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ДЕРЖАВНИЙ УНІВЕРСИТЕТ  
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VI ВСЕУКРАЇНСЬКА НАУКОВО-ПРАКТИЧНА КУРСАНТСЬКА  
(СТУДЕНТСЬКА) КОНФЕРЕНЦІЯ ІНОЗЕМНИМИ МОВАМИ  
**ПРАВООХОРОННІ ОРГАНИ НА ЗАХИСТІ  
ПРАВОПОРЯДКУ ТА КОНСТИТУЦІЙНИХ СВОБОД  
В УМОВАХ МИРУ ТА ВОЄННОГО СТАНУ**

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**МІНІСТЕРСТВО ВНУТРІШНІХ СПРАВ УКРАЇНИ  
ДОНЕЦЬКИЙ ДЕРЖАВНИЙ УНІВЕРСИТЕТ ВНУТРІШНІХ СПРАВ**

**ФАКУЛЬТЕТ № 1  
КАФЕДРА ІНОЗЕМНИХ МОВ  
КАФЕДРА СОЦІАЛЬНО-ГУМАНІТАРНИХ ДИСЦИПЛІН**



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ПРАВОПОРЯДКУ ТА КОНСТИТУЦІЙНИХ  
СВОБОД В УМОВАХ МИРУ ТА ВОЄННОГО  
СТАНУ**

**LAW ENFORCEMENT AGENCIES: THE DEFENSE  
OF PUBLIC ORDER AND CONSTITUTIONAL  
FREEDOMS DURING PEACE AND MARTIAL LAW**

**RECHTSPFLEGEORGANE: DIE  
GEWÄHRLEISTUNG DER ÖFFENTLICHEN  
ORDNUNG UND DER MENSCHENRECHTE  
UNTER BEDINGUNGEN DES FRIEDENS UND DES  
KRIEGSRECHTS**

**МАТЕРІАЛИ  
VI Всеукраїнської науково-практичної курсантської  
(студентської) конференції іноземними мовами**

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**П 68      Правоохоронні органи на захисті правопорядку та конституційних свобод в умовах миру та воєнного стану: збірник матеріалів VI Всеукраїнської науково-практичної курсантської (студентської) конференції іноземними мовами. м. Кропивницький, 24 лютого 2023 р. Кропивницький : ДонДУВС, 2023. 269 с.**

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## **ВСТУПНЕ СЛОВО**

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### **Шановні учасники та учасниці VI Всеукраїнської науково-практичної курсантської (студентської) конференції іноземними мовами!**

Вже рік Україна виборює у війні з росією своє право на незалежність, свободу, демократію, суверенітет та вільне життя. Саме річниця з дня початку російської збройної агресії зумовила вибір теми наукового заходу. Діяльність правоохоронних органів в умовах воєнного стану є одною складових забезпечення державної безпеки в цілому. Крім того ефективна діяльність на дипломатичному фронті спрямована на залучення міжнародної підтримки.

Сучасна молодь активно бере участь в захисті та розбудові України. Наша конференція є чудовою нагодою для молодих науковців обмінятися досвідом та власними напрацюваннями. Як в мирний час, так і в умовах воєнного стану, юристи та поліцейські відстоюють верховенство права в нашій державі. Загальновідомо, що правоохоронці завжди повинні бути на крок попереду. Тому саме цьому поколінню молодих науковців розбудовувати майбутнє нашої держави та науки.

Розширення міжнародних зв'язків з метою розвитку держави передбачає належне володіння іноземними мовами. Майбутні правознавці та правоохоронці повинні бути професіоналами в різних сферах. Повинні виявляти готовність до професійної комунікації. Саме тому в нашому університеті протягом багатьох років приділяється особлива увага формуванню іншомовної комунікативної компетентності. Постійно здійснюється співпраця з закордонними університетами та міжнародними організаціями.

У роботі конференції беруть участь представники таких наукових закладів: ДонДУВС, Національної академії Державної прикордонної служби імені Богдана Хмельницького, Навчально-наукового інституту інформаційної безпеки та стратегічних комунікацій НА СБ України, НАВС, Чорноморського національного університету імені Петра Могили, Львівського державного університету внутрішніх справ, Харківського державного університету внутрішніх справ, Луганського державного університету внутрішніх справ імені Е.О. Дідоренка, Одеського державного університету внутрішніх справ, Дніпропетровського державного

університету внутрішніх справ, Центральноукраїнського державного університету імені Володимира Винниченка, Полтавського юридичного інституту (НЮУ ім. Ярослава Мудрого), Львівського державного університету безпеки життєдіяльності.

Від імені колективу ДонДУВС, від себе особисто бажаю всім учасникам конференції плідної роботи, цікавих дискусій, духовного збагачення в процесі спілкування та незабутніх приємних вражень від перебування в стінах Донецького державного університету внутрішніх справ. Також бажаю нашим молодим науковцям досягти успіхів у поглибленні їх іншомовної наукової компетентності!

Творчої наснаги Вам та успіхів у роботі!

# ДОПОВІДІ УЧАСНИКІВ ТА УЧАСНИЦЬ КОНФЕРЕНЦІЇ

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## **FEATURES OF TRAINING LAW ENFORCEMENT OFFICERS FOR ENSURING PUBLIC ORDER UNDER MARTIAL LAW**

Since February 24, 2022, the armed aggression of the Russian Federation and the occupation the parts of its territory have been taking place against Ukraine. Because of this, the education of higher educational institutions and educational institutions of the Ministry of Internal Affairs has undergone changes. The Law on Education prohibits the involvement of students during their studies to perform work or participate in events that are not related to the implementation of the educational program, except in cases stipulated by the decision of the Cabinet of Ministers of Ukraine. But the Cabinet of Ministers allowed to involve students of higher education institutions of the Ministry of Internal Affairs who have the rank of police in law enforcement. The relevant decision is fixed by Government Decree №1078 of December 2.

The extreme difficulty of ensuring public and public order under martial law is:- protection of human and civil rights and freedoms within the limits of their powers;- organizations, prevent, disclose and investigate crimes, as well as prevent and suppress administrative offenses;- ensuring the protection of public order;- ensuring road safety;- implementation of state control over the turnover of weapons;- organizations in accordance with the legislation on state protection of property of citizens and organizations. Whose actions under martial law should be legally competent and perceived by citizens whose rights and freedoms are restricted as exceptionally fair and legal.

Also, the complexity of ensuring public and public order under martial law requires high professional training of police officers. Having certain knowledge and experience, police officers can significantly influence the situation and the enemy, give them significant losses and contribute to the liberation of territory. But for successful actions of resistance, reducing the losses of partisan groups, special knowledge is needed, ranging from technical knowledge and handling of combined-arms and special weapons, communications equipment to the ability to organize a partisan movement on the spot and quickly conduct special sabotage or other measures.

Police officers who perform duties to protect public and maintain public order under martial law should know the organization and tactics of police activities in such conditions, tasks, functions, forms and methods of police activity, decisions of local authorities on Public Order Protection, current legislation, in particular, regulating the activities of police and other law enforcement agencies under martial law.

Summing up, it can be argued that national police officers who perform duties to protect public and public order under martial law should know the organization and tactics of law enforcement agencies in such conditions, their tasks and functions, forms and methods of police activities, decisions of local law enforcement agencies, as well as legislation, in particular, what regulates the activities of the police and other law enforcement agencies under martial law.

### **Література:**

1. Розпорядження Міністерства внутрішніх справ та Державної служби з надзвичайних ситуацій. URL: [zakon.rada.gov.ua/laws/show/190-2022-%D1%80#Text](http://zakon.rada.gov.ua/laws/show/190-2022-%D1%80#Text)

2. Збірник матеріалів міжнародного науково-практичного онлайн-семінару. URL:

<https://r.donnu.edu.ua/bitstream/123456789/2356/1/%D0%9A%D1%80%D0%B0%D0%BA%D0%BE%D0%B2%D1%81%D1%8C%D0%BA%D0%B0%20%D0%84%D0%B2%D1%82%D1%83%D1%88%D0%B5%D0%BD%D0%BA%D0%BE%20%D1%82%D0%B5%D0%B7%D0%B8%20%D0%BA%D0%B2%D1%96%D1%82%D0%B5%D0%BD%D1%8C%202022.pdf>

### **Анотація**

*У публікації порушується питання про підготовку правоохоронців для забезпечення громадського та публічного порядку в умовах воєнного стану. Необхідність знань працівників органів поліції, про організацію та тактику діяльності правоохоронних органів у таких умовах, їх завдання та функції, форми та методи здійснення поліцейської діяльності та інші не менш важливі вимоги.*

## **RESTRICTION OF CONSTITUTIONAL RIGHTS IN THE ACTIVITIES OF THE POLICE IN THE AREA OF MILITARY CONFLICT**

During the military conflict in the country, constitutional guarantees and legal mechanisms are especially important in ensuring the full range of fundamental human rights.

