

UDC 35:351.746.1 (077)

Halaniuk Iakiv Serhiiovych,

Post-graduate student of the department of global studies, European integration and national security administration, National Academy for Public Administration under the President of Ukraine, 03057, Kyiv, 20, Str. Ezheny Potie, tel.: (067) 410 20 25, e-mail: yhalaniuk@gmail.com

ORCID: 0000-0002-2819-5992

Галанюк Яків Сергійович,

аспірант кафедри глобалістики, євроінтеграції та управління національною безпекою, Національна академія державного управління при Президентові України, 03057, м. Київ, вул. Ежена Потье, 20, тел.: (067) 410 20 25, e-mail: yhalaniuk@gmail.com

ORCID: 0000-0002-2819-5992

Галанюк Яков Сергеевич,

аспірант кафедри глобалістики, євроінтеграції та управління національною безпекою, Національна академія державного управління при Президенті України, 03057, м. Київ, вул. Ежена Потье, 20, тел.: (067) 410 20 25, e-mail: yhalaniuk@gmail.com

ORCID: 0000-0002-2819-5992

DOI <https://doi.org/10.31618/vadnd.v1i11.17>



IMPROVING MECHANISMS OF COOPERATION BETWEEN THE STATE BORDER SERVICE OF UKRAINE, PUBLIC ORGANISATIONS AND POPULATION

Abstract. The article highlights the author's approach to improving cooperation mechanisms of the State Border Service of Ukraine with public organizations and population. There has been analyzed public control as a means their cooperation and priorities of improving the cooperation, particularly, forms and methods of organizing citizens' feedback, introduction of the assessment procedure of the efficiency of the SBSU and population and public organization. There have been stated conceptual pillars of the public control development in the SBSU, developed by the author, including public control forms and resource provision. There has been considered a mechanism algorithm of the public participation in the development of the border administration through submitting

petitions or proposals concerning a legally enforceable enactment draft (or the legally enforceable enactment currently in force). There has been represented a mechanism model of discussing legally enforceable enactments and public petitions, developed by the author. It is noted that one of the mechanisms of interaction of the SBSU with the public is effective public control, which becomes an integral part of ensuring national security and political stability. The conditions of permanence of Ukraine's threats in the border area, and in certain areas and their exacerbation, along with further reforms of the institutes of Ukrainian statehood, cause the problem of establishing and implementing public control in the border area as an important and urgent one.

It is proved that public control is intended to determine the correctness of the military-force policy in the border area, the validity of the scale and optimality of the forms of activity of the border guards. In accordance with all this, in the subject area of public control should be: political decisions on issues of border security, including international agreements; the expediency and validity of government programs for the provision and reform of the border authorities of Ukraine, assessment of the effectiveness of these programs and the procedure for making changes to them.

Keywords: State border service of Ukraine, the public, public organizations, cooperation, co-working, public control.

УДОСКОНАЛЕННЯ МЕХАНІЗМІВ ВЗАЄМОДІЇ ДЕРЖАВНОЇ ПРИКОРДОННОЇ СЛУЖБИ УКРАЇНИ З ГРОМАДСЬКИМИ ОРГАНІЗАЦІЯМИ ТА НАСЕЛЕННЯМ

Анотація. Висвітлено авторський підхід до удосконалення механізмів взаємодії Державної прикордонної служби України з громадськими організаціями та населенням. Проаналізовано громадський контроль як один з механізмів їх взаємодії та пріоритетні напрями удосконалення взаємодії, зокрема, вдосконалення форм і методів організації зворотного зв'язку з громадянами, запровадження процедури оцінки ефективності взаємодії ДПСУ з населенням та громадськими організаціями. Викладено розроблені автором концептуальні засади розвитку громадського контролю у ДПСУ, у тому числі форми громадського контролю та його ресурсне забезпечення. Розглянуто алгоритм механізму участі громадськості в розвитку прикордонного відомства через подання петиції або пропозиції до проекту нормативно-правового акту (чи діючого нормативно-правового акту). Наведено розроблену автором модель механізму обговорення проектів нормативно-правових актів та громадських петицій. Відзначено, що одним з механізмів взаємодії ДПСУ з громадськістю є дієвий громадський контроль, що стає невід'ємною частиною забезпечення національної безпеки і політичної стабільності. Умови перманентності загроз України в прикордонному просторі, а на окремих напрямках і їх загострення, разом з подальшим реформуванням інститутів української державності обумовлюють проблему встановлення і здійснення громадського контролю в прикордонній сфері як важливу і невідкладну.

