

ESSENCE AND CONTENT OF ADMINISTRATIVE AND LEGAL COUNTERACTION TO ILLEGAL MIGRATION IN UKRAINE

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Abstract. *The author of the article has emphasized that administrative and legal counteraction to illegal migration in Ukraine is a comprehensive and multifaceted process requiring constant improvement and adaptation to new challenges. Administrative and legal counteraction to illegal migration in Ukraine includes a set of measures aimed at preventing, detecting, stopping and eliminating illegal migration on the territory of the country. It is a set of legal norms, administrative procedures and actions of state agencies aimed at protecting national security, maintaining public order and compliance with migration legislation.*

It has been noted that the main aspects of administrative and legal counteraction to illegal migration in Ukraine include the legislative framework, organizational and control measures, cooperation with other countries and international organizations, the application of sanctions and liability, as well as preventive measures.

It has been established that administrative and legal counteraction to illegal migration in Ukraine covers comprehensive measures based on various aspects allowing to effectively consider the problem and develop strategies to overcome it. Each of these aspects plays an important role in creating a coherent system of combating illegal migration. Administrative and legal counteraction to illegal migration is an integral part of the general system of security and law and order in Ukraine. It is aimed at protecting national interests, ensuring the compliance with the legal regime on the territory of the state and Ukraine's international obligations.

Key words: *administrative and legal counteraction, illegal migration, administrative and legal regulation, public administration, administrative legislation.*

1. Introduction

A person in his or her country of origin often faces significant difficulties because of his or her religious, political views and beliefs, because of belonging to a certain social group, nationality, and because of a systematic violation of his or her rights. As a result, the stay of such a person in his or her country of origin does not seem possible due to his or her constant harassment, persecution, torture, inhuman treatment and sometimes the risk of losing his or her life [1, p. 1].

Due to the dynamism of social relations in the world, the presence of wars and armed conflicts, a significant number of people are forced to seek protection in foreign countries [2, p. 1].

The military aggression of the Russian Federation against Ukraine has forced many people to leave their homes and seek refuge abroad. However, not all Ukrainian citizens are aware that the procedure for refugees leaving the country has its own specifics during ordinary and extraordinary periods [3, p. 213]. Therefore, some Ukrainian citizens sometimes leave the state of their permanent residence and enter the territory of another state without official permission. This involves the illegal crossing of the state border of another country in violation of migration laws.

Definition of the clear content and essence of administrative and legal counteraction to illegal migration at regulatory legal, organizational and management levels increases the effectiveness of legal enforcement. Clearly defined legal mechanisms and procedures for administrative and legal counteraction to illegal migration will allow state agencies to perform their functions more effectively. An important aspect is the protection of national security. Illegal migration can have serious implications for national security, including the

risks of terrorism, organized crime and other threats. Establishing a clear legal basis for combating illegal migration will help the state better protect its borders and population. Harmonization with international standards is an equally important aspect. Ukraine strives for integration with European and international structures. Defining administrative and legal aspects of combating illegal migration in accordance with international standards will help Ukraine to fulfill its international obligations and cooperate with other states in the field of migration policy. It is worth paying attention to the protection of human rights. Establishment of a clear legal regulation of combating illegal migration will ensure the observance of human rights: both illegal migrants and citizens of Ukraine. It will help to avoid abuses and illegal actions by state authorities. We should also consider the economic aspects of the researched issues. Illegal migration can have a negative impact on the economy, including shadow employment and tax evasion. Establishment of effective administrative and legal mechanisms will allow the state to control these processes by reducing economic losses.

2. Review of the literature

Problematic aspects of public administration in the field of combating illegal migration within domestic science of administrative law were studied in thorough scientific works by V. B. Averianov, O. M. Bandurka, V. M. Bevzenko, Yu. P. Bytiak, V. M. Vats, S. H. Hasparian, V. V. Halunko, I. P. Holosnichenko, N. T. Honcharuk, M. V. Dzhararova, O. Yu. Drozd, P. V. Yevdokymov, V. O. Ivakha, K. S. Izbash, O. M. Muzychuk and many other scholars. However, despite the considerable number of scientific achievements, scholars currently face the need to rethink this problem from the point of view of the latest challenges.

3. Research purpose and objectives

The purpose of the article is to analyze the essence of administrative and legal counteraction to illegal migration in Ukraine. To achieve this purpose, it is necessary to solve the following objectives: to analyze the meaning of the category of “counteraction” in various spheres of society’s life; to form the concept of administrative and legal counteraction to illegal migration through the prism of the analysis of different approaches to its interpretation.

4. Scientific novelty of the research

The scientific novelty of the research is the fact that the scientific article will be one of the first attempts in the domestic administrative and legal doctrine to reveal the essence of administrative and legal counteraction to illegal migration, taking into account the relevant challenges and a wide range of existing problems in this field of social relations.

