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ACTORS OF PREVENTION AND THE PLACE OF THE NATIONAL POLICE OF UKRAINE AMONG THEM

Abstract. Purpose. The aim of the article is a general description of the role and place of the National Police of Ukraine in the system of preventive activities. **Results.** The author argues that the study of the role and place of the National Police of Ukraine in ensuring the functioning of the administrative and legal mechanism in general and the application of proper segment of this mechanism, in particular, is a topical issue of domestic jurisprudence. Moreover, focus is on the fact that the issue of ensuring the functioning of the administrative and legal mechanism for preventive activities as the comprehensive system of crime prevention measures at state level is possible only provided clear division of preventive powers among all law enforcement agencies and determination of the procedure for their interaction in the context of the implementation of preventive functions. The author underlines the logics of the conclusion that preventive activities in general and preventive activities by the National Police of Ukraine in particular are the implementation of voluntary or coercive actions, provided for by Ukrainian legislation, authorized persons (including police officers) before the commission of the offence and aimed at its prevention. Furthermore, the focus is on the possibility of dual application of this concept, which includes the fact that not only the National Police of Ukraine carry out preventive activities within the framework of the legislation of Ukraine. **Conclusions.** This, in turn, justifies and requires further study of the specific powers exercised by other law enforcement bodies. In addition, the author identifies units of prevention, district police officers, patrol police and juvenile prevention in the system of the National Police of Ukraine as the main units of the police conduction prevention functions. It is underlined that their activities are elaborated in detail and vested by Ukrainian legislation with the powers of crime prevention, precaution and other forms of crime deterrence in a wide range of legal relations among citizens. Moreover, the system of actors of prevention in Ukraine is rather broad that allows discussing close cooperation, which requires further scientific research.

Key words: administrative and legal mechanism, prevention, activity, police, guard, crime prevention, border service.

1. Introduction

The relevance of the topic is based on the priority, in the context of increasing crime, of the issues of the effective functioning of the preventive measures system, scattered between different law enforcement bodies in Ukraine.

Moreover, the rapid increase in crime rates threatens the protection of human and citizen rights and freedoms, which in turn ruins the foundations of democracy and the rule of law on which the State is established.

Taking into account that the most effective and expedient method of fighting crime is to prevent offenses (which is the aim of the prevention system) – this issue requires systematic and thorough elaboration.

In turn, this issue has been repeatedly raised in studies of various domestic and international scientists, since ensuring proper functioning of this institution in national and international law is a priority. In addition, given the rapid development of the legal system of Ukraine, the issue of determining the role and place of the National Police of Ukraine in the system of actors of prevention should be considered in detail.

The **purpose** of the article is a general description of the role and place of the National Police of Ukraine in the system of preventive activities. The aim statement, in turn, determines the list of **tasks** which include: the need to outline the concept of preventive activities in general and of such phenomenon in the con-

text of the functioning of the National Police, in particular, taking into account the understanding of the concept of “prevention”; establishment of other actors of law enforcement in Ukraine empowered to exercise the preventive function; identification of the place and role of the National Police of Ukraine among these actors with specific examples.

2. Preventive work of the National Police of Ukraine

The study of the role and place of the National Police of Ukraine in ensuring the functioning of the administrative and legal mechanism in general and the application of proper segment of this mechanism in particular is a topical issue of domestic jurisprudence. Moreover, a detailed study of the corresponding issue is possible only if the proper functioning of all police institutions aimed at providing and forming and implementing preventive work of the National Police of Ukraine.

The Constitution stipulates that the legal order in Ukraine is based on principles according to which no one can be forced to do what is not stipulated by law (Verkhovna Rada of Ukraine, 1996). Taking into account the provisions of the Basic Law of Ukraine, it should be noted that without specifying the essence and content, as well as determining the role of the National Police of Ukraine in preventive activities in general, such activities can be carried out only within the framework and in the manner provided by the legislation.

Most scientists mentioned in the introduction underline that preventive function is one of the priorities in the police activities, since precaution as a characteristic of prevention is the basis of a well-formed democratic society.

