

LEGAL REGULATION OF POLICE ORGANIZATION AND OPERATIONS: EUROPEAN EXPERIENCE

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Annotation. The article examines the challenges of applying European experience in legal regulation of police organization and activities to Ukrainian legislation in the context of European integration processes. The author analyzes the current state of reforming the National Police of Ukraine, identifying key problems and challenges in implementing European standards in law enforcement activities.

The paper discusses key aspects of adapting national legislation to European Union norms, particularly in human rights protection and public safety. Special attention is paid to analyzing the Law of Ukraine “On National Police” for compliance with international standards of police accountability and public oversight mechanisms.

The author identifies main obstacles to effective implementation of European experience in Ukrainian police activities. These include insufficient regulation of public control mechanisms, lack of ratification of important international documents, the need to improve information and analytical support, and overcoming the “force-based” model in favor of a “service-based” approach.

The article emphasizes the need to transform not only the legislative framework but also the mindset of police officers and society as a whole. It examines the implementation of new forms of policing, such as patrol police and dialogue police, as well as the application of modern technologies and analytical methods.

Special attention is paid to anti-corruption issues in the law enforcement system and ensuring proper resource support for police activities, especially under martial law conditions. The author emphasizes the importance of further improving the regulatory framework to ensure effective protection of citizens’ rights and freedoms, increasing police transparency, and strengthening public interaction.

The conclusions emphasize the need for a comprehensive approach to reforming Ukraine’s law enforcement system, considering European experience while taking into account national specificities and current challenges facing the country.

Key words: National Police of Ukraine, European integration, law enforcement reform, human rights protection, public oversight, police functions.

1. Problem statement.

Today, in extremely difficult conditions, Ukraine is purposefully moving towards full integration into the European Union, which necessitates the adaptation of national legislation, the functional direction of the activities of all branches of government, and the political mentality to the standards set by the EU. Such an approach will provide the Ukrainian people not only with the creation of reliable security mechanisms, which today, in the conditions of a full-scale invasion of the Russian Federation on the territory of Ukraine, is vitally necessary, but will also lay the foundations of a new mentality in understanding the tasks and functions of law enforcement agencies and, in particular, the police of the future.

Modern democratic standards of European countries undoubtedly play a leading role in the transformation of the legal system of Ukraine and the mechanism for improving the activities of the bodies and units of the National Police of Ukraine, and the tendency to interweave national interests with the interests of integration associations and the international community is considered natural, which leads to the strengthening of the interpenetration of national, regional and international law, because, as rightly noted by K. Khodakivska K.A. and V. Cherevatyuk, the European integration of Ukraine is a process in which Ukraine is approaching the EU in the political, economic and social spheres, which involves the introduction of European standards in Ukraine, particularly in the field of human rights. In turn, the EU influences the implementation of human rights in Ukraine through the Association Agreement, as this Agreement is part of national legislation and is monitored in 24 directions, which, among others, cover human rights. However, it is worth noting that integration in different sectors may differ in scope, status of implementation and time horizon of expected results [1].

Undoubtedly, modern Ukraine is building its future on the basis of European democratic values, forever moving away from its Soviet past. By integrating into the legal and political space of the EU, the Ukrainian state, together with the European community, is trying to create a common future for the continent, ensures independent progress and entry into the circle of highly developed post-industrial states of Europe and the world [2], which, in turn, requires high-quality rulemaking, increasing the legal population culture and increasing the pace of adaptation of national legislation to the EU legal system, including by borrowing the positive experience of the functioning of law enforcement agencies and, in particular, police agencies.

2. The purpose of the study.

To analyze the European experience of legal regulation of the organization and activities of police bodies, to determine the possibilities and problems of its application in the context of improving the legislation of Ukraine.

3. Analysis of scientific sources.

Such scientists as O. Bandurka, O. Banchuk, D. Bulatin, M. Budzynskyi, S. Husarov, O. Kamishanskyi, R. Kushnirenko, L. Nikolenko, O. Prokopenko, R. Smola, L. Tovpyga, V. Shevchuk and others.

