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METHODS OF PUBLIC ADMINISTRATION

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INTRODUCTION

The problem of the methods of any activity is directly related to the more General problem – the ratio of the goal and the means to achieve it. Under the methods of activity usually understand the ways or means to achieve the goal, the solution of certain tasks.

Management is realized, as a rule, in purposeful influence on the corresponding object of management. It is in the process of such an impact that the management functions are practically realized, the tasks set for the subjects of management are achieved. Management influence is carried out with the help of certain techniques and means. Management methods are such techniques and means. They represent the relationship between the subjects and objects of management.

1. The concept and system of administrative and legal methods of public (state) management

Methods of public administration are various ways, means, receptions of direct influence of subjects of management and their officials on objects of management for the purpose of performance of the tasks and functions assigned to subjects.

Scientists often consider management methods as a set of techniques, operations and procedures for preparing and making, organizing and controlling the execution of management decisions made by participants in the management process. In other words, the method of management is a way of practical implementation of the goals, objectives and functions of management. Under the methods of management activities also understand the methods and techniques of analysis and evaluation of management situations, the use of legal and organizational forms of influence on the consciousness and behavior of people in controlled social processes, relationships and relationships. More often methods of management are defined as various ways, receptions and means of purposeful influence of subjects of management on consciousness, will and behavior of objects of management for the purpose of achievement of the purposes and performance of functions of management.

The main thing that characterizes the methods of public administration is that they are closely related to the purpose of management, which determines

the specifics of the use of methods, their choice. Through management techniques is the connection of the subject of management and its object, then there is interaction in the management of one person with another person, team, group of people or team with another team. Management methods are the most active and effective mobile element in the management system. They can be used comprehensively, alternatively, complement each other, or alternate in application[1].

Regardless of the content and direction of management methods are inherent:

– objective organizational form, which is understood as a type of influence, that is, an individual order (order, order, etc.) or norm (rule) of behavior;

– the nature of the impact (direct impact, indirect impact through the creation of stimulating or limiting conditions);

– method of influence (individual, collective, collegial);

– time characteristic (short-term and long-term);

– tactical and strategic nature.

Management methods are administrative and legal methods. It is in them that all the qualities of state-management activity are manifested, within the framework of which the Executive power is implemented. By means of administrative and legal methods the subject of Executive power carries out administrative influence on object by use of administrative and legal forms of management. In administrative law it is generally recognized that the method and form of management are interrelated parties to the management process. It is in an appropriate form control method actually performs the role of a method (means) of the control action. The form of management gives life to methods, and through them-and functions of management.

The state uses various methods to perform its tasks and functions. Traditionally, management methods are generally divided into scientific and unscientific, democratic and dictatorial, state and public, administrative and economic, General and special[2].

At the heart of all methods of public administration are two universal means of state and public activity – persuasion and coercion. They permeate all other forms and methods of government.

Persuasion is a system of educational and incentive measures aimed at forming the habit of objects of management to voluntarily comply with the requirements of legal norms.

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[1] Kolpakov, V. Administrative responsibility (administrative-tort law): studies.no. / V. Kolpakov. Kyiv: Yurinkom Inter, 2008. 256 p.

[2] Kolomoets, T., Gulevskaya G., Administrative law of Ukraine: textbook / for General ed T. Kolomoets, G. Gulevskaya. Kiev: Istina, 2017. 216 p.

Such activities include explanations, education, encouragement, criticism and the like. In most cases, administrative and legal norms are implemented voluntarily. Therefore, the method of persuasion is the main one in management activities. Non-state (public) coercion is closely related to persuasion. Measures of state coercion are applied when other means of influence on the relevant subjects have been exhausted.

Depending on the nature (content) of the impact, there are administrative and economic methods (direct and indirect).

Administrative methods are expressed in the adoption of decisions binding on the object of management, non-compliance with which entails administrative or disciplinary responsibility, that is, these objects are directly attributed to certain behavior. The controlling influence in this case is manifested in the unilateral definition of tasks, rights and obligations, a particular behavior of the object of management.

