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NATIONAL SECURITY IN THE LIGHT OF COUNTER TERRORISM

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The urgency of the topic is determined by the fact that the formation of the right to national security may be associated with the need for safe not only the functioning but also the development of both the Ukrainian and international community. We believe that under such conditions the norms of national security law should acquire new qualities: to ensure the preservation, restoration and development of human activity in the context of the realization of its legitimate rights and interests. In this context, it is also appropriate to raise another, no less important, issue: the reform of international security law, which should expand the current horizons to include the fundamental principles of national security law of individual countries. After all, the dialogue of civilizations, the globalization of threats and the corresponding globalization of security systems presuppose the formation and emergence of new procedural ties, relations governed by national security law at the state level and conceptually updated international security law at the international level.

The processes of integration into collective security systems presuppose an adequate need to fill national legal systems with new standards, designed to harmonize in some way both the security relations themselves, which in this case unite states, and their respective security legislation.

Terrorism is a multifaceted social phenomenon. Therefore, in order to find adequate and effective counteraction to this serious threat, it is necessary to analyze it from different positions. Terrorism is a socially dangerous activity that involves the deliberate, targeted use of violence by taking hostages, arson, murder, torture, intimidation of the population and the authorities, or other encroachments on the life or health of innocent people or the threat of criminal acts. in order to achieve criminal goals [1].

Terrorist crimes, which are a special and most dangerous form of extremism, can take various forms, but among them there are two main features: first, they are aimed at causing fear, helplessness and insecurity in the population through organized and brutal violence or threats; secondly, they are characterized by targeted pressure on the authorities, international organizations, individuals or legal entities in order to achieve the desired consequences for terrorists through the actions of the recipients of influence [2, p. 46].

Among the factors contributing to the spread of terrorism, the criminalization of society has a special place. Organized criminal groups resort to the most brutal forms of eliminating competitors. Organized crime is characterized by careful planning, execution of criminal acts associated with a detailed division of functional responsibilities between members of criminal groups and combined with a high level of their technical support and thoughtful measures to counter in case of their detection [3, p. 147]. Increasingly, such criminal acts can be seen in the economic and political interests of stakeholders and circles, which suggests that criminals can use any means, including terrorist ones, to achieve their goals. In this regard, the problem of counter-terrorism is becoming increasingly important for Ukraine.

It should be noted that the main principles that determine the order of state policy in the field of national security and defense are:

- 1) the rule of law, accountability, legality, transparency and adherence to the principles of democratic civilian control over the functioning of the security and defense sector and the use of force;

- 2) observance of norms of international law, participation in the interests of Ukraine in international efforts to maintain peace and security, interstate systems and mechanisms of international collective security;

- 3) development of the security and defense sector as the main tool for implementing state policy in the areas of national security and defense [4].

The definition of the subjects of the fight against terrorism is provided in Art. 4 of the Law of Ukraine «On Combating Terrorism». According to Part 1 of Art. 4 of the Law, the organization of the fight against terrorism in Ukraine and providing it with the necessary forces, means and resources is carried out by the Cabinet of Ministers of Ukraine within its competence.

It is worth agreeing with scholars who note that ensuring national security is integral to the main activities of the state and is to ensure the

security of relevant national interests (values) in the military, environmental, economic, political, information spheres, or facilities. protection of the territorial, ecological, economic, political and information security of the state, respectively, in the event of negative tendencies to create potential or real threats to national interests [5].

The system of national security of Ukraine forms a single state and legal mechanism in which each security entity performs tasks and performs the functions of protecting the vital interests of man and citizen, society and the state within the powers defined by applicable law. In a broad sense, the system of national security of Ukraine, as a state and political superstructure in the power structure, focuses on the practical coordination of all activities of state and public institutions in the interests of achieving the strategic goal – building a sovereign, democratic, social and legal state.

To create and maintain the required level of protection of security facilities in Ukraine, a system of regulations governing relations in the field of national security is being developed, the legal basis for public authorities and management in this area is being determined, security bodies and control mechanisms are being formed or improved. and overseeing their activities.

We agree with scholars who believe that in recent years there has been a positive shift in public consciousness in the field of national interests of Ukraine.

Due to economic miscalculations and protracted reform processes, the negative consequences of globalization of a transnational nature (terrorism, organized crime, illegal arms trade, the spread of dangerous diseases), a set of negative environmental factors and specific features of cultural and historical development of Ukraine, there are a number of challenges, risks and strategic goals:

- globalization in the economic and information spheres forms a multilevel branched international economic system, which contributes to the development of some countries, but limits the potential for socio-economic development of less developed countries;

- transnational corporations and companies are increasingly influencing the situation in certain countries and regions, including in the military-political sphere, which is considered by Ukraine as a threat to international and regional stability;

- there is a possibility of new and escalation of existing interethnic and interstate conflicts in the immediate vicinity of Ukraine, which is exacerbated by the instability of socio-economic and political situation in some countries, increasing refugee numbers, increasing trafficking in human beings, drugs and weapons, and national, religious and interethnic contradictions remain. The transit potential of Ukraine remains the subject of growing interest of organized international criminal groups [6].

In conclusion, national security in the light of counter-terrorism should be considered as a set of legislative and organizational measures aimed at permanent protection of vital interests of man and citizen, society and the state, which ensures sustainable development of society, timely detection, prevention and neutralization of real and potential threats to national interests in the areas of law enforcement, anti-corruption, border and defense, migration policy, health, education and science, science and technology and innovation policy, cultural development, freedom of speech and information security, social policy and pensions, housing and communal services, financial services market, protection of property rights, stock markets and securities circulation, fiscal and customs policy, trade and business, banking services market, investment policy, auditing monetary, monetary and monetary policy, information protection, licensing, industry and agriculture, transport and communications, information technology, energy and energy conservation, the functioning of natural monopolies, subsoil use, land and water resources, minerals, ecology and the environment, and other spheres of public administration in the event of negative tendencies to create potential or real threats to national interests.

It should be noted that at the international level there is no single, generally accepted definition of terrorism. This fact has long been pointed out by researchers and analysts of international organizations. However, national-legal relativism is still insurmountable in its approaches to the concept of terrorism. In addition, the existing experience and prospects for the development of national liberation movements, and especially their political assessments in view of the current historical situation, do not contribute to the development of agreed positions on the criteria for distinguishing terrorism from the struggle for independence of nations and peoples. These issues are obviously beyond the bounds of legal dogma and form a wide field for scientific discussion and no less a wide field for political manipulation. Therefore, one should not hope for their solution in the foreseeable future.

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МЕЖІ АПЕЛЯЦІЙНОГО ДОСЛІДЖЕННЯ У КРИМІНАЛЬНОМУ СУДОЧИНСТВІ

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Судове провадження із перегляду судових рішень може здійснюватися в апеляційному, касаційному порядках, або ж в порядку провадження за нововиявленими або виключними обставинами. Відповідно вимог чинного кримінального процесуального законодавства, вироки та інші рішення суду першої інстанції, що не набули законної сили, підлягають перегляду в судах апеляційної інстанції. Головним завданням апеляційного провадження є охорона прав, свобод та законних інтересів учасників кримінального судочинства. Його виконання досягається шляхом перегляду судами апеляційної інстанції рішень, прийнятих органами досудового розслідування та судами першої інстанції, з метою усунення порушень закону, забезпечуючи таким чином судовий контроль за їх діяльністю.