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INFORMATION COMPONENT IN PREPARING AND MAKING MANAGEMENT DECISIONS IN BORDER PROTECTION BODIES OF THE STATE BORDER OF UKRAINE

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SUMMARY

The article deals with the information component of the process of preparing and making management decisions in the bodies of border protection of the state border of Ukraine. Its main object is information as a legal category that is of broad importance in all spheres of life-sustaining activities and functioning of the State Border Guard Service of Ukraine. As a result of the research, the author has determined that such information component includes many elements that must be carefully considered and combined by the chiefs of the border guard units.

Key words: information, information component, management decision, State Border Guard Service of Ukraine, border protection bodies.

ИНФОРМАЦИОННАЯ СОСТАВЛЯЮЩАЯ ПОДГОТОВКИ И ПРИНЯТИЯ УПРАВЛЕНЧЕСКИХ РЕШЕНИЙ В ОРГАНАХ ОХРАНЫ ГОСУДАРСТВЕННОЙ ГРАНИЦЫ УКРАИНЫ

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АНОТАЦИЯ

В статье рассматривается информационная составляющая процесса подготовки и принятия управленческих решений в органах охраны государственной границы Украины, основным объектом которой является информация как правовая категория, что имеет большое значение во всех сферах жизнедеятельности и функционирования Государственной пограничной службы Украины. В результате проведенного исследования автор определил, что такая информационная составляющая включает много компонентов, которые необходимо учитывать и сопоставлять начальникам пограничных подразделений.

Ключевые слова: информация, информационная составляющая, управленческое решение, Государственная пограничная служба Украины, органы охраны государственной границы.

Introduction. Nowadays information has become the main value orientation in the process of management activities of governmental authorities. In the area of protection management of the state border of Ukraine, it has its distinctive features and peculiarities. This is due to the nature of the tasks performed by the structural units of the State Border Guard Service of Ukraine (hereinafter – the SBGSU) at all levels, including those directly protecting the state border – border guard detachments. The development of the law-enforcement component in the direction of ensuring the development of integrated border management, taking into account the experience of the member states of the European Union, substantiates the need to elucidate and research (detailed analysis) the information component of the decision-making process in the bodies of the state border protection, taking into account the existing threats to the border security of Ukraine.

The need for analysis of the information component in making of management decisions is reinforced by the practical implementation of the Strategy for the Development of the State Border Guard Service of Ukraine (hereinafter – the Strategy). Within the framework of the Strategy, it is envisaged to modernize the management system by introducing modern information technologies into the management system and providing information resources protection till 2020 [1].

Successful management of the sphere of state border protection is aimed at achieving a high level of security of state borders. The most important prerequisites for this are the timely receipt of reliable information, its rapid analysis and expressive presentation of the results. This is due to the fact that modern society increasingly acquires features of the information society and its necessary condition of life in is the development of information analysis [2, p. 65].

Literary Review. The latest development processes of information activities being an integral part of management activity attracted the attention of many scholars from different fields of scientific knowledge. It is worth noting the research carried out in the direction of the information and legal aspects of management activities, namely by: B. Averianov, I. Aristova, O. Bandurko, R. Kaliuzhnyi, O. Kopan, A. Marushchak, O. Martseniuk, O. Seleznova, I. Sopilko, O. Tykhomyriv, M. Shvets and many others. The problems of the information component of decision-making in various spheres of public administration are considered in the works by: O. Ananieva, O. Belei, V. Yezhunin, O. Oliinychenko and others. Some areas of providing the information component in the field of state border protection are considered by: V. Zolka, I. Katerynychuk, V. Kyrylenko, M. Korol, O. Shynakruk and other scholars. The analysed works enabled to outline the previously unre-



solved scientific problems concerning the study of the information component in the process of management activities of the chiefs of the border guard detachments in relation to forming the decisions on the issues of the protection of the state border of Ukraine, and they determined **the purpose of the scientific article.**

The main material. The main object of the information component in preparing and making management decisions in the field of state border protection is information as a legal category that is of broad importance in all spheres of life-sustaining activities and functioning of public authorities. L. Vdovychenko emphasizes that it is public sphere where the relevant system of information relations is formed and they are regulated by the national legal norms, where any entity has the right to receive information of an appropriate nature, and the other subject is obliged to convey certain information [3, p. 10]. Therefore, it should be noted in the context of our research that information, besides its informative function, performs another important function, the instrumental one – participation in the organization and management of the state border protection [4].

