

BODIES OF INTERNAL AFFAIRS: SEPARATE ISSUES OF FUNCTIONAL APPOINTMENT

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Annotation. The author points out that among the main priorities of Ukraine's domestic policy since independence has been the creation of reliable mechanisms for security, political stability, and democracy that would correspond to the relevant mechanisms employed in the European Union. The prospect of EU membership is defined at the constitutional level and is a strategic guideline for Ukrainian aspirations for transformation and a key goal for which reforms are being carried out within the Ukrainian state. The creation and implementation of such mechanisms is the standard that will allow Ukraine to join the EU's common security system, increase the effectiveness of control over the movement and non-proliferation of weapons of mass destruction, and bring international cooperation in the fight against organized crime, illegal migration, smuggling, terrorism, and drug trafficking to a new level.

It is noted that Ukraine's intentions to integrate into the European space have necessitated significant changes in national legislation aimed at adapting to a wide range of norms and standards generally accepted in international and European practice. The sphere of public security protection deserves special attention from lawmakers, as human rights protection is an invariable "gold standard" that distinguishes a democratic state. Given the state-forming importance of the national police, its improvement is in the zone of increased attention from both the government and society. It is extremely important today to create an effective organizational model of police bodies capable of reliably protecting the interests of the economy and citizens, implementing such principles of reforming the Ukrainian police that would result not only in excellent work in detecting and stopping offenses but also in creating significant resources for preventing offenses.

The author demonstrates the dependence of the functional orientation of police structures on the functional orientation of the state, in particular on the form of state-legal regime it implements, which directly lays the basic principles of the activities of law enforcement structures in the country and the principles of their reform. Therefore, the logical idea arises that the functional orientation of police structures may depend on the functional orientation of the state, in particular on the form of state-legal regime it implements, which directly lays the basic principles of the activities of law enforcement structures in the country and the principles of their reform.

Key words: law enforcement system, democratic governance, state functions, legal doctrine, internal affairs bodies.

1. Formulation of the problem.

Among the main priorities of Ukraine's domestic policy since independence is the creation of reliable mechanisms of security, political stability and democracy, which would correspond to the relevant mechanisms involved in the European Union, the perspective of membership in which is defined at the constitutional level and is a strategic reference point for Ukrainian aspirations for transformation and a key goal, for the sake of which reforms are being carried out in the middle of the Ukrainian state. The creation and implementation of such mechanisms is the standard that will allow Ukraine

to join the EU common security system, increase the effectiveness of control over the transfer and non-proliferation of weapons of mass destruction, and bring international cooperation to a new level in the fight against organized crime, illegal migration, smuggling, terrorism and drug trafficking . The main impetus for the construction of mechanisms that would meet European standards in this area was the execution of the Association Agreement between Ukraine, on the one hand, and the European Union, the European Atomic Energy Community and their member states, on the other hand [1].

It was the intentions of Ukraine's integration into the European space that determined the need for significant changes in national legislation, aimed at adaptation to a wide range of norms and standards generally accepted in international and European practice. The sphere of protection of public safety deserves special attention of law makers, because the protection of human rights is an unchanging "gold standard" that distinguishes a democratic state. Considering the state-forming importance of the national police, its improvement is in the zone of increased attention of both the government and society. It is extremely important today to create an effective organizational model of police bodies capable of reliably protecting the interests of the economy and citizens, the implementation of such principles of Ukrainian police reform, the result of which would be not only the brilliant work of the latter in detecting and stopping crime, but also the creation of significant resources for the prevention of crimes.

2. Analysis of the source base.

The question of the functions of police bodies in Ukraine is sufficiently researched, yes, such scientists and experts as V. Averyanov, O. Alokhin, O. Bandurka, D. Bityak, V. Harashchuk, D. made a significant contribution to defining the main functions of police bodies. D. Denisyuk, V. Kolpakov, A. Kulish, D. Lastovych, O. Moskalenko, O. Pronevich, O. Ryabchenko, A. Selivanov, M. Tyshchenko and others.

