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WAYS OF IMPROVING ACTIONS TO ENSURE ADMINISTRATIVE AND LEGAL STATUS OF THE GUARD POLICE IN UKRAINE

Abstract. Purpose. The aim of the article is to identify ways of improving actions to ensure the implementation of the administrative and legal status of the Guard Police in Ukraine. **Results.** In order to improve the staffing of the Guard Police, it has been proposed to: – develop new techniques and technologies for the training of Guard Police officers; – reform the system of remuneration for this category of employees, in particular, with regard to the increase in nominal and real wages; – review the content and topics of training sessions for the Guard Police, in particular with a greater emphasis on practical rather than theoretical training; – ensure a continuous exchange of experience between Guard Police officers and other structural units of the National Police of Ukraine; – focus on psychological training of employees. **Conclusions.** It is concluded that a managerial decision is the basis for the activities of any agency. The quality and effectiveness of managerial decisions directly affect the further activities of the Guard Police, the speed and rapidness of response to socio-economic and political changes in the State, etc. We are convinced that the key to improving managerial decisions is the continuous training of the National Police leadership in general and the Guard Police in particular. In our opinion, this is achieved through the exchange of experience with the leading countries of the world, the introduction of the latest management technologies into the activities of the Guard Police, etc. Thus, to date, actions to ensure the implementation of the administrative and legal status of the Guard Police in Ukraine need to be comprehensively improved, which seems possible only as a result of the legislator's comprehensive action in the above-mentioned areas. We argue that all this will improve the practical implementation of the Guard Police's powers, increase the level of public confidence in it, and then increase its competitiveness in the market of paid services in the field of guard of various entities.

Key words: Guard Police, logistics, human rights and freedoms.

1. Introduction

In order to implement the administrative and legal status of the Guard Police in Ukraine, it is not enough to create high-quality legislation; we believe that it is important to review actions to ensure this status, in particular its organisational and managerial aspects. In this context, it is necessary to mention the perspective of V.I. Liakhovych, who in his study of the features of organisational and legal support for the implementation of the administrative and legal status of a civil servant, underlines that legal guarantees, which, in the opinion of scholars, should include the entire system of legal provisions in force in the State and the legal means, provided by them, aimed at specifying rights and duties, the procedure for their realisation, protection, etc., are of the most crucial importance for the realisation of the legal status

of the person (Vitruk, 1985, p. 39). Undoubtedly, the legal status of the person and the specification of his/her rights and duties should be regarded as an important guarantee of the exercise of that status. Nevertheless, such consolidation alone is not enough. In this regard, we advocate the perspective that rights and duties in legislation are a necessary but far from sufficient condition for the determination of the real status of the person. Experience has shown that without well-functioning guarantees of the rights and freedoms, proclaimed even by the Basic Law, may be a legal fiction (Namiassenko, 2009, p. 73).

As for the very concept of the implementation of the administrative and legal status of the Guard Police in Ukraine, the literature review reveals that implementation is an action implying that something is real, that is,

exercised, done, applied practically (Shemshuchenko, 2007, p. 1018). According to M.V. Puchkova, the direct realisation of human rights and freedoms is an activity of both the holder of rights and authorised state bodies, local self-government bodies, enterprises, institutions and organisations, their officials, other individuals responsible for certain acts in this area (Puchkova, 1987, p. 13).

2. Specificities of the administrative and legal status of the Guard Police

The implementation of the administrative and legal status of the Guard Police requires the full use of its powers by this agency with a view to achieving the ultimate goal of their activities. Therefore, the full exercise of the corresponding legal status requires "ensuring". In general, "ensuring", according to A.N. Arzamaskin, is a process that guarantees the effectiveness of the tasks aimed at achieving a certain goal (Arzamaskin, 2016, p. 49).