Economic methods are expressed in the creation of such conditions for the objects of management, in which they themselves choose the appropriate behavior under the influence of economic (material) incentives. Here the element of prescription characteristic of administrative methods is absent. The controlling effect is achieved by determining the economic benefits or damage. This means that the object of management is prompted to proper behavior; the other entails for him not legal responsibility, but the deterioration of the material (economic) condition. The means of such influence include the regulation of prices, profitability, taxes, credit policy[3].

According to the degree of impact, public administration methods are divided into regulation, General management and direct management.

Regulation refers to the definition of a General policy in relation to the relevant branch of management and its implementation in regulations, that is, legal regulation. Regulation is used primarily in relations between state bodies and non-state enterprises, institutions, organizations, associations of citizens and citizens. In addition, regulation is often a prerequisite for overall leadership and direct management. This method is most often used by Central Executive authorities.

General guidance is the practical implementation of public policy through planning and forecasting, coordination of other actors, monitoring, assistance and the like. General management is exercised by all ministries and departments and other Executive bodies.

Direct management consists in direct and systematic influence on objects of management according to the set purpose and tasks. This is a routine, day-

[3] Bakhrakh, D. Administrative law of Russia: Textbook for universities / D. Bakhrakh. Moscow: Norma, 2012. 444 p.

to-day management of an operational nature. It extends to the objects which are in direct subordination of governing bodies.

2. Administrative coercion in the system of public administration methods

Administrative coercion is a type of state coercion. State coercion in a democratic country is characterized by the fact that this method of exercising state power is auxiliary, applied on the basis of persuasion and only after persuasion. This means, first, that coercion is always based on the use of various measures of education, explanation and stimulation. Secondly, it is used only when the appropriate means of persuasion are ineffective. Third, persuasion and coercion are used, as a rule, comprehensively[4].

State coercion and its component – administrative coercion should be considered as one of the integral components of the exercise of state power, as its method. On the other hand, this coercion is not an end in itself, it is a consequence of certain behavior of various social actors, behavior that deviates from the requirements of legal norms, is a threat to the relations that are regulated and protected by these norms, and is used to eliminate ("remove") such behavior. There are also cases when the threat to public relations arises objectively, for example due to the action of the forces of nature, that is, in the absence of illegal behavior, but the need to eliminate it is no less urgent.

State coercion is the only one that can be applied on behalf of the whole society to any persons located on the territory of the state, and also includes measures that other social actors cannot use. Such measures are just compulsory, that is, they are implemented regardless of the will and desire of the relevant objects. At the same time in the modern state that is characterized as legal, any activity which is carried out on its behalf, and especially activity on application of coercion, has to be accurately and completely regulated by the right, to be based on strict observance of its instructions[5].

Therefore, state coercion is the application of special measures of influence to certain persons in order to induce them to comply with the requirements of legal norms. State coercion comes in two forms-as judicial and administrative (extrajudicial) coercion. In addition, state coercion is regulated by the norms of various branches of law, so it is simultaneously a legal coercion (civil law, disciplinary, administrative, criminal law).

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[4] Kolpakov, V. Administrative responsibility (administrative-tort law): studies.no. / V. Kolpakov. Kyiv: Yurinkom Inter, 2008. 256 p.

[5] Vasilyev, A. Administrative law of Ukraine (General part): Textbook / A. Vasilyev. Kharkiv: "Odyssey", 2012. 288 p.

Each type of coercion has specific features that determine its essence and features, relative independence in the system of state coercion. This is quite true of administrative coercion.