4. Presentation of the research material.

According to many scientists, any reformation processes, in particular the reformation of the law enforcement system, take place taking into account international experience and generally recognized international standards. This process takes on special importance, considering that the requirement for compliance of national legislation, especially in the field of human rights protection, with high EU standards is key for our state. In this context, the National Police of Ukraine is establishing cooperation with relevant law enforcement agencies of foreign countries, as well as with specialized international organizations. It is in the context of the integration processes in Ukraine and the European Union that police cooperation acquires special importance, which necessitates not only the need to unite the efforts of the state to increase the efficiency of using the available opportunities of international police cooperation, but also to adopt coordinated measures at the national and international levels to improve legal regulation [2, p. 334].

Today, a state that declares itself as democratic, social and legal is obliged to take measures to ensure that its legislation complies with generally accepted standards in the field of human rights protection, and that the processes formed by the state to ensure the protection of public safety and order bring the maximum benefit to society and the individual. Such processes in the modern world can no longer do without the implementation of foreign experience in the field of organization of means, tools and methods of activity of police bodies and require new conceptual approaches to solving the problems of implementing the law enforcement function. This leads to the fact that an important

role is played by the introduction of the positive experience of the countries of the European Union regarding the management of the activities of national law enforcement units. However, it is important to determine the degree of possible implementation of European experience in the national regulation of law enforcement activities, literally, whether it is expedient for Ukraine, having studied the positive experience of a specific European country, to fully introduce and implement its legislation in the area of regulation of police activities, and whether it is possible at all, what problems may arise on this path, should there be such borrowing, taking into account the mentality and experience of Ukrainian statehood.

Ukraine has adopted a number of legal acts that meet European standards for the protection of the rights and freedoms of citizens, but the effective protection of these rights depends not only on the presence of progressive legislation, but also on its implementation and enforcement, since effectiveness can be achieved only under conditions of high legal culture not only among civil servants, but also among all citizens, since European integration is also a different mentality, different from the Soviet one. Our state must meet new worldview standards, such as responsibility, respect for each other, rights and dignity. To act as a European is not only to make changes in the legislation, but also to adhere to it unconditionally. Today, Ukraine, in the conditions of a full-scale invasion, is steadily making efforts to reform the legal system in order to create such a social, democratic and legal state that can become part of the EU. It is well known that the practical implementation of human rights is the main criterion for assessing the level of democratic development of any state and society as a whole, therefore it is necessary to reform the legal system, it is necessary to introduce legislative regulation of law enforcement activities, it is vital to improve mechanisms for the protection of human rights, based on the experience of civilized states [3, p. 49].

The problems of regulation of the activities of the National Police of Ukraine since the adoption of the modern Law of Ukraine "On the National Police" have been considered by many researchers, in particular, a thorough analysis of the Law of Ukraine "On the National Police" adopted in 2015, in terms of compliance with the standards of police accountability defined in the "OSCE Guidelines on the democratic foundations of police activity" of 2008, conducted by scientist O. Bandurka in 2017. So, to the problems of regulation of police accountability by the Special Law, which still remain relevant, (since Section VIII, which regulates this issue, was amended only once in 2022, which generally excluded public control over police activities during martial law (article 90-1) the scientist referred to the following as:

- 1) there is no clear regulation of the frequency of publication of this information and there is no responsibility for the violation of these obligations, annual reports, in turn, should be prepared and published not only by the leadership of territorial bodies, but also by the head of the entire National Police of Ukraine;
- 2) "pursuit of indicators", and not the importance of the real work of the police in terms of preventing, preventing and countering offenses and bringing guilty persons to justice;
- 3) the issue of disciplinary responsibility of police officers and public control in this area remains outside the scope of regulation, since in Art. 90 of the Law refers only to the involvement of the public in considering complaints against the actions or inaction of the police, but the mechanisms for the involvement of public representatives are still not defined in this Law [4, p. 330].

