

UDC 342.9

DOI <https://doi.org/10.32849/2663-5313/2022.5.11>**Vladyslav Roik,***Postgraduate Student at the Department of Public Management and Administration, National Academy of Internal Affairs, 1, Solomianska Square, Kyiv, Ukraine, postal code 03035, Roik_Vladyslav@ukr.net***ORCID:** orcid.org/0000-0002-2512-7209Roik, Vladyslav (2022). Structure of the National Police of Ukraine: modern interpretation. *Entrepreneurship, Economy and Law*, 5, 69–74, doi: <https://doi.org/10.32849/2663-5313/2022.5.11>

STRUCTURE OF THE NATIONAL POLICE OF UKRAINE: MODERN INTERPRETATION

Abstract. Purpose. The purpose of the article is to analyse the modern interpretation of the structure of the National Police of Ukraine. **Results.** The article reveals that an important feature of the system is its purposefulness. It is demonstrated that the system is a set of ordered interconnected elements that constitute a holistic phenomenon. It is highlighted that the feature of variability is inherent in the system, which is due to changes in society and the State. The statement that the police is a complex social State legal institution has been further developed and is reflected in the structure of the National Police of Ukraine. It is marked that the police are an executive body and is therefore established according to the principles governing executive bodies. It is proven that the police system is based on the principles of territoriality and functionality. It is noted that the principle of territoriality provides for the bodies of the system to be grouped into higher and lower territorial bodies, corresponding to the administrative and territorial structure of Ukraine. It is highlighted that the principle of functionality means the construction of State bodies depending on their functional purpose and features inherent in this body. It is noted that in accordance with the principle of territoriality, the following can be distinguished in the structure of the police: the Central Office of the Police and territorial police bodies. It is underlined that the principle of functionality, governing the structure of the police, is expressed in the activities of the following units: Criminal Police; Patrol Police; Bodies of Pre-Trial Investigation; Guard Police; Special Police; Special Operations Police. It is suggested that the police system is changing due to various factors. It is demonstrated that one of the new units of the police system is the State and Society Protection Department. **Conclusions.** It is concluded that the National Police of Ukraine, as a system, has the following characteristics: determination, integrity, changeability and renovation. The determination is reflected in the National Police's main objective to protect human and civil rights and the rule of law in Ukraine. Integrity, as a feature, means that all elements of the police are structured and interoperable to ensure their smooth functioning.

Key words: system, system features, police system, territorial method, functional method.

1. Introduction

The guarantee and consolidation of human and civil rights and freedoms is the main objective of a democratic social State governed by the rule of law. In performing this function, the State shall use the mechanism provided for by law. Central to this mechanism is the Ministry of Internal Affairs. The National Police of Ukraine is a unit of the MIA whose function is aimed at establishing and protecting law and order in the State and protecting human and civil rights and freedoms.

The MIA bodies is of importance for the State and society due to ensuring coordinated activities of all actors of the political system of society. The constant changes in society, both internal and external, require the continuation of the reform of the entire system for the MIA bodies to perform their tasks more effi-

ciently and effectively. That is why it remains an important issue to improve the structure of its units, including the National Police of Ukraine (Padalka, 2016, p. 1).

The general theoretical aspects of the organisational and legal framework for the National Police of Ukraine were under the focus in the works by legal experts in administrative law such as O. M. Bandurka, O.I. Bezpalo, S. M. Husarov, O. V. Dzhafarova, A. S. Dotsenko, O. M. Zaiets, D.P. Kalaianov, V. V. Konoplov, O. V. Kuzmenko, Ye. V. Kurinnyi, A. A. Manzhula, O. V. Nehodchenko, A.V. Panchyshyn, K. M. Rudyi, Yu. V. Sirosh-tana, O.S. Yunin, S. O. Shatrava and others. Nevertheless, the important issue is to comprehend the police structure, which is constantly changing in line with the transformations in society and the State.

The process of improvement and development of the structure of the National Police of Ukraine is ongoing, which causes the emergence of new entities. Therefore, it is an important task to understand the structure of the National Police.

2. Specificities of the system of the National Police of Ukraine as a central executive body

The National Police of Ukraine is the central executive body responsible for protecting human rights and freedoms, combating crime and maintaining public security and order (Law of Ukraine on the National Police, 2015).

One of the main objectives of ensuring the interests of society and the State is the presence of appropriate actors implementing appropriate organisational, legal and other measures aimed at timely prevention, identifying and addressing threats, both internal and external, to human and civil rights and the rule of law in the State (Bezaha, 2020, p. 40).