3. The aim of research.

At the same time, we believe that the study of the influence of the form of the state-legal regime on the functional direction of the internal affairs bodies requires special attention, the research of which is not widespread in national science.

4. Presentation of the research material.

The fundamental feature that distinguishes democratic and anti-democratic regimes in the sphere of power structures is the functional orientation of the latter, if the democratic regime is characterized by crime prevention, then the anti-democratic regime is characterized by only punishment for the commission of the offense or even their cover-up (for example, corruption crimes, the commission of which not reported) [1].

As D. Denysiuk and V. Koroleva rightly point out, "the functions of the police in scientific terms is a complex and multifaceted issue that can be revealed as an independent category of the police, which comes from its essence and reflects its purpose in society. Under the functions of law, the scientist proposes to understand the main directions of the influence of law on social relations, which reflect its essence and social purpose in society, as well as ways of organizing social relations. Functions are directly aimed at fulfilling the tasks facing society. The functions reflect the content of the activities of the executive power, to a large extent characterize the essence of the state and its social purpose. The formation of the rule of law, the strengthening of law and order, require the improvement and improvement of the work of the National Police, whose main task is to serve society by ensuring the protection of human rights and freedoms, combating crime, and maintaining public safety and order. Therefore, the functions of the police should first of all be aimed at carrying out preventive and prophylactic activities of criminal and other offenses.

We agree with the position of V. Koroleva that the functional assignment of the police has an initial, fundamental character, as it determines its role and significance for the development and construction of civil society and the state itself, on the basis that the functions of the police are derived from tasks and reveal the content of the activities of the National Police of Ukraine. In this regard, police activity is carried out in two directions: internal and external. The scientist proposed to define the functions of the National Police of Ukraine as defined and fixed at the legal level the areas of activity of the subjects of police activity, which are interconnected and mutually coordinated and aimed at solving the tasks set before it. Based on the analysis of the Law of Ukraine "On the National Police", V. Koroleva singles out two blocks of the main functions of the police: intra-organizational and external" [3, p. 69, 70].

D. Denysiuk makes a fair conclusion that in democratic societies based on the rule of law, the police perform traditional functions, such as preventing, fighting, detecting crime, ensuring public peace, ensuring public order and protecting fundamental human rights. Also, it is in a democratic society that the police provides various services of a social nature that accompany its other activities, the police has its own discretion in performing these functions, helps to maintain the values of democracy and itself professes such goals [4, p. 115; 5, p. 24]. The scientist singles out 12 functions of the modern police, including 1) social (service), 2) preventive and preventive, 3) criminal-procedural, 4) operative-search, 5) permission, 6) security, 7) material and technical support, 8) international cooperation, 9) information support, 10) scientific and methodological, 11) personnel, social and legal protection [4, p. 117].

O. Pronevich notes that in Soviet jurisprudence, the functions of the police were considered in the context of the repressive (class) orientation of its activity and considers the functions of the modern police as reflecting the directions of its activity, which are manifested as: 1) administrative function (administrative-executive; executive - forced); 2) operative and investigative; 3) criminal procedural (investigative); 4) preventive-social (preventive (preventive-preventive), social-service; 5) protective [6, p. 142-145].

As for foreign works, the leading study of such a context of the outlined problems is the work of the famous American scientist - policeman D. Bailey. It was D. Bailey in 2001, analyzing the content of police activity in a modern democratic society, based on the analysis of a wide range of normative prescriptions, who singled out the main requirements of society that apply to police officers in general, regardless of the political system of the country, among which are such as:

1) Serving both the needs of individual citizens and social groups. That is, the readiness of the police to effectively respond to the statements of individual citizens, maintain constant contact with them and inform them about the progress of their cases is assumed. At the same time, a high level of tolerance is expected from the police towards vulnerable population groups, which usually include representatives of ethnic minorities, migrants and asylum seekers, people with physical or mental disabilities, people of non-traditional sexual orientation, the elderly and children. The police must constantly monitor the situation regarding the needs of these categories of the population, develop appropriate programs or action plans to provide them with additional assistance, monitor their effectiveness, etc.

