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NATIONAL POLICE OF UKRAINE: ISSUES OF PERSONNEL POLICY AND LEGAL REGULATION

The perception of Ukraine of European standards in the field of law enforcement and the appearance on this background, the newly formed National Police of Ukraine significantly increased demands on its human resource designed to protect the Ukrainian people from various types of crimes. The actuality of the problem presented in the scientific work as well as its relevance is undeniable.

Legal and psychological aspects of staffing problems of law enforcement, including the system of the internal affairs, were analyzed in the works of domestic and foreign scientists, including M. Anufriieva, V. Barco, M. Kurko, M. Kostrytskyi, I. Okhrimenko, G. Yukhnovetsetc, but the current state of human resource management in the organs of the National Police requires a comprehensive research related to the legal regulation of forms and methods of work of the police personnel, their development and improvement.

Analysis of scientific publications in the field of administrative and legal science, management theory, legal psychology, theory and practice of the Internal Affairs, and authors' own studies show that: the results of research of the National Police staffing units exist in fragmentary form and cannot be directly used in scientific, educational and law-making activity; the theoretical substantiation of guidelines and components of police training according to the new European standards, their placement, training, adaptation and certification is insufficiently developed. In view of the need the research institutional and legal framework of the staff optimization in the authorities of the National Police of Ukraine is rather relevant.

The main goal of this work is to elaborate the basics of activity framework for the National Police of Ukraine in terms of its staffing and isolating gaps of legal regulation in this area. The generalization of scientific results in the study of human resource needs the theoretical analysis of domestic and foreign research scientists and practitioners, which are dedicated to theoretical substantiation content of personnel policy in the internal affairs, including its component – the National Police. The gradual reform of public institutions of the Ukrainian state on the basis of international and European standards, including law enforcement agencies, put on one of the priority seats interest in scientific development and practical implementation issues of proper staffing of units of the National Police of Ukraine.

The scientific methodology of analyzing the personnel policy of the National Police Ukraine allows deeper to find out the framework, the structure of specific HR processes, laws, regulatory requirements that govern the structure, responsible for making personnel decisions, the reasons admitted blunders, mistakes in dealing appointments. Maintenance of law and order, protection of rights and freedoms, the successful implementation of which depends on many factors, including the quality of the new personnel policy, whose main objective is to create appropriate institutional and legal conditions for the formation of a highly professional staff agencies and departments can effectively solve the high-level service tasks is one of the main functions of the Ukrainian state¹.

The content of personnel policy covers such issues as: purposeful, systematic and balanced formation and training of qualified staff; continuous improvement of professional skills, comprehensive education and continuous training of staff; distribution and redistribution of employers in the areas of employment, regions and types of professional activity; efficient use of personnel, moral and material incentives of their activities, the development of special abilities, the formation of job satisfaction; Personnel and organization of social work, monitoring the activities of the staff; adaptation of personnel; formation and development of the integrated human resources management system².

The most important prerequisite for strengthening the state is to develop science-based state personnel policy. This process can be effective if it complies with certain requirements and conditions, which includes the consistent

implementation of a number of researches, organizational, administrative, political and legislative action. “The human resources policy must ensure the convergence of interests of citizens and the state, create conditions for opening the creative potential of individuals in all spheres of public life, that includes solving problems of state”³, says Y. Bytiak. “The personnel policy will be effective under such conditions like reduction of management levels in the organizational structure; strengthening personnel reserve link in higher management; stimulating new organizational structure; identification and promotion of employees who have leadership qualities; conduct training and re-training of employees; saving human resource focus; centralization of financial management; attracting prospective employees of other departments”⁴, argued such scientists as O. Krushelnyska and D. Melnychuk.

“The personnel policy is effective if it is flexible, stable, provided in the plans of the enterprise, organization or institution, on the other hand, is dynamic, adjusted to changes in the tactics of enterprises, economic market conditions; economically justified, based on the actual financial capabilities that provide an individual approach to employees; if it is a part of a strategic program of the organization; if the personnel policy takes into account not only the interests of agencies and departments, but also their staff; if there are conditions for a competitive labor and professional growth (career) of employees, which depends primarily on the particular employee productivity; if personnel policies aimed at the formation of the system of staff management, which orientson obtaining not only economic but also social impact”⁵, V. Momot considers.