Therefore, the improvement of actions to ensure the implementation of the administrative and legal status of the Guard Police in Ukraine, in addition to legal factors, should include the revision of other aspects. Relying on the analysis of the existing scientific positions, as well as the provisions of the legislation in force, we believe that improvement of the actions to ensure the implementation of the status of the Guard Police requires to:

1) Review the information support for the Guard Police. Information as a substance and energy is the basis of an environment (universe). Any system organised in a certain way contains information. The more complex the organisation of the system, the more information is accumulated in the system. Physical models of substance and energy created by man and transferred by man. However, information as such existed long before the modern humans appeared (Zakharova, Filipova, 2013).

Considering the concept of "information" as a system-wide phenomenon of public relations, T.V. Subina emphasises the following two aspects: 1) the epistemological aspect: information is considered as information, as a qualitative meaning of the content of the message (semantic, qualitative aspect of information). It follows that information is data about reality based on thinking and conclusions of people or solving problems by means endowed with "intellectual" abilities. In the 1960s, directly this issue was dealt with by employees of the All-Union Institute of Scientific and Technical Information, who for the first time in the country published a monograph entitled "Basics of Scientific Information", where they analysed the world and personal experience; and 2) the ontological aspect: information is considered for many

meanings of the communication channel bandwidth measure (certainty and ordering (intensity) of the message stream in data transmission networks, called "traffic") and message ordering (organisation of the process of coding/decoding and transmission/reception of information). Information in this aspect is regarded as an ordered substance that can be described mathematically. An ordering system is any algorithmic system with an objectively defined algorithm that can be recognised. This is not about the epistemological (meaningful) aspect of information, but about the possibility of its undistorted transformation-coding for processing in automated systems and moving along communication lines (Marushchak, 2006, p. 8).

Interesting is the scientific perspective of N.V. Kushakova, who, relying on the review of a number of scientific perspectives, came to the conclusion that information is a certain amount of new knowledge over a certain period of time; in this case, the human brain acts in the same way as the device of reception/transfer of this knowledge, that is, an analogue of the modem, the function of which is encoding/decoding of information. The effectiveness of the reception or transfer of information by the brain is characterised primarily by its bandwidth and "novelty" of the knowledge obtained. Moreover, the "new" knowledge is the ones that change our previous ideas about objects and their ratios. Of course, this formalised approach to information is no longer new (Kushakova, 2003, p. 15).

With regard to the concept of "information support", many approaches to its interpretation exist in the scientific literature. Relying on the review and critical assessment of the developed scientific perspectives on the definition of the concept of "information support", Yu.A. Korniev formulates the most important characteristics of this scientific category: 1) Information support is a functional complex that provides an organic interaction of technical means, methods and technologies of work with information; 2) Information support is a set of information resources, tools, methods and technologies, contributing to the effective management process; 3) Information support is a tool that generates information that consists of important data and prevents managers from being distracted by redundant and cumbersome information; 4) Information support is a continuous process of continuous availability of data collection, search, grouping, analysis, storage and dissemination among law enforcement officials; 5) Information support is a tool to provide information on the state of affairs in and functioning of certain objects of management; 6) Information support is a man-

agerial technology, as it reflects information on the state of the managed object and is the basis for managerial decision-making; 7) Information support is a specific type of professional activity, because it takes into account the information needs of different actors; 8) Information support is an integral part of the management system and process, expressing the relationship at the inter-subjective level (Kornieiev, 2008, p. 21).

Information support for the Guard Police's activities is a multidimensional phenomenon, which is the accumulation and processing of a certain amount of information that is important for the Guard Police's activities, in particular in the development and adoption of optimal, quality and effective managerial decisions that directly affect the activities of this agency. Thus, the proper implementation of its administrative and legal status is ensured.