Researchers M. Budzynskyi and O. Kamishanskyi attributed the lack of ratification by Ukraine of international documents directly establishing such standards, in particular, the fundamental Declaration on the Police, adopted by Resolution No. 690 (1979) of the Parliamentary Assembly of the Council of Europe dated 05/08/1979, to the problems of implementing international standards of police activity. , the Code of Conduct for Law Enforcement Officials, approved by Resolution No. 34/169 of the UN General Assembly dated 17.12.1979 and the European Code of Police Ethics, adopted by the Committee of Ministers of the Council of Europe on 19.09.2001. According to scientists, the approval of these acts by the Verkhovna Rada of Ukraine should facilitate the acceleration of the introduction of European standards in the work of law enforcement agencies of Ukraine [5, p. 187; 6, p. 79].

Researcher A. Movchan singles out another problem of the implementation of European and world experience in the activities of the domestic police in the conduct of investigative activities, pre-trial investigation and consideration of criminal proceedings in court, in particular, the implementation of high-quality, timely and sufficient information and analytical support for this activity, the use of the latest information and telecommunication technologies, which contribute to the integration and processing of data contained in open sources of information and specialized AIS, while obtaining new knowledge of a criminological and operative-investigative nature, using methods of criminal analysis, which is a standard practice of the police bodies of civilized states (the so-called models of intelligence-led policing (ILP)). The scientist singled out the following problems that need urgent solution: 1) providing analysts with access to special analytical software; 2) creation of a secure network for the organization of information exchange in electronic form; 3) creation of an IT system for collecting and processing operational and analytical information. [7, p. 18; 8].

Professor L. Nikolenko rightly points out that the process of reforming the National Police of Ukraine is an integral part of the democratization of public life and the construction of a rule of law, taking into account the changes that have taken place and the continuation of the process of improving the activities of police bodies in accordance with European standards, which have influenced the aspirations of Ukraine implement recognized international principles of police activity. The scientist also emphasized that despite the general compliance of Ukrainian legislation with international standards regarding the principles of police activity, as well as the positive changes that have taken place in the legislation, it is necessary to continue the processes accompanying the improvement of national legislation in this area [9, p. 23].

Another aspect of the problem should be added as a mental one, since the years of the existence of the police in Soviet times and the years of independence of Ukraine in the form of a militia left their mark on the self-awareness of its employees individually and on building relationships with society as a whole, i.e., as the researcher I. Kostenko rightly notes, in accordance with the requirements of the EU, the newly created police had to reorient and move away from a "force" model to a "service" one, from a repressive institution characterized by coercion and alienation from society to a European-style democratic model that involves demilitarization, service and protection of rights, freedoms and legitimate interests citizens and provision of services in law enforcement [10, p. 126].

The period of the Russian Federation's full-scale invasion of the territory of Ukraine significantly complicated the functioning of our country, including the system of law enforcement agencies, which in this extremely difficult period faced extremely difficult challenges not only to protect law and order and ensure human rights, but also to overcome such a problem as corruption in the law enforcement system. Thus, the necessity of combating corruption in these difficult times is emphasized by Professor V. Shevchuk, who notes that even in the realities of martial law, within the framework of approximation to European standards of police activity, it is important to ensure compliance with international principles and standards in combating corruption, implementing experience European and world practices, taking into account the traditions, customs and mentality of Ukrainian citizens, because the nature of corruption in our state is different from corruption manifestations in other countries. Ukraine plays a key role in the process of interdepartmental coordination of international cooperation in the field of combating and preventing corruption. The scientist also emphasizes the problem of ensuring the activities of law enforcement agencies with the necessary resources, means and training, including forensic and criminal procedural direction [11, p. 82].

As you know, one of the key human rights is the guarantee of the right to fair protection, where the first component is the right to judicial protection (as a civil right that provides legal protection of a person against the actions of individuals and the state, preventing arbitrariness. It is independent and impartial courts that should play decisive role in the protection of human rights, resolving disputes, interpreting laws and holding the authorities to account [12, p. 81]. supporting and improving the processes of protection of human rights and freedoms in the country. It is the state and society that should be interested in ensuring the rights and freedoms of citizens as much as possible, since this is not only important for each individual, but also aimed at creating conditions for the normal life of the entire society and improving it state [13, p. 24], especially in such a difficult time for Ukraine.