Доведено думку про те, що громадський контроль покликаний визначити правильність військово-силової політики в прикордонній сфері, обґрунтованість масштабів і оптимальність форм діяльності прикордонників. У відповідності з усім цим в предметній царині контролю громадськості мають перебувати: політичні рішення з питань прикордонної безпеки, включаючи міжнародні домовленості; доцільність і обґрунтованість урядових програм щодо забезпечення і реформування прикордонних органів України, оцінка результативності цих програм і порядок внесення до них змін.

Ключові слова: Державна прикордонна служба України, громадськість, громадські організації, взаємодія, співпраця, громадський контроль.

УСОВЕРШЕНСТВОВАНИЕ МЕХАНИЗМОВ ВЗАИМОДЕЙСТВИЯ ГОСУДАРСТВЕННОЙ ПОГРАНИЧНОЙ СЛУЖБЫ УКРАИНЫ С ОБЩЕСТВЕННЫМИ ОРГАНИЗАЦИЯМИ И НАСЕЛЕНИЕМ

Аннотация. Отражен авторский подход к усовершенствованию механизмов взаимодействия Государственной пограничной службы Украины с общественными организациями и населением. Проанализирован общественный контроль как один из механизмов их взаимодействия и приоритетные направления усовершенствования взаимодействия, в частности, совершенствование форм и методов организации обратной связи с гражданами, внедрение процедуры оценки эффективности взаимодействия ГПСУ с населением и общественными организациями. Изложены разработанные автором концептуальные принципы развития общественного контроля в ГПСУ, в том числе формы общественного контроля и его ресурсное обеспечение. Рассмотрен алгоритм механизма участия общественности в развитии пограничного ведомства через представление петиции или предложения к проекту нормативно-правового акта (или к действующему нормативно-правовому акту). Приведена разработанная автором модель механизма обсуждения проектов нормативно-правовых актов и общественных петиций.

Отмечено, что одним из механизмов взаимодействия ГПСУ с общественностью действенный общественный контроль становится неотъемлемой частью обеспечения национальной безопасности и политической стабильности. Условия перманентности угроз Украины в пограничном пространстве, а на отдельных направлениях и их обострения, вместе с последующим реформированием институтов украинской государственности обуславливают проблему установления и осуществления общественного контроля в пограничной сфере как важную и неотложную.

Доказано мнение о том, что общественный контроль призван определить правильность военно-силовой политики в пограничной сфере, обоснованность масштабов и оптимальность форм деятельности пограничников. В соответствии со всем этим в предметной области контроля общественности должны находиться: политические решения по вопросам пограничной безопасности, включая международные договоренности; целесообразность и обоснованность правительственных программ по обеспечению и реформи-

рованию пограничных органов Украины, оценка результативности этих программ и порядок внесения в них изменений.

Ключевые слова: Государственная пограничная служба Украины, общественность, общественные организации, взаимодействие, сотрудничество, общественный контроль.

Formulation of the problem. As a result of democratic transformations in Ukraine, the civil society and law-governed state formation, the issue of cooperation between the state authorities, particularly the State Border Service of Ukraine (hereinafter – SBSU) and the public becomes increasingly urgent. Primarily, it is cooperation of the SBSU with non-government public organizations, aimed at increasing the efficiency of performing tasks, imposed upon the SBSU. Efficiency of cooperation with the authorities depends on the public representatives, their aim and means of influencing the state authorities, conditions of drafting certain propositions for the authorities that can be developed exclusively system of experts in the appropriate sphere. Improving the cooperation mechanism is to contribute to the citizens' exercising their constitutional right to participate in the state affairs administration, simultaneously ensuring the public opinion being considered while drafting and organizing the SBSU decisions execution.

