



FOUNDATIONS OF THE ESTABLISHMENT AND DEVELOPMENT OF THE PUBLIC SECURITY CATEGORY IN ADMINISTRATIVE LAW

HISTORIOGRAFIA DOS FUNDAMENTOS DO ESTABELECIMENTO E DESENVOLVIMENTO DA CATEGORIA DE SEGURANÇA PÚBLICA NO DIREITO ADMINISTRATIVO

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ABSTRACT

Objective. The article examines the paradigm of formation of the category of public safety as an element of classical administrative law.

Methodology. Methods of comparison and analysis are used in the context of the place and role of public safety in administrative law. Methods of historical analogies and bibliography are used in the section of analysis of specific historical events regarding administrative law and public security.

Results. Four main periods of development of the category are considered, which is studied in combination with historical periods of development of Ukrainian statehood. Separate dates in the development of administrative law and categories of public safety are systematized and analysed. It studies police law as a foundation for the emergence and development of administrative law and related branches of law.

Conclusion. The article gives the author's view on the problem of protecting society as a heterogeneous mass of individuals of different social status and other attributive features in the state. The category of public safety is determined in the historical retrospective of the formation of the state and the law of Ukraine and certain historical events.

The main scientific value of the work is a focused study of a separate category of administrative and police law as an independent object of scientific research. The scientific result lies in the periodization of the formation of the of public safety category in administrative law as an integral element of the theory of state and law.

Keywords: Public safety; Administrative law; Historical periods; Categories; Optimization.



RESUMO

Objetivo. O artigo examina o paradigma de formação da categoria de segurança pública como um elemento do direito administrativo clássico.

Metodologia. Os métodos de comparação e análise são usados no contexto do lugar e do papel da segurança pública no direito administrativo. Métodos de analogias históricas e bibliografia são usados na seção de análise de eventos históricos específicos relacionados ao direito administrativo e à segurança pública.

Resultados. São considerados quatro períodos principais de desenvolvimento da categoria, que é estudada em combinação com períodos históricos de desenvolvimento do Estado ucraniano. Datas separadas no desenvolvimento do direito administrativo e categorias de segurança pública são sistematizadas e analisadas. Estuda o direito policial como base para o surgimento e o desenvolvimento do direito administrativo e dos ramos do direito relacionados.

Conclusão. O artigo apresenta a visão do autor sobre o problema da proteção da sociedade como uma massa heterogênea de indivíduos de diferentes status sociais e outras características atributivas do Estado. A categoria de segurança pública é determinada na retrospectiva histórica da formação do Estado e da lei da Ucrânia e de certos eventos históricos. O principal valor científico do trabalho é um estudo focado de uma categoria separada de lei administrativa e policial como um objeto independente de pesquisa científica. O resultado científico está na periodização da formação da categoria de segurança pública no direito administrativo como um elemento integral da teoria do estado e do direito.

Palavras-chave: Segurança pública; Direito administrativo; Períodos históricos; Categorias; Otimização.

1 INTRODUCTION

The current state of the legal system of Ukraine is due to the theoretical and practical significance of problematic and currently unresolved issues related to the optimization of the processes of formation and functioning of the mechanism of legal support for public safety in the conditions of modern Ukrainian statehood and the constant transformation of the legal environment (Kornev et al., 2022).

Changes in the legal model of improvement involve taking into account all aspects of the state executive bodies' mechanism of activity (Goncharov, 2023; Petrovskaya, 2023). One of the most relevant aspects of the practical activities of executive bodies is the concept of 'public safety' and its meaning (Arrieta-López et al., 2019). However, this category is uncertain in positive law and was insufficiently studied in domestic science by researchers (Polovchenko, 2021). Therefore, it is fragmentary represented in the current legislative acts of Ukraine.

At the end of the twentieth century, in state and international relations to ensure the social

security of most countries of Europe and the world (Beisov et al., 2013), including Ukraine, the main thing was the financial and economic aspect and the processes of adaptation to the consequences of changes in the geopolitical space (Alekseev et al., 2022) and the transformation of economic relations (Khoruzhy et al., 2022; Kuznetsova et al., 2020). It was supplemented by the state and administrative activities of public authorities.

Formation and development of administrative law takes place in close relationship with the activities of the state administration to protect the interests of the whole society, that is, all subjects of law. Ensuring the security of society in the historical aspect is defined as the main goal of the state and the functioning of its bodies of all branches of government (Deyev et al., 2024).

The history of the development of administrative law has more than three hundred years of constant attempts to improve the mechanisms and methods of managing the state apparatus (Amelin et al., 2023). From today's standpoint of the administrative law science, it is necessary to state the pluralism of opinions, sectoral deviations and the uncertainty of development vectors.

One of the most important historical retrospectives is the study of the origins of the problem of security of society by the mechanisms of administrative law. This will make it possible to more clearly understand the need to determine the vectors for improving the regulatory framework in the field of public safety as a priority task of the state and public administration bodies.