The introduction of martial law in Ukraine significantly complicates the state's guarantee of citizens' rights in the context of the objective need for their partial restriction. After all, such restriction implies a legislative narrowing of the content and scope of human rights and freedoms, as well as factors that make their implementation impossible or difficult.

The Constitution of Ukraine enshrines the standards of the rule of law in such a situation. This means that:

- restrictions of human and civil rights in the state are temporary and minimally necessary in nature;
- a certain list of rights that cannot be violated in any case is preserved;
- the final decision on the declaration of martial law is made by the highest national representative body - the Parliament.

These norms of the Constitution of Ukraine correspond to the norms of the Universal Declaration of Human Rights, which stipulates that in the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are prescribed by law solely for the purpose of ensuring due recognition and respect for the rights and freedoms of others, and of meeting the just requirements of morality, public order and the general welfare in a democratic society [1].

Therefore, Art. 1 of the Law of Ukraine "On the Legal Regime of Martial Law" declares that martial law as a special legal regime, which is introduced in the country or its separate localities in case of armed aggression or threat of attack, threat to the state independence of Ukraine, its territorial integrity, in addition to providing the relevant state authorities, military command and local self-government bodies with the powers necessary to avert the threat and ensure national security, also provides for temporary, threat-driven restrictions of constitutional rights and freedoms [2].

At the same time, Part 2 of Article 64 of the Constitution of Ukraine contains an exhaustive list of human and civil rights and freedoms, which may not be restricted, even in such difficult circumstances as martial law.

In particular, these are:

- equality of constitutional rights and freedoms and equality before the law;

- the right to citizenship and to change citizenship;
- the right to life;
- the right to respect for dignity;
- the right to liberty and security of person;
- the right to send individual or collective written appeals and to a reasoned response to them;
- the right to housing; to equal rights and responsibilities of spouses in marriage and family;
- Equality of rights of children regardless of origin, as well as whether they are born in or out of wedlock;
- the right to judicial protection of human and civil rights and freedoms;
- the right to compensation at the expense of the state or local self-government bodies for material and moral damage;
- the right to know one's rights and duties;
- the guarantee that laws and other normative legal acts do not have retroactive effect in time, except when they mitigate or cancel the responsibility of a person;
- the right to legal assistance;
- the right not to execute manifestly criminal orders or instructions;
- not to be brought twice to legal liability of the same type for the same offence;
- presumption of innocence;
- guarantee that a person shall not be held liable for refusing to testify or explain about himself/herself, family members or close relatives, the circle of which is determined by law [3] .

Based on this, we can state that the Constitution of Ukraine enshrines human rights and freedoms, which, even during martial law, cannot be temporarily or completely restricted.

Accordingly, all other constitutional human and civil rights and freedoms not specified in this list and envisaged by the Constitution of Ukraine (in particular, the right to freedom of movement, free choice of place of residence; the right to property; the right to strike; freedom of thought and speech, free expression of their views and beliefs and a number of others) may be restricted during the period of martial law, but only to the extent necessary to ensure the defense and security of the state and within the limits required by the urgency of the situation.

Measures taken in this regard, taking into account international legal norms, should not cause any discrimination of individuals or groups of the population solely on the basis of sex, race, nationality, language, origin, property and official status, place of residence, attitude to religion, beliefs, membership in public associations, as well as other grounds. The list of rights that cannot be restricted even during martial law is a constitutional guarantee of human and civil rights.

Thus, in the case of martial law or a state of emergency, it cannot be the basis for the use of torture, cruel or degrading treatment or punishment, for any restrictions on the right to life, freedom of thought, conscience, religion in the understanding of these rights and freedoms adopted in the International Covenant on Civil and Political Rights and in the laws of Ukraine. And any attempts to use the introduction of martial law or a state of emergency to seize power or abuse it entail liability determined by law. In general, the problem of human and civil rights under martial law is extremely complex and multifaceted [4].

On logical grounds, there are no good reasons to assert that constitutional human rights in the activities of the police in the zone of armed conflict are not protected.

### **Література:**

1. «Загальна декларація прав людини» Прийнята і проголошена резолюцією 217 А (III), Генеральної Асамблеї ООН від 10 грудня 1948 року. URL: [https://zakon.rada.gov.ua/laws/show/995\\_015](https://zakon.rada.gov.ua/laws/show/995_015) (дата звернення: 10.02.2023 р.)
2. Про правовий режим воєнного стану: Закон України 12.05.2015 № 389-VIII станом на 29.09.2022 URL: <https://zakon.rada.gov.ua/laws/show/389-19> (дата звернення: 10.02.2023 р.)
3. Конституція України: Закон України від 28.06.1996 р. № 254к/96–ВР. URL: <https://zakon.rada.gov.ua/laws/show/254%D0%BA/96-vr#>
4. Міжнародний пакт про громадянські і політичні права (Міжнародний пакт ратифіковано Указом Президії Верховної Ради Української РСР N 2148-VIII (2148-08) від 19.10.73) URL: [https://zakon.rada.gov.ua/laws/show/995\\_043](https://zakon.rada.gov.ua/laws/show/995_043) (дата звернення: 10.02.2023 р.)

### **Анотація**

*У роботі висвітлено питання захисту конституційних прав людини в зоні військового конфлікту. Наведено перелік прав і свобод людини і громадянина, які не можуть бути обмежені під час введення воєнного стану.*

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## **PROTECTION OF HUMAN RIGHTS UNDER MARTIAL LAW**

The most important condition for the effectiveness of law enforcement and crime prevention is the organization of interaction between internal affairs bodies



and public formations involved in public order protection and public safety. Interaction involves the coordination of goals and the joining of efforts of internal affairs bodies and public formations to jointly solve tasks in the field of public order and public safety.

Interaction of internal affairs bodies with public formations is carried out on the basis of general principles of state administration. These principles and forms of interaction of internal affairs bodies with public formations for the protection of law and order are enshrined in normative acts regulating the activities of internal affairs bodies and public formations, as well as other acts.

Starting from February 24 and up to now, in connection with the war started by the Russian Federation against our state, the legal regime of martial law has been in force throughout Ukraine, i.e. a special legal regime introduced in Ukraine which provides for the provision of the relevant state authorities, military command, military administrations and local self-government bodies with the powers necessary to avert the threat, repulse armed aggression and ensure national security, eliminate the threat of danger to the state independence of Ukraine [3].

In general, the interaction of the public and the internal affairs bodies is very important, because maintaining close relations with the population and the public is one of the conditions for the successful performance of official duties by police officers, in particular the district police inspector, who cannot but resist in his work to support citizens .

The following forms of interaction between internal affairs bodies and public formations participating in law enforcement are most widely used in law enforcement practice:

1. Exchange of information on the state of public order and public safety. This information is necessary for determining actual tasks related to crime prevention and termination, planning work, increasing its effectiveness, and evaluating final results.

2. Bold planning and implementation of measures to ensure the protection of public order and public safety and the prevention and cessation of offenses.

3. Provision by the internal affairs bodies of assistance and support to public formations in the performance of tasks assigned to them regarding law and order.

4. Training by employees of internal affairs bodies of members of public formations in methods and forms of crime prevention; carrying out legal training work with them; providing methodological and other assistance in planning and accounting for their activities.

5. The internal affairs bodies send materials about offenses to public organizations for consideration and implementation of appropriate measures of public influence on offenders.

6. Referral of materials on offenses to internal affairs bodies by civil formations, if the civil formation is convinced of the need to bring the offender to

criminal or administrative responsibility during the consideration of the case on the offence.

7. Cooperation of citizens with the internal affairs bodies on law enforcement on a contractually paid basis is carried out at the expense of the internal affairs bodies.

Taking into account the previously mentioned legal regime, the circumstances and conditions of interaction of the National Police bodies with the population are changing to a great extent, because the state is under the martial law, which significantly affects the legal awareness of ordinary citizens regarding the need to provide assistance for the protection and defense of the state, ensuring and maintaining law and order .

The Law of Ukraine "On the National Police" specifies the principle of police interaction with the public, which provides for a new concept and building of relations based on openness and partnership, a new "philosophy of interaction", where the community's need for security is a key signal for the police to develop optimal joint actions on the basis of legislation. In turn, the Law regulates and implements the right of citizens in law enforcement activities, namely in the prevention of offenses, in ensuring public order and security [2].

The involvement of public representatives in the protection of public order has always been the subject of research by scientists and practical representatives, regarding the improvement of such activities at the legislative level.

Summing up, we conclude that the main tasks of public formations for the protection of public order and the state border in the field of public order protection are: providing assistance to the National Police bodies in ensuring public order and public safety, preventing administrative offenses and crimes, informing the National Police bodies about the committed or those being prepared, crimes, places of concentration of criminal groups, assisting the National Police bodies in detecting and solving crimes, searching for the persons who committed them, protecting the interests of the state, enterprises, institutions, organizations, and citizens from criminal encroachments, participating in ensuring road traffic safety and combating child neglect and juvenile delinquencies.

