

UDC 349.2

DOI <https://doi.org/10.32849/2663-5313/2022.5.04>**Kostiantyn Harbuziuk,***Police Colonel, PhD in Law, Dean of Faculty 2, Kharkiv National University of Internal Affairs, Lev Landau Avenue, 27, Kharkiv, Ukraine, postal code 61080, Harbuziuk\_Kostiantyn@ukr.net***ORCID:** <https://orcid.org/0000-0002-6714-5074>

Harbuziuk, Kostiantyn (2022). Historical and legal analysis of the National Police staffing development. *Entrepreneurship, Economy and Law*, 5, 24–28, doi: <https://doi.org/10.32849/2663-5313/2022.5.04>

## HISTORICAL AND LEGAL ANALYSIS OF THE NATIONAL POLICE STAFFING DEVELOPMENT

**Abstract. Purpose.** The purpose of the article is to implement historical and legal analysis of the formation and development of the staffing of the National Police of Ukraine. **Results.** The article, relying on the review of scientific perspectives, describes the main historical stages of the formation and development of police bodies in the territory of Ukraine. The article analyses each stage of evolution of the police in the territory of our State and highlights specificities of work with personnel within each of them. It reveals specificities of development of the staffing of law enforcers at the modern historical stage. It is established that development of mechanisms for staffing the bodies of the National Police of Ukraine is generally incomplete. It is underlined that significant reforms have had an additional impact on the staffing of the police. For example, they have created the conditions for the formation of the principles of unified personnel policy, as well as qualification requirements for the police staff. Candidates for the police rank had the following requirements: to have Russian citizenship; to be at least 25 years old; “to have good physical health” (to have a strong physique, good eyesight and hearing, to observe a sober lifestyle). In addition, it was necessary to have a certificate of past military or public service. There were certain religious restrictions. **Conclusions.** It is concluded that, despite a rather long historical path in the development of the staffing of the National Police of Ukraine, this process is still at an active stage of its evolution. For example, in 2015, a new law enforcement body – the National Police – was established in the territory of Ukraine as a radically new replacement of the militia, which existed for almost a century. The National Police has taken into account the most positive achievements in supporting and ensuring the performance of the law enforcement sector of our State. However, the reforms require the formulation of new approaches to managing police personnel and hence, the development of the staffing of this body is part of the next historical stage of evolution in which this issue is extremely relevant not only from the historical perspective, but also from the perspective of functional and legal specificities.

**Key words:** National Police of Ukraine, staffing, historical and legal analysis, historical stages.

### 1. Introduction

The deterioration of the social, economic and political situation in Ukraine in late 2013 – early 2014 revealed a range of problems in the State’s law enforcement sector. This led to the need to fundamentally reform the internal affairs bodies, which resulted in the establishment of the National Police of Ukraine, a new central executive body, which, in partnership with the public, was designed to significantly improve the level of security and safety of Ukrainian society. However, the establishment of the new institution has created a number of new problems, particularly with regard to the staffing of the police. This problem remains relevant despite the five-year history of the National Police. It should be noted that the solution to any problem requires a comprehensive historical analysis of the problem, which will enable

to identify the errors of the past and prevent them in the future.

Specific issues related to the staffing of the National Police have been studied by N.M. Karamzin, A.V. Borysov, A.N. Dyhyn, A.Ya. Malyhin, A.Yu. Zakymatov, N.N. Belia-vskyi, O.S. Filonov, V.V. Soloviev, D.S. Ryzhov, and others. However, despite numerous scientific developments, there is virtually no comprehensive research in the legal literature on the historical analysis of the development of the staffing the National Police of Ukraine.

The purpose of the article is to implement historical and legal analysis of the formation and development of the staffing of the National Police of Ukraine.

