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INTERNATIONAL LAW PROVISIONS AS A PUBLIC LAW SOURCE OF ENSURING LAW AND ORDER IN UKRAINE

Abstract. Purpose. The purpose of the article is to study the role and significance of international law provisions as public law sources of ensuring law and order in Ukraine, as well as to analyse the mechanisms of implementation of international law provisions into national legislation with a view to improving the efficiency of ensuring law and order in the country. **Results.** The article examines the role and importance of international law provisions as one of the key public law sources of ensuring law and order in Ukraine. Emphasis is placed on the growing role of administrative and legal means in ensuring law and order, as they are becoming more effective in terms of prompt response to administrative offences, as compared to criminal law remedies. International law provisions become an important regulator in this field, defining standards of interaction between law enforcement agencies at both the international and national levels. Despite the widespread use of criminal law remedies to combat crime, the importance of administrative law mechanisms in ensuring a prompt and effective response to administrative offences is emphasised. This is due to objective circumstances, such as the increased latency of administrative offences, a greater number of public events and international events, and the need for a faster and less severe response to violations than provided for by criminal law. The importance of rethinking the existing stereotypes in understanding law and order and the need to introduce new methods of its maintenance in the light of international standards is emphasised. It also focuses on the intersectoral approach to the study of law and order, which requires a combination of various legal instruments, both national and international. **Conclusions.** Furthermore, the article considers the issues of implementation of international law provisions into the national legislation of Ukraine, in particular, in the administrative and legal sector, and their role in maintaining law and order. It is proved that international legal provisions play a key role in forming the modern legal environment, ensuring law and order, and protecting human rights. It is emphasised that it is important to harmonise Ukrainian legislation with international standards to ensure effective counteraction to modern challenges in the field of law and order, such as the growth of transnational crime, migration and strengthening of interstate cooperation in the fight against crime.

Key words: international law, public law support, law and order, administrative law, law application, Ukraine, implementation, provisions.

1. Introduction

The trend towards expanding the scope of international law regulatory framework increasingly covers issues that were previously considered to be exclusively an internal affair of any State, not the least of which is the maintenance of law and order and its protection by means of administrative law. It is the intersectoral nature of the studied issue which indicates the specificity of its regulatory sources. On the one hand, law enforcement covers various criminal, criminal procedure, civil, financial and other legal relations. On the other

hand, the use of instruments of a public law (administrative law) nature remains relevant, and recently the emphasis has significantly increased, because this trend is due to objective circumstances, such as the increased latency of administrative offences, a greater number of public events and international sports competitions, and the need for a faster and less severe response to violations than provided for by criminal law, lower social danger of administrative offences compared to crimes, and therefore a higher number of their commission, etc. In this regard, the use of exclusively private law

means of regulating law enforcement entities is unreasonable, which in a certain way directly affects the system of regulatory sources of law enforcement, and therefore requires the use of international law as an important regulator of the system of law and order in Ukraine.

Important aspects of administrative and legal support of law enforcement have been studied by many well-known legal experts. Domestic scientific research is not fragmentary and in this aspect, we should pay tribute to the scientific works by the following scholars: Yu.P. Bytiak, O.V. Petryshyn, V.V. Zavalniuk, O.M. Bandurka, O.F. Andriiko, O.V. Kuzmenko, Y.S. Shemshuchenko, V.B. Averianov, N.R. Nyzhnyk, V.I. Kotiuk, S.V. Kivalov, M.M. Tyshchenko, L.V. Kovalenko, V.V. Abroskin, O.I. Bezpalova, I.S. Drok, O.F. Kobzar, R.V. Myroniuk, O.M. Muzychuk, H.V. Muliar, V.O. Neviadovskyi, A.A. Nikitin, O.S. Yunin, A.O. Sobakar, V.V. Sokurenko, and many others. However, the issue of regulating legal relations in the field of ensuring law and order in Ukraine through the prism of international law provisions has been considered fragmentarily, addressing only certain aspects and not analysing the problem comprehensively.