The problems of the history of the formation and development of the normative category of public safety in administrative law were investigated in Ukraine by M. Anufriev, O. Bandurka, Yu. Bitiak, V. Belous, I. Borodin, I. Bratkov, V. Garashchuk, I. Golosnichenko, V. Grokholsky, A. Dzyoban, E. Dodin, R. Kalyuzhny, S. Konstantinov, A. Kuzmenko, P. Lutikova, V. Olefir, A. Ostapenko, V. Petkov, V. Smoliiy, V. Shkarupa, I. Shopina, I. Tarasov, H. Yarmaki, A. Yarmysh and others.

The basis of our research and part of the source base were philosophical views and scientific developments of the category of public safety of such foreign scientists who dealt with the problems of security in public relations: Aristotle, L. Arispe, H. Arshavi, O. Bauer, J. Bodin, M. Weber, T. Hobbes, R. Grotius, Democritus, N. Delamare, D. Diderot, R. Drago, E. Durkheim, R. Jellinek, I. Kant, N. Korkunova, N. Machiavelli, Plato, P. Sorokin, R. Spencer, P. Teilhard de Chardin, E. Fromm, D. Justi and others.

The chronological framework of the study is determined by the purpose and objectives of the study and goes back from the beginning of the emergence of mankind to the end of the



Soviet period. This makes it possible to analyze through the prism of historicism the stages of formation and evolution of the category of social security without touching the issue of modern understanding of this concept and the problems of the present.

The article is aimed at clarifying and establishing the prerequisites for the formation of the genesis of the public security category, the features of the historical formation of public security institutions, and the development of the corresponding legal category in the administrative law science.

The objective of the study is to identify and analyze the chronology of the formation and evolution of the 'public safety' category since the time of the mankind birth and the formation of philosophical views, form a periodization of the development of legal provisions on public safety and relevant sectoral institutions that influenced the formation of administrative law.

2 METHODOLOGY

The basis of the methodology for the study of the 'public safety' category were general methods inherent in all studies in the field of law, and special methods, which were important for obtaining the most probable result in the study of public safety as an integral part of the administrative law of Ukraine.

To analyze and determine the features of the historical formation of public security institutions and the development of the corresponding legal category in the science of administrative law, in the study was used a system of general scientific principles, such as the principle of concreteness, objectivity, consistency, completeness, comprehensiveness and scientificity. These principles allowed us to establish the applied and basic foundations of the category of public safety as a legal phenomenon.

The basic basis of the methodology used in the study of public safety and the system of ensuring public safety is their study according to the laws of dialectics through qualitative and quantitative analysis. This made it possible to consider categories "national security" and "public security" as integral systems, as well as to study their certain parts, their development and interaction between them. Empirical research methods made it possible to establish that all the processes of life of society are aimed at security as a prerequisite for existence.

Methods of abstraction, analysis, synthesis, induction, deduction, modelling method, generalization method, comparison method made it possible to determine the components of public safety. Methods of theoretical research, like hypothetical deductive method,





idealization method, formalization method, historical method, systematization, classification, typology enabled to establish the historical prerequisite for the emergence and development of the category of public security as part of administrative law.

3 RESULTS

Establishment of the phenomenon of historiography of the problem of public safety is the reflection of most of the research methods. The study of the problem of historical development of this category allows us to assert that social security was considered mainly as a phenomenon of the society social life without taking into account its legal components.

The dictionary defines the concept of 'phenomenon' (from the ancient Greek 'what is covered') as a phenomenon in contrast to essence, while the socium is a society as an integral systemic entity and everything concerning the society, and creates a kind of social universe (Yaremenko et al., 1999).

In general, sociological terms, the category 'security' characterizes a certain state of human society, which ensures its normal existence and stable development. In social models, 'security' is understood as a solution to the problem of conditions for the optimal functioning of society and its progressive development. In a broad philosophical and ideological aspect, security is an important issue both for scientific knowledge and for the practice of the existence of society on the scale of an individual state and planet as a whole.

According to E. Fromm, ultimately in one way or another, every social problem reflects a certain aspect of the general social security of society at all stages of its development, regardless of the factors of technical or managerial (bureaucratic) influence and really highlights the degree of progressiveness of this society (Inshina, 2018). The dynamics of the development of modern society reveals the presence of two trends that develop independently of each other (sometimes they contradict each other): the first trend determines the presence of internal contradictions and their periodic aggravation, the second trend is an attempt by the executive and legislative authorities to stabilize social relations in all spheres of society, as well as their forms and institutions.

Therefore, there is a situation of constant search by state institutions for methods and ways to localize and avoid the danger of social explosions and confrontation of social contradictions. This method is a civilized way of solving and counteracting possible social cataclysms and probabilities of social confrontations.