It should be noted that the concept of “system” as a category is quite complicated. At the same time, the universality of the concept enables to apply it to the designation of a large number of different phenomena, thus making it a scientific category.

The *Dictionary of the Ukrainian language* gives the following definition of the term “system” – “order determined by the correct, orderly arrangement and mutual connection of parts of something” (Bilodid, 1973, 203). The *Philosophical dictionary* considers the system as “a set of certain elements between which there is a natural interrelation or interaction” (Shynkaruk, 2002, p. 583).

An important feature of the system is its purposefulness. It manifests itself in the achievement of a certain objective, general scope, nature, content or other grounds thus forming a certain integrity. However, any system has not only linkages and relations between the elements of which it is composed, but is also linked to the environment with which the system interacts and manifests its integrity (Bezaha, 2020, p. 42). It should be noted that society is a complex social organism, therefore has its inherent structure, the components of which are a system characterised by a variety of connections, patterns of development and integrity, however, the most important condition for its existence is the constant reproduction of the features and characteristics essential to the social system (Antonov, 2018, p. 141; Pchelin, 2016, p. 130).

Moreover, scientists underline the integrity of the system as its peculiarity. For example, from the perspective of V.N. Sadovskiy, the system is “a set of elements, ordered in a certain manner, interconnected with each other,

and forming some holistic unity” (Sadovskiy, 1974, p. 10). According to A.N. Averianov, the essential features of the system can be defined as separated, interconnected by contradictory interaction, unity of bodies or elements (Averianov, 1974, p. 65).

Each system changes in different ways, but there are always changes that are common to all systems, such as the existence of separate objects, phenomena and processes that are in a certain relationship (Bezaha, 2020, p. 42).

Therefore, the system is a set of ordered, structured elements that are interconnected, interact with the environment and are constantly changing and moving.

The National Police of Ukraine as a system has all the features of the system in general: determination (presence of a goal), integrity (consists of connected elements), constant changes and development. Therefore, it is important to understand the activities of the National Police of Ukraine as a system establishment.

Proceeding from the fact that the police and its activities are a complex social and state-legal institution, which changes in accordance with the legal structure of the State, economic development, living standards of the population, therefore, the Law “On the National Police” was adopted considering its structural and institutional changes conditioned by public life (Kosytsia, 2016, p. 96).

This is reflected in Article 13 of Law 580-VIII “On the National Police” of July 02, 2015, according to which the police system consists of: the Central Office of the Police and Regional Police Bodies; in addition, the Police is composed of: 1) Criminal Police; 2) Patrol Police; 3) Pre-trial Investigation Bodies; 4) Guard Police; 5) Special Police; 6) Special Operations Police (Law of Ukraine on the National Police, 2015). These types of police do not function in the structure of the National Police of Ukraine as separate elements but are only areas of specialisation of police units according to the official website of the National Police of Ukraine (Official site of the National Police of Ukraine, 2021). Moreover, the police may establish research and vocational (vocational and technical) education institutions with specific learning conditions (Official site of the National Police of Ukraine, 2021).

Given that the National Police of Ukraine is an executive body, it is established according to the principles governing executive bodies (Law of Ukraine on the National Police, 2015). These are the principles of territoriality and the principle of functionality. The principle of the territoriality of executive bodies provides that all bodies in the system are divided into higher and lower territorial bodies, which corresponds to the administrative and territorial structure

of Ukraine. The second principle is the principle of functionality, which means the construction of State bodies depending on their functional purpose and specificities of this body. It should be noted that the system elements are both controlling and controlled systems (Bytiak, Harashchuka, Zui, 2010, pp. 82-83).

This applies fully to the National Police of Ukraine. It is a structured, multi-level organisation based on territorial and functional principles. The above-mentioned law does not clearly specify how the structural elements of the police interact with each other, they can be found in the by-laws and regulations, so it can be said that the process of improving the structure of the police continues.

In accordance with the principle of territoriality, the following can be distinguished in the structure of the police: 1) the Central Office of the Police and 2) the territorial police bodies.

The Central Office of the Police has an apparatus empowered to supervise all police bodies. Its structure is approved by the Head in coordination with the Minister of Internal Affairs, and the requirements for the formation of such a structure are determined by the Cabinet of Ministers of Ukraine (Law of Ukraine on the National Police, 2015; Law of Ukraine on Central Executive Bodies, 2011). The apparatus is a system of structural units which are structurally connected with each other, performing managerial activities to ensure the work of the Head of the Police and fulfilling the tasks and functions of the higher management of the National Police [14, p. 134]. The structure of the police apparatus includes the leadership (Head, First Deputy and Deputies), departments, directorates, units and sectors. The existence of structural units and posts depends on the functions to be performed by the police apparatus.