It should be noted that today it is quite difficult to assess the state of information support for the Guard Police positively, which is mainly due to the legislative failure to regulate this issue. Consequently, the following are some of the ways to improve the information support for the Guard Police:

- Inadequacy of the procedure for interaction of the various entities, in particular with regard to the sharing of information available to them. In order to address this problem, it is most appropriate to develop a separate by-law regulating the procedural aspects of the exchange of information;

- The approach to the scientific and methodological support for the Guard Police should be reviewed;

- An enabling environment is also required for the effective functioning of the information recording system, ensuring adequate control over its completeness, probability, relevance and security;

- The issue of staffing of information providers should be reconsidered.

2) The next problem, which should be addressed in the framework of improving actions to ensure the implementation of the administrative and legal status of the Guard Police in Ukraine, is the issue of staffing of the Guard Police. According to N.P. Matiukhin, the staffing is a specific, repetitive activity carried out in the process of law enforcement management, the content of which is to provide the bodies and units with the necessary, qualified people, who meet certain requirements, as well as relevant information about it, the introduction of scientific-based methods, selection, placement, training, education, stimulation of personnel, the legal regulatory mechanism for the service and provision of legal protection to

personnel of law enforcement bodies of Ukraine (Matiukhina, 1999, p. 308).

According to O.V. Tkachenko, the essence of the staffing in the State is the activities of actors authorised to implement the personnel policy of the State in order to ensure the functioning of the State administration of social, technical, biological entities, carried out in the context of a market economy, taking into account the democratic foundations of building our State, with priority given to ensuring the rights, freedoms and legitimate interests of the person, by staffing the organisational structures of the system of public administration with appropriate professional and qualified personnel, motivating them for effective work, organising their effective use, professional and social development, achieving a rational staff mobility as well as social protection (Tkachenko, 2014, p. 27). In turn, V.I. Felyk, relying on the analysis of a number of scientific perspectives on the interpretation of the category outlined above, writes that the staffing in public administration is characterised by a number of features, such as: 1) It is a continuous dynamic process, with a heterogeneous structure; 2) It is ongoing, from training (period before appointment) to dismissal with further pension or transfer (post-employment); 3) The main period of the staffing begins after appointment; it is carried out by personnel services of the appropriate management structure; 4) Its organisation at a specific enterprise, institution, organisation is regulated by legislation, subordinate legal regulations, as well as local acts; 5) The purpose of staffing is to staff an enterprise, institution or organisation with qualified personnel, constant work with personnel, including promotion, retraining, maintenance of service or work discipline, etc. Therefore, V.I. Felyk generalises that the staffing is an integral part of the management process, as it is included in the management structure, and its state has a direct impact on the effectiveness of management (Felyk, 2017, pp. 248–249).

According to A. Bardadym, the main components of the staffing are intellectual, qualification, professional, personnel, technological and organisational ones. The organisational component of the staffing of the enterprise includes a high organisation and culture of work, implying clarity, rhythm, coordination of labour efforts and high satisfaction of employees with their work. The organisational component of the staffing in many factors determines the effectiveness of the work team as a system in general and each employee in particular, which is connected with the effective use of human resources (Bardadym, 2010, p. 71).

Therefore, we can confidently say that the staffing is undoubtedly one of the most

important aspects of the functioning of any department, because the better personnel is trained, the more effective the implementation of the authority of the entire agency. The training of police officers is organised in accordance with the requirements of the legislation of Ukraine, as well as the Regulations on the organisation of professional training of members of the ranks and superiors of the internal affairs bodies of Ukraine (hereinafter referred to as the Regulations) approved by Order 50 of the Ministry of Internal Affairs of Ukraine of January 26, 2016, Regulations on the organisation of initial professional training of policemen first recruited in the police, approved by Order 105 of the Ministry of Internal Affairs of Ukraine of February 16, 2016, Unified system of professional training of Guard Police officers, approved by Order 109 of the Guard Police Department of July 29, 2016. The main objectives of the in-service training are: to raise the level of knowledge, skills, and competencies of the police officers in order to ensure their ability to perform the tasks of protecting human rights and freedoms, counteracting crime, maintaining public order and security; the study of the legal regulations governing the activities of the National Police of Ukraine; improvement of police management skills by the management of police bodies (institutions, establishments). Approximate forms of in-service training are: in-service group training; a training meeting, that is, a form of in-service training of police officers, which involves improving their professional readiness to perform their duties, conducted on the basis of a training centre or institution (establishment); independent training (carried out throughout the service of a police officer with a view to continuously, systematically enriching and enhancing the knowledge, skills and abilities required for successful performance of duties) (Security training services (training of Guard Police officers), 2020).