The relentless time and general conditions of development and the pace of progress





require the development of fundamentally new approaches and a new approach to security as an element of counteracting risks and dangers (Dzoban & Razmetayeva, 2005). This means generating new theoretical ideas, practical solutions, building effective organizational structures and mechanisms for ensuring public security in Ukraine.

In the structure and dynamics of the society social development, it is impossible to avoid the dangers of various etiologies: permanent or temporary, global or local, systemic or chaotic. In this aspect, the 'public security' category is on a par with such concepts as 'danger,' 'risk,' 'choice,' 'conflict,' 'future,' 'development,' 'case,' 'contradiction,' 'fear,' 'crisis.' The direct antithesis of the legal and social category of "public safety" is "danger" and "violence." We agree with the opinion of A. Bader (2023, p. 180) that an act of violence is a violation of a treaty, norms, rules, as a unilateral way out of the established framework of communication.

In this series of categories, security acts as a separate element, both derived from them and complementary in the system of being. This defines social security as one of the most important integral components of the modern existence of man, the state and society as a whole.

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The social activity of executive bodies appears in society heterogeneous and unequal in its manifestations. In fact, it is a measure of the society development, a barometer of future changes, and a perspective of possible ways of developing social relations. This activity covers all spheres and branches of life of modern society and the state.

It is important to resort to historical analysis not only in order to get to the true origins of certain categories and principles that make up the methodological framework of the philosophical concept of society's security, says H. Arshava (Abulmagd et al., 2002, p. 34). According to L. Aryspe, the main task is to identify ideological guidelines that have always helped individuals and societies to find ways of solving fundamental problems of the state and social, as well as to abandon stereotypes that caused erroneous decisions in the field of protection of public order and public order and maintaining the state of internal security, which influenced individual destinies and peoples (Abulmagd et al., 2002, p. 78).

The history of the emergence and development of the concept of 'security' covers a significant period of time, which actually coincides with the emergence and development of





mankind, believes the author of the monograph on the problems of the development of civilization (Romanyuk, 2004, p. 90).

We don't share E. Fromm's opinion, who stated that the security of society is the priority of sociology and philosophy, and the history of security is an integral part of the general historical process (Fromm, 2022). We believe that the historical consideration of the problem of security is not only possible, but must also be separated from the study of the general history and the history of a certain science. The study of historical preconditions for the emergence of public safety is fundamental from the point of view of predicting the future in this direction of research.

It is impossible to determine all the trends and historical approaches of scientists to the category of security, it is possible, however, by using historical research methods to recreate a certain step-by-step chronology of the emergence and evolution of this category on a global scale, and to single out the development of the idea of social security in the modern Ukrainian scientific paradigm.

In this regard, we propose to distinguish three main stages of the formation of the thought of public safety as an element of police and administrative law. These stages constitute the historical basis for the emergence and functioning of the category of social security as an integral part of the society historical development.

The first stage is from the beginning of the emergence of mankind to the XVI century, and is characterized by the lack of purposeful activity of the state to ensure public order and security. Initially, there were no special executive bodies, whose competence included activities on maintaining the internal state order. The problem of security among scientists was dealt with by philosophers and thinkers of that time, while legal problems were solved as a rule by the 'sole state creator', that is, by the king, czar, emperor (Gaets, 1999).

The second stage from the XVI century to the beginning of the XX century is characterized by the emergence of separate executive authorities for maintaining law and order, and the struggle against crime both in European states and on the territory of the Russian Empire, which included Ukraine. There appears the science of 'cameralistics', which purposefully studies the problem of management in the state, administrative law emerges as a self-sufficient legal science. Scientists start dealing with the problem of managing the state internal affairs, the issue of personal influence of an official on the quality of public affairs management, the police officer's responsibility, their safety in the aspect of protecting life and health is raised.

The third stage, of the twentieth century (until the end of the Soviet period) is



characterized by the rapid development of the science of administrative law, including the activities of executive authorities, the problem of risk and security as an element of social activity is studied, issues of personal and public security in the state are resolved.

The vision of security formed at the end of the twentieth century was based on the absence of danger or neutralization of threats, and was, first of all, adapted to the needs of the state, is not able to reflect the essence of human security in the modern globalized and information-saturated world (Zolotar, 2018, p. 5).

We propose a more detailed analysis of the above stages in order to determine the influence of philosophy, sociology, economics, cameralistics on the formation of the problem of social security of Ukraine as an element of the Ukraine's administrative law.

At the same time, it should be noted that in the Soviet Union the study of the problem of public security and management was contradictory: on the one hand, the elements of security were studied, and on the other hand, they actually supported the existing ideology. And only with the declaration of Ukraine's independence, the need for the study of social security in the activities of all state authorities gradually becomes urgent. It should be noted that most research in this area were classified secretly, or were limitedly accessed.