Administrative coercion is characterized by the following features:

– the use of administrative coercion is always combined with the extensive use of multifaceted educational tools, with the active formation of legal awareness, intolerant attitude to anti-social acts;

– administrative coercion is used in public administration to protect public relations arising in this sphere of public power;

– measures of administrative coercion are applied, as a rule, by Executive authorities and local self-government and their officials without recourse to the court. Only in some cases, as an exception, their application is assigned to the courts (judges) and representatives of individual associations of citizens endowed with some state powers (for example, members of public formations for the protection of public order and the state border, various public inspectors, etc);

– not all bodies of Executive power or local self-government and not all their officials are competent to apply administrative coercion measures, but only those of them to whom such right is granted by legislative acts (state inspections, paramilitary law enforcement formations-militia, security service, border, internal troops, etc.);

– administrative and coercive measures can be applied not only in connection with the Commission of offenses, but also in their absence, when it is necessary to prevent them or to ensure public order and public safety during various emergency situations (natural disasters, epidemics, epizootics, accidents, catastrophes, etc);

– unlike other types of state coercion, which in their essence, as a rule, are equivalent to the corresponding type of legal responsibility (for example, criminal legal coercion almost completely coincides with criminal responsibility), administrative coercion in content is much broader than administrative responsibility. After all, administrative responsibility is a component of administrative coercion;

– measures of administrative coercion are applied to both individuals and legal entities (the latter can be applied, for example, such measures as restriction or prohibition of certain works, suspension of activities of various facilities, etc.);

– administrative coercion is applied to organizations, officials and citizens who are not directly subordinated to the bodies and officials applying influence; that is, administrative coercion is not related to official subordination, cannot be carried out within a particular management system, and always has an external manifestation;

– regulation of administrative coercion, grounds, conditions and procedure for the application of measures of influence is carried out by the norms of administrative law, and not only by laws, but also by a number of by-laws;

– activity on application of measures of administrative coercion is carried out according to administrative and procedural norms which for this time are fixed mainly at the level of by-laws, and norms of substantive law are generally not separated (except for the norms regulating the order of application of administrative penalties);

– measures of administrative coercion are very various, they can have character of moral, property, personal influence, application of physical force and firearms is allowed;

– measures of influence are applied in the compulsory order, that is irrespective of will and desire of the subject to which it is applied" often with possibility of use for its implementation of other compulsory measures;

– administrative coercion is applied with a threefold purpose: 1) to prevent various anti-social manifestations, to prevent the emergence of a certain illegal situation; 2) to stop the initiated or already committed illegal act and to ensure the proceedings in cases of administrative offenses; 3) to punish persons who have committed offenses.

Therefore, administrative coercion can be defined as the application by the relevant subjects to persons who are not under their control, regardless of the will and desire of the latter, provided by administrative and legal norms of measures of influence of moral, property, personal (physical) and other nature in order to protect the relevant public relations by preventing and suppressing offenses, as well as punishment for their Commission.

In the administrative and legal literature, the issues of classification of administrative coercion measures have not yet been unambiguously resolved, despite their great practical and theoretical importance. At the same time, the classification of these measures, proposed at the time by N. Yropkin[6], which is the basis of their classification put the purpose of application, received the greatest recognition.

As indicated, administrative coercion is used for a threefold purpose. In accordance with this, administrative enforcement measures are divided into three types (groups):

1) administrative and preventive measures;
2) measures of administrative restraint;
3) measures of administrative responsibility.

[6] Administrative law of Ukraine. Academic course: Textbook: in two volumes: Volume 1. Common part. / Editorial Board: V. Averyanov (head). Kiev: publishing house "legal opinion", 2014. 584 p.

This division most clearly reflects the law enforcement purpose of administrative coercion.

Some scientists expressed opinion about lack of administratively-measures precautionary and existence of so-called restorative measures. Precautions supporters of this point of view refer to the rules of law, because they allegedly addressed not to the individual, but to all (or many) citizens. This position cannot be considered indisputable, since administrative preventive measures can be applied to both groups of citizens and individuals (for example, verification of documents, administrative supervision of persons released from prison, etc.).