It should be noted that in accordance with the Instruction “On the Organisation of Service Activities of the Guard Police during the Implementation of Physical Protection Measures” of August 14, 2017, in order to improve the professional level and ensure the professional development of the personnel of the militarised guard units at their places of work, training (vocational training) should be organised in accordance with the following programme: members of the militarised guard forces who carry out guard actions for the use of firearms – 80 hours per year, without the use of firearms – 40 hours per year. The purpose of the organisation of professional training of members of the militarised guard units is to raise the professional level, raise the level of knowledge, skills, abilities and profes-

sional qualities to ensure their ability to perform tasks related to the protection of human rights and freedoms, countering crime, maintaining public order and security; the study of legislative and legal regulations governing the activities of NPU and the Guard Police, standards, organisational requirements for the protection of facilities and the operation of checkpoints and video surveillance posts, service instructions establishing the procedure for the guard of the facility, the access and admission of persons to material and other values, tactical and technical characteristics and rules for the use of security and fire alarm, communication means, other technical security means, a system of warning signs, rules on the use of firearms, special personal protection equipment and active defence, observance of the procedure for administrative detention, personal search, search and seizure of belongings and documents, processing of files on persons who have committed administrative offences, occupational safety, environmental and fire safety standards, first aid procedures (Order of the Ministry of Internal Affairs of Ukraine On the organisation of official activities of the Guard Police to ensure the physical protection of facilities, 2017).

However, despite the fact that the legislator has to date paid quite a lot of attention to the training of the police in general, and the Guard Police in particular, in this area many problems remain to be reviewed. In order to improve the staffing of the Guard Police, we propose to:

- Develop new techniques and technologies for the training of Guard Police officers;
- Reform the system of remuneration for this category of employees, in particular, with regard to the increase in nominal and real wages;
- Review the content and topics of training sessions for the Guard Police, in particular with a greater emphasis on practical rather than theoretical training;
- Ensure a continuous exchange of experience between Guard Police officers and other structural units of the National Police of Ukraine;
- Focus on psychological training of employees.

3. Some aspects to improve logistics and the quality and effectiveness of managerial decision-making

3) Another aspect to which we will give attention is the improvement of the logistics of the Guard Police. In this context, it should be emphasised that the problem of logistics is one of the most relevant in the activities of any agency in the current socio-economic conditions. In the most general sense, “material and technical support” is a set of social relations,

governed by legal regulations or contracts on logistics, necessary for a timely and uninterrupted production, processing and sales cycle, as well as for economic, social and other tasks to meet certain needs (Korniienko, 2003, p. 56).

It should be noted that a number of agencies, namely, the Department of Logistics and, which is the only de facto central logistics support unit of the Ministry of Internal Affairs, the Financial and Accounting Department; the Department of Economic Affairs; capital and investment management. The activities of these structural units shall be organised in accordance with the current legislation of Ukraine, Decrees of the President of Ukraine and Resolutions of the Cabinet of Ministers of Ukraine, instructions of the Ministry of Economic Development and Trade of Ukraine, the Ministry of Finance of Ukraine, orders of the Ministry of Internal Affairs of Ukraine, regulations on departments, as well as on independent services of the National Police of Ukraine, responsible for providing the police with certain types of special equipment, equipment and materials (Honchar, 2017).

In our opinion, today the logistics of the National Police in general, and the Guard Police in particular should be improved. We believe that such areas should be:

- First, the modernisation of the technical equipment of the Guard Police, because it directly depends on the speed of the response of these units to emergencies, and as a result and the effectiveness of the performance of their functions;

- Second, the provision of technics and equipment by the State to the Guard Police units requires significant improvements;

- Third, expanding the customer base of the Guard Police.

