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**INSTITUTIONAL AND LEGAL MECHANISM OF PUBLIC  
MANAGEMENT AND ADMINISTERING IN THE SPHERE  
OF CIVIL PROTECTION IN UKRAINE**

*The institutional and legal mechanism of public management and administering the sphere of civil protection in Ukraine is considered. Problematic aspects and contradictions of the legislation in the sphere of civil protection are singled out. The directions of improvement of the institutional and legal mechanism of public management and administering in the sphere of civil protection in Ukraine are offered.*

*Keywords: public management and administering, civil protection, institutional and legal mechanism of public management and administering, Code of Civil Protection of Ukraine.*

The saturation of the territory of Ukraine with industrial facilities is several times higher than the saturation of developed European countries. Almost a third of these enterprises (about 7.5 thousand) are potentially dangerous [5].

Entire regions are an area with an extremely high risk of accidents and catastrophes of man-made origin, as a result of which people die, material values are destroyed, production and living conditions are complicated. This risk is constantly increasing, as the level of equipment wear of most industrial enterprises is approaching critical. The consequences of anthropogenic impact on the environment are becoming more tangible, especially in cases where the action of natural and man-made factors resonate. Therefore, the prevention of emergencies,

elimination of their consequences, the maximum reduction of losses and losses have acquired the status of a national problem. As a result, the issue of timely detection and monitoring of possible emergencies and identifying ways to prevent and overcome them, the solution of which is possible only if there is an effective system of public management and administering of civil protection.

Such scientists as Yevdin O., Kostenko V., Maslov E., Maystro S., Trush O. and others devoted their publications to the study of institutional and legal bases of public management and administering of the civil protection system in Ukraine [1; 4; 5; 6].

However, many issues related to the areas of improving the institutional and legal mechanism of public management and administering of the civil protection system in Ukraine remain insufficiently studied.

The purpose of the article is to determine the essence and directions of improving the institutional and legal mechanism of public management and administering of the civil protection system in Ukraine.

The rule of law, which is Ukraine, cannot exist without a legal culture, a perfect mechanism for the application of laws in any sphere of life, including in the sphere of safety of human life and society as a whole. Strategic directions and means of solving the problem of protection of the population and territories in Ukraine are based on the main provisions of the Geneva Conventions (1949) on the protection of war victims and Additional Protocols, on the probable nature of hostilities, the real capabilities of the state to create material protection [5].

At the same time, the purpose of public management and administering of the civil protection system is to reduce the risk and mitigate the consequences of emergencies of natural and man-made nature, increase the guaranteed level of security of the individual, society and environment within acceptable risk, which cannot be achieved without building an effective institutional and legal mechanism of public management and administering of the civil defense system of Ukraine.

The basis of the institutional and legal mechanism of public management and administering of the system of protection of the population and territories from

emergency situations are: the Constitution of Ukraine, the Code of Civil Protection of Ukraine, relevant Laws, Decrees of the President of Ukraine and Government decisions.

In particular, Art. 3 of the Constitution of Ukraine declares: "A person, his life and health, honor and dignity, inviolability and security are determined in Ukraine by the highest social value" [3].

The main laws of Ukraine that defined the state policy in the sphere of civil protection, the mechanism of its implementation in peacetime and wartime, legal relations and organizational principles of entities in this sphere until July 1, 2013 were the Laws of Ukraine: "On Civil Defense of Ukraine", adopted in 1993; "On the protection of the population and territories from emergencies of man-made and natural nature", adopted in 2000; "On the legal basis of civil protection", adopted in 2004; "On emergency services", adopted in 1999; "On fire safety", adopted in 1993; Decree of the President of Ukraine "On the concept of protection of the population and territories in the event of threats and emergencies", as well as the relevant Government Resolutions.

On February 9, 2001, the Decree of the President of Ukraine № 80 "On measures to increase the level of protection of the population and the territory from emergencies of man-made and natural nature" was issued. The decree is a basic and programmatic act for further activities of executive bodies in the sphere of civil protection.

In accordance with this Decree, the Cabinet of Ministers of Ukraine adopted the following resolutions: "On the creation and use of material reserves for the prevention, elimination of emergencies of man-made and natural nature and their consequences", "On the establishment of the State Inspectorate for Civil Protection and Man-caused Safety", etc. This package of acts and normative legal documents reveals the essence of the new state policy in the sphere of civil protection of Ukraine.