According to O. Pronevych, preventive trend provides for a departure from repressive intervening public policy on law enforcement, recognition of the special social significance of the problem of counteracting crime, establishment of close interaction of state and communal police actors with institutions of civil society in explanatory and preventive activities for correcting destructive conduct of individual citizens and eliminating factors determining violations of law (Pronevych, 2011, pp. 639–640). In other words, the author argues that the most significant in the context of the main approach to solving the problem of growing crime is realization of the prevention and precaution, explanatory work on deterring such manifestations, since at the stage of prevention the rights and freedoms of the person and the citizen protected by the State are not violated.

With regard to the meaning of the word “prevention”, from Latin “precaution, deterrence of criminal offenses”. According to the law, preventive measures are precautionary

measures and other measures aimed at deterrence of criminal offenses and other offenses (Kovryha et al., 2005).

However, the concept of preventive activities and its interrelation with the functioning of the National Police of Ukraine requires detailed attention taking into account the current approach to general categories.

For example, O. Bandurka believes that the concept of prevention is most often used regarding the main powers of the police, one of which is the implementation of preventive and precautionary activities aimed at deterrence of violations (legal education; constant informing of the population about the state of affairs in tranquillity and the fight against crime; agitation and explanatory work among the population; criticism of anti-public manifestations; incentive measures; work with offenders, persons from so-called risk groups; dissemination and popularization of best practices in the fight against violations of public order and others) (Bezpalova et al., 2017, p. 34). In its turn, the authors’ definition of the essence of preventive activities of the police, first of all, is characterized by high accuracy and conformity with the legislation of Ukraine, which forms the basic trends of preventive measures and provides realization of the defined functions.

Ya. Posokhova specifies and focuses on psychological features of the prevention, that is, primarily the implementation by police officers in the course of precaution and deterrence of offences, in the course of preventive control over compliance with the requirements of laws and other legal regulations concerning children, road safety, protection of human rights and freedoms, the interests of society and the state, combating crime, organization of work of the permit system, prevention and termination of violence in the family, etc. (Posokhova, 2018, pp. 108–109).

Therefore, it proves that preventive activities in general and preventive activities by the National Police of Ukraine in particular, are the implementation of voluntary or coercive actions provided for by Ukrainian legislation, by authorized persons (including police officers) before the commission of the offence and aimed at its prevention. The possibility of dual application of this concept is due to the fact that not only the National Police of Ukraine carry out preventive activities within the framework of the legislation of Ukraine. This, in turn, justifies and requires further study of the specific powers exercised by other law enforcement bodies.

For example, in addition to the National Police of Ukraine, the Ministry of Internal Affairs also coordinates the work of the State Border Service of Ukraine and the National Guard of Ukraine.

The State Border Service is responsible for organizing the prevention of criminal and administrative offences, as its competence of combating them is prescribed by the law; preventing and deterring illegal crossing of the State border of Ukraine, etc. (Law of Ukraine "On the State Border Guard Service of Ukraine" from April 3, 2003 № 661-IV (Verkhovna Rada of Ukraine, 2003)). It should be noted that the prevention and precaution of such offences as illegal crossing of the State border are primarily the responsibility of the State Border Service. Therefore, prevention among the population adjacent to the border territories, patrols of "blind" State border sections and other preventive measures, aimed at deterring violations of the law in the sector assigned to the State Border Service, first and foremost, constitute a preventive aspect of the work of this service.

At the same time, the National Guard of Ukraine, in accordance with the tasks assigned to it regarding the exercise of a preventive function, is obliged to take measures aimed at fulfilling the tasks of joint patrols of streets, squares, parks, public gardens, railway stations, airports, sea- and riverports, other public places, as well as public security tasks during meetings, street marches, demonstrations, other mass and sporting events, as well as events in public places with the participation of persons subject to State protection; as well as joint actions to stabilize the operational situation in the event of deterioration within one or more administrative and territorial units or others (Order of the Ministry of Internal Affairs of Ukraine "On approval of the Procedure for organizing the interaction of the National Guard of Ukraine and the National Police of Ukraine during the provision (protection) of public security and order" from August 10, 2016 № 773 (Ministry of Internal Affairs of Ukraine, 2016)).