In the scientific literature made reasoned objections against the attribution of these activities. More convincing is the position of scientists who believe that administrative enforcement of law as the main goal is not peculiar. The analysis of these measures shows that they include diversified coercive measures-civil law, financial law, criminal law.

Some scientists-administrativisty Express thought about existence of another independent groups measures administrative coercion – administrative-procedural ensure (coercion). Such a group of coercive measures actually exists, but it is one of the types of preventive measures, and not coercion in General, that is, it is not a type of coercion, but its subspecies.

There are other approaches to the classification of administrative coercion measures with minor differences from those mentioned. However, the majority of domestic administrationists support the division of administrative coercion into measures of prevention, suppression and administrative responsibility. At the same time, the above classification, like any other, is somewhat conditional, so from time to time it is criticized, its main purpose is to fully clarify the essence of administrative coercion measures, the grounds and procedure for their application.

3. Administrative and preventive measures

The name of administrative measures is due to their preventive orientation. These measures are specific, factual grounds for the application are not, they are used to prevent offenses, as well as to maintain law and order under emergency conditions because a threat to public and personal interests, damage can occur not only as a result of the offense, but as a result of natural disasters, actions of the mentally ill or minors, and the like. The state is then forced to resort to the restriction of rights, the application of coercive measures to persons innocent of violating the law[7].

[7] Bityak Y., Garashchuk V., Dyachenko O. Administrative law of Ukraine / textbook Y. Bityak, V. Garashchuk, O. Dyachenko et al.; edited by Y. Bityak. Kyiv: Yurinkom Inter, 2015. 544 p.

These are the actions of health authorities, which forcibly treat infectious patients, veterinary medicine, which carry out quarantine measures. In most such cases, there is no offense, but the freedom of action of the person is limited, the appropriate administrative measures are applied regardless of the consent or desire of the latter, that is, have a coercive nature.

Administrative preventive measures do not perform the function of punishing the person to whom they are applied, which is typical for administrative penalties, so they do not require the establishment of the offender's guilt as a mandatory condition of application[8].

The main purpose of the application of administrative measures is their focus on:

a) prevention, diversion of offences;

b) ensuring public order and public safety in various emergency situations;

c) prevention of occurrence of harmful consequences in the specified situations.

Therefore, administrative and preventive measures constitute a set of measures of influence of moral, physical, organizational and other nature, which allow to identify and prevent offenses, to ensure public order and public safety in various emergency circumstances.

These measures are applied by many bodies and their officials: the police, the internal troops, the border service, the security service, the control and Supervisory authorities (state inspections) and the like.

The application of certain administrative measures is governed by a significant number of laws and other regulations. These are the Customs code of Ukraine, the laws of Ukraine "on the National police", "on the state border service of Ukraine", "on the security Service of Ukraine", "on veterinary medicine", regulations on various state inspections, etc.

Among the administrative measures of restraint, the following occupy a dominant place.

Document check.

So, police officers have the right to check at citizens the documents proving their identity, at suspicion in Commission of an offense, and also other documents necessary for clarification of a question concerning observance of rules which supervision and control of which performance is assigned to militia (item 2 of Art. 11 of The law "about militia"). For this purpose, officials of other state bodies, which exercise control and supervision over compliance with the relevant mandatory rules, also have the right to check documents.

[8] Bakhrakh, D. Administrative law of Russia: Textbook for universities / D. Bakhrakh. Moscow: Norma, 2012. 444 p.

Inspection taking into account the purpose and method of law enforcement impact on public relations is most often used as a measure of administrative prevention.

For example, customs authorities carry out customs inspection and re-examination, internal Affairs and civil aviation bodies-mandatory inspection of hand Luggage, baggage and personal inspection of passengers of civil aircraft, border guard bodies-inspection of sea and river vessels and documents; departmental security-inspection of persons who work at facilities with special regime, and so on. In all these cases, the main purpose of this measure is the prevention and detection of offenses, ensuring public safety, that is, it has a clear preventive character.