The first stage covers the period from the beginning of the mankind to the Middle Ages Anno Domini. During this period and the later period, when the first states and city-states (policies) emerged, the main task of an individual as a living being was to preserve his own life and the life of his offspring in the fight against the forces of nature and external enemies. The main feature of this period is that the "security" concept (safe, secure) existed at the subconscious level and was perceived as the absence of a direct threat and danger.

The main characteristics of the stage is that at the state level the public order and security concepts were not differentiated, and there were no special authorities with functions of maintaining law and order. These functions were mainly assigned to the military and local governments.

The first stage of the development of public security was associated with the works of Aristotle, Plato, Augustine the Blessed, Dion Chrysostom (Δίων Χρυσόστομος) and other thinkers of that time. A feature of the development of public security from the 3rd century BC to the 16th century AD was the definition of public security as a state of society in which there is no war and no external aggression (Huberskyi et al., 2008).

The second period of the development of the public safety thought dates back to the Renaissance and continues until the beginning of the twentieth century. Such a long period of time is advisable due to the fact that the main goal of this section of the study is to reveal



the historical category of public safety, so the analysis is of exclusively applied and descriptive character.

At this stage, the science of administrative law was created and improved, executive bodies were singled out in states, their main task was maintaining public order and security, and combating crime.

Historically, the Renaissance is associated with the rapid development of scientific and technical thought, the emergence of new philosophical currents and new social teachings. The main scientists who made a significant contribution to the development of the philosophical aspect of security science were E. Rotterdam, S. Frank, G. Hugo, A.-J. Richelieu, T. Hobbes, I. Kant, Emery Creusset, Jan Amos Comenius, William Penn, Charles Irene de Saint-Pierre and other famous scientists and philosophers. At the same time, the place and role of administrative regulation in the life of states was comprehended, and the main thinkers of that time in management were M. Osse, G. Obrecht, N. Delmare, I. Justi and E. von Sonnenfels.

It should be noted that scientists of economics, mathematics, sociology, public administration, jurisprudence, and other sciences made a significant contribution to the development of public safety science. Each scientist approached the problem of considering security from the perspective of his discipline, which eventually gave a new impetus to the development of views and opinions on security.

Consequently, a qualitatively new stage in the formation of elements of legal concepts of public security is associated with the Renaissance. At this time period, a fundamentally new science of cameralistics arose as a doctrine of finance, economics, agriculture and management (the so-called "old cameralistics").

Cameral (cameralistic) science originated in Austria and Germany in the XVII century. The German term 'kameralien' comes from the Latin 'camera', and means 'science of public administration' (Sommer, 1925). A well-known champion of the idea of developing cameral science was German scientist Melchior von Osse (1506-1557), who constantly emphasized his commitment to the ideas of universal government in all spheres of social existence. In his opinion, it is governance, neither traditions nor relationships that will contribute to achieving a safe state of life for citizens and establishing internal peace and harmony in cities (Sandole, 1993).

The ideas of public security as an element of state control were also developed by the German scientist G. Obrecht (1547-1612), a figure in the conservative direction of management science. In his work "Five Different Secrets of Politics in the Recruitment,





Maintenance and Increase of Good Police” (1617), he drafted a general management program, while at the theoretical level for the first time he defined the subject of cameralism as social relations and relations between citizens and the state, delineated the concepts of administrative and police institutions (Hrytsenko, 2013, p. 229).

At the beginning of the XVII century, the problems of public security transfers into the legal area of relations in the state. Gradually, the category of public security becomes a key element of national law and interstate relations. D. Justi was one of the first founders of the theory of cameral law and the science of public administration, who considered the problem of public and public safety. His fundamental work, “The Basic Idea of the Power of Government or Knowledge of Policing’ (1782), is devoted to the problems of administrative law in the aspect of the safe coexistence of the state and the individual. It provides the main provisions of administrative law, namely,

- management of the state should be carried out constantly and comprehensively;
- the main body of state regulation should be the police; citizens must participate fully in public administration;
- public order should become a common goal of citizens and the state;
- security of all activities should be maintained at the state level.

D. Justi was the first to propose the establishment of a body for resolving disputes between the state and a person who would have effective means of coercion (Durkheim, 1991, p. 147). The main contribution of the founder of the science of administrative European law was that he first defined social security (security of society) as an element of legal science and management science, proposing to implement the implementation of the relationship between the state and the person, taking into account the ideas of security of society.

In the XVII-th century, the final stage of the formation and formation of the territories of most European countries began. At this time, philosophers and sociologists began to create the concept of "eternal peace" as "the ideal model of a safe life in Europe" (Dzoban & Razmetayeva, 2005). In contrast to "Christian peace," which contains religious tolerance and a call to fight the infidels, most of the projects of "eternal peace" reflected the successes of empirical philosophy and a rationalistic approach. Such projects often featured a "state interest" in creating lasting peace and ensuring sustainable security as a real prerequisite for the prosperity of young states. This is reflected in such works as "Political Testament" by A.-J. Richelieu, "Experiments" by F. Bacon, "Policing" by E. von Sonnenfels, "Treatise on the Police" by N. Delmare and others.