### 2. Formation and development of police personnel in the early 18th - mid-19th century

Law enforcement agencies have always existed in the territory of our State, as well as

the need to manage their personnel. The origins of police activity in the territory of Ukraine were laid in the times of Kyiv Rus. The intensification of law-making and law-enforcement activities is a legacy of this period, as evidenced by the fact that customary law was fixed in written sources. In the following centuries, our country's territory was fragmented and was under the authority of several States. The situation changed in the early 18th century, when Ukraine fell under the rule of the Russian Empire. The power of this monarchical state has always relied on an efficient system of special bodies, one of which was the police. The centralisation of power, as well as the identification of the police as an independent structure, required to staff it with professional employees able to effectively perform their functions for the "benefit of the Empire". Therefore, the historical and legal analysis of the topic raised should be considered at the following stages:

1) "Imperial stage" – a) the beginning of XVIII – the middle of XIX century; b) the end of XIX century – 1920s;

2) The Soviet stage – the 1920s - the 1990s;

3) The stage of independence of Ukraine – the end of the 90s - to date.

During the first stage, despite the rapid development of the police force in the early eighteenth century, in the course of its formation, an acute problem of training officers for the institution and the overall staffing of the latter arose. At that time, for various reasons, police officers had been appointed without the necessary knowledge and morals. In this regard, the report of the Chief Police Officer of the Chancellery, considered by the Senate in 1726, noted that the police were staffed with persons with very questionable moral qualities (Volynskii, 2001, p. 357). Thus, in 1735, the Chief Police Officer of the Chancellery was entrusted with the responsibility of issuing job descriptions for police representatives of all imperial territories (Kraminin, 2002). Another attempt to regularise the personnel work in the bodies of the imperial police was made under the rule of Catherine II. According to the provisions of the Order "On the principal police" of 1763, the recruitment into the system of these bodies was carried out with the expectation that the employees acted according to the "rules of fairness", and should "be exempt from any shortcomings that may negatively affect their conscience" (Borisov, Dygin, Malygin, 1995, pp. 78-79).

In 1775, the reform of the police bodies began, which subsequently led to a profound change in the legislative framework for their work, including personnel. The Police Force

has been the subject of a number of reforms. For example, in 1782 *The Charter of the Deanery or the Police* was published. The Charter established a new administrative police body in provincial towns, the Deanery or Police, and created special posts for city police officers with clearer tasks and competencies. *The Charter of the Deanery* contained an extended list of requirements for police officers. The latter were to have: common sense; good will to carry out the task; humaneness; faithfulness in the service of the monarch; diligence for the common good; honesty and unselfishness. Police officials were warned of the danger of bribes that "blind the eyes and corrupt the mind and heart". In addition, much of *The Charter of the Deanery* was devoted to the police personnel. For each province, as well as the city, the document specified the manning table and composition. It should also be noted that the document, for the first time, defined the legal nature of the post of policeman (Zakimatova, 2006, pp. 82-83).

The next period of the staffing was related to the police reform in the late 19th century. For example, the implementation of bourgeois reforms in the 1960s and 1970s led to a change in traditional social relations. The new social and political realities predetermined the main trends in the development of the police system of Tsarist Russia. Under the influence of revolutionary activities, a serious reorganisation of the central police apparatus was carried out in 1880-1883: the Minister of the Internal Affairs became at the same time the chief of gendarmes; the Police Department of the Ministry of Internal Affairs was established instead of the Third Police Department, uniting the leadership of the general and political police. The Police Department consisted of the Director, Vice Directors, Special Assignments Officers, Clerks, their Assistants, Secretary, Journalist General, Executor, Treasurer, Assistant Treasurer, Chief of Archives with Assistants and Scribes (Code of laws of the Russian Empire: Establishment of ministries, 1982).

Significant reforms have had an additional impact on the staffing of the police. For example, they have created the conditions for the formation of the principles of unified personnel policy, as well as qualification requirements for the police staff. Candidates for the police rank had the following requirements: to have Russian citizenship; to be at least 25 years old; "to have good physical health" (to have a strong physique, good eyesight and hearing, to observe a sober lifestyle). In addition, it was necessary to have a certificate of past military or public service. There were certain religious restrictions (Judaism was not accepted into the police service, and there were also restrictions on