Visiting enterprises, institutions and organizations, entering land plots, residential and other premises of citizens is possible only in clearly defined cases.

So, the police have the right freely at any time of the day you go to: a) the territory and premises of enterprises, institutions and organizations, including customs, and to examine them with the aim of cessation of crimes, prosecution of persons suspected of committing crimes, in natural disaster and other emergencies; b) for land in residential and other premises of citizens, if the pursuit of the criminal or stopping a crime, endangering the lives of residents, as well as in case of natural disaster and other emergencies; c) in premises of the citizens who are under administrative supervision for the purpose of check of performance of the restrictions established by court. Officials of many other bodies can also visit enterprises, institutions, organizations to perform control and preventive functions.

Introduction of representation on elimination of the reasons and conditions promoting Commission of offenses is provided in a number of legislative acts. Administrative law is a rule established in article 282 of the code of Ukraine on administrative offences (CAO), under which the subject of administrative jurisdiction, hearing the case, setting the causes and conditions that contributed to the Commission of administrative violations, contributing to the appropriate state authority, public organization or official proposals of measures to eliminate these causes and conditions. The body (official) that made the proposal must be informed about the measures taken within one month from the date of receipt of the proposal.

Temporary restriction of access of citizens on separate sites of the district (blocking of districts of the district, separate constructions and objects) can be applied by employees of police and the military personnel of Internal troops.

Thus, police officers have the right to temporarily restrict or prohibit the access of citizens to certain areas of terrain or objects in order to ensure public order, public safety, protection of life and health of people in the event of

escape from custody and detention of a criminal, accidents on the roads, in other emergency circumstances that threaten the life and health of people (earthquakes, floods, outbreaks of epidemics and epizootics), as well as during mass events-demonstrations, rallies, competitions, etc.

In order to ensure public order and public safety, police officers also have the right to restrict traffic and pedestrians on certain sections of streets and roads. The reasons for these restrictions may be the repair of roads, laying communications, emergency, fires, natural disasters, demonstrations, rallies, mass campaigns, competitions and the like.

Gratuitous use of vehicles and communication facilities belonging to enterprises, institutions and organizations (except for vehicles of diplomatic, consular and other missions of foreign States, international organizations and vehicles of special purpose), is carried out with the aim of preventing harmful consequences of natural disasters, other emergencies, for travel to the immediate scene, for delivery to medical institutions of persons requiring emergency medical care, to prosecute the offenders and delivering them to the police.

Administrative supervision of persons released from prison supervision is a system of temporary compulsory preventive measures to monitor and control the behavior of individuals released from prison by the National police. The decision on its application shall be taken solely by the judge of the district (city) court on the proposal of the head of the correctional labor institution or the police body for a period of one to two years and may not exceed the terms provided by law for the repayment or removal of a criminal record.

The restrictions that the supervised person must comply with include: the prohibition of leaving the house, apartment at a set time, cannot exceed 8 hours a day; the prohibition of staying in certain places of the district (city); the prohibition of departure or restriction of the time of departure for personal Affairs outside the district (city); the obligation to appear to the police for registration. A person violating these restrictions shall be subject to administrative liability in accordance with article 187 of the administrative Code.

In conclusion, it should be emphasized that the range of administrative and preventive measures under consideration is not exhaustive. These are the most common measures, the protective nature of which is almost beyond doubt. The legislation provides for the possibility of applying many other measures, which can also be considered administrative and protective[9].

[9] Kolomoets, T., Gulevskaya G., Administrative law of Ukraine: textbook / for General ed T. Kolomoets, G. Gulevskaya. Kiev: Istina, 2017. 216 p.

4. Measures of administrative restraint

Measures of administrative restraint – the most numerous and most diverse of all administrative-coercive measures-are characterized primarily by the fact that their application is caused by a real illegal (including objectively illegal) situation and begins at the moment when it has reached a certain development, that is, when the use of preventive measures becomes ineffective or completely useless.