Proper activity of the law enforcement system of Ukraine is a determining criterion for the stabilization of the state and integration into the European Union. Also, one of the problems of ensuring human rights, in particular social rights, should be mentioned the fact that normative legal acts do not always clearly define how they should be applied and protected, which is necessary for the development of a society with high democratic standards, as it guarantees the protection of human rights, and also promotes economic and social development. It should be noted that some provisions of the Law of Ukraine "On the National Police", which relate to the regulation of police activities in terms of protecting the rights and freedoms of citizens, need to be improved in order to comply with modern political, legal and socio-economic conditions.

As O. Makeyeva notes, in order to join the EU, Ukraine must meet certain criteria, including compliance with human rights. This requires reforming the law enforcement system, ensuring freedom of mass media and promoting the development of civil society. Thus, one of the problems in Ukraine is the lack of proper implementation of the legal principles of interaction between civil society and public authorities at the level of the provisions of the Basic Law. Open cooperation and consensus should become the main forms of the relationship between institutions of civil society and the state [14, p. 114].

Scientists O. Prokopenko, D. Bulatin, R. Kushnirenko emphasize the complexity of the processes of formation by the state of the principles of ensuring public safety and order, aimed at updating and improving domestic legislation and implementing foreign experience in the field of organization of means, tools and methods of activity of the National Police and the need for new conceptual approaches to solving the problems of the implementation of the law enforcement function, in particular, the generalization of the experience of the countries of the European Union regarding the management of the activities of national law enforcement units [15].

O. Yushkevich, studying the specifics of police reform in Ukraine on the way to European integration, notes that the presence of legal regulations made it possible to reorganize the current system of internal affairs bodies on a large scale, implement a new police system throughout Ukraine, create patrol police, launch anti-conflict groups, the so-called police dialogue, which is entrusted with the tasks of: facilitating the holding of mass events, protecting the right of citizens to freedom of peaceful assembly, maintaining a constant dialogue with participants, preventing possible confrontations and promoting their de-escalation. A tactical police force was created, the functions of which included the implementation of preventive measures during the maintenance of public safety and order, in particular during mass events and gatherings (de-escalation of conflicts during such events). The scientist also emphasizes the consolidation by the Law of Ukraine "On the National Police" of a new for Ukraine principle of close cooperation and interaction with the population, territorial communities and public associations on the basis of partnership aimed at meeting their needs, where the level of trust of the population in the police is the main criterion evaluation of the effectiveness of the activities of police bodies and units (Part 3 of Article 11 of the Law) [16, p. 34].

Undoubtedly, European integration brings the national legislation of Ukraine closer to international standards, actively contributing to the construction of a more transparent and people-oriented state apparatus, including law enforcement agencies. The effectiveness of human rights protection in Ukraine is influenced by various factors, such as political will, the level of development of civil society, and the effectiveness of law enforcement agencies. [1, p. 155-157]. Let's study the problems of implementing the European experience of ensuring the maximum efficiency of the modern police in their activities, for which it is relevant to investigate certain aspects of the activities of the police bodies of some leading European states with a high level of democracy.

5. Conclusions.

So, based on the above, the following conclusions can be drawn:

The process of European integration of Ukraine requires a significant reform of the law enforcement system, in particular the police, to bring them into line with European standards. The key aspects of this process are the adaptation of national legislation, a change in the functional direction of

law enforcement agencies, and the transformation of political mentality. The main problems on the way to the implementation of European experience in the activities of the Ukrainian police remain: insufficient regulation of public control mechanisms, lack of ratification of some important international documents, the need to improve information and analytical support, as well as to overcome the “force” model of work in favour of “service”.

Despite significant steps in the direction of reform, in particular the adoption of the Law of Ukraine “On the National Police”, there is still a need to improve the legal framework to ensure effective protection of the rights and freedoms of citizens, increase the transparency of police activities and strengthen their interaction with the public. Special attention needs to be paid to the development of new forms of police activity, such as patrol police and dialogue police, as well as the introduction of modern technologies and methods of analytical work. An important aspect remains the overcoming of corruption in the law enforcement system and the provision of adequate resources for police activities, especially in the conditions of martial law.

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