Analysis of recent researches and publications. Currently in Ukraine there has been done a lot of research concerning the theory and practice of the border administration activities, reflected at works by M. M. Lytvyn, V. M. Servatiuk, O. A. Binkovskyi, A. V. Makhniuk, P. A. Shysholin,

B. D. Trehubov, A. B. Kachynskyi, O. V. Ananyina, O. I. Kyrychenko, etc. Certain aspects of cooperation between the SBSU and the public, mainly of the border areas, have been considered at works by I. V. Kukin, O. V. Borovyk, R. M. Liaschuk, O. T. Berezenskyi, D. A. Kuprienko, V. A. Maliutkin, etc. The previous research results have been taken into account while processing the legally enforceable enactments, related to the border service activities organization.

However, the above mentioned scientists' works focus on the issue of ensuring the border safety as a constituent of the national security, issues of cooperation between the SBSU with the population were considered within the border areas, whereas cooperation with public organizations and population in general has not been considered at all.

Formulation of the objectives (purpose) article. The article is aimed at highlighting the author's opinion and reasoning of measures, targeted to improving mechanisms of the SBSU cooperation with public organizations and population.

Presentation of the basic material. The basis of the efficient system of the authorities and population cooperation, making it possible to make executive management decisions, is formed by

various forms of involving citizens into the administration processes, including those within the system of the SBSU subdivisions. First of all, it is permanent informing them on the subdivisions' intentions and activities, results-oriented exchange of thoughts between the appropriate structures, population, public organizations, well-organized feedback, allowing for citizens to permanently monitor the efficiency of the made decisions and actions. It is extremely important for the system of cooperation between the SBSU and the public to be based on the principles of social partnership and dialogue. The most important trends of cooperation between the SBSU and population are as follows: a public discussion of topical challenges; defining the public opinion about the plans, projects and decisions prior to their final making; involving the public to the decisions development and expertise; informing population systemically and in a timely manner about the made decisions and foreseen actions; guaranteeing the decision making procedure transparency; finding out social consequences of the made decisions realization with a special emphasis on the public opinion study, etc.

A mechanism of cooperation between the SBSU and the public is an efficient public control which is to become an integral part of ensuring the national security and political stability. The conditions of permanent threats in the border area of Ukraine, aggravated in certain segments, accompanied with the further reform of the Ukrainian sovereignty institutions result in an important and urgent challenge of establishing and exercising the public control in the border sphere.

The public control is aimed at defining the rightness of the military and power politics in the border sphere, reasoning the scope and optimality of border officers' activity. According to all that the public control target sphere shall cover: political decisions on the border safety issues, including international agreements; feasibility and rationale for the governmental programs of providing and reforming the border bodies of Ukraine, assessment of the programs efficiency and the procedure of amending them.

Within the *Concept of Facilitating the Public Society Development by the Executive Bodies* [1] realization in the SBSU there have been established the public control institutions (public formations) – the Public Council under the SBSU Administration, the SBSU amalgamated trade union, the Ukrainian retired border officers organization. Adopted on February, 26, 2016 the National Strategy of Facilitating the Public Society Development in Ukraine for 2016–2020 makes the issue of “...establishing efficient cooperation between the public and the state authorities, local government bodies in the form of partnership” [2] urgent.

However, theoretical inconsistency of the founding pillars of the public control formation in the border service, its fulfillment technologies, non-availability of the proper information basis cause the necessity of forming the conceptual basis of the instrument development, the studied sphere specificity being taken into account (Fig. 1).

Underestimation of the public control role in providing the border safety with statesmen and politicians, the