The purpose of the article is to study the role and significance of international law provisions as public law sources of ensuring law and order in Ukraine, as well as to analyse the mechanisms of implementation of international law provisions into national legislation with a view to improving the efficiency of ensuring law and order in the country.

2. International law provisions as a component of the law-and-order framework

With the main purpose in a modern state being to ensure the full implementation of human and civil rights and freedoms, harmonisation of individual and social tasks, needs and interests of society and the state, law and order in terms of both its content and regulatory orientation should be consistent with these principles, the rule of law and standards of international cooperation. This is due to the intensification of humanitarian cooperation between different countries to better coordinate their actions for the sake of common development interests and the formation of a common European legal space and, ultimately, the creation of an interstate supranational legal system.

International law forms the framework for law and order as a system of provisions and principles governing international relations. These provisions reflect the coordinated will of states and are influenced by the patterns of international relations at a certain stage of civilisation.

Unlike clearly structured national legal systems, the formation of international law is

characterised by a certain fragmentation. This explains why the provisions of international law relating to similar subjects of the legal framework are often formed in parallel within different sources. These provisions are applied by all participants in international relations and international law in various areas - from general aspects of treaty law to specific elements of international law, for example, in the field of human rights, crime prevention, law enforcement, etc.

Therefore, the provisions of international law in their entirety are a complex and dynamic system that is formed and applied at different levels and in different contexts of relations, including those related to ensuring law and order.

Regulating the fundamentals of law and order through the prism of international law is understood as a set or system of legally binding rules that regulate the conduct and relations of states (and other participants in modern international relations). This understanding has always existed, as evidenced by the entire history of the emergence and development of international law. Their emergence and adoption in international practice was mainly due to two closely interrelated practical needs. One of them is the need to ensure the autonomy and independence of social relations, protection of the rights and legitimate interests of their parties, etc.

Current trends in crime, such as its transnational and often global nature, its expansion beyond the borders of individual states, and the absolute and relative growth, especially of organised forms, have necessitated the unification of states' efforts to combat crime through international cooperation.

This cooperation involves both parties to international law and parties to national law. It is aimed at the counteraction not only to international offences and crimes of an international nature, but also to manifestations of transnational crime that encroach on the internal law and order.

The regulatory framework for such cooperation is multisystemic in nature, as it is based on the principles and provisions of two independent legal systems - international and domestic law of the participating states. Domestic law ensures the actual implementation of international obligations at the national level. Moreover, international treaties act as regulators of domestic relations, without being sources of law on them. Instead, domestic legislation plays a dual role: it is both a regulator of such relations and a source of domestic law.

Thus, the fight against modern crime and the protection of law and order require

a comprehensive approach that combines international and national legal mechanisms.

Historically, the first international legal acts generated by this dual need were bilateral international treaties between sovereign states, including those on ensuring law and order at both the international and national (inter-state) levels. This is primarily due to the fact that states that have accumulated experience in regulating social relations within their country through various legal provisions (laws, decrees, decrees, etc.) extrapolated their experience in ensuring law and order to regulating their relations with other countries. Therefore, the influence of the national law and order on the international one, as well as the legal influence of domestic law on the international one, began with the first international legal measures of states. This is the interaction of national systems of law with the system of international law that exists to this day.

It should be noted that, in addition to the common practice of regulating certain relations at the interstate level by various treaties, agreements or conventions, international standards are used in the activities of law enforcement agencies as separate important documents, generally recognised international legal provisions that consolidate the status of law enforcement agencies at the global level and establish a list of fundamental rights and freedoms, the obligation of states to respect these rights and freedoms, as well as the limits of activities of such agencies to ensure them.

The need to introduce uniform international standards in the activities of the National Police is due to the growing level of transnational organised crime, significant rates of migration in the world, significant differences in national police training systems, and the problem of ensuring human rights in the activities of law enforcement agencies (Bilichenko, 2020).