In particular, the system of the Central Office of the National Police of Ukraine includes departments. For example, the departments that make up the Central Office of the Police Department are: Head Support Department, Criminal Investigation Department (within the Criminal Police), Migration Police Department (within the Criminal Police), Criminal Operatives Department (within the Criminal Police), Public Interest and State Protection Department (within the Criminal Police) and others (Official site of the National Police of Ukraine, 2021). Therefore, depending on the scope of work performed by the central apparatus, a sufficient number of departments assigned to individual tasks of the police act.

3. Optimisation areas in the structure of the National Police of Ukraine

As noted above, the dynamics of society require constant changes in the structure

of the police force, which is reflected in the creation of new units. For example, the State and Society Protection Department of the National Police of Ukraine was established to make public policy on public security and order, human rights and freedoms protection, as well as the interests of society and the State, combating crime, and providing, within the limits defined by law, the services of assistance to persons, who are in need of such assistance due to personal, economic, social reasons or as a result of emergency situations, as well as operational and investigative activities to prevent, detect and suppress offences, including those committed by participants and members of organised groups and criminal organisations. The Department is a structural unit of the Central Office of the National Police, within the Criminal Investigation Police and is responsible for detecting, preventing and suppressing offences that violate public security and order, human and civil rights and freedoms (Official site of the National Police of Ukraine, 2021).

The structure of the Central Office of the Police consists of Departments, which are a single-branch or single-function unit with at least two units [16]. These are the following Departments: the General Investigation Department (within the pre-trial investigation body), the Internal Audit Department, the Department of Property and Communications Management and others (Official site of the National Police of Ukraine, 2021). Therefore, the branch structural element of the performance of certain functions in the police apparatus are Departments.

The units of the Central Police Office are the Police Canine Unit, the Secure Communication Unit, the Pensions Section, the Firearms Control Division (Law of Ukraine on the National Police, 2015). The peculiarities of the unit as a component element of the department (directorate) is performance of tasks in one area (function) of activities of the executive authority (Resolution of the Cabinet of Ministers of Ukraine on streamlining the structure of the staff of central executive bodies, their territorial subdivisions and local state administrations, 2005).

It should be noted that the structure of public authorities is characterised by vertical and horizontal links between various structural elements. According to V.P. Rubtsov, vertical links are established between managers and subordinates. Horizontal linkages, in turn, are interrelated or interdependent and are established between equal managers and entities that work closely together (Rubtsov, 2008, p. 133; Batrachenko, 2017, p. 70).

Therefore, departments, directorates and divisions are in a horizontal relationship, that is, coordination, and their heads and subordinate in a vertical relationship, that is, subordination.

All units of the police apparatus are created to integrate different activities into logical work units and can change depending on the functional requirements of internal and external processes. The main task of the apparatus of any public authority, including the police, is to perform organisational matters, planning, decision-making, allocation of resources, monitoring, ensuring the performance of special functions entrusted to this authority, etc. It should be noted that they cooperate as an integral system in the performance of their functions, and their activities are coordinated by the Head of the Police and his deputies. (Shylo, 2021, p. 135).

Horizontal and vertical structural linkages in the system of public authorities form special managerial relationships between different structural units. According to V. P. Sadkovkyi, the structural units at the higher level of hierarchical organisation are the governing bodies in relation to the corresponding units at the lower level. In other words, structural units at the lowest level of the hierarchy are objects of management, and structural units at the highest level are managers. At the same time, at each hierarchical level, each organisational unit has a head with a management apparatus who oversees a unit (Sadkovkyi, 2009, p. 12; Batrachenko, 2017, p. 71).

An important component of the system of the National Police of Ukraine is territorial bodies, structured according to the organisation and work of the police apparatus.

The apparatus of the police in the hierarchy fulfils managerial tasks for making public policy in a certain sphere, and the territorial bodies perform most of the law enforcement functions and powers: prevention and investigation of crimes, consideration of cases on administrative offenses, protection of human rights and freedoms, property protection, society and the State protection, etc.

The principle of functionality is the fundamental principle on which the structure of the National Police of Ukraine is based.

In accordance with this principle, structural elements are created to perform certain police activities. For example, the police include: 1) Criminal Police; 2) Patrol Police; 3) Pre-trial Investigation Bodies; 4) Guard Police; 5) Special Police; 6) Special Operations Police (Law of Ukraine on the National Police, 2015).

The State and Society Protection Department is part of the Criminal Police, and is defined as a central executive body, directed and coordinated by the Ministry, responsible for public policy on public order and protection of persons, society and the State against unlawful encroachments (Mink, 2017).