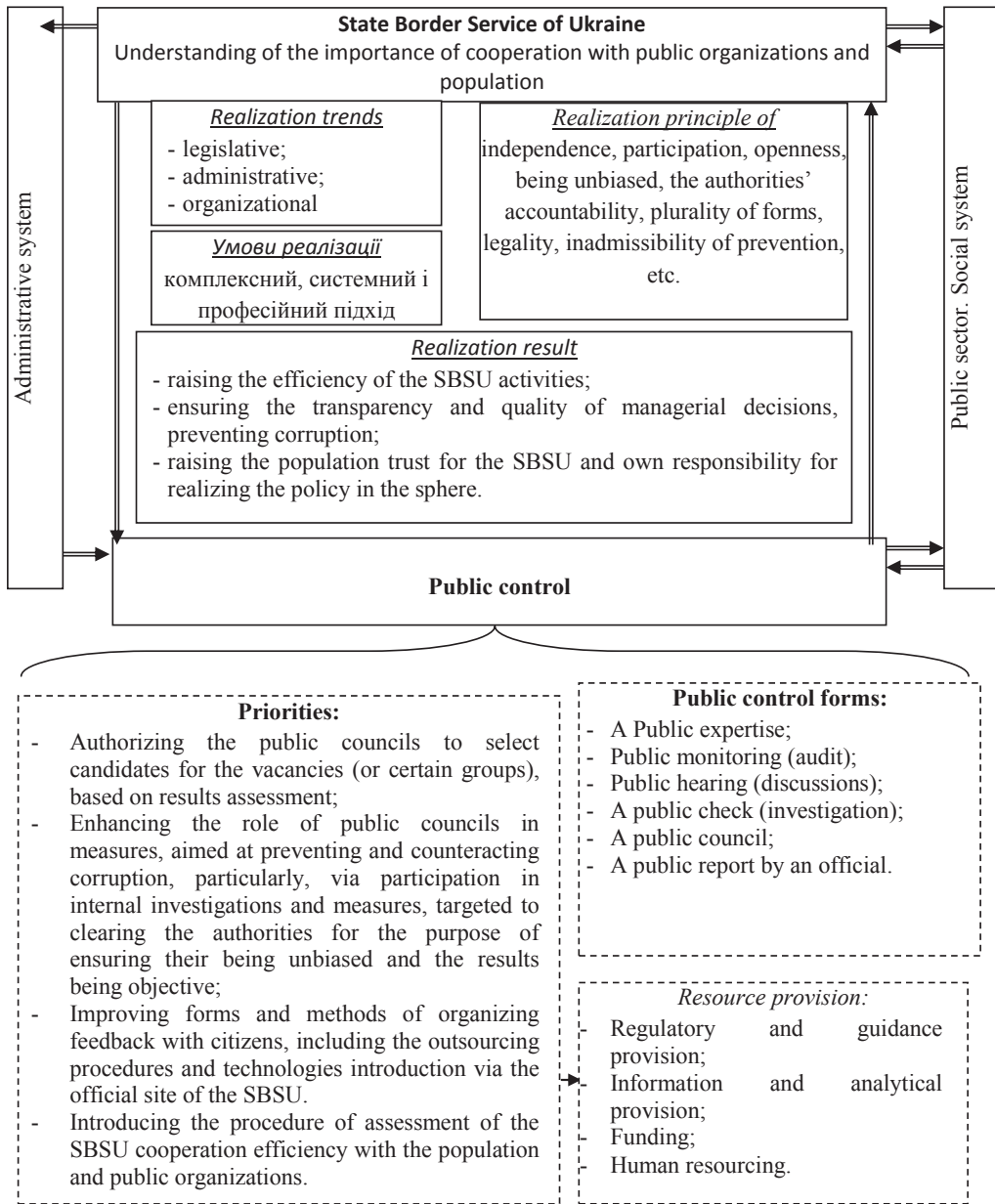


Fig. 1. Conceptual pillars of the public control development in the State Border Service of Ukraine

majority of the population of Ukraine, as well as with the border bodies' employees, offsets the idea of the power democratization, authorities and liabilities distribution between the parties. The above mentioned makes it neces-

sary to solve the issues of establishing a productive dialogue between the authorities and the public, taking into consideration all the democratic society standards, making the development of such priority trends urgent:

1. Authorizing the public councils to select candidates for the vacant positions (or certain groups), based on the assessment results (or an interview). Currently competitions are often held formally with no competitiveness and choice, as there is often a single candidate for the position [3, p. 183–184]. It is clear that a personal status of a SBSU officer is “ambiguous”, practically always embodied in such a person functioning simultaneously as a public and legal sphere officer and a serviceperson.

Thus, such a legal “ambiguity” influences the nature of public relations, being the subject of fundamental research in the sphere of state administration, legal deontology and administrative law. The most topical issue is their relation to phenomena of corruption, red tape or abuse of power. Resulting from this, participation in the SBSU staff formation via the procedure of a competitive selection is an important trend of cooperation between the public and the SBSU bodies.

