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PARTICULARITIES OF INTERACTION OF THE NATIONAL POLICE WITH OTHER STATE BODIES AND NON-GOVERNMENTAL ORGANISATIONS IN COMBATING DOMESTIC VIOLENCE

Abstract. Purpose. The purpose of the article is to determine the particularities of interaction of the National Police with other state bodies and non-governmental organisations in combating domestic violence. **Results.** The relevance of the article is due to the fact that the National Police alone cannot properly ensure effective counteraction and prevention of a large-scale phenomenon such as domestic violence, since this phenomenon covers almost all sectors of public life. Meanwhile, the duty of the State is to ensure both the prevention of domestic violence, as well as stop and minimisation of harmful effects on social relations under its protection. Currently Ukraine has a fairly extensive system of governmental and non-governmental structures that specialise in the prevention of domestic violence, educational activities aimed at raising public awareness of domestic violence, stopping domestic violence, ensuring the elimination of harmful effects caused by these manifestations, etc. **Conclusions.** It is found that the principle of systematic and comprehensive interaction of the National Police units with the actors involved in combating domestic violence is ensured by: 1) a single goal and direction of activity; 2) a combination of experience in the field of combating domestic violence and modern methods of interaction between different actors in the field of combating domestic violence; 3) understanding the competence and tasks of each individual actor involved in the interaction; 4) coherence of actions during the interaction; 5) constant supervision and control in the process of interaction. It is proposed to classify the forms of interaction as follows: 1) depending on the entity with which the National Police bodies interact: interaction with institutions, enterprises, organisations of the public form of ownership and public authorities; interaction with institutions, enterprises, organisations of the municipal form of ownership and local self-government bodies; interaction with public organisations and the public; 2) depending on the statutory duty to interact: bodies with which there is a statutory duty to interact; bodies with which there is no statutory duty to interact.

Key words: social services, victim, person, juvenile, disabled person.

1. Introduction

The National Police cannot properly ensure effective counteraction and prevention of a large-scale phenomenon such as domestic violence on its own since this phenomenon covers almost all sectors of public life. Meanwhile, the duty of the State is to ensure both the prevention of domestic violence, as well as stop and minimisation of harmful effects on social relations under its protection.

Currently Ukraine has a fairly extensive system of governmental and non-governmental structures that specialise in the prevention of domestic violence, educational activities aimed at raising public awareness of domestic violence, stopping domestic violence, ensuring

the elimination of harmful effects caused by these manifestations, etc.

The purpose of the article is to identify the particularities of interaction of the National Police with other state authorities and non-governmental organisations in combating domestic violence.

2. The phenomenon of domestic violence

The European Commission, in its Eurobarometer project, found that the public believes that the police should be one of the main agencies in combating domestic violence – 90% of respondents support this position (Kelli, 2011, p. 43).

In view of a very high latency characteristic of domestic violence compared to other types

of offences as well as a large part of social relations covered, effective cooperation between the police and other state bodies and non-governmental organisations is very important to overcome this phenomenon.

Therefore, within the scope of the issue raised, it is necessary to analyse the interpretation of the content of a concept “interaction”.

Interaction means “to act mutually”, “to work together”, “to cooperate”; interaction is based on the law and regulations. Interaction is the activities of operational units, joint or coordinated in place and time within certain limits between themselves and with other units and services, carried out in accordance with their competence and aimed at detecting and suppressing crimes, neutralising the causes and conditions that contribute to their commission (Moiseiev, Tatsii, Shemshuchenko, 2010, p. 82).

To achieve the goal of interaction, public authorities use the following main types of communication: 1) direct communication; 2) communication by means of communication; 3) indirect communication through the media (Malyk, 2015, p. 295).

However, it should be noted that interaction, as a set of actions and measures, should have a specifically defined goal for which these joint actions are taken.

Given the specifics of the phenomenon of domestic violence, it should be noted that the ultimate goal of interaction between the National Police and other state bodies and non-governmental organisations to prevent and combat domestic violence is to minimise the damage caused by domestic violence and reduce the degree of latency of this negative phenomenon.