State personnel policy consists not only of professional training in the public service staffing or state agencies and staffing the functions of state agencies. This Corporate narrowly departmental approach complicates the formation of personnel policy as a national strategy. However, the implementation of modern course for radical reforms and an active social policy, the comprehensive democratization specializing on law enforcement agencies, relates of the increased role of the human factor as the main social resource staffing.

The new claims to personnel management according to the results of socio-psychological research in HR practice determine an optimal mechanism for managing people (teams) in all areas of their activities, including such specific areas as law enforcement. The consideration of psychological conditions of HR optimization in law enforcement agencies becomes particularly important.

“The personnel policy in the organs of the National Police” – is a system of basic goals, principles, objectives, forms and methods of specifically authorized officials (leaders, chiefs, police officers) and specially created units (criminal police, patrol police, authorities of pre-trial investigation, police guard, special police, police of special destination) to ensure the structural units of the National police highly qualified personnel, endowed with the necessary moral, psychological and professional qualities.

The effective implementation of the functions and tasks entrusted to the National Police of Ukraine are need of improving legal framework in the field of HR. “The legal regulation covered various aspects of social life, while the legal form becoming only the basic and most important types of social relations in various spheres of human activity, which requiring not only legal forms, and its substantive legal fullness”, as noted V. Selivanov⁶.

The term “legal regulation of the National Police of Ukraine” means the purposeful activity of subjects of the legislative process for the settlement and streamlining social legal relations that arise when structural units of the National Police provide functional activity by means of legal technique. “The legal regulation” is a form of social regulation and control, it allows rotation the social relations of anybody a certain legal form, which is in the law state indirectly through its operation of the competent authorities regulates and even outlines the limits of the possible and necessary behavior.

The analysis of the above definitions of “legal regulation” make the following generalizations, the main categories of the National Police of Ukraine legal regulation as organizational and legal phenomena are the rules of law, because only with their help the process of influence on social relations may directly implement. First of all, the Constitution of Ukraine, other laws, international treaties of Ukraine ratified by the Verkhovna Rada of Ukraine, and legal acts which defined legal and social status rights, duties and responsibilities of police officers. are the legal basis of the service of police.

In particular, the activities of the National Police is govern by the Laws of Ukraine “On the National Police”, “On Disciplinary Regulation for the bodies of the Internal Affairs of Ukraine”, “On the organizational and Legal Fundamentals of Combating organized crime”, “On prevention of corruption, Acts of the President of Ukraine and the Verkhovna Rada of Ukraine “On additional measures to prevent the disappearance of people, improving the interaction between law enforcement and other authorities in their investigation”, “On Regulation on measures to combat the laundering of proceeds of crime”, “On measures to further strengthen the rule of law, protection of rights and freedoms of citizens”, “On approval of the organization of official training of the National police of Ukraine”, which are the legal basis of the police.

The specific gaps in the current legislation, which governing function of the National Police of Ukraine ch. 3. art. 47 (title – Appointment of police) of the Law of Ukraine “On the National Police” (2015) were analyzed. “The appointment of cadets (listeners) of universities with specific conditions of education, which train police officers, carry the leaders of these institutions leads on in this Law”. This formulation is available in other articles of the Law (Articles 18, 51, 63, 65, 74, etc.). There is just the question, what kind of education with the specific conditions of education, train police? The legislator should specify that such kind of universities is the educational institutions of the Ministry of Internal Affairs of Ukraine, because only they can train the police, considering the specificity of the designated activities. For example, “the police commissioner for storing, carrying firearms, also its application and use only if it took the appropriate special training”, stated in ch. 2 art. 46 (title – The use of firearms) of the Law of

Ukraine “On the National Police” (2015). It seems even this argument is enough.

The definition of art. 49 (title – Requirements for candidate to serve in the police) of the Law of Ukraine “On the National Police” (2015) because of its textual analysis follows that the service of the police do not matter the ethnicity, skin color, political, religious and other beliefs, gender, ethnic or social origin, property, residence, matter – the level of proficiency in Ukrainian language and level of physical training of the police, instead, are missing important parameters as moral and psychological readiness for duty in specific some circumstances also causes doubt. For the above, though blurry, referred to in Law (Articles 50, 51, etc.), but the legislator was necessary to unify it, especially in art. 49 because it is the base relative to other provisions of the Law of Ukraine “On the National Police” (2015).