The processing and perception of a large amount of information is conditioned by the statutory obligations of a chief of a structural unit of the SBGSU: to have accurate information about personnel, weapons, ammunition, combat and other equipment, fuel, material resources (funds) in the military unit, on the ship (in the unit) according to staff, list and in stock all the time [5, art. 59]; to know the needs and requests of personnel, to make decisions on their applications, complaints and other appeals [5, art. 59]; to know the legal basis for the activities of the SBGSU, the situation, the state of the state border protection in the area of responsibility [6, para. 5.1]; to make timely decisions, assign tasks to subordinates and demand their execution at all times [6, para. 5.3]; to know the capabilities and the supply of units when directing their efforts to accomplish the tasks [6, para. 5.4], etc.

The information component of the management activities of a chief of a border guard detachment is embodied and acquires practical forms through his information activities. According to the Law of Ukraine “On Information”, the main types of them are creation, col-

lection, receipt, storage, use, dissemination and protection of information [7, art. 9].

O. Shynakruk, L. Artiushyn, V. Kirilenko and I. Stoianov associate the beginning of the decision-making process concerning the protection of the state border with the identification of contradictions (problems), the choice of the purpose of a decision, the definition of tasks for the elimination and prevention of this problem [8, p. 333]. The authoring team of scientists proposes to consider the process of solving basic information problems in the process of forming decisions in the form of separate consecutive elements. They are: gathering information about possible threats; detection (forecast) and determination of the reasons for the occurrence of threats in a specific situation; forming the goal of a solution aimed at countering the threat; substantiating the decision aimed at countering the threat; defining the requirements for a decision; developing a better option; correcting and coordinating the decision; implementing the decision [8, p. 334–335]. In the case of a real threat, decisions are prepared in advance, options for actions under such decisions are put across to the Duty Shift Service of the SBGSU [8, p. 334].

One of the principles for the activities of the SBGSU defined in the Law of Ukraine “On the State Border Guard Service of Ukraine” is “the unity of command and collegiality in the development of important decisions” [9, art. 3]. Based on the analysis of the provisions in the Resolution of the Cabinet of Ministers of Ukraine “On Administration of the State Border Guard Service of Ukraine” and the order of the SBGSU “On Bodies of State Border Protection of the State Border Guard Service of Ukraine”, it can be determined that the principle of collegiality is implemented within the scope of the Administration of the SBGSU. This is reflected in clause 12 of the Regulation on the Administration of the State Border Guard Service of Ukraine: “A collegium may be formed in the Administration of the SBGSU for the coordinated resolution of issues falling within the competence of the Administration of the SBGSU, discussion of the most important areas of its activities” [10]. Regarding the bodies of state border protection, it is regulated that their chiefs are obliged to make time-

ly decisions that they are personally responsible for (in particular, in part of the decision taken, its proper execution by subordinate units (subordinates) and the successful accomplishment of their tasks [6, para. 5.3]. However, the normative consolidation of the principle of collegiality applies only to the Administration of the SBGSU through the formation of a collegium, and only as a right, and not as a duty. Therefore, we consider the opinion of R. Liashuk to be reasonable as he proposes to use the principle of making a management decision in the following formulation: “the unity of command, centralization of management with the delegation of powers regarding an independent choice of methods for the accomplishment of tasks” [11, p. 41]. In this regard, officials of the SBGSU being authorized to make management decisions are responsible for decisions taken both in the field of state border protection and in solving current organizational issues in the area of responsibility. Responsibility for the decisions made is a necessary element for the functioning of the state and administrative apparatus. This approach is typical of all civilized countries, in particular, as Bohumil Pikna notes: “EU member states are primarily responsible for managing their areas at the external borders” [12, p. 76].

Regardless of the established principle of unity of command in making a management decision by a chief of a border guard detachment, his personal responsibility for the decisions, he receives the vast majority of necessary information from his subordinates. Such information the chief of a State Border Protection Body (hereinafter – SBPB) receives from the subordinate commanders of the structural units during reports about: the situation, the results of operative and service activities, the consolidated data for the day, in the event of a complicated situation, from informational and reporting documents, for the results of criminal analysis, etc. In this regard, the quality of the decision taken and the effectiveness of its implementation depend on the relevance, efficiency, reliability, objectivity, completeness and adequacy of the information received by the chief of a SBPB. Therefore, the subordinates who provide the chief with information for further management decision, in turn, should also be responsible in case of violation