The international legal framework establishes and enforces international human rights standards and relevant standards for law enforcement agencies. Such standards have their specific features, as follows:

They are developed and adopted by states of the world through international intergovernmental organisations;

They regulate not only international cooperation between states, but also other entities designated by them (specific state bodies, local authorities, trade unions, public associations, individuals, etc.); they contain the principled approaches and international legal principles of establishment, formation and functioning of certain public and private institutions in the territory of specific states, jointly developed by states;

By their legal nature, they belong to international conventions of a special order;

In the context of globalisation, humanisation and humanisation of international and interstate relations, there is a trend towards expanding the range of entities that develop and adopt international legal standards;

Their adoption has an impact on global legal development, as it not only standardises the approaches of states to regulating important social issues, but also contributes to the development of their national legislation and legal systems (Klochko, 2016; Balinskyi, 2006; Zabroda, 2012).

3. International law provisions in the field of law enforcement

The development of international standards for law enforcement agencies is a complex and objective process that has incorporated the universal experience of creating international law provisions. This process is mainly aimed at protecting human and civil rights.

Therefore, the international regulatory framework creates a comprehensive system of provisions and standards that affect the functioning of national law enforcement systems and the protection of human rights. It is no coincidence that the above standards are considered mainly in the context of ensuring human rights by law enforcement agencies as certain standards, provisions, parameters, which the state is encouraged or obliged to observe and achieve, enshrined in international acts and other international documents. In addition, standards are also considered as general deontological standards, norms and principles that allow, oblige, recommend and are intended for legal professionals regardless of the state boundaries of their professional activity in order to humanise social relations, strengthen law and order in every country of the world (Lutsenko, Hurtova, 2021; Klochko, 2016).

Although law enforcement agencies are guided mainly by state and departmental acts, it is crucial that they take into account international standards for law enforcement. Without compliance with these standards, human rights will remain a mere declaration.

Thus, the provisions of international law in the field of law enforcement are not limited to regulating cooperation between states in the international arena. They also establish obligations for states to streamline their domestic law enforcement systems through the implementation of international standards. These obligations cover the activities of a wide range of institutions: courts (judges), prosecutors, executive authorities in the field of justice, law enforcement and security agencies, the bar and other institutions involved in combating crime or maintaining law and order.

International agreements and documents form the standards for the functioning of these bodies. There is a trend towards an increase in the number of international legal provisions that set standards in areas such as public order, use of weapons and force by law enforcement, criminal justice and treatment of prisoners. Furthermore, resolutions of international organisations, especially the UN and its specialised agencies, are becoming increasingly important in the law enforcement field. Although most of these resolutions are not legally binding, they have a significant impact on the development of national legislation and the formation of international legal provisions. These documents increasingly contain specific recommendations on methods of combating crime and offences.

The following forms of application of international law can be identified in the activities of law enforcement agencies:

First, the generally recognised principles and provisions of international law and international treaties define the general framework for law enforcement in Ukraine. They subordinate it to the rules and obligations assumed by our state in agreement with other countries or within the international community. These provisions are based on the principle of good faith fulfilment of international obligations.

Second, law enforcement agencies are empowered within their competence to directly apply international treaties and international legal provisions recognised by Ukraine. When considering issues regulated by both domestic and international law, they use international standards as a legal basis for decision-making. This may take the form of independent, joint or priority application of international provisions.

Third, in accordance with international treaties, law enforcement agencies establish business contacts with similar agencies of other states, especially in the field of legal assistance and cooperation.

Fourth, law application acts adopted by law enforcement agencies, as well as departmental regulations (instructions, orders) within their competence, may, and in certain cases should, contain references to international treaties and documents of an international legal nature.