Among the others, one can suggest such authorities of the public representatives as the right to: define the procedure of conducting an accreditation contest, test assignments, admission scores, physical training and shooting standards; participate in forming the SBSU territorial bodies accreditation committees staff; ensure the transparency of conducting the accreditation contest, including the provision for equal conditions for candidates and involvement of the public representatives into the accreditation process; interview candidates for the SBSU management positions; take part in dispute resolution.

2. Enhancing the role of public councils in taking measures, aimed at preventing and counteracting corruption, particularly, through providing with functions of conducting professional polygraph research (in case of an internal investigation, taking measures, targeted to clearing the authorities, as well as, if required, while selecting candidates for vacant positions) for the purpose of ensuring their being unbiased and the results being objective.

Currently the problem of large scale corruption is the most urgent challenge for both the state and the public society. Combining the interests of the state and of the public society means the necessity to delegate certain state functions to the public representatives. Corruption triggers citizens’ mistrust of the authorities, threatens economic and social progress of Ukraine, destroys traditional cultural and moral pillars of the society development, harms the spiritual vector of the social genesis, aggravates the ideological crisis, under the conditions of which our state is developing, affects the vital social institutions, one of which, undoubtedly, being the state service. Such a status quo creates prerequisites of the social tension emergence, provokes threats for the national state security, distorts the social morality, creates negative stereotypes concerning the state service, etc.

Due to the international liabilities the process of corruption counteraction in Ukraine is irreversible but its efficiency and scale will depend exclusively on the highest state authorities political will.

By virtue of the legislation of Ukraine, the public representatives can participate in forming and exercis-

ing the state policy in the sphere of the state border protection via membership in the Public Council under the SBSU, as well as participation in consultations, held by the SBSU for the purpose of discussing the legally enforceable enactment drafts. The public is also involved into other public measures, taken for the purpose of studying the public opinion on the SBSU certain activities. Thus, within the Public Council there have been established permanently functioning committees, one of which is the Committee on Corruption Prevention and Counteraction.

This very permanently functioning committee is able to efficiently facilitate the measures, aimed, first of all, at preventing corruption expressions, preventing the SBSU officials' involvement into illegal activities. An efficient form of corruption prevention is work with the staff, introduction of the SBSU officers' professional ethics standards. Currently individual prevention measures with the staff (including those while employing or conducting internal investigations) can be held for the purpose of preventing corruption and other administrative violations. Contributing to realization of the state and SBSU programs, targeted to corruption counteraction is presupposed to be the main committee tasks. The committee will also facilitate the public opinion consideration while forming and fulfilling the state policy, aimed at corruption counteraction.

However, a traditional approach to the activities of such a committee under the SBSU can be supplemented with a certain "innovative" constituent, related to the application of wide range capabilities of modern means of emo-

tional tension instrumental diagnostics (polygraphs). It is related to the ability to provide the public councils with the functions of involving experts (being directly stipulated by sub-clause b of clause 3.2 of the Provision on the Public Council under the SBSU Administration) [4] for the purpose of conducting professional polygraph research. The provision directly emphasizes the public council's right to involve employees of the executive authorities, the local government, representatives of both national and international expert and scientific organizations, enterprises, institutions and organizations (subject to their authorities' consent), as well as certain experts such as experts in polygraph research, that is feasible both in case of employment and internal investigation.

The aim of involving such experts by the public is conditioned by the wish to ensure the unbiased and objective result of the survey. Application of a polygraph is not directly prohibited by the law in Ukraine. However, an obstacle for introducing such a public participation mechanism is a practical unavailability of legally enforced enactments, governing polygraph application. At the same time combining the public society institutions and modern technological "innovations" is the guarantee of efficient introduction of the public control over the SBSU activities.

3. Improving forms and methods of organizing feedback with citizens, including introduction of crowd-sourcing procedures and technologies via the official site.