5. Results

Establishment of the essence of the concept of administrative and legal counteraction to illegal migration is an important task for Ukrainian scholars in the field of law, since it contributes to more effective state policy, protection of the rights and freedoms of citizens, and ensures the compliance with international standards.

Establishment of the essence of the concept of administrative and legal counteraction to illegal migration is also a multifaceted task that is of crucial importance for legal science, the effectiveness of state policy, international cooperation and the general well-being of society. This task requires a comprehensive approach and cooperation of scholars, practitioners and state agencies to achieve the common goal of ensuring law and order in Ukraine.

Establishing the essence of the concept of administrative and legal counteraction to illegal migration is a guarantee to the accuracy of legal norms. A clear interpretation will avoid uncertainty in legal regulation and ensure accuracy and consistency in the application of legal norms. It is crucially important for law enforcement agencies. According to A. Zaiets, the interpretation of each word in the concept helps to ensure the balance between the need to combat illegal migration and the protection of human rights. It allows avoiding violations of migrants’ rights and to ensure the compliance with international standards in this area [4, p. 67].

Thus, the interpretation of the concept of “administrative and legal counteraction to illegal migration in Ukraine” is an important task that contributes to the accuracy and efficiency of legal regulation, ensuring human rights, harmonization of legislation, unity of legal enforcement, as well as has significant educational, scientific and political value. This multifaceted task requires a comprehensive approach and cooperation of scholars, practitioners and state agencies to achieve the common goal of ensuring law and order in Ukraine.

Counteraction in the legal area includes measures by law enforcement agencies to prevent and

investigate crimes, as well as to reduce their level of public danger. In particular, combating corruption involves a set of measures aimed at identifying, preventing and eradicating corrupt practices.

Counter-terrorism in the security and defense sector means measures aimed at preventing terrorist acts, investigating them and liquidation of terrorist organizations. Anti-cyber attacks include measures to protect information systems from unauthorized access, malware and other cyber threats.

Political counteraction consists in actions aimed at protecting the independence of the state or political organization from external or internal pressure, as well as at neutralizing the influence of propaganda campaigns, whose purpose is to manipulate public opinion.

Anti-monopoly in economics is aimed at maintaining competition and preventing one company from dominating the market. Anti-money laundering includes actions aimed at preventing and detecting financial transactions related to the legalization of illegally obtained funds.

Anti-discrimination in the social sciences ensures equal rights and opportunities for all citizens regardless of their race, gender, religion, sexual orientation, etc. Combating domestic violence involves measures to prevent, identify and stop cases of violence in family relationships, as well as providing assistance to victims [5].

In turn, administrative and legal counteraction is a set of measures, methods and tools used by state authorities to prevent, detect and eliminate offenses, as well as to maintain public order and ensure rule of law.

The main aspects of administrative and legal counteraction include prevention of offenses, detection of offenses, elimination of offenses and enforcement of legislation. Crime prevention involves the establishment of rules and norms regulating the behavior of citizens and organizations, as well as the implementation of preventive measures, in particular, information campaigns and educational programs. Detection of offenses includes monitoring and control of the compliance with legislation, as well as investigation and verification of activities of organizations and individuals.

Various state structures, such as inspections, commissions, executive services and other institutions that have the authority to control and supervise the compliance with the law are the agencies carrying out administrative and legal counteraction. Their activities are aimed at quick and effective response to offenses and ensuring justice.

Interaction between various authorities, as well as between the state and civil society in the field of administrative and legal counteraction is of particular importance. Cooperation with public organizations, business, mass media and citizens allows to increase the effectiveness of countermeasures against crimes, contributes to the development of legal awareness of the population and the formation of rule of law culture [6, p. 32].

Administrative and legal counteraction also includes measures on improving legislation and legal enforcement practice. Regular analysis and evaluation of

the effectiveness of current norms, as well as the adoption of new legislative acts that meet the requirements of modern society, are important aspects of this activity. Innovative approaches, the use of leading technologies and management methods make it possible to increase the effectiveness of administrative and legal counteraction and adapt it to new challenges and threats.

In general, administrative and legal counteraction is the key element of the state administration system, which ensures the protection of the rights and freedoms of citizens, the maintenance of public order and legality, as well as contributes to the sustainable development of society. It covers a wide range of measures and methods aimed at achieving a balance between freedom and security, the interests of individuals and society, the rights of citizens and the duties of the state.

One of the key approaches to understanding the essence of administrative and legal counteraction to illegal migration is regulatory legal interpretation, which includes the analysis of legislative acts and regulatory legal documents regulating the issues of migration, immigration, emigration and asylum in Ukraine. For example, the Laws of Ukraine "On the Legal Status of Foreigners and Stateless Persons", "On Refugees and Persons in Need of Additional or Temporary Protection" determine the legal basis for combating illegal migration [7; 8]. The Code of Ukraine on Administrative Offenses plays an important role, in particular, at the level of Articles on illegal crossing of the state border, violation of the rules of stay of foreigners [9].

