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IMPACT OF THE WAR IN UKRAINE ON THE LAW ENFORCEMENT SYSTEM IN GENERAL AND THE NATIONAL POLICE OF UKRAINE IN PARTICULAR

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Поливанюк В.Д., Завістовський О.Д., Асламов О.О. Вплив війни в Україні на правоохоронну систему в цілому та Національну поліцію України зокрема.

Стаття присвячена визначенню сутності та особливостей правоохоронної системи України та Національної поліції України, а також впливу війни на розвиток діяльності цих органів. Звернуто увагу на механізм діяльності правоохоронних органів, а саме способи та методи забезпечення їх діяльності. Також проаналізовано принципи, на яких ґрунтується діяльність Національної поліції України, з урахуванням усіх змін, які були внесені повномасштабною військовою агресією російської федерації. Вивчення змін у Національній поліції України в даних умовах є актуальним з кількох причин.

По-перше, він дає уявлення про адаптивність і стійкість правоохоронних органів перед обличчям безпрецедентних викликів. Розуміння того, як поліцейські сили реагують на таку кризу, може стати цінним уроком для інших країн, які мають справу з подібними загрозами.

По-друге, дослідження в цій сфері проливають світло на ефективність реформ і навчальних програм, які впроваджуються для підвищення спроможності Національної поліції. Аналіз змін у стратегії, тактиці та загальній ефективності може допомогти визначити сфери покращення та вдосконалити майбутні ініціативи.

Крім того, вивчення реакції Національної поліції на російське вторгнення сприяє ширшому розумінню ролі правоохоронних органів у зонах конфлікту. Це дозволяє оцінити виклики, з якими стикається поліція, наприклад підтримання громадського порядку, забезпечення безпеки

громадян і боротьба з організованою злочинністю в нестабільному середовищі. У геополітичному контексті це дослідження стає частиною глобальної дискусії про безпеку та стабільність, підкреслює важливість міжнародної підтримки та співпраці у зміцненні потенціалу національних правоохоронних органів під час конфлікту.

Зрештою, вивчення змін у Національній поліції України під час російського вторгнення не лише дає цінну інформацію для самої країни, але й сприяє глобальному дискурсу щодо безпеки, стійкості та ролі правоохоронних органів у часи кризи.

Ключові слова: правоохоронна система, Національна поліція України, воєнний стан, поліцейський, державні органи, права і свободи.

Polyvaniuk V.D., Zavistovskyi O.D., Aslamov O.O. Impact of the war in Ukraine on the law enforcement system in general and the National police of Ukraine in particular.

The article is devoted to defining the essence and peculiarities of the law enforcement system of Ukraine and the National Police of Ukraine, as well as the impact of the war on the development of the activities of these bodies. Attention was drawn to the mechanism of law enforcement agencies, namely the ways and methods of ensuring their activities. The principles on which the activity of the National Police of Ukraine is based are also analyzed, taking into account all the changes that were introduced due to the war. Studying changes in the National Police of Ukraine in the context of the full-scale Russian invasion is crucial for several reasons.

Firstly, it provides insights into the adaptability and resilience of law enforcement agencies in the

face of unprecedented challenges. Understanding how the police force responds to such a crisis can offer valuable lessons for other nations dealing with similar threats.

Secondly, research in this area sheds light on the effectiveness of reforms and training programs implemented to enhance the capabilities of the National Police. Analyzing the changes in strategies, tactics, and overall performance can help identify areas of improvement and refine future initiatives.

Furthermore, studying the National Police's response to the Russian invasion contributes to a broader understanding of the role of law enforcement in conflict zones. It allows for an evaluation of the challenges faced by the police force, such as maintaining public order, ensuring civilian safety, and combating organized crime in a volatile environment. In a geopolitical context, this research becomes a part of the global conversation on security and stability. It highlights the importance of international support and cooperation in strengthening the capacities of national law enforcement agencies during times of conflict.