Thus, we propose to understand the concept of “interaction of the National Police with other state bodies and non-governmental organisations in combating domestic violence” as a certain process aimed at ensuring cooperation, detecting, stopping the facts of domestic violence, bringing perpetrators to legal liability, identifying, studying and eliminating the preconditions that contribute to offences, as well as educating the population in the spirit of intolerance to domestic violence and discriminatory acts.

Moreover, the features of interaction between the National Police and other state bodies and non-governmental organisations in combating domestic violence should be considered as follows: 1) these activities are joint and aimed at preventing and combating domestic violence; 2) coordination of actions that ensure an effective and rapid response to manifestations of domestic violence and the distribu-

tion of functions for prophylaxis and preventive measures aimed at detecting domestic violence; 3) the focus of the interacting actors on ensuring the achievement of the result, that is, effective counteraction and prevention of domestic violence.

Actors that interact with each other in the field of combating domestic violence include: 1) specially authorised bodies in the field of preventing and combating domestic violence (for example, the central executive body responsible for formulating public policy on preventing and combating domestic violence); 2) other bodies and institutions responsible for implementing measures to prevent and combat domestic violence (e.g., children's services); 3) general and specialised support services for victims (e.g. centres of social services for families, children and youth); 4) citizens of Ukraine, foreigners and stateless persons who are legally in Ukraine (Resolution of the Cabinet of Ministers of Ukraine on the approval of the Procedure for the interaction of entities implementing measures in the field of prevention and counteraction of domestic violence and gender-based violence, 2018).

According to the Procedure for interaction of entities implementing measures in the field of prevention and counteraction of domestic violence and gender-based violence, approved by CMU Resolution No. 658 of 22 August 2018, the activities of the entities are aimed at preventing and combating violence and are based, in particular, on the effective interaction of the actors with public associations, international organisations, mass media, and other interested legal entities and physical persons.

Furthermore, the provisions of the Procedure clearly distinguish between the concept of “interaction” and the list of bodies that carry it out in combating domestic violence and the “coordination” of such interaction between bodies carried out by central executive authorities.

It should be noted that public associations, foreign non-governmental organisations, international organisations, other interested legal entities and physical persons may participate in activities in the field of prevention and combating domestic and gender-based violence on their own initiative and/or be involved in them by entities in accordance with Article 17 of the Law of Ukraine “On Preventing and Combating Domestic Violence”, as well as to take other measures envisaged by Article 14 of the Law of Ukraine “On Ensuring Equal Rights and Opportunities for Women and Men” (Resolution of the Cabinet of Ministers of Ukraine on the approval of the Procedure for the interaction of entities implementing

measures in the field of prevention and counteraction of domestic violence and gender-based violence, 2018).

In addition, the Procedure for interaction of entities implementing measures in the field of prevention and counteraction of domestic violence and gender-based violence, approved by CMU Resolution No. 658 of 22 August 2018, establishes an algorithm for interaction between these actors in combating domestic violence, but does not focus on the types of forms of such interaction and does not provide for the guiding principles on which this interaction should be based.

A study of the current state of cooperation between the National Police and non-governmental and governmental structures in combating domestic violence enables to identify the general principles of such cooperation. The same interpretation of the content of these principles allows the parties to these social relations to increase the level of understanding and effectiveness of this interaction.

The principles of cooperation between the National Police and other actors in combating domestic violence can be classified into two groups according to their level of detail: general and special. The former implies a number of constitutional principles that establish the general provisions of the interaction. The general principles are as follows: the rule of law, humanism, openness, the need to ensure respect for the rights, freedoms and legitimate interests of physical persons, etc. At the same time, the content of special principles of interaction is related to certain specific areas of activity of actors in combating domestic violence. Therefore, this group of principles should include: the principle of planning and systematicity, continuity, voluntariness, individuality and collectivity, scientificity, confidentiality, expediency, self-government, territoriality, efficiency, etc. (Skakun, 2019, p. 62).

It should be noted that these principles are manifested only in the course of mutual action, i.e., only in the case of their comprehensive and systematic application. In the course of cooperation, these principles complement each other and determine the areas and nature of the National Police's activities with other actors in combating domestic violence. As a rule, these principles of interaction are enshrined in the legal regulations that define the activities of actors in combating domestic violence.