### **Література:**

1. Впровадження поліцейської діяльності, орієнтованої на громаду (Community policing) на Вінниччині // Експертний центр з прав людини: URL: <https://v.gd/jJiare> (дата звернення: 18.04.2022)

2. Закон України «Про Національну поліцію». Київ : Вид. Паливода А. В., 2015. 104 с.

3. Закон України «Про правовий режим воєнного стану». Верховна Рада (ВР) України. URL: <https://zakon.rada.gov.ua/laws/show/389-19>

4. Про затвердження Інструкції з організації діяльності дільничних офіцерів поліції: наказ МВС України від 28.07.2017 № 650 // БД

«Законодавство України» / ВР України. URL: [http:// https://v.gd/ISRyBN](http://v.gd/ISRyBN) (дата звернення: 18.04.2022).

5. Про участь громадян в охороні громадського порядку і державного кордону: закон України від 22.06.2000 № 1835-III // База даних (БД) «Законодавство України» / Верховна Рада (ВР) України. URL: [http:// https://v.gd/3RGYMB](http://v.gd/3RGYMB) (дата звернення: 18.04.2022).

### **Анотація**

*У тезах аналізуються цілі взаємодії правоохоронних органів та громадськості в період воєнного стану. Наводяться форми взаємодії громадян з правоохоронними органами та названі основні завдання їх співпраці. Наведені нормативно-правові джерела, що регулюють питання взаємодії Національної поліції та громадськості.*

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## **ENSURING A CHILD'S RIGHT TO EDUCATION UNDER MARTIAL LAW**

Compulsory general secondary education is guaranteed at the highest level of our state as the right to education provided for in Article 53 of the Constitution of Ukraine [1]. Besides, Article 19 of the Law of Ukraine “On the protection of Childhood” provides for the right of every child to education [2], however, in the conditions of martial law ensuring this right causes many difficulties related to such factors:

- impossibility to organize the educational process due to military operations;
- forced internal migration involving mass temporary displacement of the population;
- absence of identity documents due to their loss in connection with hostilities, etc.

All this requires from public education authorities at both central and local levels the introduction of new effective measures aimed at fulfilling the legal requirements for the education of children in public schools.

A vivid example of such measures are the mechanisms introduced in the Law “On the introduction of changes to some laws of Ukraine regarding state guarantees in the conditions of martial law, and state of emergency” [3], by which some amendments were made to the law of Ukraine “On education”, which was

supplemented by the Article 57-1 “State guarantees in the conditions of martial law, and state of emergency” [4].

In particular, for those who were forced to change their place of residence or studying during a special period, the following issues are guaranteed:

- organization of the educational process in distant form or any other form which is the safest for its participants;
- maintenance of scholarship and other payments provided for by law;
- place of residence (boarding house, hostel, etc.) and provision of food (if needed).

Besides, in accordance with the Procedure for enrollment, dismissal and transfer of pupils to state and communal educational institutions for obtaining a full general secondary education (further - Procedure) enrollment to an educational institution is carried out according to the order of its head which is issued on the basis of an application for enrollment of one of the parents (or an adult who intends to get an education) submitted in person to which the following documents are attached:

- 1) a copy of the child’s birth certificate or a document certifying the identity of a student;
- 2) the original or a copy of a medical certificate in the form of primary accounting documentation № 086-1/o;
- 3) the original or a copy of the relevant educational document (if any).

In the specified regulatory legal act it is emphasized that children, who have a certificate of registration of an internally displaced person, or a refugee certificate or some other, or who don’t have any, are admitted to an educational institution without submitting the specified documents.

Those children who do not have one or both documents are enrolled in an educational institution according to the Procedure. In the absence of a child’s birth certificate the head of the educational institution must immediately inform the guardianship body of the child’s place of residence or the location of the educational institution in order to assist in its registration.

In the conditions of martial law there are frequent cases of the absence of documents which give the right to enroll in state or communal educational institutions for obtaining a full general secondary education, and the existence of such a simplified procedure is an effective measure to guarantee the right to education for children.

Taking into account the fact that parents of children who receive full secondary education are not always aware of the existence of such guarantees from the state we consider it appropriate to implement the information campaign in order to ensure the child’s right to education under martial law to bring this information to the public. It is advisable to carry out such measures by posting information in mass media, social networks, as well as in offices of registration of temporarily displaced persons.

### **Література:**

1. Конституція України: Закон України від 28 червня 1996 року № 254к/96-ВР. Відомості Верховної Ради України. 1996. № 30. С. 141 (із змінами і доповненнями станом на 01.01.2020).
2. Про охорону дитинства: Закон України від 26 квітня 2001 № 2402-III. Відомості Верховної Ради України. 2001. № 30. Ст.142 (із змінами і доповненнями станом на 02.04.2022).
3. Про внесення змін до деяких законів України щодо державних гарантій в умовах воєнного стану, надзвичайної ситуації або надзвичайного стану: Закон України від 15.03.2022 № 2126-IX. *Голос України* від 19.03.2022. № 60.
4. Про освіту: Закон України від 05 вересня 2017 року № 2145-VIII. *Відомості Верховної Ради*. 2017. № 38-39. С. 380 (із змінами і доповненнями станом на 06.04.2022)
5. Про затвердження Порядку зарахування, відрахування та переведення учнів до державних та комунальних закладів освіти для здобуття повної загальної середньої освіти: наказ Міністерства освіти і науки України від 16 квітня 2018 року № 367. *Офіційний вісник України*. 2018. № 36. С. 1279.

### **Анотація**

*В умовах воєнного стану забезпечення права кожної дитини на освіту викликає багато труднощів, пов'язаних з неможливістю організації освітнього процесу через військові дії; вимушеною внутрішньою міграцією, пов'язаною з масовим тимчасовим переміщенням населення; відсутністю документів, що посвідчують особу, через їх втрату у зв'язку із військовими діями тощо. Це вимагає від органів публічного адміністрування у сфері освіти як на центральному, так і на місцевому рівні запровадження нових дієвих заходів, спрямованих на виконання вимог законодавства щодо навчання дітей у загальноосвітніх навчальних закладах.*

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## **ENSURING PUBLIC ORDER UNDER MARTIAL LAW**

An integral part of reforming the public law system is the creation of more effective mechanisms aimed at administrative and legal enforcement of public safety and order. The study of this problem is gaining special importance and relevance in the context of reforming the law enforcement system of Ukraine and

the introduction of martial law. Therefore, in order to avoid breaches of the security of citizens, it is necessary to pay attention to issues related to the maintenance of public order [6].

Public order is a system of social relations that are formed and developed in public places under the influence of legal and social norms aimed at ensuring the normal functioning of institutions, organizations, public associations, work and leisure of citizens, respect for their honor, human dignity and public morality [1]. The imposition of martial law made it much more difficult for the state to guarantee public order and security in Ukraine.

Public order as a social good is established for the citizens and protected by the executive with the help of the citizens. According to the administrative-legal status of the citizen, each person must, together with the supervisory and control bodies of the executive power, guard public order. That is, to fulfill the following rights and duties: to observe established rules of conduct in public places; to respect the rights, freedoms and interests of other citizens; not to allow encroachment on public order by other persons; to ask for help from other citizens and law enforcement agencies in case of threat to public order [2].

Public order is maintained by the National Police in accordance with the Law of Ukraine "On National Police" and the National Guard in accordance with the order of the Ministry of Internal Affairs No. 1089. The local community also has the right to create bodies: committees, associations, wives, squads, etc. in order to ensure public order in accordance with the legislation of Ukraine [5,4].

According to the report of the National Police of Ukraine on the results of work in 2021, police officers made 56,500 administrative protocols, and the number of criminal offences was 72 offences per 10,000 people. Despite the blackout in Ukraine in 2022, the crime rate has significantly decreased: the National Police reported that the number of registered crimes in the period from 10 to 30 November 2022 compared to the same period last year decreased by 4% from 318.1 thousand to 305.7 thousand. [3]. In addition, the National Police recorded an increase in the number of reports regarding the illegal use of weapons.

It should be noted that the main tasks of the subjects of administrative law enforcement of public order are to ensure the internal law and order in the state, which provides for the performance of such functions: prevention of crimes and other offences, detection, cessation of crimes and other offences, identification and detention of persons who committed them; determination of tactics and strategies for maintaining public order; prevention of offences; supervision of compliance by citizens and officials of enterprises, institutions and organizations, regardless of ownership forms, with the current legislation and supervision of persons with antisocial behavior who are on police record [6].

