for travel abroad.

- e) rules - a normative legal act that specifies normative prescriptions of a general nature in order to regulate the behavior of the subjects of legal relations in certain areas and resolves procedural issues. For example, Rules of obligatory certification of oil and oil products, Rules of use of the tram and trolleybus in the cities of Ukraine;

Analyzing the research of scientists on the types of regulations, unfortunately, we did not find a clear proposal for a list of specific types of regulations. This indicates a lack of attention to this issue and not seeing a problem in it.

In our opinion, the types of regulations of the Ministry of Internal Affairs of Ukraine should be clearly defined, because each of these types has its own structure, requirements, and jurisdiction. Therefore,

we propose to add the following list to the list of types of regulations: orders, regulations, statutes, instructions, rules, guidelines. This will expand the capacity of the ministry and subordinate bodies to create by-laws, and this will allow more efficient performance of state tasks.

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