

UDC 342.9

DOI <https://doi.org/10.32849/2663-5313/2021.7.07>**Vladyslav Pinchuk,***Postgraduate Student at the Department of Police Law, National Academy of Internal Affairs, 1, Solomianska square, Kyiv, Ukraine, postal code 03035, VladyslavPinchuk@ukr.net***ORCID:** [orcid.org/0000-0002-2170-0838](https://orcid.org/0000-0002-2170-0838)

Pinchuk, Vladyslav (2021). The service of district police officers in the system of administrative and jurisdictional actors. *Entrepreneurship, Economy and Law*, 7, 42–46.

## THE SERVICE OF DISTRICT POLICE OFFICERS IN THE SYSTEM OF ADMINISTRATIVE AND JURISDICTIONAL ACTORS

**Abstract.** *The purpose* of the article is to determine the position of service of district police officers in the system of administrative and jurisdictional activity. In order to define the service of district police officers in the system of administrative jurisdiction actors, the article analyses the components of the conceptual and categorical framework of the research, clarifies the essence of the activity of district police inspectors of the National Police to determine their place in the system of administrative and jurisdictional actors, and puts forward general theoretical proposals to optimize the functioning of this institution. **Results.** The author argues that administrative and jurisdictional activities of district police officers of the National Police of Ukraine are a procedure defined by the current legislation for the consideration of administrative offences by district police officers without recourse to the courts. However, literature review reveals that any administrative activity of these subjects is jurisdictional if it involves the decision-making by a certain subject individually, but this standpoint, is partially disproven in the course of the study. In addition, the article studies the legal basis for the functioning of the concept and related branches and proves that the units of district police officers are considered as administrative and jurisdictional actors that makes it possible to conduct further scientific research in this area, as well as more comprehensive interpretation of the essence of their role and place. **Conclusions.** It is determined and further reasoned that at least 50% of powers of district police officers of the National Police of Ukraine are administrative and jurisdictional. The article justifies that the powers of district police officers of the National Police of Ukraine have been mainly regulated by departmental legal regulations. The before mentioned confirms the broad and grounded regulatory and legal framework of this issue at all levels of domestic legislation that, from the author's perspective, positively influences the regulation of the relevant law branch.

**Key words:** administrative activities, jurisdiction, administrative and jurisdictional activities, offences, police.

### 1. Introduction

**Relevance of the topic.** The activities of the National Police of Ukraine, both in general and in a fragmented manner, raise many questions from civil society in general and individual citizens, in particular. For this very reason, the author has chosen the issue of optimizing the performance of this body as a fragmented problem, which has a negative impact on the rights and freedoms of individuals and citizens.

At the same time, the implementation by the National Police of administrative and jurisdictional activities, carried out mainly by units of district police officers, is one of the most conceptual and meaningful. Therefore, it is necessary, first of all, to clarify the role and place of police district officers in

the system of administrative and jurisdictional actors.

The above and other facts demonstrate that the role and place of the district police officers of the National Police of Ukraine in the mechanism of administrative and jurisdictional activities require a substantial study.

**The purpose** of the article is to define the place of the service of district police officers in the system of administrative jurisdictional actors. In turn, the aim makes it possible to outline the list of **tasks**, as follows: general description of the components of the conceptual and categorical framework of the research, clarification of the content of the performance of district police inspectors of the National Police of Ukraine in order to determine their place in the system of administrative and jurisdictional

actors, statement of general theoretical proposals to optimize the functioning of this institution.

## 2. Activities of the National Police of Ukraine

According to many scholars, administrative and jurisdictional activities of the National Police of Ukraine are a procedure defined and regulated by the current legislation for the consideration of administrative offences by authorized police officers without recourse to the courts that involves several actors, requires decision-making and liability before a court recourse and other grounds.

Moreover, there are other ideas. For example, I. Panov in his study considers administrative and jurisdictional activities of district police inspectors as a specific form of their administrative activities regulated by administrative law and related to the consideration and adjudication on the merits regarding cases on administrative offences under their jurisdiction, as well as to the performance of other administrative and jurisdictional actions of a providing nature (Panov, 2005).

Reference sources reveal that jurisdiction as an autonomous activity in general and administrative and jurisdictional activities in particular are characterized both by its inherent features and the functions through which such activities are carried out. The content of administrative jurisdiction consists of the activities on realization of its functions carried out in the prescribed forms and methods (Volokitenko, 2018). It should be emphasized that the concept of "jurisdiction" is considered by scientists as the exercise of powers in a certain territory and specific geographical area.

