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DOI <https://doi.org/10.32849/2663-5313/2023.2.06>**Oleksii Drozd,***Doctor of Juridical Science, Professor, Head of the Department of Doctoral Studies and Postgraduate Studies, National Academy of Internal Affairs, 1, Solomyanska square, Kyiv, Ukraine, postal code 03035, alex0674682444@gmail.com***ORCID:** 0000-0002-4514-6594**Ruslan Horiachenko,***Doctor of Philosophy in Law, Head of the Department of Human Rights Compliance of the National Police of Ukraine, 10, Academic Bohomolets St., Kyiv, Ukraine, postal code 01601, ruslan_horiachenko@ukr.net***ORCID:** 0000-0001-8001-155X

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THE ESSENCE AND CONTENT OF THE ADMINISTRATIVE AND LEGAL MECHANISM FOR FORMATION AND IMPLEMENTATION OF PERSONNEL POLICY IN THE NATIONAL POLICE OF UKRAINE

Abstract. Purpose. The purpose of the article is to reveal the essence and content of the administrative and legal mechanism for the formation and implementation of personnel policy in the National Police of Ukraine. **Results.** The article analyses the etymological origin and encyclopaedic interpretation of the term "mechanism" and identifies the features that are common to all legal categories in which this term is present. The content of special features which are peculiar to the mechanism for personnel policy in general and personnel policy in the National Police of Ukraine in particular are revealed. The authors characterise the main structural elements of the administrative and legal mechanism for the formation and implementation of personnel policy in the National Police of Ukraine, which are grouped into four blocks: regulatory, organisational, functional and procedural. Relying on the results of the analysis, the author formulates an original definition of the concept "administrative and legal mechanism for the formation and implementation of personnel policy in the National Police of Ukraine". The content of the mechanism for personnel policy in the National Police of Ukraine comprises a set of interrelated and interdependent areas such as "formation" and "implementation" of this public policy. **Conclusions.** It is concluded that the administrative and legal mechanism for the formation and implementation of personnel policy in police bodies should be understood as an integral, internally coordinated, dynamic, complex system, enshrined in laws and bylaws (regulatory block), comprising forms, methods, measures, means and instruments (procedural block) which are different in nature and focus (procedural block), enabling authorised actors (organisational block) regulate administrative and legal relations in the field of the formation and implementation of public policy on personnel in the police (functional block) in order to achieve its tasks and strategic goals. This definition, on the one hand, is as universal as possible, since it allows for the most significant and essential features inherent in administrative and legal mechanisms in general, and on the other hand, it is quite detailed since it covers absolutely all structural elements of the administrative and legal mechanism for the formation and implementation of personnel policy in the police.

Key words: administrative and legal mechanism, administrative and legal relations, personnel policy, personnel policy mechanism, mechanism, legal culture and legal consciousness, structure of the personnel policy mechanism, personnel policy makers, forms and methods of personnel policy.

1. Introduction

The issues of the administrative and legal mechanism for personnel policy in the National Police of Ukraine (hereinafter referred to as

the NPU), i.e. the dynamic component of such policy, are considered only in fragments in the modern scientific literature. Moreover, it is

obvious that all the principles, norms, theoretical views, concepts, ideas, priorities, criteria, requirements and recommendations for organising HR processes that make up the content of personnel policy will be purely declarative if they are not supported by the necessary institutional and organisational mechanism capable of guaranteeing their effective implementation in practice. All of the above confirms the relevance and practical significance of a scientific study of the structure and content of the administrative and legal mechanism for the formation and implementation of personnel policy in the NPU.

The purpose of the article is to reveal the legal nature and essence, to clarify the characteristic features, to define and analyse the main constituent elements of the administrative and legal mechanism for the formation and implementation of personnel policy in the National Police of Ukraine.

2. Clarification of the conceptual and categorical apparatus

First of all, it is necessary to clarify the etymological interpretation of the word "mechanism". As we have found out, it comes from the Greek word μηχανή (machine) and is defined by most Ukrainian explanatory dictionaries as: 1) the same as a machine; 2) a device that transmits or converts motion, drives a machine or apparatus into action; 3) a system for transmitting or reproducing motion; 4) a set of movably connected parts that perform the applied movements under the influence of the applied force; 5) the internal structure, system of something; 6) a system that determines the order of any type of activity; 7) a set (sequence) of states and processes that determine any actions or that make up a certain physical, chemical and other phenomenon, etc. (Busel, 2005).