“The citizens of Ukraine who wish to enter the service in the police, with their agreement, are tested for polygraph”, loads doubtful in ch. 2, Art. 50 (title – Checking the candidate to serve in police) of the Law of Ukraine “On the National Police” (2015). How can the Law of Ukraine “On the National Police” (2015) hypothetically insert a “moral choice of person”, particularly when it is talking about police? It turns out that when the police refuses to pass the polygraph, then already have been arising some doubts about his integrity. Surely after such denial citizen can be taken to serve in the National Police.

The passage of polygraph need to do compulsory, but not to make a separate part of the article 50 of the Law, moreover it is enough the position in ch. 1 art. 50, which states: “Citizens of Ukraine who wish to enter the service of the police, in order to determine their state health of must pass ... Psychophysiological examination”. The polygraph essentially contains of the specific content and form of Psychophysiological examination, so this parameter indirectly is woven into the understanding such terminology construction as “Psychophysiological examination”.

In ch. 1 art. 51 (title – Police Commission) of the Law of Ukraine “On the National Police” (2015) written that “Ensuring a transparent selection (competition) and promotion of the service of police on the basis of objective evaluation of professional and personal qualities of each police officer, according to the position, definition of perspectives for official use in the police formed police standing committee”. Instead, in ch. 2 art. 51 of the Law too vague defined composition of such committees, if ch. 1, Art. 50 dealt with evaluation of “personal qualities of each police”, the process should be necessarily involved professional psychologists, since definitions of prerogative psychological science. The legislator should specify the following committee members, including the seals of a professional psychologist.

The definition “Policemen’s Attestation” in art. 57 of the Law of Ukraine “On the National Police” (2015), is problematic, because a psychological component of officer’s rating was missed. Moreover, the legislator uses v Soviet terminology clichés, like “business qualities”. In this case, “policemen’s attestation is conducted to assess their business, professional and personal qualities...” (ch. 1, Art. 57). Did the legislator do not understand that the term “business” and “professional” involve the same process, origin, form and content? Moreover, the term “business” has Russian origin and distorts the law into a Ukrainian, as being too close, “comma”, with such an interchangeable term “professional”. It is necessary to remove the term “business” because there is interchangeable term “professional” with synonymous meaning.

The basis for such attestation of the police officers as assignment or another extraordinary special rank of police or his deprivation was lost by the legislator in ch. 2, Art. 57 of the Law of Ukraine “On the National Police” (2015). Therefore, we suggest the following wording of ch. 2, Art. 57 of the Law of Ukraine “On the national police” with the addition of n. 4 and ch. 4:

2. The official of police officers’ evaluation takes place for:

- 1) the appointment to a higher position if this position substitution is made without competition;
- 2) to decide on the move to a lower position through a proprietary mismatch;
- 3) to decide on separation from service by the police officer discrepancy;
- 4) to assign another extraordinary or special title or police officer of his deprivation.

3. The attestation is conducted by the Attestation Commission of police organs (institutions, agencies), which established by their leaders.

4. The Certification Commission must include a professional psychologist of the Internal Affairs or in the event of disputes independent psychologist other public institutions (schools).

Some of the gaps “Regulations on the organization of official training of the National Police of Ukraine” (2016)⁷, ch. 6, Section 1, in kinds of such officer training as: functional training, mainstream education, tactical training, fire training and physical training. Instead, it is unspecified the psychological training, which is especially important for the police. This kind of training, which names like “Psychological readiness to act in situations of various degrees of risk; the formation of moral and psychological stability to perform their tasks in special circumstances” is only fragmentary form in the context of tactical training of the officers. We believe that this type of training according to the European standards of police training should be singled out and improved by the psychological training classes.

The list of participants of the educational process in the system of official training, as defined in art. 1 Section 3 as: the leader of police organ (institution, organization); Head of the Study Group; the person who conducts classes; the Instructor on personal safety (including part-time); the person responsible for maintaining accounting and planning documents; personnel training group; other participants (if necessary) is the gap of this thesis. In this list, we can see that it is not a significant participant as a psychologist or teacher (coach) or psychological disciplines training. Such participant as a psychologist (psychotainer) needs to be clearly defined in the context of tactical component of officer training.