However, the issue of defining the role and place of the service of district police officers in the system of administrative and jurisdictional actors still remains controversial. In our view, some of its aspects require more in-depth study.

For instance, a district police officer is a police official charged with the tasks of the service of district police officers and granted authority by law (Bass, 2016, p. 33).

Furthermore, A. Kurovska underlines that it is district police officers who play a decisive role in the detection and prevention of crimes committed. This is due to the fact that district police officers are the closest to the population, often familiar with a large number of people from a district, trusted, their faces are familiar (Kurovska, 2017). It is necessary to focus on the most decisive characteristic of the legal status of the district police officer, that is, the proximity of the police officer directly to the social environment that permits implementing administrative and jurisdictional activities most easily.

As it is mentioned above, the uniqueness of the very institution and the responsibilities assigned to the respective units dictate the need for the proper legal and regulatory framework. However, the Law of Ukraine "On the National Police" does not define a district police officer, or a unit of district police officers, as a separate unit, because, the police include: 1) Criminal police; 2) Patrol police; 3) Pre-trial investigative services; 4) Police Security; 5) Special Police; 6) Special Police Force (On the National Police, 2015).

In addition, the units of district police officers are considered as administrative and jurisdictional actors that makes it possible to conduct further scientific research in this area, and more comprehensive interpretation of the essence of their role and place. Scientists and practitioners argue that the content of functions as a constituent element of the legal status of district police officers reveals that at least 50% of powers of district police officers of the National Police of Ukraine are administrative and jurisdictional.

According to Article 23 of the Law of Ukraine "On the National Police", in terms of the implementation of administrative and jurisdictional activities, the police are entrusted with: detection and suppression of administrative offences, proceedings in cases of administrative offences, consideration thereof is responsibility of the police as prescribed by law; making decisions on the imposition of administrative penalties and enforcing them in cases provided for by law, etc. Moreover, a police officer, within the limits of statutory powers, independently makes decisions and incurs disciplinary or criminal liability for his/her unlawful acts or omissions (On the National Police, 2015).

Moreover, A. Kubaienko emphasises that the police may consider complaints both against the actions of police officers and against actions or omissions of other subjects if they violate someone's rights, freedoms or legitimate interests. Therefore, the administrative and jurisdictional activities of the police are reflected in types of proceedings such as: cases of administrative offences, disciplinary cases and complaints from citizens (Kubaienko, 2017).

Therefore, it is necessary to study in detail district police officers' powers prescribed by the legislation of Ukraine and evaluate their content and essence in order to clarify the role and place of a district police officer in the system of administrative and jurisdictional actors.

## 3. Legal status of the district police officers of the National Police of Ukraine

Furthermore, it should be noted that the legal status of the district police officers

of the National Police of Ukraine is first and foremost enshrined in the laws of Ukraine and has been considerably expanded in departmental regulations. This proves a significant function in the field of human rights protection by district police officers not only through implementing the administrative and jurisdictional component but also while exercising other powers.

The legislation of Ukraine grants district police officers of the National Police of Ukraine, during the performance of their assigned tasks, the following powers:

1) to demand persons to present his/her ID and other documents in cases provided for by Article 32 of the Law of Ukraine "On the National Police";

2) to interview persons in cases provided for by Article 33 of the Law of Ukraine "On the National Police";

3) to apply the measures provided for in articles 30 and 31 of the Law of Ukraine "On the National Police";

4) to detain suspects of a criminal or administrative offence, bringing such persons to a police station or police unit;

5) in cases prescribed by law, in order to carry proceedings on administrative offences, to decide on administrative penalties and enforce them;

6) under article 38 of the Law "On the National Police", to enter a person's premises or other possession without a reasoned court decision in cases of emergency;

7) to take measures to monitor compliance with the restrictions established by the Law of Ukraine "On Administrative Supervision over Persons Released From Prisons" ("On approval of the Instruction on the organization of activities of district police officers, 2017);

8) to monitor the compliance of natural and legal persons with the rules and regulations governing the storage and use of firearms, special means, explosives and ammunition subject to the authorization system, as well as to inspect directly the places where they are kept in order to verify compliance with the rules of treatment and the rules of use;

9) to apply police coercive measures in cases and manner prescribed by the Law of Ukraine "On the National Police";