Measures of administrative restraint do not turn away, but directly stop the existing offenses or objectively illegal acts that create conditions for establishing the identity of the offender, clarifying the circumstances of the case and the real possibility for further application of administrative or other measures to the offender.

Unlike administrative penalties, administrative preventive measures do not contain an element of punishment of the person to whom they are applied. Performing along with the educational punitive function, administrative punishment for its action in time is turned into the past, is retrospective. Measures of administrative restraint, as a rule, are directed to the present and therefore are able to independently and quickly resolve the conflict situation, in particular, forcibly suppress offenses[10].

They can also provide conditions for the subsequent application of measures of responsibility to the perpetrators. Often, preventive measures are used to combat objectively illegal acts of mentally ill and young people, that is, persons who are not subject to legal responsibility. Measures of administrative termination, as well as administrative-preventive measures, do not require the presence of the offender's guilt as a mandatory condition of application.

All this allows to define measures of administrative restraint as the compulsory termination of the acts based on the law having signs of an administrative offense, and in separate cases – and criminal-legal character directed on prevention of harmful consequences of illegal behavior, ensuring production on cases of administrative offenses and attraction guilty to administrative, and in exceptional cases – criminal responsibility. Measures of administrative restraint are applied for the purpose of:

a) suppression of violations of legal norms (administrative offenses, crimes and objectively illegal acts);

b) preventing the Commission of further offences;

c) creation of conditions for further bringing the perpetrators to justice;

d) elimination of harmful consequences of the offense;

[10] Vasilyev, A. Administrative law of Ukraine (General part): Textbook / A. Vasilyev. Kharkiv: "Odyssey", 2012. 288 p.

e) restoration of the previous, lawful state.

Measures of administrative restraint are very heterogeneous, differ from each other in many ways. However, their main classification should be carried out in accordance with the nature of the scope of application. According to this criterion, measures of administrative restraint are divided into two groups (types) – General and special measures.

Measures of administrative restraint of General purpose, which are used in everyday practice by many law enforcement agencies, are mainly divided, based on the purpose of their application, into independent (operational) and auxiliary (security).

1. Independent (or operational) measures of administrative restraint are characterized by the fact that they quickly resolve the conflict situation, that is, the conflict is most often exhausted completely. To some extent, it can be argued that these measures (at least most of them) are on the verge of proper preventive measures and administrative penalties. For example, an official warning about the inadmissibility of illegal behavior is very similar in nature to such an administrative penalty as a warning.

The requirement to cease the wrongful conduct. Such a requirement may (and must) put law enforcement officials, various state inspectors in the event of detection of such behavior. The basis of application of the specified action the termination can make any offense, including a crime. The requirement can be expressed orally, and also is issued in the form of the written instruction (order). It is legally binding, disobedience to this requirement is the basis for the application of other coercive measures.

Bringing persons who evade the appearance in various state bodies and institutions (courts, prosecutors, health, internal Affairs, military commissariats, etc.), is a reaction to the failure of citizens and officials of the legal obligation to be on their call, a means of ensuring the performance of this duty. The drive is carried out by the police and consists in the forcible delivery of the person to the appropriate body or institutions. That is, it is the removal of her from the place of stay and escort to the destination, combined with the use of mental or physical motivation.

Administrative detention not related to the implementation of proceedings on administrative offences. In particular, we are talking about the arrest with the content in specially designated premises: minors under 16 years old who are left without care, as well as minors who have committed socially dangerous acts and have not attained the age of criminal responsibility; individuals who showed disobedience to the lawful demands of a police officer; at the same time, on July 1, 2010, the constitutional Court of Ukraine promulgated a decision according to which law enforcement officials have no right to detain persons suspected of vagrancy, since such actions violate the

basic principles of the Constitution and laws of Ukraine regarding the rights and freedoms of citizens. Therefore, this provision of the Law is currently not valid, then persons who evade the implementation of the court order on the direction of compulsory treatment for chronic alcoholism or drug addiction; the military personnel who have committed the acts falling under signs of a crime or an administrative offense; the persons having signs of the expressed mental disorder and create in this connection real danger for themselves and people around.