Catholics from the Kingdom of Poland, Western and Southwestern provinces of Russia). Other requirements prohibited the employment of persons who were themselves or members of their families engaged in commercial or entrepreneurial activities, as well as suspected of illegal entrepreneurship; persons deemed to be defective, were under investigation or trial, served a criminal sentence in the past, were dismissed from service by a court or have lost their class on the basis of a court sentence, insolvent debtors, lower military ranks disciplined. Each candidate passed the test and was sworn in. During the reforms of the 60-80s of the XIX century in the Russian Empire a detailed system of assigning police officers class ranks, ranks, their incentive through prizes and rewards, as well as disciplinary sanctions, etc. was created and applied in practice. In addition, at that time, the police pension system, which was an integral part of the police personnel support, was developed significantly. It is worth noting that even then a special differentiated approach to the assignment and calculation of pensions was developed. They took into account not only the length of service, injuries and illnesses during service, special merits, but also income, domestic behaviour, social position. Existence of various State funds and sources for receiving pensions and benefits (emeritus fund, chapters (supreme colleges) of orders, etc.) allowed retired officers and officials to have a relatively high pension (Filonov, 2013; Ryzhov, 2000).

### 3. Soviet stage of formation and development of police personnel

The next Soviet stage of formation and development of the staffing of police bodies in the territory of Ukraine began in the 1917-20s – after the revolutionary events that led to the liquidation of the Russian Empire as a state and the emergence of a new country – the Soviet Union.

Together with the managerial-organisational acts, which established the structure and functions of the Soviet militia, during the 1920s and 1930s the legislative basis for regulating the labour process of this body and the legal status of its personnel was formed. For example, in the Instruction “On the organisation of the Soviet Workers' and Peasants' Militia”, the peculiarities of the recruitment of police officers were explained, which included officers who carried out the preliminary investigation of crimes. Only persons who were citizens of the Soviet Union could be appointed as members of the Soviet militia; had reached the age of 21; were literate; enjoyed active and passive suffrage; recognised the Soviet power, etc. (Soloviev, 2013).

The post-war crisis of the late 1940s led to a change in the vectors of police activity.

The fight against crime, which had developed and changed its format as a result of the difficult economic situation in which the population of the Soviet Union found itself, came to the fore. The re-activation of the personnel work in the internal affairs agencies of the USSR falls in the 60s-80s, because it was during this period that the largest number of legal regulations on the staffing was issued. For example, these were the Order of the Ministry of Internal Affairs of the USSR “On the creation of departments (units) for political and educational work in the Ministry of Internal Affairs” of February 05, 1969; the Order of the Ministry of Internal Affairs of the USSR “On polite and attentive attitude of police officers to citizens” of June 03, 1969; the Decree of the Presidium of the Supreme Soviet of the USSR “On the Disciplinary Charter of Internal Affairs” of March 30, 1971; the Order of the Ministry of Internal Affairs of the USSR “On the service of psychophysiological and socio-psychological support for personnel of internal affairs” of August 15, 1989, etc.

### 4. Establishment and development of the staffing of the police in independent Ukraine

The third stage began in the 1990s, when our country adopted Declaration 55-XXI on the State Sovereignty of Ukraine of July 16, 1990 that proclaimed the supremacy, completeness, autonomy and indivisibility of State power (The Constitution of Ukraine, 1996). Subsequently, the Constitution of Ukraine 254k/96-VR of 28 June 1996 was adopted, which became the basis of the entire legal system of the State, as well as a model for building legal mechanisms in all sectors of Ukrainian society, including law enforcement (The Constitution of Ukraine, 1996). During the independence of Ukraine, the staffing of the militia changed, first of all, in terms of regulatory and legal framework. The emphasis was placed on the development of obsolete “soviet” approaches to personnel management in internal affairs bodies. Therefore, in 1990 new Law 565-XXI of Ukraine “On Militia” of December 20, 1990 was adopted (Laws of Ukraine About the police, 1990).

The articles of the Law were detailed in Regulations on the performance of service by members of the rank-and-file and command staff of Internal Affairs bodies, approved in 1991 by the Resolution of the Cabinet of Ministers of Ukraine, which set out the procedure for the service and the rights and duties of police officers (Subtelnyi, 1991).