Studying the best foreign practices of cooperation of not only the state institutions but also business structures

with the public, we can suggest using the crowd-sourcing technologies. Crowd-sourcing means a transfer of certain production functions to an indefinite scope of persons, based on the public offer, not implying labor agreement conclusion. Herewith the collective intelligence and synergy of many people's cooperation are used. Crowd-sourcing makes it possible to aggregate information, experience, thoughts, forecasts, advantages and assessments. Certain crowd-sourcing technologies have already become traditional for the public management, including the SBSU: feedback (particularly, an electronic address), placing information at the service page at the social networks (e. g., facebook), online conferences, enabling to place questions and comments. However, we suggest expanding the scope of possibilities through the creation of certain new columns or adding the existing *Work with the Public* column with such constituents:

- Online discussion of drafts of legally enforced enactments in the electronic mode with a possibility to vote or with the help of expert evaluation;
- An electronic petition. If a collective address to the SBSU is supported by a great number of signers (the minimum number of votes is defined beforehand), it is considered by the petition addressee (by the public council and/or the appropriate structural division of the SBSU) as of high priority with a further public report;
- Creating a file sharing service with an access via the SBSU official site with a possibility to be uploaded by the public representatives and certain citizens (only registered users for the purpose of avoiding spam distribution and meet-

ing the demands of the legislation on citizens' addresses) with video files and photo images about the information along the frontier concerning vehicles and cargoes movement out of the border control, actions with features of misdemeanors committed by certain persons, or other data of the adjacent border areas, being of interest for ensuring the national security of Ukraine;

- Establishing a visualized base, containing a list of citizens of Ukraine, foreigners, stateless persons, whose activities would be of a socially dangerous character, being on the official wanted list by the relevant authorities of different states for the purpose of their identification and detention. Such information will be widely spread among the population, contributing to the efficiency of the persons' identification;
- Establishing a visualized base, containing information on the objects of artistic, historical, ethnographic and scientific significance (to be kept, reproduced and protected under the law and prohibited to be transferred outside Ukraine), having been or being likely to be illegally transferred across the state border.

A model of the mechanism of discussing drafts of legally enforced enactments and public petitions can be represented as follows (Fig. 2).

The crowd-sourcing technologies, aimed at improving the mechanism of the public participation in the development of the border security, will be of a social effect — they will activate the public activities in the sphere of developing a transparent effective dialogue between the public and the border service, making the process mutually responsible and mutually beneficial.

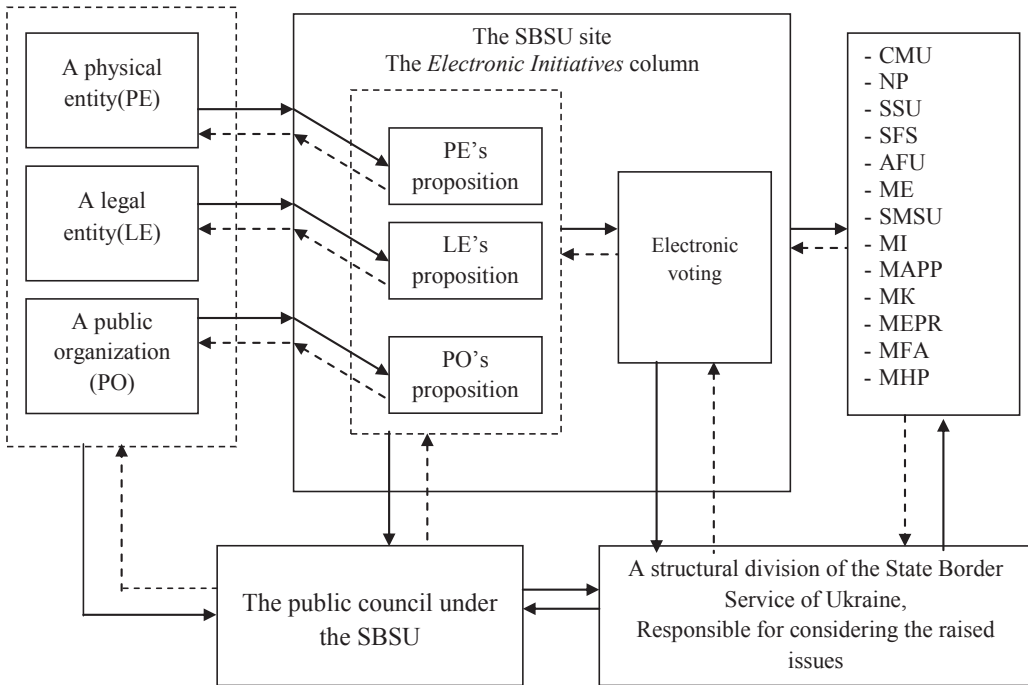


Fig. 2. The scheme of discussing drafts of legally enforceable enactments and public petitions