Moreover, it should be noted that the National Police of Ukraine is directly mandated by law to carry out preventive activities. In Ukraine, current legislation provides for that the police, in accordance with the tasks assigned to them, carry out preventive and precautionary activities aimed at deterrence of committing offences (Law of Ukraine "On the National Police" from July 2, 2015 № 580-VIII (Verkhovna Rada of Ukraine, 2015)). This statement reveals, primarily, that these activities are quite extensive, considering the range of administrative and criminal offences attributed to the jurisdiction of the National Police of Ukraine. Moreover, given the size of the police force, as well as the number of units designated for preventive action, they are undoubtedly more thorough and substantive than that carried out by other Ukrainian authorities.

According to the Law of Ukraine "On the National Police" from July 2, 2015 № 580-VIII, the tasks of the police are the provision of police services in: ensuring public security and order; protection of human rights and freedoms, as well as interests of society and the State; counteracting crime. In addition, article 23 of the Law states that, in accordance with the tasks assigned to them, the police shall: carry out preventive and precautionary activities aimed at deterrence of committing offences; identify causes and conditions that facilitate the commission of criminal offences; take measures to eliminate them and to detect criminal offences; terminate the identified criminal and administrative offences; take measures to prevent and stop domestic violence, etc. (Verkhovna Rada of Ukraine, 2015).

Scholars underline that it is precisely the relevant Law of Ukraine that determines the term "crime deterrence" as the implementation of preventive and precautionary activities.

In addition, it should be noted that the Department of Preventive Activities is part of the National Police of Ukraine, and the main base unit, which organizes and implements the preventive functions assigned to the National Police of Ukraine (Order of the National Police of Ukraine "On approval of the regulation «On the Department of Preventive Activities of the National Police of Ukraine»" from November 27, 2015 № 123 (National Police of Ukraine, 2015b)).

Moreover, preventive functions are determined in a fragmented manner in the activities of each police unit and body, but the most significant is reflected in the legal and regulatory framework for the Patrol Police Department, as well as the District Police Officers and Juvenile Prevention Department.

3. Patrol Police Department of the National Police of Ukraine

Therefore, according to the Regulation on the Patrol Police Department of the National Police of Ukraine, the main tasks are, within the competence of the public policy on the protection of human rights and freedoms, the interests of society and the State, to combat crime and ensure public security and order; to provide, within the limits set by law, assistance services to persons who, due to personal, economic, social or emergency reasons, need such assistance; to ensure road safety; to timely response to complaints and reports of criminal, administrative offences or events (Order of the National Police of Ukraine "On approval of the regulation «On the Patrol Police Department of the National Police of Ukraine»" from November 6, 2015 № 73 (National Police of Ukraine, 2015a)).

Moreover, the Regulation on the Organization of District Police Officers' Performance stipulates that the main areas of district police officers' performance (we identify those directly related to their preventive activities) are:

- to carry out preventive and precautionary activities aimed at deterrence of committing criminal and other offences;
- to identify the causes and conditions leading to the commission of criminal and administrative offences and to apply measures to eliminate them, within their competence;
- to take measures aimed at eliminating threats to the life and health of natural persons and public security, resulting from the commission of a criminal or administrative offence;
- to take measures to prevent, combat and stop domestic violence;
- to participate, within their competence provided for by law, in measures aimed at the social adaptation of persons released from places of deprivation of liberty;
- to carry out precautionary activities aimed at preventing children from committing criminal and administrative offences, identifying the causes and conditions for such offences and to take measures within their competence to eliminate them (Order of the Ministry of Internal Affairs of Ukraine "On approval of the Instruction on the organization of activities of district police officers" from July 28, 2017 № 650 (Ministry of Internal Affairs of Ukraine, 2017a)).

In addition, in the light of the European integration reforms, the focus should be on the study of the activities of the units of juvenile prevention, which is a specialized department of the National Police of Ukraine, the performance thereof is preventive and extends to juvenile justice.

