

**УДОСКОНАЛЕННЯ ТАКТИКО-СПЕЦІАЛЬНОЇ,
ВОГНЕВОЇ, ФІЗИЧНОЇ ТА ПСИХОЛОГІЧНОЇ
ПІДГОТОВКИ ПОЛІЦЕЙСЬКИХ**

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**SOME ISSUES OF LEGAL REGULATION OF PHYSICAL TRAINING
WITHIN LAW ENFORCEMENT AGENCIES: NOWADAYS REALITY**

The report is aimed at revealing the model of physical training system of cadets of higher educational establishments of the Ministry of Internal Affairs of Ukraine, which should be structurally filled with the content, functionally implementing and effective components and should reflect the interaction of two major subsystems: the subject and object of training and education in physical training.

Keywords: *law enforcement agencies, legal regulation, physical training, the police.*

The sphere of physical culture and sports is the leading socio-economic institution that preserves the nation's health, education and training of young people, the country's prestige on international sports arena, parturient longevity and labor ability of Ukrainian population.

The crisis of physical culture and sports' development is due to the imperfection of the regulatory, legal, organizational, economic bases of its operation. To take the branch out of the crisis it is required a comprehensive settlement of a number of problems in logistical, financial, legal, medical, information, organizational, staffing spheres, implementing effective incentives for the development of the branch infrastructure and economic activity in the sector.

To increase the efficiency and functioning of the sphere of physical culture and sports it is necessary to take legal actions, which would regulate the activities of these sub sectors of the branch as the sphere of physical culture in education, sports of higher achievements, professional sports, health and fitness activities with population, etc.

The content of normative and legal regulation should be aimed at standardizing the educational process in the field of physical culture and sports, taking preventive measures to traumatism, developing minimum social standards in providing the population with sports facilities for various purposes, sports arbitration, procedure for recognition of new sports in the country, their certification, regulating the process of licensing of business subjects engaged in physical culture and sports activities, establishing transparent and clear criteria of financial assistance from the state to the subjects of physical culture and sports, economic incentives for athletes of the highest qualification, etc.

Proper attention to the development and promotion of sports is the guarantee of a healthy and strong nation. Regarding everything stated, there is the urgent need to study the issue of legal regulation of physical training within law enforcement agencies.

The key factor for the formation of legal principles of physical training in law enforcement agencies, in our opinion, is the Constitution of Ukraine. The basic place of the Constitution in this system is determined by its rule and highest legal force, direct action, application throughout the country. The Constitution of Ukraine, first of all, has defined legal base of guarantees of legality – as all state agencies, their officials, public associations and other legal entities should act within the Constitution and under the laws of Ukraine (the Articles 6, 8).

The system of legislation concerning physical training within law enforcement agencies is based particularly on the provisions of the Section II of the Constitution of Ukraine, which stipulates basic constitutional rights, freedoms and duties of a man and citizen, namely: “everyone has the right to health care. ... The State provides for the development of physical culture and sports” (the Art. 49). Herewith “human rights and freedoms and their guarantees determine the content and direction of the state activities” (the Art. 3). It is obvious, that guaranteeing the latter is possible only in case of proper physical training of public authorities’ officials, where the protection of the rights and freedoms of citizens is of decisive challenge. It is just natural that the Constitution of Ukraine does not directly regulate the issue of physical training within law enforcement agencies, but it is the basis for the adoption of laws and regulations that determine the rules of its implementation.

The key place in the mechanism of legal regulation of physical training within law enforcement agencies have laws and other legislative acts of Ukraine. Herewith their significance in establishing the rule of law state should constantly grow as the rule of law principle is an essential feature of the latter.

The Law of Ukraine “On Physical Culture and Sports” [1] takes special place among the latter. This law determines general legal, institutional, social and economic basis of the activities in the field of physical culture and sports; regulates social relations to facilitate the development of physical culture and sports and provides definitions of basic concepts and terms that are inseparable linked with the sphere of physical culture and sports, etc. According to the Art. 1 of the Law of Ukraine “On Physical Culture and Sports” physical training is considered as a component of the physical education of different groups of population, which has to form motor skills and abilities of a man, to develop his physical qualities and capabilities considering the features of professional activities. In turn, physical education of different groups of population should be considered as the direction of physical training associated with the process of education of a person, gaining the relevant knowledge and skills in the use of motor activity for comprehensive development, rehabilitation and preparedness for professional activities and active participation in public life. Besides, physical education of different groups of population the mass sports and sports rehabilitation also are attributed by the law to the areas of physical culture. Herewith, physical culture – is the activity of the subjects in the sphere of physical culture and sports aimed at promoting motor activity of people to their harmonious, primarily physical development and healthy lifestyle. According to the Art. 6 of the Law “On Physical Culture and Sports” the central authorities of executive power provide proper physical training of the officers of law enforcement agencies, which are subordinated to these authorities. Central authorities of executive power should promote the development of sports, interact with the relevant NGOs of sports orientation. To accomplish the management of physical training and sports activities within law enforcement agencies some structural units can be formed.

