

Львівський державний університет
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**ПРАВОЗАХИСНА ТА ПРАВООХОРОННА ДІЯЛЬНІСТЬ:
ЄВРОПЕЙСЬКИЙ ДОСВІД ТА УКРАЇНСЬКІ РЕАЛІЇ**

LEGAL AND LAW ENFORCEMENT ACTIVITY:
EUROPEAN EXPERIENCE AND UKRAINIAN REALITY

RECHTS-UND RECHTSPFLEGETÄTIG-KEIT:
EUROPÄISCHE ERFAHRUNG
UND UKRAINISCHE REALITÄT

L'ACTIVITÉ DU DROIT ET DE LA LOI:
L'EXPÉRIENCE EUROPÉENNE ET
LES ACTUALITIÉS UKRAINIENNES

Науково-практична конференція
здобувачів вищої освіти
(іноземними мовами)

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вдосконалити рівень володіння іноземними мовами.

Conference material will be a good opportunity to all those interested in the
work of legal and law enforcement agencies of Ukraine and Europe as well as to
everybody who wants to improve the level of knowledge of foreign languages.

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and the United States Pentagon Police are limited to the enforcement of federal laws and usually specialize in certain crimes or duties, but do enforce some state laws. Most crimes constitutionally fall under the jurisdiction of state police or the thousands of local police forces. These include county police or sheriff's departments as well as municipal or city police forces. Many areas also have special agencies such as campus police, railroad police, housing police, or a district or precinct constable.

The International Police is a functional organization made up of police officers from all over the world, serving mostly under the direction of the United Nations, to help train, recruit, and field police forces in war torn countries. The force is usually deployed into a war torn country initially acting as the police, and bringing order. In the process, they recruit and train a local police force, which eventually takes on the responsibilities of enforcing the law and maintaining order, whereas the International Police then take on a supporting role. To date, International Police forces have been deployed to East Timor, Haiti, Kosovo, Bosnia, Iraq, Afghanistan, Sudan, Liberia, Croatia, and Macedonia, among others.

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CONCEPT AND FEATURES OF MILITARY FORMATION

The state independence, its territorial integrity and inviolability of its borders, stability and power capacity are essential factors of society. The most important means of initiating democratic society is

full use of state power tools – power structures, as guarantor of the proclaimed rights and freedoms.

Nowadays, there are no fundamental research concerning the meaning and content of the term "military force". Relevance of the study of the topic is confirmed by the fact that there are no exhaustive list of military formation in any normative legal acts and scientific studies. Mostly, scientists, following the legislator use limited list of several formation hat are defined by law as the military, and add the phrase "and other military formations". Thus, the present situation about the uncertainty of the legal status of power structures and the problem of their assignment to military forces, paramilitary forces, not armed (paramilitary) forces or the police.

The legal definition of military formation can be found in art. 1 of the Law of Ukraine "About defense of Ukraine" [1], according to which – it's "... established according the laws of Ukraine set of military formations and units and controls of them, which are completed by soldiers assigned to defend Ukraine, protect its sovereignty and state independence and national interests, territorial integrity and inviolability in the event of armed aggression, armed conflict or threat of attack by direct warfare (combat) actions.

Thus, we can identify common grounds for referring a particular formation of the military:

- appointment to defence the sovereignty, territorial integrity and inviolability of state from external aggression by direct warfare;
- personnel manning that have military rank and performing military service;
- distribution to personnel social and legal protection conditions pension is provided for the military.

In addition, the ground assigning formation to military is a direct indication of its status as a special law.

Based on these criteria concerning military units Ukraine include:

1) the direct orders of the legislation – the Armed Forces of Ukraine (Art. 1 of the Law of Ukraine "On the Armed Forces of Ukraine" [2]), the Foreign Intelligence Service of Ukraine (Art. 1 of the Law of Ukraine "On the Foreign Intelligence Service of Ukraine" [3]) and security Service of Ukraine (p. 22, Art. 85 of the Constitution of Ukraine);

2) the function of protecting the country by direct warfare – Armed Forces of Ukraine, the National Guard of Ukraine and the

State Special Transport Service. It is necessary to note that "direct warfare" according to [1] to equalize with "participation in territorial defense" and "the actions of territorial defense" is not identical concepts;

3) on the basis of personnel manning that have military rank and performing military service and who have social and legal protection, pensions provided for the serviceman – the Armed Forces of Ukraine, the National Guard of Ukraine, the State Border Service of Ukraine, the Security Service of Ukraine, State foreign intelligence Service of Ukraine, the state special transport Service of Ukraine, the state guard.

Thus, in accordance with the law, all signs of belonging to the military formation present only in the Armed Forces of Ukraine.

Nowadays the Ukrainian military formations include the Armed Forces of Ukraine, the National Guard of Ukraine, the State Border Service of Ukraine, the Security Service of Ukraine, the Foreign Intelligence Service of Ukraine, the State Special Transport Service of Ukraine, the State Guard. However, all of them, except the Armed Forces of Ukraine, the State Special Transport Service and the National Guard of Ukraine do not correspond to the statutory definition of military formation.

Despite the fact that all these formation belong to the state military organization, they are significantly different in legal status, but also by subordination. One common thing – it is their personnel manning. Analyzing the historical course and development of Ukrainian military formation, we can reach the conclusion that the lack of a systematic approach to reform strategic planning about further development of the state military organization and its bodies. A huge problem is that the reform of the power structures almost made by them.

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2. Zakonu Ukrayiny` «Pro Zbrojni sy`ly` Ukrayiny`» vid 06.12.1991 № 1934-XII // Vidomosti Verxovnoyi Rady` Ukrayiny`. – 1992. – № 9. – St. 108.

3. Zakon Ukrayiny` «Pro Sluzhbu zovnishn`oyi rozvidky` Ukrayiny`» vid 01.12.2005 № 3160-IV // Vidomosti Verxovnoyi Rady` Ukrayiny`. – 2006. – № 8. – St. 94.

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