For example, the rule of law is the main constitutional principle on which the entire legal system of Ukraine is built. Article 6 of the Constitution stipulates that the legislative, executive and judicial authorities shall exercise their powers within the limits established by this

Constitution and in accordance with the laws of Ukraine (Tkachenko, 2013, p. 67).

According to this principle, authorised persons of the National Police units are subject to act exclusively within the powers granted by the applicable legal regulations when carrying out interaction measures.

Therefore, the National Police interact with other actors in combating domestic violence exclusively in accordance with the procedure clearly defined in the legal regulations. If the issue of interaction is not regulated by the provisions of the current legal regulations, the actors of interaction should take such actions provided they are appropriate and necessary based on the circumstances of a particular situation (Zavalnyi, 2018, p. 117).

The principle of humanism is the recognition of human rights, freedoms and legitimate interests as the highest value. According to this principle, the interacting actors can analyse the problems of each specific body, in particular in combating domestic violence, and to identify ways to address them. The application of the principle of humanism in the interaction of state authorities, local self-government bodies and other non-governmental institutions enables to develop an effective system of service provision to physical persons and to promote the protection of their rights, freedoms and legitimate interests.

The next important principle is the principle of human rights and freedoms, which means that the actors of interaction must respect the rights and freedoms of both each other and other actors directly or indirectly involved in such interaction. Citizens of Ukraine have the right to create public associations of their choice (including law enforcement associations) without obtaining special prior permission from state authorities and local self-government bodies, as well as to join such associations subject to the requirements of their charters. Everyone is protected from arbitrariness in the exercise of the right to association: no person may be forced to join or remain in any association (Zavalnyi, 2018, p. 116).

With regard to the observance of the principle of humanism and human rights in the interaction of the National Police with other state bodies and non-governmental organisations in combating domestic violence, it should be noted that the effect of these principles is inextricably linked to ensuring the restoration of the violated rights of victims of domestic violence and the inadmissibility of violating the rights of perpetrators. It should be considered that victims of domestic violence have a set of violated rights and freedoms in various sectors of public life and seek their restoration,

while the interaction of these actors in combating domestic violence is intended to help the victim restore them (Pohrebniak, 2008, p. 116).

Moreover, in the course of this interaction, it should be remembered that although the offender may have violated the rights of others by his or her unlawful actions, excessive deprivation of such person's rights is unacceptable.

The principle of transparency is understood as the openness of the process of interaction and cooperation, but such openness is possible only within certain limits set by the current legislation of Ukraine. Restrictions on the principle of publicity of interaction on combating domestic violence are permissible if such restrictions are necessary to ensure the observance of the rights and freedoms of a person, in particular, a victim of domestic violence (Polianychnko, 2013, p. 56).

Therefore, ensuring the principle of publicity of interaction between the National Police units and other structures in combating domestic violence is preventive, as it promotes the activities of the National Police in this field, creates a negative stereotype of domestic violence in society, as well as the inevitability of punishment for such violence.

Instead, the principles of cooperation related to the second group are of a special nature, enabling the National Police, together with other state bodies and non-governmental organisations in the field of combating domestic violence, to achieve rationality in cooperation with each other on individual components of the cooperation process.

For example, the principle of planning and systematicity in the field of combating domestic violence ensures that actors in combating domestic violence interact according to a pre-agreed plan and scheme. This ensures the optimal distribution of available forces and means in order to take clear, diverse measures to address the legal relations that have developed during the interaction.

The principle of efficiency and flexibility of interaction ensures promptness and speed of response to changes in social relations in order to take effective measures to achieve specific goals in the most efficient way.

Following the principle of scientific validity, a system of regular research into the joint activities of the National Police bodies and units with other actors in combating domestic violence can be created. The activities of these bodies are analysed and monitored on a regulatory basis by the most qualified specialists to identify the problems of interaction between law enforcement bodies and the public in combating offences, identify shortcomings and opportunities to improve the effectiveness of joint actions,

introduce new forms of interaction, improve existing and develop new regulations in this field.

It should also be noted that the principle of systematic and comprehensive interaction of the National Police units with the actors involved in combating domestic violence is ensured by: 1) a single goal and direction of activity; 2) a combination of experience in the field of combating domestic violence and modern methods of interaction between different actors in the field of combating domestic violence; 3) understanding the competence and tasks of each individual actor involved in the interaction; 4) coherence of actions during the interaction; 5) constant supervision and control in the process of interaction.