A number of by-laws are essential in legal regulation in the field of physical training within law enforcement agencies. Accordingly, the Ordinance of the Cabinet of Ministers of Ukraine dated from December 9, 2015 No. 1320-r “On Approving the Concept of the National Social Programme for the Development of Physical Culture and Sports for the Period till 2020” [2] is aimed at providing the leading role for the physical culture and sports in Ukraine as an important factor of healthy lifestyles, disease prevention, formation of humanistic values, creating conditions for comprehensive harmonious development of a man, promotion of physical and spiritual perfection of a man, identifying reserve capacity of the organism, formation of patriotic feelings of the citizens and the country’s positive image in the world community. In general, the implementation of the National Social Programme for the Development of Physical Culture and Sport is aimed at improving the level of preparedness of young people to serve within the Armed Forces and other military formations established in accordance with the laws, within law enforcement agencies, rescue and other special services for the protection of sovereignty and independence of the state.

In this case, it should be noted that most of modern states are characterized by having two levels of legal regulation: legislative and other normative, including

interdepartmental [3, p. 13]. The above stated is equally relevant to the legal system of Ukraine. Thus, legal regulation of relations in respect to physical training within law enforcement agencies is implemented by the normative acts issued by the President of Ukraine, the Cabinet of Ministers of Ukraine and departmental regulations of the relevant law enforcement agencies.

Problems of ministerial legal regulation has long been the subject of attention of the representatives from different branches of legal science. Mostly these acts have critical reviews. However, the norms of ministerial acts make up the vast majority of regulations that directly regulate the issue of physical training within law enforcement agencies. Indeed, the laws mainly regulate certain issues in general sense; it is impossible to implement these norms without specification.

According to the Art. 30 of the Law “On Physical Culture and Sports” [1] the forms, content and procedure of physical training and sports activities organization of the officers of law enforcement agencies are determined by regulations of the relevant state authorities. Among these departmental regulations we can name: the order of the Ministry of Internal Affairs of Ukraine dated from January 26, 2016 No. 50 “On Approving the Provisions on Organization of Service Training of the National Police of Ukraine”; the order of the Security Service of Ukraine dated from July 6, 2010 No. 369 “On Approving the Regulations on Organization of Physical and Firearms Training within the Security Service of Ukraine”; the order of the Foreign Intelligence Service of Ukraine dated from January 21, 2013 No. 15 “On Approving the Instruction on Organization of Physical and Firearms Training within the Foreign Intelligence Service of Ukraine”, etc.

Thus, the system of normative and legal acts, which regulate physical training issues within law enforcement agencies is composed of the Constitution of Ukraine, laws of Ukraine, regulations and departmental regulations. It should be emphasized that the departmental regulations more fully and in detail regulate the issues of conducting physical training within law enforcement agencies, but the approach of the relevant authorities to address these issues is quite different. Instead the legal basis of the outlined activities should have, in our opinion, such a condition that would mostly contribute to the increase of its efficiency.

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Доповідь спрямована на розкриття моделі системи фізичної підготовки курсантів ВНЗ системи МВС України, яка структурно повинна бути наповнена спрямовано-змістовим, функціонально-реалізуючим і результативним компонентами та відображати взаємодію двох основних підсистем: суб'єкта й об'єкта навчання та виховання з фізичної підготовки.

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ЗАСОБИ ВІДНОВЛЕННЯ КУРСАНТІВ-ПОЛІЦЕЙСЬКИХ ХНУВС

Досліджено та виявлено об'єктивні фактори та чинники, які впливають на підвищення фізичної працездатності та функціональний стан курсантів-поліцейських вищих навчальних закладів освіти системи МВС України.

Ключові слова: курсанти-поліцейські, засоби відновлення, перевтома, стрес, спеціальна фізична підготовка.

Постановка проблеми. У процесі тривалого виконання вправи курсантові-поліцейському доводиться долати стомлення, що розвивається. Його слід розглядати як складний процес, що впливає на всі рівні діяльності організму (молекулярний, субклітинний, клітинний, органічний, системний, цілісного організму) і що проявляється в сукупності змін, пов'язаних із зрушеннями гомеостазу, регулюючих, вегетативних і виконавських систем, розвитком почуття втоми, тимчасовим зниженням працездатності.

Стрес, якому піддається курсант-поліцейський у певний момент часу, або протягом тривалого періоду часу, складається з безліч факторів та у свою чергу акумулюється. Всі ці фактори впливають на процес відновлення курсантів-поліцейських, а також на його готовність до наступного навчально-тренувального заняття зі спеціальної фізичної підготовки.

Всі засоби відновлення, які використовуються під час навчально-тренувальних занять зі спеціальної фізичної підготовки (СФП)