A significant number of issues related to the staffing of the police were regulated by the by-laws of the Ministry of Internal Affairs,

such as: Order 552 of the Ministry of Internal Affairs of Ukraine "On measures to strengthen the legality of the activities of the Internal Affairs Bodies" of December 06, 1991; Order 204 of the Ministry of Internal Affairs "On approval of the Regulations on the procedure of preparation, examination of textbooks, teaching and methodological aids used in the system of the Ministry of Internal Affairs of Ukraine" of March 16, 2001; Order 535 of the Ministry of Internal Affairs of Ukraine "On approval of the Rules of wearing uniforms and insignia by the members of the rank-and-file and command staff of internal affairs bodies, servicemen of special motorised military units, militia, internal troops of the Ministry of Internal Affairs of Ukraine" of May 24, 2002; Order 530 of the Ministry of Internal Affairs of Ukraine "On approval of the composition of the Personnel Commission of the Ministry of Internal Affairs of Ukraine and its Regulations" of May 18, 2004; Order 181 of the Ministry of Internal Affairs of Ukraine "On approval of the Regulations on the Procedure for Certification of the Personnel of Internal Affairs Bodies of Ukraine" of March 22, 2005; Order 301 of the Ministry of Internal Affairs of Ukraine "On approval of the Hand-

book of Standard Vocational Qualification Characteristics of Employees of the Ministry of Internal Affairs of Ukraine and the Sectoral Classification of Main Positions of Employees of the Ministry of Internal Affairs of Ukraine" of March 24, 2006, etc.

### 5. Conclusions

To sum up, despite a rather long historical path in the development of the staffing of the National Police of Ukraine, this process is still at an active stage of its development. For example, in 2015, a new law enforcement body – the National Police – was established in the territory of Ukraine, which became a radically new replacement of the militia, which existed for almost a century. The National Police has taken into account the most positive achievements in supporting and ensuring the performance of the law enforcement sector of our State. However, the reforms require the formation of new approaches to managing police personnel, in this connection, the development of the staffing of this body is part of the next historical stage of evolution in which this issue is extremely relevant not only from the historical perspective, but also from the perspective of functional and legal specificities.

### References:

- Borisov, A.V., Dygin, A.N., Malygin, A.Ja.** (1995). *Policija i milicija Rossii [Police and militia of Russia]*. Moskva (in Russian).
- Filonov, O.** (2013). Kadrovo zabezpechennia politsii, zhandarmerii ta spetsialnykh sluzhb Rosiiskoi imperii yak vazhlyvyi chynnyk orhanizatsii borotby z teroryzmom naprykintsi XIX na pochatku XX stolittia [Staffing of the police, gendarmerie and special services of the Russian Empire as an important factor in the organisation of the fight against terrorism in the late nineteenth and early twentieth centuries]. *Viche - Chamber*, 14, 30-32 (in Ukrainian).
- Konstytutsiia Ukrainy** vid 28.06.1996 №254k/96-VR [The Constitution of Ukraine of June 28, 1996 №254k/96-VR]. (1996). *rada.gov.ua*. Retrieved from <https://zakon.rada.gov.ua/laws/show/254k/96-вр#Text> (in Ukrainian).
- Kraminin, V.I.** (2002). *Stanovlenie i razvitie zakonodatel'noj bazy organizacii i dejatel'nosti policii Rossii [Formation and development of the legislative framework for the organisation and activities of the Russian police]*. Voronezh: Voronezhskij institut MVD Rossii (in Russian).
- Postanova Kabinetu Ministriv RSR Pro zatverdzhennia Polozhennia pro prokhodzhennia sluzhby riadovym i nachalnytskym skladom orhaniv vnutrishnikh sprav**: postanova, polozhennia vid 29.07.1991 №114 [Resolution of the Cabinet of Ministers of the USSR On the Approval of the Regulations on the Service of Ordinary and Chief Staff of the Bodies of Internal Affairs: Resolution, Regulations of July 29, 1991 №114]. *rada.gov.ua*. Retrieved from <https://zakon.rada.gov.ua/laws/show/114-91-n#Text> (in Ukrainian).
- Ryzhov, D.S.** (2000). Bor'ba policii Rossii s professional'noj prestupnost'ju (1862–1917 gg.) The struggle of the Russian police against professional crime (1862–1917)]. *Candidate's thesis*. Moskva: Akad. upravlenija MVD Rossii (in Russian).
- Solov'ev, V.V.** (2013). Kadrovoe obespechenie podrazdelenij NKVD RSFSR, osushhestvlyavshih rassledovanie prestuplenij (1917-1923 gg.) [Staffing of the units of the NKVD of the RSFSR that carried out the investigation of crimes (1917-1923)]. *Nacional'naja bezopasnost' - National security*, 3(26), 426-435 (in Russian).
- Subtelnyi, O.** (1991). *Ukraina: istoriia [Ukraine: history]*. Kyiv: Lybid (in Ukrainian).
- Svod zakonov Rossijskoj imperii**: Uchrezhdenie ministerstv [Code of laws of the Russian Empire: Establishment of ministries]. 1982. SPb. (in Russian).
- Volynskij, V.A.** (2001). Zakonomernosti i tendencii razvitija kriminalisticheskoi tehniki [Patterns and trends in the development of forensic technology]. *Candidate's thesis*. Moskva: Akademija upravlenija MVD Rossijskoj Federacii (in Russian).
- Zakimatova, A.Ju.** (2006). Pravovoe regulirovanie sluzhby v organah policii Rossijskoj imperii [Legal regulation of service in the police of the Russian Empire]. *Candidate's thesis*. SPb: Severo-zapadnaja akademija gosudarstvennoj sluzhby (in Russian).