The scientific justification of this problem in the modern sense and certain directions of its solution are presented in the works of N. Delmare (1722) and I. Justi (1759, 1782), whose points of view on the essence of the problems of police and administrative law are classical in this context. Given the scientific popularity and significant methodological significance of these paradigms, it is necessary to carry out their comparative characteristics to identify positive and negative aspects in determining the possibility of their application in building a system of public safety in transitional conditions.

We believe that the works of N. Delmare and I. Justi significantly influenced the formation of the public safety paradigm and the view of public safety as an element of the society functioning in the classical period. Their names are connected to the deep and comprehensive philosophical study of the problems of governance, state, law, law in terms of their safe functioning. Nowadays their concepts are considered classics of the science of police and administrative law, including the science of management, and are a general theoretical basis for the study of many applied problems, one of which is the problem of ensuring public safety and certain types of activities of law enforcement structures. The main point of these scientists is the concept of "policing, police activity," in which they mean similar content. For example, N. Delmare (1722) emphasizes that in the absence of a civil state (established by agreement of individuals in order to ensure their safety), there is always a real threat of public disobedience and rebellion. It was the French scientist N. Delmare, in his first official publication on administrative law, "Treatise on the Police," who determined the vectors for the development of the science of government.

I. Justi also believed that the state of security of society in the state is a natural state (*status naturalis*). The main task of regulating police activity is to regulate the monetary system of the state and combat money counterfeiters, maintain the work of enterprises and ensure proper conditions for their activities, protect the property of churches and citizens from crimes (Justi, 1782).

Basic in the theory of these scientists is the concept of "policing" as an element of public administration. The purpose of such management is the security of the life of an individual as the highest value in the state. The Renaissance gave a new impetus to the development of legal sciences in general and administrative law in particular.

In those days, public safety was defined as protection against criminal attacks and dangerous phenomena, and it acquired real forms of governance in European states. For the first time in history, scientists have established that the state should act as one of the main regulators of public life with the help of levers of coercion. The idea of the real influence



of the state on ensuring public security was born, and therefore the state of the future development of society within the framework of the law.

During the XVII-XVIII centuries there was a rapid development of management science, the transformation of existing relations between the state and citizens, the emergence of fundamentally new managerial relations in society, the emergence of the institution of state coercion, the strengthening of the work of legislative authorities in all European countries, that is, all that is associated with the concept of "scientific progress" (Sueur, 1989). These reasons together led to the development of knowledge in the field of the "security" concept in relations with the category of "administrative law."

At the initial stage of development, the category of security as an element of cameral science was mainly the subject for discussion of a certain small part of scientists who believed that the state should not only regulate the development of social relations, but also ensure order in the state and maintain a state of security with the help of special police bodies.

The first attempt at a targeted study of public safety dates from the middle of the 18th century. It was during this period that the famous lawyer I. Putter determined publicity as the main principle of policing, and the task of the police is to protect society from dangers and crime (Hrytsenko, 2013, p. 230).

In 1789, the famous French scientist J. Petet published a scientific paper "On the Police and Municipalities," in which he substantiates the theory of public safety and identifies a separate type of police activity in ensuring internal order and maintaining honesty in the activities of police representatives (Drago, 1982).

In general, in the 18 and at the beginning of the 19 centuries in the theory of police law were dominant terms 'welfare police' and 'security police'. It was the competence of the security police to protect public order in the state, the life and safety of its citizens (Borodin & Shapenko, 2016, p. 122). Therefore, since then it has been customary to count the emergence of the concept of "social security" precisely as a scientifically grounded category of the science of administrative law, which can influence real events, and not be a theoretical abstraction.

The rapid growth in the number of banking and financial institutions led to the emergence of a fundamentally new type of activity, insurance, which served as the basis for creating the direction of economic security as an element of regulating the state economy. An attempt to reduce the likelihood of economic losses from damage to goods and the loss of ships during sea voyages forced shipowners to look for new sources of financing "projects" in order to





increase their own economic security (Nyzhnyk et al., 2000). The basis of the legal provision of insurance is the state regulation of insurance rates on the basis of their one-sided (administrative) establishment by the state.

World trade of that time turned marine insurance into a self-sufficient branch of the economy, which quickly developed in most European countries. At the same time, state governments acted not only as consumers, but also as full-fledged subjects of economic relations in international and open markets. The search for alternative sources of attracting funds to the budgets of their own countries and improving the security of economic activity led to the emergence of an international system of insurance and state insurance. The main object of these calculations was the security of monetary deposits and investments of individual economic entities (Meadows, 1994, p. 45). At the same time, appeared the concept of "forced regulation", giving impetus to the development of administrative science to determine the boundaries of state interference in social and economic relations.

