UNDERSTANDING THE CONCEPT
«ENFORCEMENT MEASURES»

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There is no doubt that the use of physical force, special means and firearms are enforcement measures. However, whether they limit the use of coercion and administrative enforcement should be studied separately. To do this, it is necessary to analyze such concepts as "enforcement", "force", "measures of administrative enforcement", "measures of termination of special purpose", "force measures", "means of restraint", "means of physical coercion".

Among the above concepts, the concept of "force" is generalizing. Its scholars use it in a variety of contexts and fields, from historians to law to specialists in international law. Yes, a representative of Ukrainian historians of law. O.N. Yarmysh uses the concepts of "force" in his works, for example: "students' speeches ... were invariably suppressed by the provincial administration by force" [1, p. 31]. A.S. Tchaikovsky and M.G. Scherbak also notes that "the most important prerogative of any government is the use of force" [2, p. 3]. To finally define the terminology, we note that the generalized integrative concept of "force" will correspond to the generalized differential concepts of "force" or "means of force taming" and so on.

At the same time, a distinction should be made between the notion of "force" in the internal affairs of the state and the similar notion of "force" in international relations. In the case of maintaining law and order, so to speak, "police force" is used within the state against its own citizens. In international relations, however, "military force" is used, which in Roman law corresponds to the concept of "jus gladii" - "the right of the sword" - that is, the right to use force [3, p. 394] in external relations between states. This statement can be interpreted in two ways: either as "jus ad bellum" - the right to war, or as "humanitarian intervention" - since the 20s of our century, a tool for enforcing human rights [4].

At the same time, the concept of "force" in the context of the study of enforcement by law enforcement agencies is narrowed by the legislator. In determining enforcement measures, the Law on the National Police identifies force with physical influence by the police. Therefore, today the normative definition of the term "coercion" is broader than the concept of "force". Coercion in the current legislation of Ukraine is a specific concept that has three components, ie three factors by which it is carried out. This a) physical impact (force), b) the use of special tools; c) the use of firearms.

The criterion for their integration, in our opinion, is the ability to cause physical, moral (mental), property damage. And the criteria for differentiation (and identical)
can be: a) the average expected effectiveness of maximum damage, b) the ability to cause different amounts of hypothetical damage, c) originally embedded in tactical and technical data, primarily for weapons, the ability to kill or injure, cause material damage.

Therefore, the understanding of the relevant measures and their classification coincide in both regulations and the doctrine of administrative law (except for the difference in wording). For example, D.M. Bahrah proposes a classification of special measures of termination (measures of coercion in today's sense): "a) means of physical influence (methods of combat, the use of service dogs); b) influence by technical means (sticks, handcuffs, etc.); c) the use of firearms"[5, P. 262].

Measures of physical influence (force) as a measure of enforcement includes all means of direct "muscular action"[6, p. 260] on the enemy. Physical force is a universal tool, a universal component of the concept of "force".

It can both hit and damage an object and restrict a person's freedom of movement.

Under physical influence, the Law of Ukraine "On the National Police" determines the use of any physical force, as well as special methods of struggle to stop the illegal actions of offenders (Part 2 of Article 42). The Law of Ukraine "On the National Guard of Ukraine" stipulates that measures of physical influence are, in particular, methods of hand-to-hand combat to stop crimes and other offenses, detention of perpetrators, overcoming opposition to lawful demands of servicemen of the National Guard of Ukraine[8]. Therefore, in general, such measures include the use of martial arts (sambo, karate, aikido, judo, wrestling, boxing, kickboxing, hand-to-hand combat, etc.). The goal is to neutralize or stop the enemy, which is achieved by performing blows, blocks, throws, pain, suffocation, grips, restraints, and so on.

Conclusions. Thus, the normative definition of the term "force" is narrower than what is understood by the administrative-legal doctrine in the context of the implementation of enforcement by law enforcement agencies. When defining coercive measures, the Law on the National Police establishes that it has three components through which physical influence, the use of special means and the use of firearms are exercised. And "force" is identified with the physical influence exerted by the police, which is why the normative definition of the term "enforcement" has become broader than the concept of "force".

References:
[4] Conducting local military operations in other countries, usually for anti-terrorist purposes, for example, the Israeli operation in Uganda in 1976 or the United States in Iran in 1980 (for details see: Nelip M.I., Merezhko O.O. Force Protection of Human Rights: Issues of Legitimacy in Contemporary International Law. K., 1999.) or with a view to ending genocide, such as the NATO operation in Yugoslavia in 1999.