Registration and official warning about the inadmissibility of illegal behavior is applied by the police to persons who systematically violate public order, if these violations are minor in nature and do not entail legal responsibility (family conflicts, malicious drunkenness, domestic violations, etc.). Caution is to warn the person about the inadmissibility of illegal actions and the consequences of their repetition or continuation. A Protocol shall be drawn up on the issuance of an official reservation to a person. An official warning cannot be applied in cases where there are sufficient grounds for bringing a person to administrative or even criminal responsibility.

The termination of vehicles is carried out by employees of bodies of National police according to Art. 35 of the Law of Ukraine "About National police" where the exhaustive list of the bases of application of this action is provided. Failure by the driver of the requirement of the employee of police about a vehicle stop makes structure of the administrative offense provided by part one of Art. 1222 of the administrative Code.

Prohibition or suspension of certain works or operation of various objects (including operation of various machines and mechanisms-self-propelled agricultural machines, river or small vessels, etc.).

This event falls within the competence of a number of law enforcement and Supervisory authorities (state inspections). In particular, the police have the right to prohibit the operation of vehicles whose technical condition threatens road safety, to limit or prohibit repair, construction and other works on streets and roads, if the safety requirements are not met, to cancel permits for the use of objects of the licensing system in case of violations of its rules[11].

According to item 4 of Art. 10 of the Law of Ukraine "About the state control and audit service in Ukraine" bodies of this service have the right to seal cash desks and cash rooms, warehouses, archives in case of detection of violations of the legislation on financial questions. Executive authorities of General competence and local self-government bodies may restrict,

[11] Bityak Y., Garashchuk V., Dyachenko O. Administrative law of Ukraine / textbook Y. Bityak, V. Garashchuk, O. Dyachenko et al.; edited by Y. Bityak. Kyiv: Yurinkom Inter, 2015. 544 p.

temporarily prohibit (stop) or stop the use of atmospheric air as raw materials for primary production purposes in case of violation of the terms of permits and requirements of standards (article 32 Of the law of Ukraine "on protection of atmospheric air").

Many other state bodies – sanitary and epidemiological service, veterinary medicine, environmental protection and the like-also have similar powers.

2. Measures to ensure the proceedings in cases of administrative offenses constitute a special group of administrative preventive measures, the specificity of which is that they are not independent, but auxiliary measures of influence: their application ensures the creation of conditions for bringing the offender to administrative responsibility (in some cases to criminal).

Delivery of the offender to the police, the policing point, premises of the Executive Committee of the village, the village Council, office of the home guard shall be applied in accordance with article 259 of the administrative code to stop the offenses, the identity of the intruder and the Protocol on an administrative offense if it is impossible to make it on the spot if the Protocol is required. Delivery is compulsory escort of the offender to the appropriate premises. Police officers, officials of transport bodies, bodies that control the protection and use of natural resources, members of public formations for the protection of public order and public inspectors of nature protection have the right to exercise it.

Administrative detention as a measure of ensuring the proceedings in cases of administrative offenses is a forced short-term restriction of the freedom of action and movement of the offender. Administrative detention can be applied not for any administrative offenses, but only for some of them listed in Art. 262 of the administrative Code (petty hooliganism, malicious disobedience, violation of the rules of the border regime, etc.), and only by the bodies specified in this article. Administrative detention, as a rule, cannot exceed three hours. This is a General rule, and detention for such a period is called General. Longer periods of administrative detention can be established only by legislative acts.

A Protocol must be drawn up on administrative detention. On the place of stay of the person detained for Commission of an administrative offense, his relatives, and at his request – also the head of the corresponding enterprise, establishment, the organization or the body authorized by it are immediately notified.