10) to implement preventive police measures provided for in article 31 of the Law of Ukraine "On the National Police" to obtain and verify information on the involvement of persons residing in a designated district in the commission of criminal or other offences;

11) to engage patrol police's response units to assist in the detention and delivery of offenders, to execute court rulings on bringing witnesses and suspects before the court and,

where necessary, in coordination with the head of the patrol police of the territorial (separate) police unit;

12) to verify the arrival of released persons to their place of residence in accordance with the procedure established by law and specified in article 20 of the Law of Ukraine "On the Social Adaptation of Persons Serving or Having Served a Sentence of Restraint or Imprisonment for a Specified Term" (On the National Police, 2015);

13) to take measures in cooperation with the children's affairs service of the regional, Kyiv and Sevastopol City State Administrations, district, district State Administrations in Kyiv and Sevastopol cities to identify a child, his/her place of residence, and information on the parents or persons acting in their stead or other relatives, their place of residence (stay) if the child is reported to be without parental care (On approval of the Instruction on the organization of activity of district police officers, 2017).

Therefore, the analysis of the powers and review of ones related to administrative jurisdiction permits the author to establish the role and place of district police officers of the National Police of Ukraine in the system of administrative and jurisdictional actors.

Consequently, the application of the measures provided for in articles 30 and 31 of the Law of Ukraine "On the National Police", such as the detention of suspects in the commission of a criminal or administrative offence, the delivery of such persons to a police station or unit, proceedings on administrative offences, the decision to impose administrative sanctions and their enforcement, can be characterized as full or partially substantive administrative jurisdiction powers of a district police officer of the National Police of Ukraine.

In the author's opinion, they may be considered as such, first and foremost, due to a range of intrinsic features deriving from the very concept described above. They are as follows: coherence with the consideration and solution of cases on administrative offences under their jurisdiction; the performance of administrative and jurisdictional actions of a guaranteeing nature.

#### 4. Conclusions

Therefore, the analysis of the approaches to the understanding of the concept of administrative and jurisdictional activities, its essence and meaning in the activities of district police officers of the National Police of Ukraine, as well as highlighting the role and place of this service in the system of administrative jurisdictional actors as a whole, permits the author to make some short conclusions.

It is concluded that the administrative and jurisdictional activities of the units of district police officers of the National Police of Ukraine are a procedure defined by the current legislation for the consideration of administrative offences by district police officers without recourse to the courts. However, some scholars underline that any administrative activity of these subjects is

jurisdictional if it involves individual decision-making by a certain subject.

The powers of district police officers of the National Police of Ukraine have been mainly regulated in departmental legal regulations. It confirms the broad and grounded framework of this issue at all levels of domestic legislation that, from the author's perspective, has positively influences the regulation of the relevant law branch.

#### References:

- Bass, V.O.** (2016). Administratyvno-pravovyi status dilnychnoho ofitsera politsii v Ukraini: problemni pytannia [Administrative and legal status of a district police officer in Ukraine: problematic issues]. *Vseukrainska naukovo-praktychna konferentsiia "Natsionalna politsiia Donechchynu: problemy stanovlennia ta stratehiia rozvytku – 2016" – All-Ukrainian scientific-practical conference "Donetsk National Police: problems of formation and development strategy"*. Mariupol: Donetskii yurydychnyi in-t, pp. 32–34 (in Ukrainian).
- Volokitenko, I.O.** (2018). Orhanizatsiino-pravovi osnovy diialnosti pidrozdiliv preventyvnoi sluzhby natsionalnoi politsii Ukrainy [Organizational and legal bases of activity of divisions of preventive service of national police of Ukraine]. *Yurydychnyi naukovyi elektronnyi zhurnal – Legal scientific electronic journal*, 4. Retrieved from: [http://www.lsej.org.ua/4\\_2018/51.pdf](http://www.lsej.org.ua/4_2018/51.pdf) (in Ukrainian).
- Kubaenko, A.V.** (2017). Teoretyko-prykladni pytannia administratyvno-yurysdyktsiinoi diialnosti politseiskykh [Theoretical and applied issues of administrative and jurisdictional activities of police officers]. *Pivdenoukrainskyi pravnychi chasopys – South Ukrainian Law Journal*, 1, pp. 75–78 (in Ukrainian).
- Kurovska, O.O.** (2017). Kryminolohichne znachennia ta normatyvno-pravove zabezpechennia diialnosti dilnychnykh ofitseriv politsii [Criminological significance and normative-legal support of the activity of district police officers]. *Proceedings from MIIM '17: Odeski yurydychni chytannia – Odessa legal readings*. Odesa: Vydavnychi dim "Helvetyka", pp. 293–296 (in Ukrainian).
- Panov, I.O.** (2005). Administratyvno-yurysdyktsiina diialnist dilnychnoho inspektora militsii [Administrative and jurisdictional activities of the district police inspector]. *Extended abstract of candidate's thesis*. Kharkiv: Kharkivskiy natsionalnyi universytet vnutrishnikh sprav (in Ukrainian).
- Pro zatverdzhennia Instruksii z orhanizatsii diialnosti dilnychnykh ofitseriv politsii: nakaz Ministerstva vnutrishnikh sprav Ukrainy** [On approval of the Instruction on the organization of activity of district police officers: order of the Ministry of Internal Affairs of Ukraine] (2017). *rada.gov.ua*. Retrieved from: <https://zakon.rada.gov.ua/laws/show/z1041-17#Text> [in Ukrainian].
- Pro Natsionalnu politsiiu: Zakon Ukrainy** [On the National Police: Law of Ukraine] (2015). *rada.gov.ua*. Retrieved from: <https://zakon.rada.gov.ua/laws/show/580-19#Text> (in Ukrainian).