Effective implementation of these tasks depends on certain factors of proper regulatory regulation of public order relations by a certain set of legal and social norms; proper provision of activities of law enforcement agencies, as well as

public organizations in the field of public order protection; establishment of effective measures of disciplinary, administrative, criminal and other types of legal, as well as moral responsibility for violations of public order [6].

Taking into account the above, it should be noted that the peculiarities of ensuring public security and order by the National Police of Ukraine in conditions of martial law may include: special police powers, which are enshrined in the Law of Ukraine "On the National Police of Ukraine" and which acquire police powers only for the period of the legal regime of martial law; subordination to military administrations, which are temporary state bodies formed in the territories of the state where the legal regime of martial law is imposed; the priority tasks of the National Police in the specified conditions are the prevention, cessation and elimination of group violations of public order and mass riots; ensuring enhanced protection of particularly important and other objects; ensuring public order and security; participation in rescuing people and providing them with assistance.

### Література

1. Громадський порядок: Наказ, положення від 11.11.2010 № 550. URL: <https://ips.ligazakon.net/document/TM040471>

2. Забезпечення громадського порядку: роль громадян та органів виконавчої влади URL: <http://mego.info/%D0%BC%D0%B0%D1%82%D0%B5%D1%80%D1%96%D0%B0%D0%BB/32-%D0%B7%D0%B0%D0%B1%D0%B5%D0%B7%D0%BF%D0%B5%D1%87%D0%B5%D0%BD%D0%BD%D1%8F-%D0%BA%BE%D0%BE%D1%80%D0%B3%D0%B0%D0%BD%D1%96%D0%B2-%D0%B2%D0%B8%D0%BA%D0%BE%D0%BD%D0%B0%D0%B2>

3. Звіт Національної поліції України про результати роботи у 2021 році URL: [https://www.kmu.gov.ua/storage/app/sites/1/17-civik2018/zvit2021/Zvit\\_NPU\\_2021\\_.pdf](https://www.kmu.gov.ua/storage/app/sites/1/17-civik2018/zvit2021/Zvit_NPU_2021_.pdf)

4. Про затвердження Інструкції про організацію та несення служби з охорони громадського порядку та забезпечення громадської безпеки військовими частинами (підрозділами) Національної гвардії України: наказ МВС від 24.12.2019 № 1089. URL: <https://zakon.rada.gov.ua/laws/show/z0195-20#Text>

5. Про публічний порядок: пояснювальна записка до Закону України. URL: <https://ips.ligazakon.net/document/GH76C00A>

6. Система охорони публічного порядку в Україні URL: <http://pgp-journal.kiev.ua/archive/2017/3/26.pdf>

### Анотація

*У роботі висвітлено питання охорони громадського порядку під час військового конфлікту. Пріоритетними завданнями Національної поліції в зазначених умовах є запобігання, припинення та ліквідація групових порушень громадського порядку та масових заворушень; забезпечення посиленої охорони особливо важливих та інших об'єктів; забезпечення громадського порядку та безпеки; участь у рятуванні людей та наданні їм допомоги.*

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### THE NECESSITY OF LAW ENFORCEMENT AUTHORITIES IN UKRAINE

Law enforcement authorities play a crucial role in our country. Law enforcement agencies carry out their activities to ensure a true welfare state so that the standard of living in the country is decent and normal, and most importantly, that citizens living in the country are prosperous, live to their heart's content, do not need anything, and feel protected by the state. From the discipline "Theory of State and Law", we know the main functions of the state: defense, economic, social, and environmental. I will focus on these basic functions, as they are the necessary framework for the functioning of a social state.

The main thing is that to implement all the necessary state programs, the country's budget needs to have money. This is the economic function of the state. We have every opportunity to raise the economy in the country. We have the State Customs Service, the Tax Service, we have huge grain exports, and simply the export of Ukrainian goods, only through these services, the country's budget is increasing. However, there is one huge problem that prevents the country from developing: corruption and organized crime.

***What do corrupt law enforcement agencies lead to?*** Let me give you an example concerning our state customs service. There is a person like Anatoliy Makarenko. In 2009, he was the head of the State Customs Service of Ukraine, and he faced huge corruption at the customs, and wanted to change this system and eradicate corruption so that the Ukrainian budget would receive money. He carried out some reforms at the customs, appointed professional managers. As a result, the budget received a lot of money. But there were also people who did not like Anatoly Viktorovich's tenure. And the Security Service of Ukraine began to falsify the criminal case against him. The court found him guilty, and as a result, the former head of the customs service spent a year in prison until the European Court



of Human Rights declared him innocent. And they proved that there was falsification on the part of the SSU. This suggests that at that time, our law enforcement agency, the SSU, was acting in its own interests. I can also cite one more example: former Georgian President Mikheil Saakashvili, on Savik Shuster's evening talk show, specifically showed corruption schemes in his presentations, and because of this, Ukraine loses \$30 billion annually. If these funds came to our budget, we would create a powerful army, provide decent salaries for the military, doctors, and teachers. We would allocate funds for education, sports, and the environment, and we would be able to support business.

***A modern problem of our law enforcement agencies.*** As an example, we can name the country of Romania, which has shown very good results in the fight against corruption. Laura Coveschi, former prosecutor of the Romanian National Anti-Corruption Directorate, showed very good results. Under Caveschi's leadership, the NAD has made significant progress in the fight against high-level corruption in Romania. Dozens of mayors, five MPs, two former ministers and a former prime minister have been prosecuted - these are the results for 2014 alone. Hundreds of former judges and prosecutors have been brought to justice. In 2015, the activities of 12 MPs and several ministers were also investigated. "Of the two ministers, one went straight to the pre-trial detention center." And our high-ranking officials of the SBI, NACB, SSU, and other law enforcement agencies are not even trying to follow the example, and to communicate with these people to share their experience, I am sure they would be happy to help us talk more about corruption schemes.

To my mind, everything is decided by the management staff. Only a true authority, a professional who can properly appoint the right smart people to positions, will be able to fix this system. Only experienced and intelligent leaders who have worked their way up from the rank and file to the officer ranks can show good results, and most importantly, a desire to change something. According to the former head of the DCO, Colonel Valeriy KUR, professional detective officers, real detective agents who will search for offenders, need to be trained among law enforcement officers, and good, smart leaders who understand the issues.

### **Анотація**

*Отже, з моєї доповіді можна зробити висновки, що правоохоронні органи, відіграють дуже важливу роль в нашій країні, їх повноваження можуть контролювати, і шукати правопорушення серед наших внутрішніх ворогів. Головне в нашій державі, це 3 складових, базових ознак сильної держава. Це економіка, сильна армія, і дипломатія. Якщо в нашій країні не буде корупції, не буде інших незаконних схем збагачення, будуть збирати податки, і правильно розподіляти кошти, ми зможемо повністю підняти рівень життя в країні, будуть гідні пенсії, заробітна плата для вчителів, лікарів, і інших людей. Ми зможемо виділяти кошти на спорт, на екологію, і*

ще багато чого зможемо реалізувати, перелічити можна довго. Далі розкажу на прикладі нашої армії у 2014 році, якби виділялись кошти на армію, і армією командували професійні кадрові співробітники, ми не мали б таку ситуацію, яка є зараз. І останнє це дипломатія, тут я наведу просто одну цитату "дипломатія без армії і зброї, це просто пусті слова". Тому від правоохоронних органів залежить дуже багато, їх потрібно контролювати, проводити з ними профілактичні бесіди, і на законних підставах, доводити справи до суду. Якщо в діях певних співробітників, є ознаки правопорушення, як це роблять багато провідних країн світу, є багато прикладів боротьби зі злочинністю у правоохоронних органів, приклад Румунії, Сінгапура, США, Японія, Грузія. Якщо цього не робити, зпускати все з рук, будуть дуже негативні наслідки, і із середини, по трохи, буде руйнуватися наша молода, демократична, соціальна, правова держава. В умовах воєнного періоду з'являється все більше корупційних і злочинних схем, тому правоохоронні органи повинні більше слідкувати за різними сферами життя, корупція під час воєнного стану, є найбільшим злочином, економіка повинна працювати на народ, і виконувати інтереси виключно народу.

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## **PREVENTION OF OFFENSES BY LAW ENFORCEMENT AGENCIES IN PEACETIME AND UNDER MARTIAL LAW**

The main goal of all law enforcement agencies is direct service to society and the state, with the aim of protecting human rights and freedoms, as well as maintaining order and security, combating crime, as specified in the law on the main law enforcement agency of the country, the National Police.

But at this time, our country is in a state of full-scale war against a well-known aggressor. Therefore, actions to ensure the protection of human rights and the maintenance of order are different in peacetime and during martial law. We will try to understand this issue in the spheres of activity of two law enforcement structures, namely the State Border Service of Ukraine and the National Police.