As we can see, in the Ukrainian language, the word "mechanism" has several alternative interpretations and is used in various sectors of public life to refer to various objects, processes and phenomena. In jurisprudence, this term also has a wide scope of application and is used as part of many legal concepts ("mechanism of the state", "state legal mechanism", "administrative and legal mechanism", etc.) Unfortunately, the limited scope of this article makes it impossible to conduct a comprehensive analysis of their essence and content. However, generalisation and systematisation of scientific views allow us to draw some important conclusions.

Firstly, most scientifically based definitions use the word "mechanism" in the meaning of a set of "political, administrative, economic, social, humanitarian, organisational, legal and other means of targeted influence" (Bakumenko, Bez-

nosenko, 2011), or "means of regulating various sectors of social life" (Rudnytskyi, 2011). In addition to "means", the "mechanism" often includes such categories as "measures," "methods," "methodologies," "techniques," etc.

Secondly, when the word "mechanism" is used to define a particular legal category, it means not a simple set of elements, but their "system" which reveals the internal structure of a certain state and legal phenomenon. As a system, the "mechanism" has its own structure, methods, levers, instruments of influence on the object of management, as well as appropriate legal, regulatory and information support (Fedorchak, 2008).

Thirdly, a characteristic feature of a "mechanism" is its dynamic (mobile) nature. This feature is also relevant for the State and legal mechanisms, which are considered not as a static set of certain elements, but as a set of processes which determine the sequence of, procedure for a certain State and legal phenomenon and its implementation.

Above, we have identified three **key features** that are characteristic of all (or at least the vast majority) of State and legal categories comprising the word "mechanism". In addition to these general features, we should mention **special features** that are peculiar to the mechanism for personnel policy in general and personnel policy in the NPU in particular. However, it is extremely difficult to identify such features because: first, not all scholars focus on them in their research; second, those scholars who do focus on the study of these features justify different, sometimes contradictory perspectives. As an example, some of the most popular scientific approaches are analysed further.

Firstly, most scientific discussions are focused on defining the legal nature and essence of the personnel policy mechanism. For example, most scholars identify this mechanism with "a system of practical measures of personnel policy makers" (Oluiko, 2011). Sometimes, in addition to measures, the personnel policy mechanism also includes such elements as "rules and norms, aspirations and restrictions" (Vynohradskyi, Vynohradska, Shkanova, 2009), "legal norms, principles and means" (Kovbasiuk, Vashchenko, Surmin, 2012), or "means" and "institutions" that implement such measures and means (Muraviov, 2017). No less popular is the so-called "activity approach", in which the personnel policy mechanism is considered as a "system of HR activities of personnel policy makers" (Bahmeta, Ivanova, Furtatova, 2007; Bosak, 2014), or "system of HR work" (Honchar, 2019: 115). Sometimes, the essence of the personnel policy mechanism is limited only to the "structure of bodies and entities"

involved in its implementation (Bahmeta, Ivanova, Furtatova, 2007). Recently, we can also find more innovative approaches, in which the mechanism for personnel policy is considered, for example, as a "set of iterative processes" (Iuryk, Zhuk, 2013: 51), or "a means of resolving contradictions in the HR management process" (Mosumova, 2021), and even as a "mechanism of staffing" (Vytko, 2011).

In our opinion, when addressing the issue of the essence of the personnel policy mechanism, most scholars make a significant logical mistake, which is to try to reveal in detail the internal structure of this mechanism. The correct definition of the structure of the personnel policy mechanism is a really important issue (this structure will be analysed fully below). However, when it comes to the legal nature and essence of this mechanism, we believe that, first of all, it is necessary to proceed from the above etymological interpretation of "mechanism" as "a system that determines the procedure for any type of activity" (Busel, 2005).

Therefore, by its essence and legal nature, the mechanism for personnel policy in the NPU is a holistic, internally coordinated system of elements that ensure the implementation of such policy.

Secondly, scholars have different approaches to defining the content of the personnel policy mechanism. In most cases, the literature review reveals that in the course of the study of the organisational and operational aspects of personnel policy, the category of "mechanism for implementation" of such policy is used. In addition to the "mechanism for implementation of personnel policy", Professor Yu.V. Kovbasiuk and some other scholars distinguish the "mechanism for its formation" (Kovbasiuk, Vashchenko, Surmin, 2012). Sometimes, these areas are combined, and then we are talking about a holistic "mechanism for the formation and implementation of personnel policy" (Oluiko, 2011). However, an even broader approach can be found, in which, in addition to "formation" and "implementation", the areas such as "evaluation" and "adjustment" are separately distinguished within the personnel policy mechanism (Iuryk, Zhuk, 2013).