The organizational interpretation of the essence of administrative and legal counteraction to illegal migration is limited to the structure and functions of state agencies responsible for the control and regulation of migration processes. This interpretation covers the activities of the Ministry of Internal Affairs of Ukraine, the State Migration Service of Ukraine, the State Border Guard Service of Ukraine and other agencies involved in the management of migration processes.

Procedural interpretation of the essence of administrative and legal counteraction to illegal migration describes the procedures and mechanisms used to detect, prevent and stop illegal migration. It includes procedures for document verification, deportation, detention and other administrative measures applied to persons who violate migration laws.

The international interpretation of the essence of administrative and legal counteraction to illegal migration covers Ukraine's cooperation with international organizations, such as the International Organization for Migration (IOM), the UN, and other countries in combating illegal migration. It also includes participation in international treaties, conventions and initiatives aimed at combating illegal migration [10].

The prophylactic interpretation of the essence of administrative and legal counteraction to illegal migration is focused on measures aimed at preventing illegal migration. It includes educational campaigns, information programs and measures to increase public awareness of the consequences of illegal migration, as well as the rights and responsibilities of migrants [11, p. 88].

Thus, administrative and legal counteraction to illegal migration in Ukraine is a multifaceted process requiring the coordinated work of many state agencies and institutions. Technological and information systems that ensure effective data exchange and monitoring of migration flows also play an important role along with already mentioned main aspects.

Technological innovations, such as biometric control at borders, entry and exit data processing systems, contribute to increasing the level of security and efficiency of administrative measures. The use of modern technologies makes it possible to quickly identify persons trying to cross the border illegally, as well as to detect forged documents and other methods of deception.

Information systems and databases help Ukraine to exchange information with other countries, which is important for fighting against cross-border crime and illegal migration. It ensures more effective tracking of the movement of persons who may pose a threat to national security.

Besides, it is of great importance to improve the professional training of personnel dealing with migration and security issues. Regular training and advanced training of employees of the State Migration Service of Ukraine, the State Border Guard Service of Ukraine, the National Police of Ukraine and other relevant agencies ensures the appropriate level of knowledge and skills for effective countermeasures against illegal migration.

Organizational measures include the creation and operation of specialized agencies, such as the State Migration Service of Ukraine, the State Border Guard Service of Ukraine, and the National Police of Ukraine, which control and supervise the compliance with migration legislation, identify and detain illegal migrants and deport them. Control measures include document verifications of those persons who are on the territory of the country, organization of border control, patrolling and other measures that contribute to the detection of illegal migrants [12, p. 210].

Cooperation with other countries and international organizations is an important aspect of combating illegal migration. It includes the conclusion of bilateral and multilateral agreements on cooperation in this area, participation in international initiatives and programs, exchange of information and experience. Establishment of administrative and criminal penalties for violations of migration legislation, such as illegal border crossing, forgery of documents, illegal employment, etc. is also an important element.

Preventive measures include informing citizens about the consequences of illegal migration and conducting educational campaigns aimed at preventing violations of migration legislation. Due to these measures, Ukraine seeks to control migration flows, prevent illegal migration and ensure the rights and freedoms of both its citizens and migrants.

These measures also include the creation of favorable conditions for the integration of legal migrants, which helps to reduce the risk of transition to illegal status. The state actively works to ensure the access of legal

migrants to social services, medical care, education and the labor market, which assists them to better adapt to Ukrainian society.

Border control, which is carried out by the State Border Service of Ukraine, plays an important role in combating illegal migration. This Service is responsible for guarding the state border, ensuring its inviolability and preventing the illegal movement of people across the border. Modern technologies, such as biometric systems and automated databases, help to significantly increase the effectiveness of control [13, pp. 85-87].

6. Conclusions

Thus, it has been stated within the scope of this article that administrative and legal counteraction to illegal migration in Ukraine is a comprehensive and multifaceted process requiring constant improvement and adaptation to new challenges. Administrative and legal counteraction to illegal migration in Ukraine includes a set of measures aimed at preventing, detecting, stopping and eliminating illegal migration on the territory of the country. It is a set of

legal norms, administrative procedures and actions of state agencies aimed at protecting national security, maintaining public order and compliance with migration legislation.

The main aspects of administrative and legal counteraction to illegal migration in Ukraine include the legislative framework, organizational and control measures, cooperation with other countries and international organizations, the application of sanctions and liability, as well as preventive measures.

Thus, administrative and legal counteraction to illegal migration in Ukraine includes comprehensive measures based on various aspects allowing to effectively consider the problem and develop strategies to overcome it. Each of these aspects plays an important role in creating a coherent system of combating illegal migration. Administrative and legal counteraction to illegal migration is an integral part of the general system of security and law and order in Ukraine. It is aimed at protecting national interests, ensuring the compliance with the legal regime on the territory of the state and Ukraine's international obligations.

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