The principle of voluntary interaction is considered as a common desire of the actors of interaction, including in the field of combating domestic violence, to cooperate and achieve a certain goal through joint activities.

Furthermore, the principle of interdependence should be considered as a special principle of interaction. For example, the content of this principle is understood as the fact that the interaction between the actors, including in the field of combating domestic violence, is conditioned by the common interest and interest of the bodies conducting such interaction. On the other hand, actions taken by one party to an interaction that are contrary to the interests of another party automatically make the interaction ineffective.

In addition to the principles mentioned above, the literature review also reveals another principle, the principle of cooperation. This principle should be considered as the process of joint actions by actors accompanied by constant mutual assistance and friendly attitude.

Finally, the variety of forms of cooperation between the National Police and other state bodies and non-governmental organisations in combating domestic violence should be underlined.

3. Forms of interaction of the National Police in combating domestic violence

According to V. Kikinchuk, the forms of interaction of the National Police with other state bodies (including other states) in the field of public security and order are as follows: international cooperation within the powers provided for by law, participation in the development of projects and conclusion of international agreements of Ukraine on ensuring public security and order, as well as to ensure their implementation; information cooperation with other state authorities of Ukraine, law enforcement agencies of foreign countries and international organisations; requests within their competence

to law enforcement agencies (law enforcement bodies) of other states or international police organisations in accordance with the law, international treaties of Ukraine, constituent acts and rules of international police organisations of which Ukraine is a member; requests within their competence to law enforcement agencies (law enforcement bodies) of other states or international police organisations in accordance with the law, international treaties of Ukraine, constituent acts and rules of international police organisations of which Ukraine is a member; protection of state and own interests in public authorities and local self-government bodies; interaction with public authorities on social protection and pension provision for police officers, National Police employees and their families; etc. (Kikinchuk, 2017, p. 83).

In S.M. Kaliuzhnyi's opinion, police cooperation with other actors of society can be reduced to two general forms, such as consultation and direct cooperation. The consultative process helps the police set short- and long-term objectives to address crime problems and to focus on those offences that are of greatest concern to the public. Direct cooperation between the police and citizens means that they establish a relationship in which they work together to solve the problems of crime and other offences in the place of residence of citizens, thereby ensuring the solution of law enforcement and human rights issues (Kaliuzhnyi, 2001, p. 32).

It should be noted that the National Police interact with other state bodies and non-governmental organisations on the prevention of domestic violence mainly in a consultative form.

In addition, we consider it necessary to describe the forms of cooperation between the National Police and other state bodies and non-governmental organisations and to provide our own classification of the forms of such cooperation.

For example, the forms of interaction between the National Police and those actors in combating domestic violence with whom it most often interacts directly are as follows:

1) Healthcare institutions. For example, the National Police and healthcare institutions cooperate bilaterally in combating domestic violence, as healthcare institutions are called upon to eliminate the socially dangerous consequences of domestic violence in case of harm to the physical or psychological health of the victim. Moreover, healthcare institutions shall inform the National Police if they become aware that damage to a person's health has occurred as a result of domestic violence;

2) Social services. When taking measures to combat domestic violence, the National Police

explains to victims that they can seek psychological, legal and other support from the relevant social services. The National Police also inform social services about individual cases of domestic violence, if the victims are minors or disabled, so that they can take measures within their competence. In its place, social services are required to report facts of domestic violence that they become aware of in the course of exercising their powers;

3) Local self-government bodies. The National Police shall notify local authorities of cases of domestic violence within the relevant administrative-territorial unit and the actions taken by them to counteract the manifestations of such phenomenon;

4) NGOs and the public. The National Police units may involve NGOs and members of the public in the process of preventing domestic violence. Moreover, police officers shall report on the status of domestic violence as a socially dangerous phenomenon to the public.

Furthermore, for a comprehensive study of this issue, we propose to consider the areas of interaction between the National Police and other actors in combating domestic violence.