4. Introducing the procedure of assessing the efficiency of SBSU cooperation with public organizations and population. The system of the authorities and the population cooperation covers not only the forms, considered above and other institutional forms. The efficiency of the SBSU cooperation with the public shall become its integral part. Such an assessment subject can be the following issues: the population's attitude in general and different social strata's attitude to the made decisions; a degree and forms of people's participation in preparing and making decisions; a degree of awareness of various social strata of the made decisions, rapid information provision; people's readiness

to participate in decision and project realization, with such forms of participation as: the population's assessment of decision realization, efficiency of the taken measures; assessment of the SBSU bodies work style from the point of view of red tape elements and de-bureaucratism procedures availability; assessment of the degree of people's trust of the SBSU and its separate representatives as a generalizing criteria of attitude to their activities, etc.

Such an assessment can be made with the help of information technologies, particularly, via the appropriate column at the SBSU official site.

Conclusion. Thus, the conducted research enables to study the experi-

ence of the public participation, to reproduce on its basis the existing mechanisms and models of the process, to work out propositions, facilitating the formation of an efficient model of the SBSU cooperation with the civil society institutions. So, applying public program services will make it possible to ensure the SBSU rapid response to enquiries and needs of the population; to make the system and mechanism of exercising the powerful authorities more transparent and coordinated.

The prospective of the further research of the issue is the development of methodical approaches to the assessment of the efficiency of cooperation between the SBSU and the public authorities.

REFERENCES

1. *Cabinet* of Ministers of Ukraine (2007), "Order of the Cabinet of Ministers of Ukraine "About approval of Conception of assistance of executive power of development of civil society organs", available at: <http://zakon3.rada.gov.ua/laws/show/1035-2007-%D1%80> (Accessed 16 January 2018).
2. *President* of Ukraine (2016), "Decree of President of Ukraine "About an assistance to development of civil society in Ukraine", available at: <http://www.president.gov.ua/documents/682016-19805> (Accessed 16 January 2018).
3. *Pavlenchik P. T.* (2002), *Dobir, konkurs, prysiaha... rezerv – tekhnologii. Derzhavne upravlinnia v Ukraini: naukovi, pravovi, kadrovi ta orhanizatsijni zasady* [Selection, competition, oath... reserve is technologies. State administration in Ukraine: scientific, legal, to the shot and organizational principles], LRIDU, Lviv, Ukraine.

4. *State* border guard service of Ukraine (2015), "Position is about public advice at Administration of Government frontier service of Ukraine", available at: <http://dpsu.gov.ua/ua/Polozhennya-pro-Gromadsku-radu-pri-Administracii-Derzhavnoi-prikordonnoi-sluzhbi-Ukraini/> (Accessed 16 January 2018).

СПИСОК ВИКОРИСТАНИХ ДЖЕРЕЛ

1. *Про схвалення* Концепції сприяння органами виконавчої влади розвитку громадянського суспільства : Розпорядження Кабінету Міністрів України від 21.11.2007 р. № 1035-р [Електронний ресурс] / База даних "Законодавство України". – Режим доступу : <http://zakon3.rada.gov.ua/laws/show/1035-2007-%D1%80>
2. *Про сприяння* розвитку громадянського суспільства в Україні : Указ Президента України від 26.02.2016 р. № 68/2016 [Електронний ресурс] / Президент України: Офіційне інтернет-представництво. – Режим доступу : <http://www.president.gov.ua/documents/682016-19805>
3. *Павленчик П. Т.* Добір, конкурс, присяга... резерв – технології. Державне управління в Україні: наукові, правові, кадрові та організаційні засади: навч. посіб. / П. Т. Павленчик ; за заг ред. Н. Р. Нижник, В. М. Олуйка. – Львів: ЛРІДУ, 2002. – С. 181–192.
4. *Положення* про громадську раду при Адміністрації Державної прикордонної служби України [Електронний ресурс] / Державна прикордонна служба України. – Режим доступу: <http://dpsu.gov.ua/ua/Polozhennya-pro-Gromadsku-radu-pri-Administracii-Derzhavnoi-prikordonnoi-sluzhbi-Ukraini/> – назва з екрану.