To begin with, it is necessary to define the concept of martial law. Martial law is a legal regime that is introduced in Ukraine or in certain of its territories in case of failed aggression or threat of attack, danger to the state independence of Ukraine and its territorial integrity.

During martial law, the rhythm of life is disturbed, there is a threat to people's lives and health, material damage is caused, the work of state bodies,

transportation, and communication is disrupted, social tension is exacerbated, crime and other offenses increase. In order to prevent and stop negative consequences, significant forces of law enforcement agencies are involved, namely the National Police of Ukraine and the State Border Service of Ukraine.

State Borderguard Service of Ukraine (hereinafter - SBGS) in peacetime, based on the law of Ukraine "On the State Border Service of Ukraine", it has the following main tasks - ensuring the inviolability of the state border and protection of the sovereign rights of Ukraine in its adjacent zone and exclusive (maritime) economic zone, namely:

- protection of the state border of Ukraine on land, sea, rivers, lakes and other bodies of water in order to prevent illegal changes to its line, ensuring compliance with the state border regime and border regime;
- conducting reconnaissance, information-analytical and operational-research activities in the interests of ensuring the protection of the state border of Ukraine;
- participation in the fight against organized crime and combating illegal migration at the state border of Ukraine and within controlled border areas;

Therefore, we will conclude that during peacetime, this law enforcement agency uses its forces to ensure the territorial integrity of the state, to protect peaceful order in the country, that is, to prevent violations of the laws prescribed in the Constitution of Ukraine.

But during the introduction of martial law in the country, the body begins to be subordinated to the Armed Forces of Ukraine (hereinafter - the Armed Forces of Ukraine). Therefore, the main functions are changing, but not completely. The basis remains the protection of the state border and territorial integrity of the state. During the martial law, the DPSU strengthens the control of the border regime, as well as the passage of citizens of the country, foreigners and stateless persons. Therefore, it can be said that in these times, the State Security Service ensures the protection of the law in the field of crossing the border and the territorial integrity of the country, and this is supplemented by the main tasks that are performed even during peacetime.

Let's move on to the National Police. According to Article 1 of the Law of Ukraine "On the National Police", the National Police of Ukraine is the central body of the executive branch of government, which serves society directly with the specific purpose of ensuring the protection of human rights and freedoms, as well as combating crime and, of course, maintaining public order and maintaining safety on the streets. If we consider the main tasks of this law enforcement body, then we need to read Article 2 of the same law, where they are named:

- ensuring public safety and order;
- protection of human rights and freedoms, as well as the interests of society and the state;

- combating crime;
- providing assistance services to persons who, for personal, economic, social reasons or as a result of emergency situations, need such assistance within the limits defined by law;

If you understand it in a certain way, then all these points are implemented during martial law, they do not change and no new ones are added, just the interpretation of some points changes. One of them is Clause 2 of Article 2 of the Law of Ukraine "On the National Police", in which more attention is paid to the protection of human rights and public interests during peacetime. And if we consider it during martial law, then it can be interpreted as the protection of human freedoms and the interests of the state.

In our present day, the personnel of any of the law enforcement agencies is constantly in various situations of a stressful nature, which requires an increased level of attention and high concentration, everyone must clearly know and perform their functional duties, psychological training of the personnel, special physical and special hardened.

So, as a conclusion, we can say that the activity of law enforcement agencies in peacetime and during martial law almost does not change at all, it simply increases quite a lot, as it should be during martial law.

### **Література**

1. Закон України “Про Національну поліцію” № 2581-IX від 07.09.2022. URL: <https://zakon.rada.gov.ua/laws/show/580-19#Text> (Дата звернення 09.02.2023)

2. Закон України “Про Державну прикордонну службу України” № 2133-IX від 15.03.2022. URL: <https://zakon.rada.gov.ua/laws/show/661-15#Text> (Дата звернення 09.02.2023)

3. Закон України “Про правовий режим воєнного стану” № 2561-IX від 06.09.2022. URL: <https://zakon.rada.gov.ua/laws/show/389-19#Text> (Дата звернення 09.02.2023)

### **Анотація**

*В роботі висвітлено порівняння діяльності правоохоронних органів, таких як Національна Поліція та Державна прикордонна служба України, у мирний час та у період воєнного стану. Проведено порівняння функцій та головних принципів роботи у ці часи.*

## **LAW ENFORCEMENT AGENCIES AND THE PUBLIC IN PEACETIME AND UNDER MARTIAL LAW**

According to Article 1 of the Law of Ukraine, “On the National Police”, the National Police of Ukraine is a central executive body that serves society by protecting human rights and freedoms, combating crime, and maintenance of public security and order. However, sometimes the police need the public's help to fulfill all their duties, and some people are not against establishing public order in their city. So these people decide to create formations that will protect order and peace [1].

According to Article 12 of the Law of Ukraine, “On the Participation of Citizens in the Protection of Public Order and State Border”, citizens of Ukraine who have reached the age of 18, who have expressed a desire to participate in the strengthening of law and order and the protection of the state border, who can fulfil their obligations voluntarily based on their business, moral qualities and state of health can be members of public formations for the protection of public order and state border. Members of these formations may participate in law enforcement and the protection of the state border at the place of registration of these associations and only after passing the appropriate legal and special training in the bodies of the National Police of Ukraine, the units of the State Border Guard Service of Ukraine and receiving a certificate of a member of a public formation and an armband from a local government [2].

The main tasks of public formations are as follows:

- assisting the National Police in ensuring public order and safety, preventing administrative and criminal offences;
- informing the National Police about criminal offences committed or being prepared, places of concentration of criminal groups;
- assisting the National Police in detecting and solving criminal offences, searching for the perpetrators, and protecting the interests of the state, enterprises, institutions, organizations, and citizens from criminal offences;
- participating in ensuring road safety and combating child neglect and juvenile delinquency.

Therefore, the unification of law enforcement agencies and public organizations to ensure public order has a positive impact on both police activities and the formation of a positive image of police officers in the eyes of the public through joint work.

Talking not about peacetime but about the period of martial law, then the interaction of the National Police and the community is significant.

Currently, some powers of local governments related to ensuring public safety and order under martial law are enshrined in the Law of Ukraine, "On the Legal Regime of Martial Law" [3], and the bylaws adopted for its implementation. At the same time, the provisions of these legal acts are insufficiently specified, and the possibilities of local self-government bodies to participate in the organization and implementation of security measures under martial law are not always used to a sufficient extent.

As for the law enforcement agencies: they are supervised by the President of Ukraine through the General Staff of the Armed Forces of Ukraine (Article 11). The General Staff of the Armed Forces of Ukraine organizes training and supervises the Armed Forces of Ukraine, formations, units and bodies of other military formations, and law enforcement agencies in the course of their implementation of the measures of the legal regime of martial law, and develops and submits proposals to the National Security and Defense Council of Ukraine on the involvement of other military formations and law enforcement agencies in the implementation of measures of the legal regime of martial law (Article 14).

During martial law, military administrations are formed from servicemen of military formations established following the laws of Ukraine, members of the rank and file of the internal affairs bodies and the civil protection service who are assigned to them to perform tasks in the interests of the defense of the state and its security by means of the established procedure. They are remaining in military service, service in internal affairs bodies, civil defense bodies and units without exclusion from personnel lists. According to the decision of the National Security and Defense Council of Ukraine, enacted by the established procedure by a decree of the President of Ukraine, military formations created in accordance with the laws of Ukraine are involved together with law enforcement agencies in solving the tasks of introducing and implementing martial law measures by their purpose and the specifics of their activities (Article 16).

Therefore, we can say that during martial law, the police often have to work with both military formations and the public. For example, at the beginning of a full-scale invasion of the aggressor country, it was not surprising for anyone to see a military, a police officer, and an ordinary citizen who decided to volunteer the country at the same checkpoint.

### **Література**

1. Про Національну поліцію : Закон України від 02.07.2015 № 580-VIII // База даних «Законодавство України» / Верховна Рада України. URL: <https://zakon.rada.gov.ua/go/580-19>

2. Про участь громадян в охороні громадського порядку і державного кордону : Закон України від 22.06.2000 № 1835-III // База даних

«Законодавство України» / Верховна Рада України. URL: <https://zakon.rada.gov.ua/go/1835-14>

3. Про правовий режим воєнного стану : Закон України від 12.05.2015 № 389-VIII // База даних «Законодавство України» / Верховна Рада України. URL: <https://zakon.rada.gov.ua/go/389-19>

### **Анотація**

*Автор розглядає питання взаємодії правоохоронних органів та громадськості у сфері забезпечення публічного порядку в мирний час та в умовах воєнного стану.*

*Поліція та цивільні особи завжди співпрацювали разом на благо своєї країни. У всіх були свої правила, які встановлювалися різними законами України, але взаємодопомога постійно була. І навіть у воєнні часи, коли країна не одразу може скорегувати дії громадськості у сфері оборони своєї домівки, люди все одно продовжують знаходити способи підтримувати разом з правоохоронними органами порядок та мир у своїй державі.*

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## **PROTECTION OF HUMAN RIGHTS DURING ARMED CONFLICTS**

The concept of international armed conflict can be found in joint Article 2 of the Geneva Conventions of 1949 – they are all cases of declaration of war or any other armed conflict arising between two or more states, even if one of them does not recognize the state of war. The rights declared in the 4th Geneva Convention of 1949, regulate both relations between states during the period of armed conflict, and relations in connection with such a struggle (regime of the wounded, prisoners of war, conclusion of armistice agreements, signing of peace treaties); include the prohibition of encroachment on life and physical integrity, including all types of murder, mutilation, ill-treatment, torment and torture; capture of hostages; encroachment on human dignity, in particular offensive and humiliating addressing; conviction and application of punishment without a previous judicial decision duly issued by a court, in the presence of judicial guarantees recognized as necessary by civilized nations [2, p.141].