Ultimately, examining the shifts in the National Police of Ukraine amid the Russian invasion not only provides valuable insights for the country itself but also contributes to the global discourse on security, resilience, and the role of law enforcement in times of crisis.

Key words: law enforcement system, National Police of Ukraine, martial law, police officer, state bodies, rights and freedoms.

Recent publications review. To study this phenomenon, the experience of the following researchers was utilized: Zavistovskyi, O., & Polyvaniuk, V Karpenko, O.M. Borodin, D.I. Kovaliv, M.V., & Ivakha, V.O.

The article's objective is the necessity to investigate the changes undergone by the National Police of Ukraine and the law enforcement system of Ukraine as a whole due to the full-scale Russian invasion.

Due to the full-scale invasion of the Russian Federation on the territory of Ukraine, almost all aspects related to the state apparatus underwent various levels of changes. The law enforcement system was no exception, as it is inseparably connected with the mechanism of protection of human and citizen rights, which is necessary, especially during the period of martial law. It will be appropriate to first analyze the concept of the mechanism of law enforcement activity.

Thus, the mechanism of law enforcement bodies is a complex and multifaceted process that includes legislative, executive and judicial institutions, as well as mechanisms for control and supervision of the activities of law enforcement bodies, ensuring

the rights and freedoms of citizens, as well as preventing and countering crime and violations of public order. The law enforcement mechanism is an important component of the state administration system, which ensures compliance with law and order in society. This mechanism is based on legislative and regulatory acts that determine the competences of law enforcement agencies, their structure and organization of activities.

The main functions of law enforcement agencies are to protect the rights and freedoms of citizens, prevent and solve crimes, ensure law and order and public safety and order. To fulfill these tasks, law enforcement agencies have the right to use coercive means, such as detention, arrest, search, confiscation of property, etc. The bodies of the law enforcement system include such structures as the police, the security service, the prosecutor's office, the judicial system, the military prosecutor's office, and others. Each of these bodies performs its functions in accordance with laws and regulatory acts. The mechanism of law enforcement bodies also includes control over the activities of law enforcement bodies, ensuring supervision over the legality of their actions and protection of the rights and freedoms of citizens. One of the important aspects of this mechanism is the partnership between law enforcement agencies and the public, which contributes to the effective performance of the functions of law enforcement agencies and ensuring the rights of citizens. However, it is necessary to take into account that the mechanism of law enforcement bodies should be balanced, since ensuring the safety of citizens and fighting crime should not undermine basic human rights and freedoms.

Therefore, the law enforcement mechanism should be based on the principles of legality, reasonableness, proportionality and rationality. Law enforcement agencies must act within the framework of the powers established by law, taking into account the rights and freedoms of citizens. They must also adhere to the principle of proportionality, i.e. take only those measures that are necessary and sufficient to achieve the objective. In addition, the rationality of the actions of law enforcement agencies involves the effective use of available resources and means, which allows to ensure a high-quality and prompt response to criminal manifestations. In general, the mechanism of law enforcement bodies must ensure effective fight against crime and ensure the safety of citizens, while observing the principles of legality, reasonableness, proportionality and rationality and protecting the rights and freedoms of citizens. Additional attention should be paid to such a concept as "law enforcement functions".

D. I. Borodin believes that: "Current legislation does not contain a definition of the concept of

“law enforcement functions”. It should also be noted that there is no state or non-state body that does not perform law enforcement functions in its activities. We can say that all state bodies perform such functions. In the laws that determine the legal status of certain law enforcement agencies, there is no unified approach to understanding the essence of such a concept as “function”. The functions of such bodies are determined according to various criteria, they are confused with the powers, tasks, competence of these bodies, and in some cases they are not defined at all” [1, p. 48].