“The personnel of training group (25-30 people) is formed according the specific policemen’s activities”⁸, – regulates ch. 7, Section 3. As results, these groups will be chaotic and will have difficulties with course material, especially simulations and training. The advance education and training groups should consist of 10–14 persons and such requirement exists in police training in Europe and the US.

¹ Koptiev P. B. Organizational and legal bases of activity units HR ATS: dissertation Candidate of Juridical Sciences: 12.00.07 / Koptiev Pavlo Borysovykh; Kharkiv National University of Internal Affairs. – Kh., 2006. – P. 212.

² Ozerskyi I. V. Personnel management in the Prosecutor : monograph / I. V. Ozerskyi, V. V. Derevianko. – Poltava: “Poltavskiy literator” Publishers. – Poltava, 2012. – P. 504. – P. 10.

³ Bytiak Y. P. Legal principles and directions of personnel policy in Ukraine [Electronic resource] / Y. P. Bytiak // Actual problems of law : Coll. science works. – Odessa, 2003. – publ. 19. – P. 22.

⁴ Krushelnytska A. V. Personnel management : [work book] / O. V. Krushelnytska, D. P. Melnychuk. – K: Condor, 2003. – P. 296.

⁵ Momot V. M. Staffing policy in agencies and departments of the Internal Revenue Service headquarters: theoretical and organizational-legal bases»: dissertation ... Candidate of Juridical Sciences: 12.00.07 / Momot Vitalii Mykolaiovych; Kharkiv National University of Internal Affairs. – 2006. – P. 204. – P. 50.

⁶ Selivanov V. M. Legal Reform: Research Methodology fundamental problems of legal science» / V. M. Selivanov // Bulletin of the National Academy of Sciences of Ukraine. – 1998. – No 4. – P. 3–17. – P. 14.

⁷ «Regulations on the organization of official training of the National Police Ukraine» [Electronic resource] : approved by the Ministry of Internal Affairs of Ukraine № 50 dated February 26, 2016. – <http://zakon0.rada.gov.ua/laws/show/z0260-16>

⁸ Ibid.

Резюме

Озерський І. В. Національна поліція України: питання кадрової політики та правової регламентації.

Досліджено теоретичні питання кадрової політики в органах Національної поліції України на ґрунті вивчення її законодавчої регламентації у розрізі дотримання європейських стандартів щодо правоохоронної діяльності та специфіки національного законодавства. У контексті означено проаналізовано низку нормативно-правових актів та надані пропозиції щодо вдосконалення чинного законодавства, що почасти регламентує діяльність Національної поліції України, зокрема її кадрову складову.

Ключові слова: Національна поліція, поліцейський, кадрова політика, психолог, правова регламентація.

Резюме

Озерский И. В. Национальная полиция Украины: вопросы кадровой политики и правовой регламентации.

Исследованы теоретические вопросы кадровой политики в органах Национальной полиции Украины на основе изучения ее законодательной регламентации в плоскости соблюдения европейских стандартов относительно правоохранительной деятельности и специфики национального законодательства. В контексте изложенного проанализировано ряд нормативно-правовых актов и даны предложения касательно усовершенствования действующего законодательства, что частично регламентирует деятельность Национальной полиции Украины, в частности ее кадровой составляющей.

Ключевые слова: Национальная полиция, полицейский, кадровая политика, психолог, правовая регламентация.

Summary

Ozerskyi I. National police of Ukraine: issues of personnel policy and legal regulation.

The theoretical questions of personnel policy in the authorities of the National Police of Ukraine on the basis of the study of its legislative regulation in the context of compliance with European standards on law enforcement and the specific national legislation were investigated. In this context series of normative legal acts and provided proposals for improving the current legislation that regulates part of the National Police of Ukraine, that includes its staffing policy were analyzed.

Key words: National Police, police officer, personnel policy, psychologists, legal regulation.

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НОВІТНЄ КОНЦЕПТУАЛЬНЕ ПРАВОРОЗУМІННЯ ФУНКЦІОНАЛЬНОЇ ПРИРОДИ ОРГАНІВ ПРОКУРАТУРИ

Органи прокуратури як незамінний елемент правоохоронної системи завжди викликали увагу дослідників до різних аспектів його діяльності. Упродовж усього періоду незалежності України в наукових та фахових колах точилися дискусії щодо концепції оновлення правового регулювання діяльності прокуратури,