According to the definition proposed by the International Committee of the Red Cross, an armed conflict is an armed confrontation between states, or a prolonged armed confrontation between government authorities and organized armed groups, or only between organized armed groups.

In turn, an internal (not international) armed conflict is an armed conflict that takes place on the territory of one state and in which the troops of no other state take part. Regardless of their social nature (international wars, wars of national liberation, internal conflicts), legal or illegal (wars of aggression or defensive wars; armed actions of separatists inside the country or actions of government troops to protect the constitutional order), these armed conflicts endanger the implementation of most human rights and freedoms, including the most important natural right - the right to life. In this regard, norms have already been developed in international law, the main purpose of which is to limit the choice of methods and means of conducting hostilities and prohibit the most cruel and inhumane of them in the event that it is not possible to prevent an armed conflict between states or within the country and all possible means of its prevention have been exhausted. These norms, which were called "the norms of international humanitarian law", objectively contribute to the humanization of war and limit the scope and negative consequences of armed conflicts. The basic principles and principles embodied in the norms of international humanitarian law are also applied to non-international armed conflicts: in any armed conflict and under any circumstances, the parties must adhere to elementary considerations of humanity, in order to protect victims, reduce human suffering, and reduce damage caused to objects that are extremely important for survival [3].

At present, the issues of ensuring and protecting human rights, including in the conditions of armed conflicts of various nature, are no longer considered by the international community. The most important principle of the law of armed conflicts is that persons from the armed forces of both sides who are beyond the conflict directly due to various reasons (illness, injury, detention, etc.), who have ceased to participate in hostilities, as well as the civilian population, must in all circumstances enjoy humane treatment, including respect for their life, physical and mental integrity. The use of the armed forces by the state to establish constitutional order on its territory is an extreme means of ensuring public order, but in certain cases only its use allows the state to protect fundamental, inalienable human rights and freedoms, including the most important right - the right to life [1, p.200].

Therefore, the parties to the conflict are limited neither in choosing the means and methods of waging war, nor in choosing the targets of the attack. They are also obliged to protect victims from the effects and consequences of war. The parties to the conflict that adhere to these norms and principles are considered to respect the international legal order, and those who violate them and commit international crimes should be brought to international criminal responsibility.



## Література

1. Булгак, Д.В. (2015). Права людини в умовах світових загроз ХХІ століття. *Захист прав людини під час збройних конфліктів*. Тези доповіді всеукраїнської науково-практичної конференції. Київ. С. 200-202
2. Сенаторова, О.В. (2018). Права людини і збройні конфлікти: навч. посіб. Київ. С. 141-142
3. Ситняківська, С. М. (2014). *Права людини під час війни, збройного конфлікту (human rights during the war, armed conflict)*. Енциклопедія прав людини : соціально-педагогічний аспект : колективна монографія. кол. авт., за заг. ред. проф. Н. А. Сейко ; відп. ред. Н. П. Павлик. Київ.

## Анотація

У тезах розглядаються питання захисту прав людей під час воєнного конфлікту. Надається тлумачення поняття «збройний конфлікт» та зазначені основні права людини, прописані в Женевській Конвенції 1949 року, які порушуються, як в зоні збройного конфлікту, так і поза зоною збройного конфлікту. Вказані норми і принципи міжнародного гуманітарного права, які сприяють гуманізації війни та обмеженню масштабів і наслідків збройних конфліктів.

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## **INTERNATIONAL STANDARDS OF LAW ENFORCEMENT ACTIVITIES IN PEACETIME AND UNDER MARTIAL LAW**

A police officer while performing his/her duties and within his/her competence may use police preventive and coercive measures, namely: physical impact, special means, firearms.

International human rights standards provide for the limitation of police powers to use coercion. This is confirmed by the Code of Conduct for Law Enforcement Officials of December 17, 1979, which states in Article 3 that law enforcement officials may use force only when it is strictly necessary and to the extent necessary for the performance of their duties. This provision underlines that the use of force by law enforcement officials must be exceptional; although it is understood that law enforcement officials may be authorized to use force, when reasonably necessary in specific circumstances to prevent a crime or in the performance of lawful apprehension or assistance and execution of lawful arrests of offenders or suspects; force beyond these limits may not be used [1].

The legal use of physical and psychological influence on an offender by a police official is defined by the Criminal Code of Ukraine, namely Article 38(1) "detention of a person who has committed a crime", Article 39 "absolute necessity", Article 40 "physical or mental coercion". If a police officer exceeds the measure of necessary defense (Article 38(2)) or the limit of absolute necessity (Article 39(2)), he/she is subject to criminal liability [2]. One of the most severe coercive measures is the use of firearms. It is extremely important that police officers comply with the requirements of the law when using this measure of coercion, as it will prevent them from exceeding their authority and causing harm.

The Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, adopted in 1990, state that governments and law enforcement agencies should adopt and implement rules and regulations on the use of force and firearms against persons by law enforcement officials. In developing such rules and regulations, governments and law enforcement agencies should keep ethical issues related to the use of force and firearms under constant review. Law enforcement officials shall, in the performance of their duties, use non-violent means as far as possible before resorting to the use of force and firearms. They may use force and firearms only when other means are ineffective or have no chance of achieving the desired result. It also states that all law enforcement officials shall be selected through proper selection procedures, shall possess the necessary moral, psychological and physical qualities to perform their functions effectively and shall receive continuous and thorough training. Their suitability to perform these functions should be subject to periodic review [3].

The use of physical force, special measures or firearms in excess of authority, as well as beyond the limits established by law, may lead to a violation of a person's personal immunity. Such a violation may be qualified as a form of inhuman or degrading treatment or even torture. Moreover, if a policeman causes death to a person through the unlawful use of these means, such actions will be considered a violation of the right to life.

The Human Rights Department of the National Police of Ukraine was established to ensure the protection of human rights and freedoms in the performance of the tasks assigned to the police. The main tasks of the Department are to ensure control over the observance of human rights and freedoms by police officers, civil servants and other police employees in the course of providing police services; to provide organizational support for the activities and control over the work of temporary detention centers; to organize interaction between police bodies (units) and other state authorities, local self-government bodies, public associations, foreign (international) organizations on issues of equal rights and opportunities [4].

However, despite this, there are frequent cases of abuse of power by officials of the National Police of Ukraine, which leads to violations of human and civil rights and freedoms. Analyzing the annual report of the Ukrainian Parliament

Commissioner for Human Rights and Freedoms in Ukraine for 2018, the right of a person not to be subjected to torture, cruel, inhuman or degrading treatment or punishment by the National Police of Ukraine is violated. According to the results of inspections of human rights observance in places of detention subordinated to the National Police of Ukraine, the highest risks of being subjected to torture by individual law enforcement officers arise from the moment of actual detention.

According to the results of the research, it can be concluded that the observance of international human rights standards by the National Police is conditioned by the signing of international agreements and the need to harmonize the principles of the National Police with international standards.

### Література

1. Кодекс поведінки службовців органів правопорядку ООН від 1979 року: затв. резолюцією Ген. Асамблеї ООН від 17.12.1979 No 34/169 // Центр політико – правових реформ: сайт. URL: [https://pravo.org.ua/files/Criminal%20justice/PS\\_05\\_\\_4\\_2\\_001.pdf](https://pravo.org.ua/files/Criminal%20justice/PS_05__4_2_001.pdf) (дата звернення 02.02.2020).

2. Кримінальний кодекс України: Кодекс України від 05 квіт. 2001 р. No2341-III. URL: <https://zakon.rada.gov.ua/laws/show/2341-14> (дата звернення 03.02.2020).

3. Основоположні принципи застосування сили та вогнепальної зброї службовцями органів правопорядку прийнят. восьмим Конгресом ООН з попередження злочинності та поведження з порушниками, Гавана, Куба, 27 серпня-7 вересня 1990 року // Центр політико – правових реформ: сайт. URL: [https://pravo.org.ua/files/Criminal%20justice/PS\\_05\\_\\_4\\_2\\_001.pdf](https://pravo.org.ua/files/Criminal%20justice/PS_05__4_2_001.pdf) (дата звернення 03.02. 2020).