2) The police are accountable to the law, not to the government. All police decisions must be motivated by law and supported by the courts, not dictated by the government and the wishes of political parties. Recommendations, notes of support or protest, declarations and political statements can be taken into account by police leaders when making management decisions, but only as additional arguments (counter-arguments) to the requirements of the law, on the basis of which the police act.

3) Protection of human rights, in particular those rights that are necessary for free political activity in a democratic society. That is, the police must implement procedures and regulations that make it impossible to carry out arbitrary arrests and detentions, ensure the protection of detained persons from torture and ill-treatment. A separate area of activity is the development of an algorithm of actions during the protection of peaceful assemblies in order to ensure the right of citizens to freedom of speech, expression of views and beliefs. In police units, special personnel training should be introduced in order to ensure human rights in police activities.

4) Transparency of actions of police structures. Police units should be sufficiently open to forms of external control, including public control. Basic police statistics (number of personnel, gender balance, budget size, etc.) should be available to the public, and requests from citizens and organizations for access to limited information should be considered within a reasonable time, with a detailed reasoned response in case of refusal. The public should also have access to information related to the planning of the police work as a whole, the implementation of the planned activities and the results of the work. The European Union, which expanded at the expense of the countries of Central and Eastern Europe, additionally set before the national governments the task of reforming the police into a professional, depoliticized and effective institution based on the principles of the rule of law, market economy and tolerance towards cultural, religious and ethnic groups. As a result, the list of tasks for the police of these countries in accordance with the principles of modern policing was expanded by the following provisions:

- establishment of effective public control;
- a democratic and effective system of accountability to society;
- partnership relations with the population within the framework of the “community policing” model;
- professionalism of personnel, reduction of their number, development of professional ethics;
- increasing the level of staff diversity to better reflect the ethnic and gender structure of the population;
- constant communication with police units of other states.

For most European police systems, the achievement of the specified requirements became possible under the condition of reform, which took place according to several leading principles. Their list usually differed in each country depending on the political situation and the degree of readiness of state structures to reorganize their own activities. However, in a generalized form, the principles of police reform as related and universal categories are formed as follows: 1) rule of law; 2) depoliticization; 3) demilitarization; 4) decentralization; 5) accountability and transparency in work; 6) close cooperation with the population and local communities; 7) professional training of personnel [7].

What are the opinions of domestic scientists about the basics of policing, scientist S. Popova, researching the role and place of the police at the current stage of the development of European society and Ukrainian statehood, summarizes that the Law of Ukraine “On the National Police” practically lacks directions such as demilitarization and decentralization, and the service model of the police, which optimally combines the principles of accountability and close cooperation with local communities, is almost unwritten. But in general, today the role of the police has gained great importance, and the activities of the police have changed significantly due to numerous reforms of a socio-political nature. Bringing the main principles of the Ukrainian police into compliance with the requirements of European practice allows to guarantee the existence of a modern service-type law enforcement structure with the priority of the rule of law and observance of human rights and freedoms. The idea of combating crime as the main purpose of the existence of the police is replaced by the understanding that the main content of its activity is the protection of the rights and freedoms of citizens, and the level of this activity must always meet the modern requirements of the development of society [8, p. 204].

5. Conclusions.

Thus, the study allows to demonstrate the dependence of the functional orientation of police structures on the functional orientation of the state, in particular, on the form of state-legal regime implemented by it, which directly lays down the basic principles of the operation of law enforcement structures in the country and the principles of their reform.

Therefore, it is logical to think that the functional direction of police structures may depend on the functional direction of the state, in particular, on the form of state-legal regime implemented by it,

which directly lays down the basic principles of the operation of law enforcement structures in the country and the principles of their reform.

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