At the end of the 17 and beginning of the 18 centuries, appeared statistics, which became the basis for the practical application of security level calculations in the future. At that time statistics already operated with such concepts as statistical significance, statistical sampling, applied probability theory in practice, defined the concepts of "standard deviation" and "normal distribution" (Kunev, 2002). Using statistical methods, scientists tried to calculate the crime rate in individual cities.

So, in the light of the above, we offer a historical chronology of the emergence and formation of the category of public safety. This chronology is a clear illustration and confirmation of the historical significance of the public safety category, which influenced the development of social relations in Ukraine. The same time, we propose to divide the main events in the chronology into two stages, that is, before the October Revolution of 1917 (pre-Soviet period) and after 1917 (Soviet period) until 1991 (declaration of Ukraine's independence).

The chronology of events construction makes it possible to trace the development and evolution of the concept of "security" as a category of administrative law and policing in the territory of European states, the Russian Empire and Poland (which included Right-Bank and Left-Bank Ukraine).

Year 1649 – the collection "Cathedral Code" is published in the Russian Empire, which at the legislative level approved the concept of "common good and peace," in fact defining security and law and order under these terms as elements of public administration;

Year 1679 – the French legal scholar N. Delmare published the scientific work "Treatise





on the Police," in which he substantiated the need to create the police as a separate body of the state to maintain public safety and combat offenses;

Year 1718 – Russia's Tzar Peter I issued a decree on the creation of a new post of the Police General. Since that time, it has been customary to count the creation of the police on the territory of the Russian Empire as a separate state unit;

Year 1733 – police institutions are created in Kyiv, Kharkov and other cities of Left-Bank Ukraine. The basis of their work is the Decree of Peter I, and the task was to maintain law and order and supervise criminal elements in large cities. Personal safety of citizens and public safety became a justified category after a separate permit for police officers to carry weapons and use it in special conditions in order to protect public peace and law and order;

Year 1766 – The government of the Russian Empire formed the administration and police (Abulmagd et al., 2002);

Year 1802 – the Ministry of Internal Affairs of the Russian Empire was created, on the territory of Right-Bank Ukraine the Ministry of Internal Affairs (MIS) appeared in the cities of Kharkov and Kyiv. For the first time, the Ministry of Internal Affairs stood out as a separate executive body with the task of combating crime and maintaining public order and security. The provision on public safety was legally approved, and the task of protecting it was assigned exclusively to police representatives;

Year 1860 – the beginning of the reform of the police of the Russian Empire, when public order protection units were created for the first time;

Year 1874 – in Kyiv, I. Tarasov publishes the scientific work "The Main Provisions of Lawrence Shtenk on Police Law in Connection with His Doctrine of Management," which substantiated and systematized the main results of research in the problems of administrative activity of the police on the territory of Right-Bank Ukraine, and determined measures of coercion against criminal elements. Public safety in this work was proposed in a separate section and was defined as "the state of absence of threats to the state system and police officials" (Tarasov, 1874, p. 15);

Year 1878 – the first terrorist act was committed on the territory of the Russian Empire (attempt of Vera Zasulich on Chief Police Officer Trepov) (Smolii, 2002, p. 33-34). In all cities of the Russian Empire, including Kyiv, Kharkov, Odessa, were created special posts of military governors-general, whose task were to fight terrorists. They created separate police units of the best workers to identify and neutralize terrorists;

Year 1894 – Ukrainian lawyer A. S. Okolsky published a scientific work "On the Concept of Police Law" at the University of Warsaw. In this study, he for the first time substantiated





the presence of internal public dangers in state activities and proposes the provision of public safety as the main goal of the activities of police formations in Western Ukraine;

In the year 1898 was published the monograph by E. Behrendts "Experience of the Administrative Law System", which substantiates the principles of police activities and highlights security measures in emergency conditions.

Consequently, the above-mentioned stage in the development of public safety can be described as the development of teachings on the public and personal safety of police officers and civil servants as an element of police and administrative law, the personal safety of police officers and the activities of executive authorities in the field of public safety.

In the late 19 – early 20 centuries, in the legal system that existed on the territory of Ukraine, began certain transformations on the formation of administrative law, which gradually started supplanting the police. I. Andrievsky substantiated the police law subject as the basis for administrative law, outlined its boundaries with issues of "security and well-being" (Vasina, 2020, p. 189). The origin of administrative law in the Russian Empire was carried out under the direct influence of German administrative law, since a significant part of the professors were of German origin (Lyutikov, 2012, p. 326).