4. Про затвердження Положення про Управління забезпечення прав людини Національної поліції України: Наказ Національної поліції України від 07 бер. 2019 р. No 215. URL: [https://dn.npu.gov.ua/assets/sites/dn/raznoe/nakaz\\_215.pdf](https://dn.npu.gov.ua/assets/sites/dn/raznoe/nakaz_215.pdf) (дата звернення 06.02.2020).

### Анотація

*У роботі розглядається вплив міжнародних стандартів у сфері захисту прав людини на діяльність Національної поліції України. Згідно з результатами дослідження Національна поліція України повинна неухильно дотримуватися стандартів у сфері захисту прав людини під час реалізації своїх функцій. Мета роботи дослідити дотримання працівниками Національної поліції України міжнародних стандартів прав людини, визначити найбільш поширені порушення прав людини з боку окремих працівників Національної поліції та розробити рекомендації для зменшення таких порушень в майбутньому.*

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**INVESTIGATION OF A CRIMINAL OFFENCE UNDER ARTICLE 109 OF  
THE UCU BY UKRAINIAN LAW ENFORCEMENT AGENCIES:  
ACCORDING TO THE SSU OF ONE OF THE DIOCESES OF THE  
UKRAINIAN ORTHODOX CHURCH-MOSCOW PATRIARCHATE OF  
VINNYTSIA**

Special pre-trial investigation (in absentia) is carried out with respect to one or more suspects under the general rules of pre-trial investigation stipulated by the CPC of Ukraine, taking into account the provisions of Chapter 24-1 of the CPC of Ukraine [2].

Special pre-trial investigation is carried out in respect of crimes under many articles of the Criminal Code of Ukraine, which, incidentally, refers to Article 109 of the CCU (Actions aimed at a forcible change or overthrow of the constitutional order or seizure of state power) [1].

An application for a special pre-trial investigation shall be considered by an investigating judge within ten days from the date of its receipt by the court with the participation of the applicant and the defence counsel.

If the suspect has not independently engaged defence counsel, the investigating judge must take the necessary steps to engage defence counsel. During the hearing of the application, the investigating judge has the right, at the request of the parties to the criminal proceedings or on his or her own initiative, to hear any witness or examine any materials relevant to deciding whether to conduct a special pre-trial investigation (Article 297-3 of the CPC of Ukraine) [2].

The metropolitan faces up to 8 years in prison. According to the materials of the investigation, the figure distributed propaganda postcards among believers where he called for the seizure of power and for changing the Ukrainian border.

The Security Service has collected evidence of the guilt of the head of the Tulchynskyy diocese of the Ukrainian Orthodox Church in Vinnytsya Region, who publicly justified the Russian armed aggression against Ukraine. The indictment has been sent to court.

According to the SBU materials, the metropolitan faces a real sentence of up to 8 years in prison.

According to the materials of the investigation, the figure distributed propaganda leaflets among believers where he called for the seizure of power and for changing the borders of the Ukrainian state border.

He also posted publications in support of the Russian occupiers and their war crimes on one of the websites of the Russian Orthodox Church.

During searches of his residence and religious buildings, law enforcers found:

1. computer equipment and mobile phones with evidence of criminal activities;

2. Pro-Kremlin agitations and literature.

An expert examination of the seized materials initiated by the SBU confirmed the facts of the bishop's illegal activity.

The actions of the figurehead were qualified under four articles of the Criminal Code of Ukraine:

1. Part 2 of Article 109 of the Criminal Code (actions aimed at a violent change or overthrow of the constitutional system or at seizing state power);

2. Part 1 of art. 110 (encroachment on the territorial integrity and inviolability of Ukraine)

3. Part 2 of art. 161 (violation of equality of citizens on the basis of their race, national, regional belonging, religious beliefs, disability and other characteristics);

4. part 3 of art. 436-2 (justification, recognition as lawful, denial of armed aggression of the Russian Federation against Ukraine, glorification of its participants).

The investigation was conducted by investigators of the Vinnytsia Region Security Service under the procedural guidance of the regional prosecutor's office [3].

### **Література**

1. Кримінальний кодекс України: Кодекс України; Кодекс, Закон від 05.04.2001 № 2341-III // База даних «Законодавство України» / Верховна Рада України. URL: <https://zakon.rada.gov.ua/go/2341-14> (дата звернення: 06.02.2023)

2. Кримінальний процесуальний кодекс України: Кодекс України; Закон, Кодекс від 13.04.2012 № 4651-VI // База даних «Законодавство України» / Верховна Рада України. URL: <https://zakon.rada.gov.ua/go/4651-17> (дата звернення: 07.02.2023)

3. Янко В.М. (2018). Деякі проблемні аспекти встановлення змісту ознак об'єктивної сторони складу злочину, передбаченого ст. 109 КК. *Вісник Луганського державного університету внутрішніх справ імені Е.О. Дідоренка*, 2(82),139-150. UR L:

<https://journal.lduvs.lg.ua/index.php/journal/article/view/122>

### **Анотація**

Ініційована СБУ експертиза вилучених матеріалів підтвердила факти незаконної діяльності єпископа.

Дії фігуранта кваліфіковані за чотирма статтями Кримінального кодексу України: ч. 2 ст. 109 (дії, спрямовані на насильницьку зміну чи повалення конституційного ладу або на захоплення державної влади); ч. 1 ст. 110 (посягання на територіальну цілісність і недоторканність України); ч. 2 ст. 161 (порушення рівноправності громадян залежно від їх расової, національної, регіональної належності, релігійних переконань, інвалідності та за іншими ознаками); ч. 3 ст. 436-2 (виправдовування, визнання правомірною, заперечення збройної агресії російської федерації проти України, глорифікація її учасників).

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Консультант з мови – О.І. Мамонова

### **COMPARISON OF THE NPU ACTIVITY UNDER MARTIAL LAW AND IN PEACETIME**

It is quite obvious that the action of the National Police of Ukraine (NPU), as of any other executive body, is different under martial law as opposed to peacetime. The function of the single police service in Ukraine was amended on the 15<sup>th</sup> of March, 2022 [1].

According to the amendment, the NPU are allowed to receive information from state bodies, local self-government bodies, state-owned legal entities, necessary for the performance of police tasks and powers, including the one, regarding prisoners of war. It can be done upon written request free of charge, the inquiry being answered in 3 days.

Under martial law, a police officer is allowed to use photo and video equipment and other devices in order to record or detect offences. Unmanned aerial vehicles, devices for person and number plates' identification, alcohol detection systems may be used, too. The NPU have a legal right to use official vehicles, ships or other floating vehicles, even placed on the outer perimeter of roads and buildings.

In peacetime, a police token had to be visible when a police officer is wearing civil clothes. Nevertheless, since the 15<sup>th</sup> of March a police officer is allowed to act without a token when implementing operational search activities, or measures to ensure the safety of persons participating in criminal proceedings, as well as special measures to ensure the safety of court and law enforcement officials and their close relatives, or during the exercise of police powers.

During the war, the police have the right to escort persons detained on suspicion of committing a criminal offense, taken into custody, accused or sentenced to imprisonment. In cases provided by law, the police may detain such persons in temporary detention centers. The police are allowed to collect biometric data of persons, including fingerprints, in cases provided for by the Criminal Procedure Code.

Contrary to peacetime law, a police officer is allowed to use coercive measures, as well as improvised means (and not just truncheons, handcuffs or firearms) when a person is associated with military aggression in connection with attacks. A police officer is also allowed to use coercive measures without warning, to use blows by special equipment without restrictions on the part of the body, as well as to use firearms.

Moreover, NP officers may carry out forensic technical support for the inspection of the scene, and even explosives. Within the scope of competence, the police demine, neutralize and destroy explosive objects, if there are reasons to believe that they are used to commit administrative or criminal offenses.

As for competence assessment and investigations concerning officials, they are not conducted in wartime. Incomplete service compliance, reduction in rank by one degree, dismissal from the position, dismissal from police service processes were changed by the amendment as well.

To conclude, all of the above shows a lot of freedom given to the officers of the National Police of Ukraine. Of course, this might lead to multiple cases of unpunished malfeasance. Nevertheless, this risk was needed to be taken and the decision is understandable, because wartime needs quick and effective actions.

### **Література:**

1. Про внесення змін до законів України "Про Національну поліцію" та "Про Дисциплінарний статут Національної поліції України" з метою оптимізації діяльності поліції, у тому числі під час дії воєнного стану. URL: <https://zakon.rada.gov.ua/laws/show/2123-20#Text> (Last accessed 06.02.2023).