We believe that the phase of organisational and legal activity such as "implementation" is indeed an important element, a central component of any administrative and legal mechanism. However, when it comes to the mechanism for personnel policy, we believe that its content is objectively unable to cover all important organisational and operational aspects of personnel policy. This primarily concerns the areas of defining the purpose, focus, functions and principles of personnel policy, defining its main tasks, jus-

tifying the methods and methodology of their implementation, etc. It is more appropriate to consider all these areas within the framework of the phase of "formation" of personnel policy, which in the logical and structural chain must necessarily precede the phase of "implementation". However, on the other hand, we do not share the view of those scholars who propose to distinguish the phases of the personnel policy mechanism such as "evaluation" and "adjustment" as independent components of its mechanism, since they are an organic part of the "implementation" phase and cannot exist independently outside its framework.

To sum up, we can conclude that the content of the mechanism for personnel policy in the NPU comprises a set of interrelated and interdependent areas such as "formation" and "implementation" of this public policy.

Third, scientific views on the target orientation of the personnel policy mechanism are ambiguous. For example, some scholars believe that the mechanism for personnel policy is aimed at "ensuring the fulfilment of tasks and achievement of goals of public administration in the specified area" (Muraviov, 2017); the second – at "formation of high-quality human resources" (Honchar, 2019); the third – at "staffing political, socio-economic, defence, cultural development of the state and society" (Honchar, 2019). Those scholars who consider separately the "mechanism for formation" and the "mechanism for implementation" of personnel policy define the focus of the former as "development of the human resources management system and formation of its potential capabilities", and the focus of the latter as "ensuring rational selection, training, use and development of human potential in various fields of activity" (Kovbasiuk, Vashchenko, Surmin, 2012).

Apparently, all of the above approaches have a right to exist, as they complement each other and expand our understanding of the target orientation of the personnel policy mechanism. However, their comprehensive analysis leads to a radically opposite conclusion: most of the statements analysed above should be used to reveal the essence of personnel policy in general, rather than its administrative and legal mechanism. It is well known that the areas of activities such as "formation of high-quality personnel potential" and "meeting needs for personnel," "ensuring rational selection, training, use and development of human potential", etc., should be considered in the context of the target orientation of personnel policy as a more general category, and not in the context of the mechanism for the formation and implementation of a policy, which reflects only its

organisational and operational aspects.

Thus, there is every reason to believe that the target orientation of the mechanism for personnel policy in the NPU is determined by the overall strategy of such policy and is aimed at achieving its goal, objectives, as well as ensuring the most effective implementation of the areas defined by it.

Fourthly, a less controversial but no less important feature of the personnel policy mechanism concerns its regulatory framework. Having analysed a considerable number of scientific definitions of the personnel policy mechanism, we have noticed that not all scholars focus on this feature. However, in other cases, the wording used is almost identical. In particular, the most commonly used references are to the fact that the personnel policy mechanism "relies on... the legal framework" of such policy (Bosak, 2004; Honchar, 2019), or "is based on... laws, the regulatory framework" (Kovbasiuk, Vashchenko, Surmin, 2012).

In general, we advocate the above wording. However, given the specifics of this scientific article, we consider it appropriate to make minor adjustments to them. In particular, in this case, the mechanism for personnel policy in the NPU should have appropriate administrative and legal support. Using this formulation, we mean that: first, all elements of this mechanism function allowing for provisions of both relevant laws and bylaws; second, the set of such acts does not necessarily correspond to, and mostly is even wider than the regulatory framework for personnel policy (this is due to the involvement of a significant number of non-specialised actors in the mechanism for the formation and implementation of personnel policy in the NPU, borrowing many methods, technologies, forms of HR work from other areas of public administration, management and the economic sector, etc.)

Above, we have identified and provided a detailed description of the most significant special features of the mechanism for personnel policy in the NPU. However, this analysis is still not enough to comprehensively study this mechanism. It is well known that formation and implementation of public policy in the NPU cannot be seen as a haphazard and chaotic process. First and foremost, it is a well-established mechanism that has its own internal structure and functions in a clearly defined manner. Therefore, there is a need to further elaborate on **the structure of the administrative and legal mechanism for the formation and implementation of personnel policy in the NPU**, as well as on the establishment of interrelations between its main elements.