But even in the conditions of a full-scale invasion, unfortunately, some inaccuracies and inaccuracies on the part of the legislator are allowed. If we talk more specifically about the so-called law enforcement functions, they can be divided into certain types, such as primary functions (preventive, protective, security, resocialization, operative-search, executive) and auxiliary functions (supervisory, permitting, law enforcement, analytical, methodical, normative, coordination) [1, p. 49].

One of the main law enforcement agencies in Ukraine is the National Police of Ukraine. This is the government body that, during the period of martial law, is entrusted with the authority to protect the rights and freedoms of man and citizen, support public safety and order, and combat crime. The war in Ukraine caused significant changes in the work of police officers, who began to be involved in the protection of national security and the fight against terrorism. Police officers have become more careful and skilled in recognizing suspicious behavior, recognizing dangerous objects that may be related to terrorist acts. In the war zone, the police were forced to change their work strategy, become more mobile and ready to respond immediately to any threats to the safety of citizens.

As Polyvaniuk V., Zavistovskyi O. says: «thanks to tactical, firearms, and specialized physical training in future police officers, not only theoretical but also practical skills and abilities are developed. However, it’s worth noting that society is changing, and accordingly, situations that may arise in the police officers’ line of duty are changing as well.» [2].

The National Police of Ukraine bases its activities on principles and principles aimed at ensuring human rights and freedoms, protecting the lives and health of citizens, maintaining public order and fighting crime. The main principles and principles of the National Police of Ukraine include the following: The principle of legality - police activity must be based on strict compliance with laws and other regulatory acts, as well as on respect for the rights and freedoms of citizens. The principle of public activity - the police must be open and accessible to the public, interact with it and involve it in solving

problems related to ensuring law and order. The principle of professional competence - police officers must have a high level of professional training and competence, as well as possess the necessary skills and knowledge to perform their duties. The principle of interaction with other law enforcement agencies and public organizations - the police must cooperate with other law enforcement agencies, public organizations and the public as a whole to achieve the common goal of ensuring law and order and the safety of citizens.

The integral aspects of law enforcement activities include and continue to be: operational, material-technical, moral-educational support, as well as internal (with other sectoral services and units of the police, the National Guard) and external cooperation (with competent units of the Security Service of Ukraine, the State Protection Department of Ukraine, the State Customs Service of Ukraine, and so on). The effectiveness and success of measures taken within the competence of the personnel of these units regarding public safety and the maintenance of public order depend entirely on the level of comprehensive support for law enforcement activities [2].

Considerable attention was paid to controlling the movement of people and goods across contact lines, ensuring the protection of critical infrastructure facilities, and preventing the spread of weapons and drugs. At the same time, the war also led to an increase in crime, particularly gun and drug-related crime. Therefore, the police were also forced to take a more active part in investigating crimes and ensuring law and order. In general, the war in Ukraine has led to significant changes in the work of the police, which requires greater mobility, caution and readiness to respond immediately to any threats to the safety of citizens.

M.V. Kovaliv notes in his work that: “Protecting public order under martial law, internal affairs bodies use such methods of social regulation as persuasion and coercion, in particular, administrative suspension. Explanatory work as the main method of law enforcement activity, convincing citizens of the need to consciously and voluntarily comply with legal requirements, stopping anti-social behavior, preventive work in labor groups and with individuals is a necessary condition for promoting effective mobilization” [3, p. 68]. In addition, the scientist distinguishes the concept of so-called termination measures, dividing them into two groups. The group of measures of a general nature (assignment) includes demands of police officers to stop illegal actions, administrative detention, seizure of things and documents, inspection, etc. The second group consists of special measures, which are used much less often, compared to measures of general purpose and only in exceptional cases, when otherwise it is impossible to stop illegal behavior,

that is, when all other means of influence have been used and did not give the desired results. The system of these measures consists of measures of physical impact, special means and the use of weapons, that is, those that are combined with the use of force. Such measures can be applied, as a rule, only after a warning about their use, subject to strict compliance with the requirements of the law [3, p. 68].