Therefore, according to the Instruction on the organization of work of juvenile prevention units of the National Police of Ukraine, the main tasks of the units of juvenile prevention are: precautionary activity, aimed at preventing children from committing criminal and administrative offences, to identify the causes and conditions that contribute to this, and to take measures within their

competence to eliminate them; maintaining preventive records of children at risk of committing offences and conducting individual preventive measures with them; taking measures to prevent and combat domestic violence committed by and against children, as well as child abuse; taking measures to prevent child neglect, including police custody of minors (Order of the Ministry of Internal Affairs of Ukraine "On approval of the Instruction on the organization of work of juvenile prevention units of the National Police of Ukraine" from December 19, 2017 № 1044 (Ministry of Internal Affairs of Ukraine, 2017b)).

The above-mentioned not only distinguishes the juvenile prevention units among others, but also declares the specific powers of the body in carrying out the preventive function of the National Police of Ukraine in a separate branch of social life. Moreover, the review of the main legal regulations on the exercise of the preventive function of the National Police of Ukraine has provided grounds for proving that: the police in Ukraine is the most significant regulator in the field of prevention and exerts the most comprehensive and multi-dimensional influence.

4. Conclusions

Therefore, the analysis enables to prove that the conclusion that preventive activities in general and preventive activities by the National Police of Ukraine in particular, are the implementation of voluntary or coercive actions, provided for by Ukrainian legislation, by authorized persons (including police officers) before the commission of the offence and aimed at its prevention.

In addition, identifying units of prevention, district police officers, patrol police and juvenile prevention in the system of the National Police of Ukraine, it should be underlined that their activities are elaborated in detail and vested by Ukrainian legislation with the powers of crime prevention, precaution and other forms of crime deterrence in a wide range of legal relations among citizens.

Moreover, the system of actors of prevention in Ukraine is rather broad to enable close cooperation, requiring further scientific research.

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СУБ'ЄКТИ ПРЕВЕНТИВНОЇ ДІЯЛЬНОСТІ ТА МІСЦЕ НАЦІОНАЛЬНОЇ ПОЛІЦІЇ УКРАЇНИ СЕРЕД НИХ

Анотація. *Метою* статті є загальна характеристика ролі й місця Національної поліції України в системі суб'єктів превентивної діяльності. **Результати.** Автором зазначається, що дослідження ролі й місця Національної поліції України в забезпеченні функціонування адміністративно-правового механізму загалом та використання нею власного сегменту відповідного механізму зокрема є актуальним питанням вітчизняної юриспруденції. Крім того, звертається увага на те, що питання забезпечення функціонування механізму превентивної діяльності як комплексної системи заходів запобігання злочинності на державному рівні можливе лише за умови чіткого розподілу повноважень превентивного характеру серед усіх органів правопорядку та визначення порядку їх взаємодії в контексті реалізації превентивних функцій. Автором вказується на логічність обґрунтування висновку про те, що превентивна діяльність загалом і превентивна діяльність Національної поліції України зокрема полягає в реалізації дій добровільного чи примусового характеру, передбачених

законодавством України, що вчиняються уповноваженими особами (у тому числі поліцейськими) перед початком вчинення правопорушення та спрямовані на його попередження. Водночас чітко підкреслюється можливість дуального застосування цього поняття, що полягає в тому, що не тільки Національною поліцією України здійснюється превентивна діяльність у межах законодавства України. **Висновки.** Наведене зумовлює необхідність додаткового дослідження конкретних повноважень, що реалізуються іншими органами правопорядку. Водночас автором виділяються підрозділи превентивної діяльності, дільничних офіцерів поліції, патрульної поліції та ювенальної превенції в системі Національної поліції України як одні з основних підрозділів у складі поліції, що здійснюють превентивні функції. Звертається увага на те, що їх діяльність характеризується детально пропрацьованими та передбаченими законодавством України повноваженнями з попередження, профілактики та інших форм запобігання злочинності в широкому колі правовідносин громадян. Крім цього, автор констатує, що система суб'єктів превентивної діяльності в Україні є досить широкою, що дає змогу говорити про тісну взаємну співпрацю, дослідження механізму якої пропонується здійснити в подальших наукових працях.

Ключові слова: адміністративно-правовий механізм, превенція, діяльність, поліція, гвардія, запобігання злочинам, прикордонна служба.

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