3. The structure of the administra-

tive and legal mechanism for the formation and implementation of personnel policy in the NPU

As we have found out, there is currently no consensus among scholars on the structure (internal structure) of the personnel policy mechanism in general and the personnel policy mechanism in the NPU in particular. Moreover, it is noteworthy that the approaches substantiated in the literature differ significantly not only in terms of the quantitative but also in terms of the content of the elements that are identified. Unfortunately, the limited scope of this article does not allow us to provide a detailed description of all views on this issue. Therefore, below we will focus only on those approaches, the analysis of which is necessary to formulate our own perspective on the structure of the administrative and legal mechanism for the formation and implementation of personnel policy in the NPU.

The first group of scholars, which considers the mechanism for personnel policy as an "activity", names certain phases of HR work or HR procedures as its main constituent elements. The most typical example of this approach is the perspective of H. Bosak, substantiated in his study of the essence and content of personnel policy in internal affairs bodies (IAB). For example, the author identifies the main elements of the mechanism that drives policy on personnel management of the civil service in the IAB, management of personnel processes and relations in the IAB, improvement of the methodology for selection and recruitment to the IAB, formation of a personnel reserve to fill vacant positions in the IAB, planning and implementation of a career in the IAB and a number of other elements (Bosak, 2014). M. Rudakevych offers a similar approach to defining the structure of the personnel policy mechanism. In her opinion, the systematic organisation of such policy requires modern innovative mechanisms such as organisational and personnel audit, personnel monitoring, controlling and consulting, staff leasing, performance management, etc. (Rudakevych, 2010).

The second group of scholars, which considers the mechanism for personnel policy as a "process", names certain levels or components as its main elements. For example, A.K. Mosumova's dissertation research focuses on important components such as organisational structure, the system of work with personnel, the regulatory framework, information and methodological support, as well as technologies, methods and tools (Mosumova, 2021). A similar perspective on the structure of the mechanism for personnel policy in the law enforcement sector is substantiated

by M. Kovaliv. However, the scholar identifies only two main administrative and legal elements of such mechanism: creation of a legal framework to regulate (control and adjust) it, as well as organisation and functioning of the system of public bodies involved in its implementation (Kovaliv, 2017).

Having carefully analysed the above scientific approaches, we have come to the conclusion that it is inappropriate to use them to reveal the structure of the administrative and legal mechanism for the formation and implementation of personnel policy in the NPU, since most of them do not deal with the structural elements of this mechanism, but rather with its completely different characteristics. In particular, they list the features of the personnel policy mechanism, main areas of such policy, phases of its formation and implementation, requirements to be met, certain HR technologies, etc. In our opinion, it is a mistake to equate such characteristics with "elements" of the administrative and legal mechanism.

Given the above arguments, we consider the approach of the third group of scholars who chose the so-called "classical" model of the administrative and legal mechanism as the most reasonable. However, it should be noted that their views on the internal structure of this model differ somewhat. For example, among the main structural elements of the administrative and legal mechanism for personnel policy, scholars mainly name "legal provisions", "practical measures (means)", "institutions" that implement such measures and means, "personnel activities" or "personnel work", etc.

So what elements are included in the structure of the administrative and legal mechanism for the formation and implementation of public policy on personnel in the police? Below, we will try to substantiate our own view on this issue, which is based on the thesis that **it is advisable to combine all elements of the mechanism being analysed into four relatively independent but closely interrelated blocks.**

1. The regulatory block includes the following elements: legal regulations that define the grounds and procedure for the formation and implementation of the administrative and legal mechanism for public policy on personnel in the police; principles, target orientation, tasks and functions of the administrative and legal mechanism for public policy on personnel in the police.

2. The organisational block includes the following elements: makers of public policy on personnel in the police; legal culture and legal consciousness.

3. The functional block includes the follow-

ing elements: administrative and legal relations in the field of the formation and implementation of public policy on personnel in the police; acts of exercising rights and duties, as well as acts of applying law.

4. The procedural block includes the following elements: forms and methods of personnel policy; means, measures and instruments of legal and regulatory influence; appropriate support.