Also, during martial law in Ukraine, a police officer is allowed to use coercive measures, within the scope of our research, firearms without warning, determining the type and intensity of coercive measures, providing emergency medical care, and prohibiting the use of firearms against women with obvious signs of pregnancy, minors, persons with obvious signs of limited capabilities or old age. In order to avoid arbitrariness by the police during the use of firearms, non-compliance with such rules is possible for persons participating in armed aggression against Ukraine. In addition, a police officer can use firearms in relation to such persons in places where harm may be caused to other persons, as well as in flammable and explosive places [4, p. 1040].

Therefore, in today's realities, it can be concluded that the system of law enforcement agencies and the National Police is undoubtedly undergoing changes and adapting to the conditions that have arisen due to the war. The development of law enforcement agencies is very necessary in the conditions of martial law, as the level of attention required to protect the rights and freedoms of citizens increases with each passing day of the war.

REFERENCES:

1. Borodin D.I. (2015). Pravoohoronni orhany Ukrainy: ponyattya ta funktsiyi. *Yurydychnyy visnyk. Povitryane i kosmichne pravo*, (2), 47-51. (Ukr.).
2. Zavistovskyy O., & Polyvaniuk V. (2023). Vdoskonalennya pytannya profesynoyi pidhotovky pratsivnykiv pidrozdiliv politysiyi ukrainy na etapi viklykiv suchasnosti. *Materialy konferentsiyi MTSND*, (17.11. 2023; Ivano-Frankivs'k, Ukrayina), 110-112. (Ukr.).
3. Kovaliv, M.V., & Ivakha, V.O. (2016). Diyal'nist' orhaniv vnutrishnikh sprav v umovakh voyennoho stanu. *Visnyk Natsional'noho universytetu L'vivs'ka politehnika. Seriya: Yurydychni nauky*, (837), 65-70. (Ukr.).
4. Karpenko O.M. (2023). Osoblyvosti porядku zastosuvannya zakhodiv prymusu (vohnepal'noyi zbroyi) polityseys'kymy v umovakh diyi rezhymu voyennoho stanu v Ukraini. U KHII Mizhнародniy naukovopraktychniy konferentsiyi «Suchasni doslidzhennya u svitoviy nautsi» (26-28 lyutoho 2023 r.) NPK «Nauk.-konf. kom. ua», L'viv, Ukrayina. (stor. 1040). (Ukr.).
5. Pokaichuk V.Ya., & Polyvaniuk V.D. (2016) Kontseptual'ni zasady sluzhbovoyi pidhotovky polityseys'kykh. Osoblyvosti pidhotovky polityseys'kykh v umovakh reformuvannya systemy MVS Ukrainy : zb. materialiv I mizhnar. nauk.-prakt. konf., m. Kharkiv, 20 trav. 2016 r. . Kharkiv : KHNUVS. S 154 (Ukr.).
6. Polyvaniuk V.D., & Korol K.S. (2022) Osoblyvosti diyal'nosti pidrozdiliv Natsional'noyi politysiyi pid chas zaprovadzhennya voyennoho stanu. *Yurydychnyy naukovyy elektronnyy zhurnal*. 2022. № 6. S. 444-446. (Ukr.).
7. Zavistovskyy, O.D. (2022). Profesiyna, sluzhbova ta sluzhbovo-boyova diyal'nist' Natsional'noyi politysiyi: sutnist' ta vyznachennya ponyat'. *Analitichne ta porivnyal'ne pravознавство*. № 5. С. 258-262. (Ukr.) URL: <https://doi.org/10.24144/2788-6018.2022.05.47>.
8. Zavistovskyy, O.D. (2023). Implementation of information technologies in the professional training of future police officers in higher educational institutions of education. *Publishing House "Baltija Publishing"*. (Ukr.) URL: <http://www.baltijapublishing.lv/omp/index.php/bp/catalog/view/290/7922/16752-1>.