4) Finally, we will focus on improving the quality and efficiency of managerial deci-

sion-making. A managerial decision is primarily a mental-will act of the manager's choice of a particular type of management behaviour. The author notes that the solution formulates the objectives and tasks facing the objects of management, the measure of their authorised behaviour, what resources are needed for the realisation of objectives and tasks (Draganov, 1998, p. 78). In this regard, the managerial decision can be considered as the core content of the management process and an important tool for a systematic approach to the managed object.

4. Conclusions

To sum up, a managerial decision is the basis for the activities of any agency. The quality and effectiveness of managerial decisions directly affect the further activities of the Guard Police, the speed and rapidness of response to socio-economic and political changes in the State, etc. We are convinced that the key to improving managerial decisions is the continuous training of the National Police leadership in general and the Guard Police in particular. In our opinion, this is achieved through the exchange of experience with the leading countries of the world, the introduction of the latest management technologies into the activities of the Guard Police, etc.

Thus, to date, actions to ensure the implementation of the administrative and legal status of the Guard Police in Ukraine need to be comprehensively improved, which seems possible only as a result of the legislator's comprehensive action in the above-mentioned areas. We argue that all this will improve the practical implementation of the Guard Police's powers, increase the level of public confidence in it, and then increase its competitiveness in the market of paid services in the field of guard of various entities.

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ШЛЯХИ ВДОСКОНАЛЕННЯ ЗАХОДІВ ЗАБЕЗПЕЧЕННЯ РЕАЛІЗАЦІЇ АДМІНІСТРАТИВНО-ПРАВОВОГО СТАТУСУ ПОЛІЦІЇ ОХОРОНИ В УКРАЇНІ

Анотація. Мета. Метою статті є визначення шляхів вдосконалення заходів забезпечення реалізації адміністративно-правового статусу поліції охорони в Україні. **Результати.** В рамках вдосконалення кадрового забезпечення діяльності поліції охорони запропоновано: розробляти нові техніки та технології професійної підготовки працівників поліції охорони; реформувати систему оплати праці такої категорії службовців, зокрема в частині підвищення номінальної та реальної заробітної плати; необхідно переглянути зміст та тематику занять із професійної підготовки поліції охорони, зокрема робити більший акцент не на теоретичний, а на практичний бік підготовки; забезпечити постійний обмін досвідом між працівниками поліції охорони та іншими структурними підрозділами Національної поліції України; більш суттєва увага має бути приділена психологічній підготовці службовців. **Висновки.** Зроблено висновок, що управлінське рішення – це основа для діяльності будь-якого відомства. Саме від якості та ефективності управлінських рішень напряму залежить подальша діяльність поліції охорони, швидкість та оперативність реагування на соціально-економічні та політичні зміни в державі тощо. Переконані, що ключовим фактором на шляху покращення управлінських рішень є постійна професійна підготовка керівництва Нацполіції загалом та поліції охорони зокрема. Це, на нашу думку, досягається шляхом обміну досвідом з провідними країнами світу, запровадженням новітніх управлінських технологій у діяльність поліції охорони тощо. Так, на сьогодні заходи забезпечення реалізації адміністративно-правового статусу поліції охорони в Укра-

її потребують комплексного вдосконалення, досягнення чого, як видається, є можливим лише в результаті здійснення комплексної діяльності законодавця у зазначених нами вище напрямках. Все це, як видається, дозволить якісно покращити практичну реалізацію повноважень поліції охорони, підвищити рівень довіри населення до неї, а отже, збільшить її конкурентоспроможність на ринку надання платних послуг у сфері охорони різних об'єктів.

Ключові слова: матеріально-технічне забезпечення, поліція охорони, матеріально-технічне забезпечення, права і свободи людини.

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