of its properties. Such liability is possible within the limits of general discipline practice. In addition, in cases provided for in the Criminal Code of Ukraine, criminal liability is incurred in the case of: drawing, issuance of false official documents, insertion of knowingly false information into the official documents, and other forgery of official documents by an official [13, p. 366]; unauthorized alteration, destruction or blocking of information processed in electronic machines (computers), automated systems or computer networks or stored on the media of such information committed by a person who has the right to access it [13, p. 362]; failure to perform or improper performance of official duties due to unconscientious attitude to them by an official which caused substantial damage to the rights, freedoms and interests of individual citizens, governmental or public interests or the interests of certain legal entities protected by law [13, p. 367]. There are no separate articles in the Criminal Code of Ukraine for information crimes, and violations of the rules of information activities are contained in the components of other crimes. In general, criminal responsibility occurs for the commitment of socially dangerous acts, and in everyday activities, there are many informational tasks which are not related to crimes. At the same time, the development of the information society stipulates the specification of information offenses. Thus, in particular, the Customs Code of Ukraine provides for responsibility for violations of the procedure for providing information, “officials of fiscal bodies bear the responsibility provided for by law for providing inaccurate information as well as for the wrongful refusal to provide relevant information, the untimely provision of information and other offenses in the field information relations” [14, art. 22]. I consider it appropriate to introduce a similar norm to the Law of Ukraine “On the State Border Guard Service of Ukraine”.

In the process of making a management decision in the field of the state border protection, information is circulating, only its content, quantity and quality change. The aggregate of information is delivered to the chief of a border guard detachment about the situation or individual facts, events. The chief may request clarifying the information. So,

more detailed information is collected for specific tasks than at the early stages: about the legal side of the issue; operational units; known experience, composition of own forces and facilities; about forces, means and possible tactics of actions of the enemy, etc. [8, p. 336]. In the future, the aggregate information is generalized and processed, and then it becomes the basis for decision-making. The decision is then delivered to responsible officials in already another quality – in the form of a guide for further actions. In a particular information situation, the problem of decision-making consists in choosing only one solution from the set of possible ones by a certain criterion [15, p. 43].

O. Oliinychenko uses the notion of “information flows” to define the totality of circulating information which is necessary for preparing, making and controlling the implementation of a management decision. In this regard, he notes that such information may exist in the form of oral communications and paper or electronic documents which are in practice formed in to the system of oral informing (in the form of reports, briefings, meetings, discussions with subordinates, consultants, etc.), the system of paper workflow and computerized (automated) information system respectively [16]. Information flows are carried out using the main types of information technologies: oral, written and computerized (i.e. computer and telecommunication technologies). Typically, computer information systems partially replace or duplicate the oral and paper information system [16].

The primary motivating information of the decision-making process by a chief of a SBPB is the problem to be solved. According to A. Melnyk, O. Obolenskyi and A. Vasina, management is always carried out in order to achieve certain goals, and the implementation of goals of any organizational formation is provided by making and implementing numerous decisions [17, p. 157]. The purpose of making a management decision determines the information needs, which, in turn, predetermine the emergence of information wishes (that is, the desire to obtain necessary information) and determine the information resources necessary to achieve the goal of the management decision taken. Information desires are realized in information requests which

form requirements for information flows, and they contribute to meeting the information needs of the chief of the SBPB to a certain extent [16].

The information component of the tasks at the state border protection bodies is formed on the basis of specific reports received by the chief from the following sources which are: the laws of Ukraine, bylaws of normative and legal acts regulating the general activities of the SBGSU and its individual units as well as in the directive documents of the SBGSU (informational and normative component); general or specific instructions, clarifications of the situation, actions taken from the command of the SBGSU (information and management component); the information received from operative duty shift service of the units of the border guard detachment, interacting law enforcement bodies, or local public authorities (operational and informational component); the data processed as a result of activities of information analysis units (information and analytical component); situations which took place in units of the border guard detachment (information and practical component); according to the results of operative and investigative activities conducted by the relevant units of the SBGSU (operative and investigative information component); as a result of work on communication with citizens (informational and consultative character).

Having received information about a specific situation at the state border or in a subordinate unit from one or several sources, the chief of the SBPB should analyse and filter it to form a management decision. At this stage, the chief will be guided by both external and internal information factors. External factor are those representations formed on the basis of the received data from different sources. Internal ones are the intellectual component that is inherent in the chief as a specific person. The content of such an internal information component of a person is filled with information: from the general development; from the obtained higher education; from practical experience; from knowledge and ability to be guided by laws and regulations, directive document; the ability to execute tasks assigned by the superior commander; the situation in units; about subordinates; permanent awareness of the operational situation; realization of information resulting from



informational and analytical activities of subordinates; criminal analysis, etc.