**Zakon Ukrainy Pro militsiiu:** vid 20.12.1990 №565- XII [Laws of Ukraine About the police: from 20.12.1990 №565-XII]. (1990). *rada.gov.ua*. Retrieved from <https://zakon.rada.gov.ua/laws/show/565-12#Text>

**Костянтин Гарбузюк,**

полковник поліції, кандидат юридичних наук, декан факультету № 2, Харківський національний університет внутрішніх справ, проспект Льва Ландау, 27, Харків, Україна, індекс 61080, *Harbuziuk\_Kostiantyn@ukr.net*

**ORCID:** <https://orcid.org/0000-0002-6714-5074>

## ІСТОРИКО-ПРАВОВИЙ АНАЛІЗ СТАНОВЛЕННЯ КАДРОВОГО ЗАБЕЗПЕЧЕННЯ ОРГАНІВ НАЦІОНАЛЬНОЇ ПОЛІЦІЇ УКРАЇНИ

**Анотація. Мета.** Мета статті полягає у здійсненні історико-правового аналізу становлення і розвитку кадрового забезпечення Національної поліції України. **Результати.** У статті, спираючись на аналіз наукових поглядів вчених, охарактеризовано основні історичні етапи становлення та розвитку поліцейських органів на території України. Проаналізовано кожний етап еволюції поліції на землях нашої держави та виділено особливості роботи з кадрами в межах кожного з них. Розкрито специфіку розвитку кадрового забезпечення правоохоронців на сучасному історичному етапі. Констатовано загальну незавершеність становлення механізмів кадрового забезпечення в органах Національної поліції України. Наголошено, що проведені масштабні реформи мали свій вплив і на питання кадрового забезпечення поліцейських органів. Зокрема, вони створили передумови для формування засад єдиної кадрової політики, а також кваліфікаційних вимог до кадрів поліції. До кандидатів у поліцейський чин висували такі вимоги: мати російське підданство; бути не молодше 25 років; «мати повне фізичне здоров'я» (мати міцну статуру, гарні зір та слух, дотримуватися тверезого способу життя). Крім указанного, треба було мати свідоцтво про перебування в минулому на військовій або державній службі. Існували певні обмеження з точки зору віросповідання. **Висновки.** Зроблено висновок, що, незважаючи на досить довгий історичний шлях становлення кадрового забезпечення Національної поліції України, даний процес все ще знаходиться на активній стадії свого розвитку. Так, у 2015 році на території України було створено новий правоохоронний орган – Національну поліцію, яка стала кардинально новою заміною міліції, яка існувала майже століття. Національна поліція увібрала в себе найбільш позитивні досягнення щодо підтримки та забезпечення роботи правоохоронного сектору нашої держави. Водночас реформаційні зміни викликали необхідність формування нових підходів до роботи з персоналом поліції, у зв'язку із чим розвиток кадрового забезпечення цього органу входить у черговий історичний етап еволюції, в межах якого дане питання є вкрай актуальним не тільки з боку історії, але й функціонально-юридичних особливостей.

**Ключові слова:** Національна поліція України, кадрове забезпечення, історико-правовий аналіз, історичні етапи.

*The article was submitted 18.07.2022*

*The article was revised 08.08.2022*

*The article was accepted 29.08.2022*