**Владислав Пінчук,**

ад'юнкт кафедри поліцейського права, Національна академія внутрішніх справ, пл. Солом'янська, 1, Київ, Україна, індекс 03035, [VladyslavPinchuk@ukr.net](mailto:VladyslavPinchuk@ukr.net)

**ORCID:** [orcid.org/0000-0002-2170-0838](https://orcid.org/0000-0002-2170-0838)

## МІСЦЕ СЛУЖБИ ДІЛЬНИЧНИХ ОФІЦЕРІВ ПОЛІЦІЇ В СИСТЕМІ СУБ'ЄКТІВ АДМІНІСТРАТИВНО-ЮРИСДИКЦІЙНОЇ ДІЯЛЬНОСТІ

**Анотація. Метою статті** є визначення місця служби дільничних офіцерів поліції в системі суб'єктів адміністративно-юрисдикційної діяльності. Для визначення місця служби дільничних офіцерів поліції в системі суб'єктів адміністративно-юрисдикційної діяльності було проаналізовано компоненти понятійно-категоріального апарату дослідження, встановлено зміст діяльності служби дільничних інспекторів поліції Національної поліції України для визначення їх місця в системі адміністративно-юрисдикційної діяльності, сформовано загальнотеоретичні пропозиції щодо оптимізації функціонування цього інституту. **Результати.** Автором аргументується, що адміністративно-юрисдикційною діяльністю підрозділів дільничних офіцерів поліції Національної поліції України є визначена в чинному законодавстві процедура розгляду адміністративних правопорушень дільничними без звернення до суду. Також досліджено позиції деяких учених, котрі підкреслюють, що будь-яка адміністративна діяльність вказаних суб'єктів є юрисдикційною, якщо вона пов'язана з прийняттям визначеним суб'єктом рішення одноособово. У процесі дослідження цю позицію частково спростовано. Водночас у статті опрацьовано нормативно-правове підґрунтя функціонування відповідного інституту та суміжних йому галузей. Встановлено, що в науці підрозділи дільничних офіцерів поліції розглядають як суб'єкт адміністративно-юрисдикційної діяльності,

що дає змогу проводити наукові розвідки в цьому напрямі, а також більш детально розтлумачувати сутність їхньої ролі й місця. **Висновки.** Визначено та додатково аргументовано, що якнайменше 50% визначених повноважень дільничних офіцерів поліції Національної поліції України мають адміністративно-юрисдикційний характер. У статті доведено, що унормування повноважень дільничних офіцерів поліції Національної поліції України відбувалося здебільшого у відомчих нормативно-правових актах, що свідчить про широку та ґрунтовну унормованість цього питання на всіх рівнях вітчизняного законодавства. На нашу думку, це виключно позитивно впливає на регулювання відповідної галузі права.

**Ключові слова:** адміністративна діяльність, юрисдикція, адміністративно-юрисдикційна діяльність, правопорушення, поліція.

*The article was submitted 15.07.2021*

*The article was revised 04.08.2021*

*The article was accepted 23.08.2021*