Therefore, the third stage of the development of theoretical ideas about security begins at the beginning of the 20th century, which is associated with administrative law emergence and transformation as a whole, and continues throughout the century and passes into the 21st century. This is the most active stage in the development of the doctrine of security, characterized by the transition from the personal and economic aspects of an individual state to the military-political and global. This is explained, first of all, by historical events that fundamentally changed the location of forces on a planetary scale, the place and role of scientific and technological development in the system of social relations both at the level of society and the state, and in interstate relations. Gradually, there is a transition to new models of economic being, fundamentally new types of weapons are created, new polarity arises in the political being of the world, which ultimately leads to an increase in the role of the "security" category in the activities of mankind. According to the results of philosophical analysis, in the 20th century, the problems of philosophical understanding of security were the focus of attention of a number of prominent thinkers, in particular Jaspers, Aron, Toynbee, Chardin, King, Bergeson and some other prominent scientists. This problem became especially urgent in the second half of the 20th century as a result of the entry of mankind into the nuclear missile era, and showing the possibility of the civilization collapse



for the humanity.

The French philosopher Henri Bergson (1859-1941) noted that violence and war are the inevitable consequence of closed societies and, therefore, the objective reality of states. The safe state of the mankind and individual states existence could be achieved solely through an ideological focus on good, through the propaganda of the "spirit of simplicity" professed by Christian mystics, the principles of asceticism, the rejection of "artificial needs" caused by the predominance of the development of the mankind "body" during the last century, and not its "soul" (Bergson, 1994).

The English philosopher, logician and champion of morality Bertrand Russell (1872-1970) emphasized that the decisive moment of history has come when it must make a choice – to die as a result of military danger (since modern weapons usually harm a large number of people) or to pursue a policy of constantly overcoming situations of military dangers. Russell insisted that intellect must overcome the senseless ideals of war and violence, and he advocated a peaceful settlement of conflicts and complete nuclear disarmament, which would be a guarantee of security (Fedina, 2012, pp. 206-207).

Nobel Peace Prize laureate Albert Schweitzer (1875-1965) in 1952 argued that "the connection of man with the world is achieved not by knowledge, but by experiencing the world" (Schweitzer, 1993, p. 231). A. Schweitzer contrasted the well-known phrase "I think, therefore, I exist" by the statement "I am life, that wants to live among life," from which he deduces the need to ensure the safety of life. A. Schweitzer (1992) argued that the desire of people as sociological beings to preserve and develop the safe state of any life is a mission, and should become the basis for the worldview renewal of all mankind, the formation of a universal world ethics that does not allow violence and war.

Scientific theories on the security problems of the French scientist and philosopher Pierre Teilhard de Chardin (1881-1955) were based on the theory of cosmogenesis, the idea of which is that "the development of the universe goes in a certain direction and ultimately comes down to the formation and development of the spirit" (Teilhard de Chardin, 2001, p. 57). He emphasized that violence acts as a moment of "freedom in disorder," which actually hinders the progress that mankind expects. In his opinion, processes of socialization, constant change in the state of mankind, should ultimately provide conditions for the natural appearance of danger, and not violence. P. Teilhard de Chardin tried to prove that humanity, united in the pursuit of the future, will eliminate the danger and risk of violence in all manifestations. The essence of his theory is well described by the words: "the way to eliminate violence as a source of danger to humanity lies in uniting people on the basis of a

common worldview for a common movement towards a single goal" (Dzobanya, 2021, p. 47).

At the same time, the development of the science of administrative law also acquires a new impetus and enters a new phase in the early 20-s of the twentieth century on the territory of the Soviet Union. It is necessary to outline that the fundamental difference in approaches to determining security in science between Western and Soviet scientists was performed in an ideological plane. Western scientists saw the security problem as a category of philosophy, economics and sociology, and Soviet scientists proceeded from the fact that security was the concept of international status and the fight against crime.

In the 20-30-s the problem of security as an element of administrative law was considered in terms of maintaining revolutionary order and security. The theoretical model of the development of administrative law in the USSR of that period was proposed by the scientist O. Turubiner, who identified several main areas of administrative activity of the internal affairs bodies, namely, clarification of the norms of administrative law, ensuring and protecting public security and revolutionary legality, as well as public rights of citizens. He paid special attention to the categories "public security," "law and order" and "state of emergency" (Kornev et al., 2022, p. 656).

Meanwhile, another lawyer O. Kolisnykov insisted on the need of the administrative law code. In his opinion, the future code should contain all legal norms for regulating the activities of the Soviet authorities and be aimed at protecting the existing social system (Petrovskaya, 2023, p. 8). O. Kolisnykov was the first to propose adding articles "General Charter of the Soviet Service," "Police Service," "Service in the Special Forces" and "Disciplinary Statutes" to the section of the Administrative Code "Soviet Service".

The problem of public security of the 1920s was connected with the formation of the Soviet police and defining its place and role in the life of socialist society. A special stage in the development of public security in Ukraine was creation of the All-Ukrainian School of Police and Criminal Investigation in 1921 and its transfer to the city of Kyiv in 1925. From that moment on, the problem of ensuring the security of society became the national status.

One of the most important normative acts of that period that regulated the organization and activities of the Ukrainian was adopted in 1926 Regulation on the Workers' and Peasants' Militia of the Ukrainian SSR. In this Regulation were defined functions of the police as "protection of the revolutionary order and public safety, protection of the population from socially dangerous elements" (Goncharov, 2023, p. 7).