Therefore, international law provisions as regulatory sources in the field of law enforcement have the following features that distinguish them from national law enforcement regulators, in particular:

First, they provide for the use of relevant standards of law enforcement and law enforcement activities in international sources;

Second, they are mostly not mandatory but advisory in nature, as international provisions are often the result of a compromise between dif-

ferent countries, recommendations allow states to gradually integrate international standards, and countries retain the right to independently determine their domestic policies and legislation;

Third, the source of most standards of law and order is resolutions of international organisations that establish a model of recommended conduct rather than proper one; Fourth, they contain principles and approaches to international legal principles of certain public and private institutions on the territory of specific states;

Fourth, they contain the principled approaches and international legal principles of establishment, formation and functioning of certain public and private institutions in the territory of specific states, jointly developed by states;

Fifth, their adoption directly affects the global legal order, as it not only standardises the approaches of states to regulating important law enforcement issues, but also contributes to the development of their national law enforcement legislation and relevant legal systems;

Sixth, they have a specific subject matter to be regulated and have a special law enforcement nature associated with the formation of law enforcement agencies based on summarising practical experience;

Seventh, they are not separate and completely independent provisions, as they are closely related to the provisions of other branches and independent institutions of international law, and have a close relationship with international human rights law.

4. Conclusions

Summing up, international provisions play a key role in ensuring law and order at the national and interstate levels, contributing to the harmonisation of legal systems, the protection of human rights, the strengthening of justice, and the prevention of conflicts. They provide a framework for co-operation between states, ensuring unified approaches to law and order and justice. Such international provisions and standards allow law enforcement agencies to perform the tasks of maintaining law and order more effectively and ensuring its administrative and legal protection, as well as protecting rights in the interests of individuals, the state and society, and to effectively influence the exercise of such rights in order to regulate and protect them.

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НОРМИ МІЖНАРОДНОГО ПРАВА ЯК ДЖЕРЕЛА ПУБЛІЧНО-ПРАВОВОГО ЗАБЕЗПЕЧЕННЯ ПРАВОПОРЯДКУ В УКРАЇНІ

Анотація. *Метою* статті є дослідження ролі та значення норм міжнародного права як джерел публічно-правового забезпечення правопорядку в Україні, а також аналіз механізмів імплементації міжнародних правових норм у національне законодавство з метою підвищення ефективності забезпечення законності та правопорядку в країні. **Результати.** У статті досліджено роль та значення норм міжнародного права як одного з ключових джерел публічно-правового забезпечення правопорядку в Україні. Особлива увага приділяється зростаючій ролі адміністративно-правових засобів у забезпеченні правопорядку, оскільки вони стають більш ефективними в умовах оперативного реагування на адміністративні правопорушення, порівняно з кримінально-правовими засобами. Норми міжнародного права стають важливим регулятором у цій сфері, визначаючи стандарти взаємодії правоохоронних органів як на міжнародному, так і національному рівнях. Незважаючи на широке використання кримінально-правових засобів для боротьби зі злочинністю, підкреслено значення адміністративно-правових механізмів у забезпеченні оперативної та ефективної реакції на адміністративні правопорушення. Це викликано об'єктивними обставинами, серед яких підвищення латентності адміністративних правопорушень, більша кількість публічних заходів та міжнародних подій, а також необхідність швидшого й менш суворого реагування на порушення, ніж це передбачено кримінальним законодавством. Акцентовано увагу на важливості переосмислення існуючих стереотипів у розумінні правопорядку і необхідності впровадження нових методів його забезпечення у світлі міжнародних стандартів. Особлива увага приділяється міжгалузевому підходу до дослідження правопорядку, що вимагає поєднання різних правових інструментів, як національних, так і міжнародних. **Висновки.** У статті також розглядаються питання імплементації норм міжнародного права у національне законодавство України, зокрема, в адміністративно-правовій сфері, та їх роль у підтриманні правопорядку. Показано, що міжнародно-правові норми відіграють ключову роль у формуванні сучасного правового середовища, забезпеченні правопорядку та захисті прав людини. Підкреслено важливість гармонізації українського законодавства з міжнародними стандартами для забезпечення ефективної боротьби з сучасними викликами у сфері правопорядку, такими як зростання транснаціональної злочинності, міграція та зміцнення міждержавної співпраці у боротьбі зі злочинністю.

Ключові слова: міжнародне право, публічно-правове забезпечення, правопорядок, адміністративне право, правозастосування, Україна, імплементація, норми.

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