Apparently, all these legislative acts were drafted at different times, some of them lost their relevance due to the absence of a subject of law to which their

action may apply. In addition, some of them had a common subject of legal regulation, contained numerous duplications and contradictions, and in some cases did not comply with international humanitarian law.

Prior to the entry into force of the Code in the state de jure as confirmation of the imperfection of the legislation in the field of civil protection, three state systems for counteracting emergencies functioned in parallel, namely:

- civil defense system (created on the basis of the Law of Ukraine "On Civil Defense of Ukraine");
- a single state system of prevention and response to emergencies of man-made and natural nature (created on the basis of the Law of Ukraine "On protection of the population and territories from emergencies of man-made and natural nature");
- a single state system of civil protection of the population and territories (created on the basis of the Law of Ukraine "On the legal basis of civil protection") [1].

The current situation in the legislative sphere required its immediate improvement.

Therefore, the decision of the National Security and Defense Council of Ukraine of May 16, 2008, enacted by the Decree of the President of Ukraine of June 26, 2008 № 590, determined the feasibility of developing the Civil Protection Code of Ukraine as a single systematized legislative act on civil protection. On October 2, 2012, the Civil Protection Code of Ukraine was adopted by the Verkhovna Rada of Ukraine [№ 5403VI] [2].

The appearance of this normative legal act is of great importance, because the need to systematize the current legislation on the protection of population, territories, material, cultural values and other objects from threats related to emergencies of man-made, natural, socio-political and military nature in Ukraine already is long overdue, so the adoption of a single codified legislative act on these issues should certainly be supported. In addition, this management decision is marked by innovation and originality throughout the post-Soviet space, and

therefore it is a landmark event for civil protection professionals.

Code of the Central Committee, reproduced in its content the most necessary current provisions of the laws of Ukraine "On the legal basis of civil protection" from 24.06.2004 № 1859IV, "On fire safety" from 17.12.1993 № 3745XII, "On protection of the population and territories from emergencies of technogenic and natural character" from 08.06.2000 № 1809III, "About emergency rescue services" from 14.12.1999 № 1281XIV, which ceased to be valid from 01.07.2013 in connection with the entry into force of this Code, regulating a set of issues in the field of civil protection such as:

- organizational and legal principles of functioning of the unified state system of civil protection;
- functions and powers of subjects of civil protection;
- measures to protect the population and territories from emergencies, prevent these situations, respond to emergencies and eliminate their consequences; the procedure for training on civil protection of various entities;
- financial and logistical support of civil protection measures; staffing of government agencies and civil defense forces;
- passing the civil protection service;
- social and legal protection of civil protection employees, etc. [4].

The standardization of the above issues in one legislative act, of course, should have a positive impact on the quality of law enforcement practice and, as a consequence, on the effectiveness of public management and administering in the sphere of civil protection of Ukraine.

The Code establishes a radically new concept and essence of the term "civil protection". Its developers have carefully studied and analyzed the meaning of the term "civil protection" in the Law of Ukraine "On the legal basis of civil protection." This law states that civil protection is a system (complex) of measures carried out by the executive authorities.

The provisions of Articles 16 and 17 of the Constitution of Ukraine stipulate that the issues of ensuring environmental security and maintaining ecological

balance on the territory of Ukraine, overcoming the consequences of the Chernobyl catastrophe are the duty of the state, and protecting the sovereignty and territorial integrity of Ukraine [3].

According to the Constitution of Ukraine, every citizen of Ukraine has the right to protection of his life and health from the consequences of accidents, catastrophes, fires, natural disasters and to demand guarantees of this right from public authorities and business entities.

Based on such provisions of the Constitution of Ukraine, in Art. 4 of the Code stipulates that civil protection is a function of the state, which aims to protect the population, territories, environment and property from emergencies by preventing and eliminating such situations and providing assistance to victims [3].

To implement such an important function of the state as civil protection, in order to ensure the implementation of state policy in the field of civil protection, the country creates a unified state system of civil protection and identifies the subjects of civil protection.

In the Code, the section "Unified State System of Civil Protection" specifies the composition and structure of the Unified State System of Civil Protection, the procedure for its creation, as well as the procedure for creating territorial and functional subsystems (defined for the first time).