The evolution in the field of administrative law to establish the principles of public safety



was further developed after the adoption in 1927 of the Administrative Code of the Ukrainian SSR. At that time, this code had no analogues at both the union or republican levels, while in world history there was only one such act that was in force in Portugal (Arrieta-López et al., 2019, p. 986).

Thus, the problems of public security in the works of representatives of Western philosophy and sociology of the twentieth century covered issues of war and peace, violence and non-violence, aggression and opposition to aggression, as well as the comparison of security with categories such as justice, being, the individual, humanity. At the same time, the problems of public security in the USSR were defined as an element of building a socialist society and establishing a rule of law.

The chronology of the events of the 20th and the edge of the 21st centuries made it possible to practically highlight the main stages of the development of administrative law, which fundamentally changed the idea of public security in Ukraine:

The year 1914 saw the issue of the book of the famous Russian scientist-administrator A. Elistratov "The Basic Principles of Administrative Law" published in Moscow, in which the term "administrative law" was first used, and also attention was paid to the security of state administration as a special form of activity of executive authorities;

In 1927 the first Administrative Code of the Ukrainian SSR was adopted, which established at the legislative level the powers of People's Commissariats of Internal Affairs in the fight against offenses and in the application of coercive measures;

In 1929, the book of the famous scientist-administrator V. L. Kobalevsky "Soviet Administrative Law" was published in Kharkiv, in which much attention was paid to the categories of "police law" and the system of building public and public security as an activity for cooperation between the police and the population;

In 1938 in all universities of the USSR at the law faculties was introduced a mandatory course of administrative law with the study of the activities of the police to prevent offenses;

In 1966, was published monograph "Soviet Public Service" of the famous scientist-administrator V. Manokhin, who for the first time considered the problem of responsibility and safe working conditions of Soviet employees;

In 1984 was adopted a new Code of Administrative Offenses of the Ukrainian SSR, which established responsibility for violation of public peace and determines the rights of internal affairs bodies and other state authorities in relation to proceedings in cases of administrative offenses;

In 1970-1990 administrative scientists of the Soviet school for the first time started





analysing the human factor (A. Yusupov), the risk factor (B. Lazarev) and the security factor (B. Kurashvili) in public administration;

1991 became the year of the Soviet Union collapse, the formation of an independent Ukraine, the vectors of studying the problem of public security of Ukraine acquired a new impetus in connection with the change in the crime situation, the intensification of organized crime and other negative factors of economic and legal origin.

Thus, we can conclude, that at the third stage of development of knowledge about public safety there is an important and key transition from personal and local perception of this category to global, international, general, world perception as the basic condition for preserving life on a planetary scale.

In the domestic science of Soviet times, security issues, especially in the field of law, were studied quite fragmentary. Research was limited only to development in the fields of insurance, economic activity, shipping and international relations. Foreign scholars working in the field of public security, studied mainly the political, social and economic aspects of this concept. Among them are the works of the American sociologist Emmanuel Wallerstein "The End of a Familiar World: Philosophy of the 21st Century," of the German sociologist Ulrich Beck's "Risk Society. On the way to another modern", Erich Fromm's "Revolution of Hope", et al.

As you can see, in the field of social sciences of the Soviet period, in particular jurisprudence, not enough attention was paid to the problems of public security. This was due to the specifics of the course of development of Soviet society, in which the main role was played by the governing role of the dominant party, which chose stability as the value of all things and unambiguously defined security as the competence of the party leadership.

At the beginning of the 21st century in Ukraine there is an intensification of scientific research on the problem of security in various sectors of the national economy and public life of the state. One of these areas is the problem of public and public safety in Ukraine, which is studied in educational institutions and research institutes of the Ministry of Internal Affairs of Ukraine, the Ministry of Education and Science of Ukraine, and other sectoral research institutes.

4 CONCLUSIONS

The category of social security originates from the time of the emergence of mankind, which is due to the natural need of man to feel a state of security. The development of this



category is the result of the evolution of the state and its administrative institutions (administrative and law enforcement).

In the course of the study, were defined three main stages of the formation of scientific thought about public safety as an element of police and administrative law: 1) from the beginning of the emergence of mankind until the 16th century, characterized by the lack of purposeful activity of the state to ensure public order and security; 2) from the 16 century to the beginning of the 20 century, characterized by the emergence of separate executive bodies for the maintenance of law and order and the fight against crime both in European states and on the territory of the Russian Empire, which included Ukraine; 3) The twentieth century (until the end of the Soviet period) is characterized by the rapid development of the science of administrative law.

In the scientific sense, the historical emergence of public security as a legal category and its development is associated with the development of cameralistics, administrative and police law, the improvement of economic and financial relations, the socio-political existence of various societies, the expansion of the material and technical base of enterprises and scientific and technical progress.

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