The main task of the Criminal Police is to combat crime through organisational, operational, analytical and preventive measures. Organisational and legal measures by Criminal Police units include the introduction of a proposal for a State programme to combat crime, the analysis and forecasting of the crime situation. The organisational and operational activities by the Criminal Police are the detection and denunciation of persons who prepare or commit grave crimes, as well as crimes that are not included in the legislation in this category, but committed in a qualified manner using firearms or knives or a group of persons, search for criminals and missing persons, etc. The preventive measures by the Criminal Police include the prevention of juvenile offences resulting from the detection, suppression, and prevention of offences committed by juveniles. The State and Society Protection Department performs both preventive measures and organisational operations.

4. Conclusions

The National Police of Ukraine, as a system, has the following characteristics: determination, integrity, changeability and renovation. The determination is reflected in the National Police's main objective to protect human and civil rights and the rule of law in Ukraine. Integrity, as a feature, means that all elements of the police are structured and interoperable to ensure their smooth functioning. Integrity, as a property, means that all elements of the police are structured and interoperable to ensure their smooth functioning. Changeability and renovation are expressed in the constant transformation of the structure, caused by changes in the society, creation of new elements.

References:

- Antonov, V.O.** (2018). Poniattia ta zmist systemy natsionalnoi bezpeky [The concept and content of the national security system]. *Derzhava i pravo – State and law*, 48, 138-144 (in Ukrainian).
- Averianov, A.N.** (1974). Kategoriiia «sistema» v dialekticheskom materializme [Category "system" in dialectical materialism]. Moskva: Mysl (in Russian).
- Batrachenko, O.V.** (2017). Administratyvno-pravovi zasady diialnosti Natsionalnoi politsii Ukrainy shchodo zabezpechennia publichnoi bezpeky i poriadku [Administrative and legal principles of the National Police of Ukraine to ensure public safety and order]. *Candidate's thesis*. Sumy (in Ukrainian).

Bezeha, V.V. (2020). Administratyvno-pravovi zasady diialnosti Natsionalnoi politsii yak subiekta sektoru bezpeky i oborony [Administrative and legal principles of the National Police as a subject of the security and defense sector]. *Candidate's thesis*. Kyiv (in Ukrainian).

Bilodid, I.K. (1973). *Slovník ukraïnskoï movy [Dictionary of the Ukrainian language]*. Kyiv: Nauk. Dumka (in Ukrainian).

Bytiak, Yu.P., Harashchuka, V.M., Zui, V.V. (2010). *Administratyvne pravo [Administrative Law]*. Kharkiv: Pravo (in Ukrainian).

Kosytsia, O.O. (2016). Zakonodavchi pidkhody do struktury orhaniv politsii v Ukraini [Legislative approaches to the structure of police bodies in Ukraine]. *Pravova derzhava – Constitutional state*, 24, 94-99 (in Ukrainian).

Mink, T.P. (2017). *Naukovo-praktychnyi komentar Zakonu Ukrainy «Pro Natsionalnu politsiiu» [Scientific and practical commentary on the Law of Ukraine "On the National Police"]*. Dnipro : Dnipropetr. derzh. un- vnutr. sprav (in Ukrainian).

Ofitsiinyi sait Natsionalnoi politsii Ukrainy [Official site of the National Police of Ukraine]. (2021). *npu.gov.ua*. Retrieved from <https://www.npu.gov.ua/about/struktura/struktura> (in Ukrainian).

Padalka, O.A. (2016). Administratyvno-pravovyi status Natsionalnoi politsii Ukrainy [Administrative and legal status of the National Police of Ukraine]. *Extended abstract of candidate's thesis*. Kharkiv (in Ukrainian).

Pchelin, V.B. (2016). Poniattia ta sutnist kadriv u systemi kadrovoho zabezpechennia administratyvnoho sudochynstva Ukrainy [The concept and essence of personnel in the system of staffing of administrative proceedings in Ukraine]. *Pravo i suspilstvo - Law and society*, 4, 127-132 (in Ukrainian).

Postanova Kabinetu Ministriv Ukrainy Pro uporiadkuvannia struktury aparatu tsentralnykh orhaniv vykonavchoi vlady, yikh terytorialnykh pidrozdiliv ta mistsevykh derzhavnykh administratsii: vid 12 berez. 2005 roku № 179 [Resolution of the Cabinet of Ministers of Ukraine on streamlining the structure of the staff of central executive bodies, their territorial subdivisions and local state administrations from March 12, 2005 № 179]. (2005). *zakon.rada.gov.ua*. Retrieved from <https://zakon.rada.gov.ua/laws/show/179-2005-%D0%B-F#Text> (in Ukrainian).