It is also determined that the management of the functioning of the Unified State Civil Protection System, its subsystems and subsystem units is entrusted to the relevant officials, in particular:

- management of the Unified State Civil Protection System - to the Cabinet of Ministers of Ukraine;
- direct management of the functional subsystem and its link - to the head of the body that created such a subsystem, link;
- direct management of other territorial subsystems and their units is entrusted to the officials who head the bodies that created such subsystems, units.

The Code contains separate articles that define specific provisions for the establishment and operation of each type of civil defense force. The Code

stipulates that emergency response operations are managed by one person – the emergency response manager. The provisions and norms concerning his appointment, powers, rights and other things that regulate the relations of the head of works on liquidation of an emergency situation are determined. The head of works on liquidation of an emergency situation carries out the powers and functions by the principle of single-headedness. The Code also establishes the need for the establishment and operation of the Emergency Response Headquarters as a working body of the head of emergency response, regulations and rules for its operation [2].

The chapter "Elimination of emergencies" in a separate article sets out the rules for the temporary introduction in Ukraine or within its specific territory of emergency preparedness and emergency regimes. These regimes were repeatedly introduced within specific territories, but there were no legal grounds for this. Relevant articles of the chapter determine the norms and regulate the relations concerning carrying out emergency rescue and other urgent works, extinguishing fires, carrying out restoration works, life support of victims.

The chapter "Compensation for material damage and assistance to victims of emergencies" is new. There are no provisions in civil protection laws for damages and assistance. It contains the article "Social protection of victims", which defines the status of the victim in emergencies, establishes a list of social protection and compensation, sources of funding through which to implement social protection measures. Separate articles define the procedure for compensation of damages, provision of victims with housing that has become uninhabitable due to emergencies, issues of medical, psychological, humanitarian assistance, etc.

The Code contains a separate section that regulates relations and defines the relevant rules and regulations related to the training of specialists in civil protection, government agencies and civil defense forces.

The section "Financial and logistical support of civil protection measures" contains an article defining the provisions for financing medical and psychological rehabilitation of rescuers, medical workers of the State Disaster Medicine Service,

victims, citizens involved in emergency response, minors, disaster victims [2].

For the first time, the status of rescuers, their responsibilities and rights have been defined at the legislative level, the provisions on social and legal protection of members of the rank and file of civil protection, employees of government bodies and civil defense forces, as well as persons dismissed from civil protection have been clarified and specified. .

The Code specifies the planning of the Unified State Civil Protection System, in particular, it provides that the head of an economic entity with a staff of 50 people or less develops and approves the Instruction on actions of personnel of the economic entity in case of threat or emergency, not a response plan for emergencies, as provided for in the relevant documents.

The provisions and norms concerning emergency and rescue service of objects of economy and territories for which there is a danger of emergence of emergency situations, emergency and rescue services and formations of the Operational and rescue service of civil protection, their paid services which do not contradict and do not interfere with them are also defined main activity [1; 2].

Adoption of the Civil Code will mean a strong entry into the scientific, theoretical and practical circulation of public administration, related to the response to emergencies of various kinds, the normative term "civil protection", which means the function of the state to protect the population, territories, environment and property from emergencies by preventing such situations, eliminating their consequences and providing assistance to victims in peacetime and in special periods [4].

The new ideology of counteracting catastrophes and emergencies provides for the unification of all components of protection of the population and territories from emergencies with the definition of a single coordinator, whose role is the State Emergency Service of Ukraine with the active participation of research institutions [6].

Implementation of all the above legislation is the main task of executive bodies of all levels involved in the protection of the population and territories from



emergencies, namely, that the prevention of emergencies of man-made and natural nature and effective elimination of their consequences is one of main priorities in the activities of the Cabinet of Ministers of Ukraine, central and local executive bodies.

Thus, an effective institutional and legal mechanism of public management and administering of the civil protection system should take into account national and international experience in civil protection, be a single system of public management and administering to combat emergencies in Ukraine, which will reduce the risk of emergencies, the formation of appropriate legal, economic and organizational principles of protection of the population and territories from emergencies in peacetime and in special periods, as well as increasing the effectiveness of state policy in the sphere of civil protection, which will be the subject of further research.

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