4. Conclusions

Above, we have described in general terms the essence, content and structure of the administrative and legal mechanism for the formation and implementation of personnel policy in the police. The conclusions and summarisation made as a result of this study allow us to formulate an original definition of the latter. Therefore, we propose to understand the administrative and legal mechanism for the formation and implementation of personnel policy in police bodies as an integral, internally coordinated, dynamic, complex system, enshrined in laws and bylaws (regulatory block), comprising forms, methods, measures, means and instruments (procedural block) which are different in nature and focus (procedural block), enabling authorised actors (organisational block) regulate administrative and legal relations in the field of the formation and implementation of public policy on personnel in the police (functional block) in order to achieve its tasks and strategic goals.

The definition we have formulated, on the one hand, is as universal as possible, since it allows for the most significant and essential features inherent in administrative and legal mechanisms in general, and on the other hand, it is quite detailed, since it covers absolutely all structural elements of the administrative and legal mechanism for the formation and implementation of personnel policy in police bodies. Another advantage of the definition proposed is that it reveals the essence and deepens the scientific and theoretical understanding of the relationship between personnel policy in the NPU (a static side, functional and instrumental aspects) and the administrative and legal mechanism for its formation and implementation (a dynamic side, organisational and operational aspects).

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Олексій Дрозд,

доктор юридичних наук, професор, начальник відділу докторантури та ад'юнктури, Національна академія внутрішніх справ, площа Солом'янська, 1, Київ, Україна, індекс 03035, alex0674682444@gmail.com

ORCID: 0000-0002-4514-6594

Руслан Горяченко,

доктор філософії в галузі знань «Право», начальник Управління дотримання прав людини, Національна поліція України, вулиця Академіка Богомольця, 10, Київ, Україна, індекс 01601, ruslan_horiachenko@ukr.net

ORCID: 0000-0001-8001-155X

СУТНІСТЬ І ЗМІСТ АДМІНІСТРАТИВНО-ПРАВОВОГО МЕХАНІЗМУ ФОРМУВАННЯ ТА РЕАЛІЗАЦІЇ КАДРОВОЇ ПОЛІТИКИ В ОРГАНАХ НАЦІОНАЛЬНОЇ ПОЛІЦІЇ УКРАЇНИ

Анотація. Мета. Метою статті є з'ясування сутності та змісту адміністративно-правового механізму формування й реалізації кадрової політики в органах Національної поліції України. **Результати.** Аналізується етимологічне походження й енциклопедичне тлумачення терміна «механізм», а також визначаються ознаки, характерні всім юридичним категоріям, у назвах яких зустрічається цей термін. Розкривається зміст спеціальних ознак, які властиві саме для механізму кадрової політики загалом і кадрової політики в органах Національної поліції України зокрема. Характеризуються основні структурні елементи адміністративно-правового механізму формування та реалізації кадрової політики в органах Національної поліції України, які об'єднано в чотири блоки: нормативний, організаційний, функціональний і процедурний. З урахуванням результатів проведеного аналізу формується авторська дефініція такого поняття, як «адміністративно-правовий механізм формування та реалізації кадрової політики в органах Національної поліції України». За своїм змістом механізм кадрової політики в органах Національної поліції України є сукупністю таких взаємопов'язаних і взаємообумовлених напрямів, як «формування» та «реалізація» означеної державної політики. **Висновки.** Зроблено висновок, що під адміністративно-правовим механізмом формування та реалізації кадрової політики в органах поліції ми пропонуємо розуміти закріплену в законах і підзаконних нормативно-правових актах (нормативний блок) цілісну, внутрішньо узгоджену, динамічну, складноструктуровану систему різних за своїм характером і спрямованістю форм, методів, заходів, засобів та інструментів (процедурний блок), за допомогою яких уповноважені суб'єкти (організаційний блок) здійснюють регулювання адміністративно-правових відносин, що складаються у сфері формування та реалізації державної кадрової політики в органах поліції (функціональний блок), з метою досягнення її завдань і стратегічних цілей. Сформована дефініція є, з одного боку, максимально універсальною, оскільки враховує найбільш значимі та суттєві ознаки, що загалом властиві адміністративно-правовим механізмам, а з іншого – достатньо розгорнутою, оскільки охоплює абсолютно всі структурні елементи адміністративно-правового механізму формування та реалізації кадрової політики в органах поліції.

Ключові слова: адміністративно-правовий механізм, адміністративно-правові відносини, кадрова політика, механізм кадрової політики, механізм, правова культура та правова свідомість, структура механізму кадрової політики, суб'єкти кадрової політики, форми та методи кадрової політики.

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