Rubtsov, V.P. (2008). *Derzhavne upravlinnia ta derzhavni ustanovy [Public administration and government agencies]*. Kyiv (in Ukrainian).

Sadkovskiy, V.P. (2009). *Osnovy upravlinnia v orhanakh i pidrozdilakh MNS Ukrainy [Fundamentals of management in the bodies and departments of the Ministry of Emergencies of Ukraine]*. Kharkiv (in Ukrainian).

Sadovskiy, V.N. (1974). *Osnovaniya obshchei teoryi sistem [Foundations of General Systems Theory]*. Moskva : Nauka (in Russian).

Shylo, Ye.P. (2021). Orhanizatsiino-pravove zabezpechennia diialnosti Natsionalnoi politsii Ukrainy yak tsentralnoho orhanu vykonavchoi vlady [Organisational and legal support of the National Police of Ukraine as a central executive body]. *Candidate's thesis*. Kyiv (in Ukrainian).

Shynkaruk, V. (2002). *Filosofskiy entsyklopedychnyi slovník [Philosophical encyclopedic dictionary]*. Kyiv: Abrys (in Ukrainian).

Zakon Ukrainy Pro Natsionalnu politsiiu: vid 02 lyp. 2015 roku № 580-VIII [Law of Ukraine on the National Police from July 2, 2015 № 580-VIII]. (2015). *zakon.rada.gov.ua*. Retrieved from <https://zakon.rada.gov.ua/laws/show/580-19#Text> (in Ukrainian).

Zakon Ukrainy Pro tsentralni orhany vykonavchoi vlady: vid 17 berez. 2011 roku № 3166-VI [Law of Ukraine on Central Executive Bodies from March 17, 2011 № 3166-VI]. (2011). *zakon.rada.gov.ua*. Retrieved from <http://zakon2.rada.gov.ua/laws/show/3166-17/print1443105964459820> (in Ukrainian).

Владислав Роїк,

аспірант кафедри публічного управління та адміністрування, Національна академія внутрішніх справ, Солом'янська площа, 1, Київ, Україна, індекс 03035, Roik_Vladyslav@ukr.net

ORCID: orcid.org/0000-0002-2512-7209

СТРУКТУРА НАЦІОНАЛЬНОЇ ПОЛІЦІЇ УКРАЇНИ: СУЧАСНЕ РОЗУМІННЯ

Анотація. Мета. Метою статті є аналіз сучасного розуміння структури Національної поліції України. **Результати.** У статті відображено, що важливою ознакою системи є цілеспрямований характер. Продемонстровано, що система є сукупністю упорядкованих взаємопов'язаних між собою елементів, що являють собою цілісне явище. Висвітлено, що системі притаманна ознака змінності, що пов'язано зі змінами у суспільстві й державі. Набула подальшого розвитку теза про те, що поліція є складним соціальним державно-правовим інститутом, що знайшло відображення у структурі Національної поліції України. Розкрито, що поліція є органом виконавчої влади, тому створюється відповідно до принципів, за якими побудовані органи виконавчої влади. З'ясовано, що система поліції заснована на принципах територіальності та функціональності. Зауважено, що принцип територіальності передбачає поділ органів, що входять в систему, на вищі та нижчі територіальні органи, що відповідає адміністративно-територіальному устрою України. Висвітлено, що

принцип функціональності означає побудову державних органів залежно від їх функціонального призначення та особливостей, притаманних даному органу. Зазначено, що відповідно до принципу територіальності у структурі поліції можна вирізнити: центральний орган управління поліцією та територіальні органи поліції. Наголошено, що принцип функціональності, на якому базується структура поліції, виражається у діяльності таких підрозділів, як: кримінальна поліція; патрульна поліція; органи досудового розслідування; поліція охорони; спеціальна поліція; поліція особливого призначення. Представлено, що у системі поліції під впливом різноманітних факторів відбуваються зміни. Продемонстровано, що одним із нових підрозділів системи поліції є Департамент захисту інтересів суспільства і держави. **Висновки.** Зроблено висновок, що Національній поліції України як системі притаманні ознаки: цілеспрямованість, цілісність, змінність та оновлення. Цілеспрямованість виражається в тому, що головною метою Національної поліції України є захист прав і свобод людини і громадянина та правопорядку у державі. Цілісність як властивість означає структурованість та взаємодію всіх елементів, що входять до складу поліції, що забезпечує її злагоджене функціонування.

Ключові слова: система, ознаки системи, система поліції, територіальний метод, функціональний метод.

The article was submitted 20.07.2022

The article was revised 10.08.2022

The article was accepted 30.08.2022