In the practice of management, the problem of information insufficiency is often encountered due to the fact that not all information included in the system is useful, is presented in the right way and meets the goals set. In this connection, the problem of high probability of information arises, without which it is impossible to organize the effective work of a subject of management.

An important element of a management system is the timeliness of information. The quality of management decisions depends on this to a large extent. The delay of information often leads to the loss of its relevance, and subsequently – management decisions are taken on the basis of outdated information which will lead to undesirable consequences [2, p. 65].

Modern management activities are supported by information that is displayed on tangible media and transmitted through communication channels. Only the formalized information is processed to improve the reliability. Continuous improving of management and increasing the volume of processes in the border sphere is accompanied by an increase in the accompanying flow of information. Information databases should include the whole complex of indicators that characterize activities in the sphere of the state border protection as a whole and its individual components as well as materials on all factors which affect the state and trends in this sphere. When forming a database, the problems of data storage and updating system are solved, and the connection of the data, their mutual consistency, the possibility of comparison and collation of the data estimates which are stored in the data bank are substantiated. The databases are continuously updated taking into account the requirements of the main users of the data bank and are the basis for making certain decisions [18, p.83].

The information component of the process of making management decisions is determined by the plurality of states of the environment (registered situations) and the values of performance indicators which are included in the definition of the estimation functionality when conducting calculations in order to find the optimal solution according to

the chosen criterion for making the decision [15, p. 43].

Conclusion. Thus, reliable and up-to-date information is the basis for a correct and timely decision in the sphere of protection of the state border of Ukraine and affects the border security of the state. Today this is a very topical issue for the Ukrainian state. The information component of preparing and making a management decision in the state border protection includes many components (information activities, information and analytical activities, information tasks, information needs of a person and the state in the border sphere, up-to-date databases, external and internal information factors of a chief of a border guard unit, etc.) which must be skilfully taken into account and combined by the chiefs of border guard units. The development of information and information processes in the border sphere makes use of new information technologies, information and analytical support in management as one of the most important means for improving the management in the sphere of the state border protection. Such measures enable to implement the provisions of the Strategy for Development of the State Border Guard Service of Ukraine as part of modernization of the management system through the introduction of modern information technologies into management systems.

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THE PERMANENT AGRICULTURAL LEGAL SUPPORTING IN UKRAINE

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SUMMARY

In the article the scientific concepts of sustainable development of agriculture are investigated. Priority of ecological management in the agro-industrial complex has been proved. A new form of management has been proposed – permanent agriculture, which will be part of the ecological network and will contribute to environmentally balanced farming.

Key words: sustainable development, ecological network, permaculture, permanent agriculture.

ПРАВОВОЕ ОБЕСПЕЧЕНИЕ ПЕРМАНЕНТНОГО ХОЗЯЙСТВОВАНИЯ В УКРАИНЕ

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АННОТАЦИЯ

В статье исследованы научные концепции устойчивого развития сельского хозяйства. Доказана приоритетность экологического хозяйствования в агропромышленном комплексе. Предложена новая форма хозяйствования – перманентное сельское хозяйство, которое будет составной частью экосети и будет способствовать экологически сбалансированному хозяйствованию.

Ключевые слова: устойчивое развитие, экосеть, пермакультура, перманентное сельское хозяйство.

Statement of the problem.

Ukraine is considered an agrarian state, and the agro-industrial complex developing is a guarantee of food security. That is why the policy in the state was aimed at increasing the volumes of agrarian production.

The relevance of the research topic. The active transformation of territories into arable land is a direct interference with natural processes. Such intervention in biological processes nature can compensate provided that the plowing degree doesn't exceed certain limits. However, in almost all soil-climatic zones, as a result of agrarian production, negative balance of humus and mineral substances arose. So instead of a technocratic path developing, it is necessary to develop its own path, which is based not on the volitional decisions of the agroholding owners, but on the system of scientific knowledge of nature, taking into account the interacting characteristics of living organisms

in nature. The foregoing demonstrates the researching urgency.

Status of research. The problem of the agrarian relations developing is one of the most urgent in modern science. Researching the relations of effective agriculture regulation is carried out by economists, environmentalists, lawyers, and others. In the field of legal studies, it's worth noting the works of such scholars as Yu. Semeshuchenko, V. Kostytsky, V. Urkevich, M. Krasnov, whose scientific works were devoted to the analysis of the relations sustainable developing and ecological management, and created the scientific basis for this study.

The object and purpose of the article is to research the scientific concepts of sustainable development, aimed at the relations of effective rural production and the search for new models of management in this area.

The presentation of the main material. Note that in today's context