We can state that the diversity of functional tasks in the field of combating domestic violence assigned to the National Police and other governmental and non-governmental organisations, as well as the constant qualitative transformations of domestic violence as a phenomenon, leads to a fairly extensive list of areas of cooperation.

In our opinion, it will be of the greatest practical importance to distinguish the following areas of interaction between the National Police and other governmental and non-governmental organisations by the functional focus of such interaction:

1. The law-making direction of cooperation is the joint activity of the National Police and other state and non-governmental structures to develop and enact legal provisions in the field of combating domestic violence.

2. Direct interaction of the National Police with other actors of combating domestic violence in the course of direct termination of domestic violence, elimination of its negative consequences, assistance to victims and prevention of this phenomenon.

3. Scientific cooperation and exchange of experience between structural units of the National Police and other organisations.

4. Training and educational cooperation, which is used in the implementation of effective interaction of competent actors in combating domestic violence.

5. Logistical and informational support of the parties in the field of combating domestic violence.

5. Conclusions

Relying on the analysis of the forms of interaction between the National Police and other state bodies and non-governmental organisations to prevent domestic violence, we propose to classify the forms of interaction as follows: 1) depending on the entity with which the National Police bodies interact: interaction with institutions, enterprises, organisations of the public form of ownership and public authorities; interaction with institutions, enterprises, organisations of the municipal form of ownership and local self-government bodies; interaction with public organisations and the public; 2) depending on the statutory duty to interact: bodies with which there is a statutory duty to interact; bodies with which there is no statutory duty to interact.

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ОСОБЛИВОСТІ ВЗАЄМОДІЇ НАЦІОНАЛЬНОЇ ПОЛІЦІЇ З ІНШИМИ В ДЕРЖАВНИМИ ОРГАНАМИ ТА НЕУРЯДОВИМИ ОРГАНІЗАЦІЯМИ ЩОДО ПРОТИДІЇ ДОМАШНЬОМУ НАСИЛЬСТВУ

Анотація. Мета. Метою статті є визначення особливостей взаємодії Національної поліції з іншими державними органами та неурядовими організаціями щодо протидії домашньому насильству. **Результати.** Актуальність статті полягає в тому, що Національна поліція самостійно не в змозі належним чином забезпечити ефективну протидію та запобігання такому масштабному за своїми розмірами явищу, як домашнє насильство, адже вказаний феномен охоплює практично всі сфери суспільного життя. Разом із тим держава повинна забезпечити як профілактику проявів домашнього насильства, так і їх припинення та мінімізацію шкідливого впливу на суспільні відносини, що перебувають під її охороною. В Україні на цей час сформовано досить розгалужену систему державних і недержавних структур, які спеціалізуються на проведенні профілактики домашнього насильства, освітніх заходів, спрямованих на підвищення загального рівня обізнаності суспільства про прояви домашнього насильства, припинення проявів домашнього насильства, забезпечення усунення шкідливих наслідків, завданих вказаними проявами тощо. **Висновки.** З'ясовано, що принципи системності й комплексності у взаємодії підрозділів Національної поліції із суб'єктами щодо протидії домашньому насильству забезпечується: 1) єдиною метою і напрямом діяльності; 2) поєднанням досвіду у сфері протидії проявам домашнього насильства та сучасних методів здійснення взаємодії між різними суб'єктами у сфері протидії проявам домашнього насильства; 3) розумінням компетенції та завдань кожного окремого суб'єкта – учасника взаємодії; 4) узгодженістю дій під час провадження взаємодії; 5) здійсненням постійного нагляду та контролю у процесі взаємодії. Запропоновано класифікувати такі форми взаємодії: 1) залежно від суб'єкта, з яким взаємодіють органи Національної поліції: взаємодія з установами, підприємствами, організаціями державної форми власності й органами державної влади; взаємодія з установами, підприємствами, організаціями комунальної форми власності й органами місцевого самоврядування; взаємодія з громадськими організаціями та громадськістю; 2) залежно від нормативного закріплення обов'язку взаємодії: органи, з якими наявний нормативно закріплений обов'язок взаємодіяти; органи, з якими відсутній нормативно закріплений обов'язок взаємодіяти.

Ключові слова: соціальні служби, потерпілий, особа, неповнолітній, інвалід.

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