Review and review things. By the nature of the object of influence, these are different coercive measures, but in content they do not differ from each other. Personal inspection is performed by a person of the same sex with the offender in the presence of two witnesses of the same sex. The law does not require the participation of witnesses. In urgent cases things can be subjected

to review and in the absence of owner or owner, but participation understood in such cases necessarily. Carrying out inspection is made out by the special Protocol or about it record in the Protocol on an administrative offense or in the Protocol on administrative detention becomes.

The seizure of things and documents may take place after the application of two preliminary measures-administrative detention or inspection. It consists in the compulsory termination of possession (and as a consequence, use and disposal) by a person who has committed an administrative offense, a certain object or document.

Things which are the tool or a direct subject of an offense can be material evidences on business are subject to withdrawal. About their withdrawal the separate Protocol is made or the record in the Protocol on an administrative offense, administrative detention or inspection of things becomes. To the person who has committed an administrative offense in the performance of official duties, the seizure of things (as well as personal inspection and inspection of things) is applied only in urgent cases. Articles 265-1 of the administrative Code provide for the features of the seizure of certain types of things and documents, their seizure from individuals and the procedural registration of the seizure of some things.

So, Art. 265-1 of the administrative Code defines features of temporary withdrawal of the driver's license, V. 265-2-features of temporary detention of vehicles.

Suspension of drivers from driving vehicles and inspection of them on a state of intoxication according to Art. 266 of the administrative Code are applied in cases when there are sufficient bases to believe that drivers are in such state. The normative basis for the application of this measure, in addition to article 266 of the administrative Code, is also the Resolution of the Cabinet of Ministers of Ukraine of December 17, 2008. No. 1103 "On approval of the Procedure of direction of drivers of motor vehicles to conduct inspection in order to detect the condition of alcoholic, narcotic or other intoxication or stay under influence of drugs that reduce attention and speed of reaction, and such an inspection". The decision to conduct the search is made by officials of the National police. Directly inspection on a state of intoxication can be carried out by means of the Drager device or in medical institutions.

The measure of restraint for special purposes should be defined as a complex of exclusive, extraordinary measures of administrative influence. The special nature of these measures determines the specifics of the grounds for their application. These are, as a rule, urgent cases when it is necessary to stop illegal actions dangerous to life and health of people.

In addition, special measures are used when all other forms of preliminary impact on offenders have been used and have not yielded the desired results. Therefore, the use of force, special means and weapons should be preceded by a warning of the intention to use them, if the situation permits. In cases where there is a real danger to life or health, these measures may be applied without warning.

Special these actions are called also because they are directed directly to the person of the violator, are capable to cause it a certain physical harm and even to deprive of his life. In this regard, the law requires law enforcement officials to use force within the limits of necessity and only when it is impossible to avoid its use. In this case, the possibility of harm to the health of the offender should be minimal.

The use of force against the elderly, pregnant women, persons with disabilities and minors is permitted only in cases of group or armed attack or armed resistance to law enforcement officials. If the use of preventive measures of special purpose caused harm to citizens, the necessary assistance should be provided as soon as possible.

– Measures of physical influence are applied for suppression of offenses or overcoming of counteraction to lawful requirements of militia or other law enforcement agencies.

– Special means-a variety of technical means of influence on the offender, and in some cases-also on vehicles and other things in order to eliminate the illegal situation.

– Firearms may be used by police officers of law enforcement agencies according to art. . 46 of the Law of Ukraine “on National police”.

On the same grounds can use firearms, and employees of other law enforcement agencies.

CONCLUSIONS

The concept of public administration methods, their classification. Persuasion and coercion in public administration. Methods of direct and indirect control. Administrative and economic methods. Regulation, General management and direct management.

SUMMARY

The considered measures of administrative termination do not completely exhaust their list, since neither at the legislative nor at the doctrinal level this list, as well as the list of administrative measures, is clearly defined. Such a task should be solved in the course of further codification of the administrative legislation of Ukraine.

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