2. Law on the National Police. URL: [https://www.rightofassembly.info/assets/downloads/2015\\_Law\\_on\\_the\\_National\\_Police.docx](https://www.rightofassembly.info/assets/downloads/2015_Law_on_the_National_Police.docx) (Last accessed 06.02.2023).

### **Анотація**

*У роботі розглядаються зміни до повноважень Національної поліції України в умовах воєнного стану, прийняті 15 березня 2022 року, та проводиться порівняльний аналіз з повноваженнями НПУ у мирний час.*

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## **INTERNATIONAL STANDARDS IN THE ACTIVITIES OF THE STATE EMERGENCY SERVICE IN CONDITIONS OF MARTIAL LAW**

In Ukraine, with the adoption and implementation of the Code of Civil Protection of Ukraine, such a service is called "civil protection", which is part of the state system for the protection of its population and territories from natural, man-made and military hazards character. Thus, the staff of the bodies and units of the State Emergency Service, as the central executive body that implements the state policy in the field of civil protection, protection of the population and territories from emergency situations and the prevention of occurrence, liquidation of the consequences of emergencies situations, rescue work, extinguishing fires, fire and man-made safety, the activities of emergency and rescue services fully fall under the functionality of the personnel of the organization of civil of defense defined by MTI.

In the occupied territories, civil defense organizations are subject to the security regime established by the occupying power, but they are also entitled to its support in the performance of their tasks and are protected from any interference, coercion, requisition or sabotage that may jeopardize their mission or cause harm to the civilian population.

From the moment of the declaration of war or any other armed conflict, the norms of IHL regarding the personnel of civil defense organizations apply to the personnel of the bodies and units of the State Emergency Service, even if one of the parties does not recognize the state of war.

Bodies and units of civil defense, which ended up in the occupied territories, continue to perform tasks as assigned to protect the population and territories from emergency situations and prevent their occurrence, eliminate the consequences of emergency situations, extinguish fires, ensure fire and man-made safety in accordance with the norms of the Geneva Convention and Additional protocols to Hei.

Personnel of civil defense bodies and units are prohibited from cooperating voluntarily with self-proclaimed "mayors", "commandants", designated occupation forces, as well as with military occupiers, after which this may be considered a crime provided for in Article 111-1 of the Criminal Code of Ukraine.

### **Література:**

1. Рекомендації оодо застосування норм міжнародного гуманітарного права органами та підрозділами ДСНС України URL:



### **Анотація**

*В Україні служба цивільного захисту України є частиною державної системи захисту населення і територій від природних, техногенних і військових дій, небезпеки. Особовості діяльності цієї служби в умовах воєнного стану висвітлено в роботі.*

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## **TOPICAL ISSUES OF LAW ENFORCEMENT BODIES INTERACTION WITH POPULATION**

Fundamental objectives of police work are law enforcement, protection of human rights and freedoms, legitimate interests of citizens, prevention and investigation offenses and crimes, maintaining the public order. The important factor of increasing of law enforcement bodies work efficiency is establishment of police collaboration with population on the basis of trust and understanding. On the modern stage of structural development of Ukrainian bodies of 20 internal affairs there is insufficient cooperation between police and population, which results in the range of problems, as following: - contradiction of law-abiding population interests against police, oriented, rather, on the defence of ruling elite and own department interests, than defence of ordinary citizens; - an unfavorable stereotypical perception of militiamen as representatives of paramilitary punitive authorities with the population avoiding contacts with militia; - the representatives of police have not necessary training and personal readiness to cooperate with population on principles of collaboration and trust.

The degree of prosperity and efficiency of law-enforcement activity is reflected in the social-psychological state of society, in particular, in such its constituent as population trust to police activity. Ability of police officers to cooperate with representatives of the concrete public formings is treated as an important criterion of estimation of their professional level, political and legal culture. The widest possibilities are opened here for people education on the ground of the practical participating in transformations which take place in the field of law and order. For implementation of these tasks at the level of modern requirements it is necessary to comprehend the purchased experience, enrich all directions of police activity by new maintenance, to renew the arsenal of forms, methods and facilities of public law and public safety. Only in such way it is

possible to give law-enforcement activity in Ukraine the national character, to show out it on a new high-quality level. One of the most essential tasks of reformation of Ukrainian law enforcement organs is establishing and supporting of police relations with population on partner principles, as efficiency of fight against criminality in a great deal depends on active position of citizens themselves. Nowadays the cooperation of law enforcement authorities and population is at high level because of the reformation from militia to police in 2015. The law of Ukraine “On the National Police” only partially provided with understanding of the next steps of police expansion [1]. However, it needed a number of related laws and regulations that had not been passed yet.

### **Література**

1. Про Національну поліцію: Закон України. *Відомості Верховної Ради*, 2015, № 40-41, С. 379. URL: <https://zakon.rada.gov.ua/laws/show/580-19#Text>

### **Анотація**

*Дана стаття присвячена налагодженню відносин співпраці поліції з населенням на основі взаємодовіри і порозуміння, проблемам, які виникають внаслідок відсутності такої взаємодії. Уміння працівників поліції будувати взаємовідносини з представниками конкретних громадських формувань розглядається як важливий критерій оцінки їх професійного рівня, політичної і правової культури.*

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## **METHODS OF TRAINING FUTURE POLICE STAFF AS A RESULT OF LOSSES IN UKRAINIAN-RUSSIAN WAR**

I'm an ordinary citizen of Ukraine, and I've been witnessing the effects of war in my country for the past few years but on 24 February Russia launched a full-scale invasion of Ukraine. The conflict has had a profound impact on all aspects of life, including access to basic necessities like water. In addition to shelling cities and the military, Russia is also shelling critical infrastructure such as power plants, water supply stations and so on. Many communities have been cut off from their regular water supply due to damage to infrastructure, and the situation is only getting worse as the fighting continues.

Thus, according to the National Police, the largest number of dead were found in Donetsk region - 4746 people, in Kharkiv region - 3784, in Mykolaiv

region - 2207, in Kyiv region - 2072, in Chernihiv region - 899, in Luhansk region - 815, in Kherson region - 686, in Sumy region - 341, in Zhytomyr - 283, in Zaporizhia – 66 [1].

One of the most terrifying experiences I've had was in the first week when a missile attack and machine-gun firefights were happening just a couple of kilometers away from my house. I remember hearing the explosion and feeling the ground and house shake. My grandparents, my aunt with my cousin and I went down to the bomb shelter and were praying that we would make it through the night.

Another aspect of life during war is the constant threat of blackouts due to shelling of power plants. Since power cuts happen regularly, we have to be prepared for days without electricity, which means no light, heat or cooking. It's difficult to feel safe and secure in these conditions, but there are people who are having a much harder time right now, namely soldiers. Soldiers are now defending our country in conditions much worse than we are and they are not giving up, which is what we should do.

An important role in the learning process is to ensure the personal safety of the future law enforcement officers play pedagogical measures. According to domestic and foreign experience in the field of police training, the employee's ability to ensure personal safety directly depends on the level of his general professional training, which includes physical readiness, availability of experience and the effectiveness of teaching strategy, tactics and techniques [2, p. 35].

In spite of all these difficulties, I remain hopeful that one day the conflict will come to an end with our win and we will be able to rebuild our lives. Until that day comes, I will continue to do my best to support my family and my community, and to hold onto the belief that a better future is possible.

A general complex problem for our country and a number of foreign countries, the search for methods and ways to reduce the level of professional risk remains possible with the help of a system of measures aimed at ensuring personal safety of the policeman. So, personal safety of the employee is affected by the following factors: the specifics of the professional activity of a law enforcement officer, the degree of his protection in professional activity; the presence of characteristic material and technical special measures and means; purposeful work with personnel in the specified direction; physical and psychological readiness of the employee [2, p. 36].

Summarizing all the above, we note that international standards for the implementation of police activity have been defined in a number of international legal acts, which is due to different condition areas of application and various types of police activity itself. Thus, this issue will be further investigated by us more thoroughly.

## Література

1. Війна з росією: втрати контингенту поліції. URL: <https://www.ukrinform.ua/rubric-ato/3649998-vijna-z-rosieu-policia-viavila-16-502-zagiblih-u-desati-oblastah.html#:~:text=Так%2C%20за%20даними%20Нацполіції%2C%20найбільше,283%2C%20в%20Запорізькій%20-%2066.>

2. Лопасєва О. М., Латиш А. В. Теоретичні аспекти професійної підготовки працівників Національної Поліції України // Підготовка поліцейських в умовах реформування системи МВС України : зб. наук. пр. / МВС України, Харків. нац. ун-т внутр. справ, Каф. тактич. та спец.-фіз. підгот. ф-ту № 2. – Харків : ХНУВС, 2020. – С. 35-37.

## Анотація

*У тезах піднімаються актуальні питання підготовки майбутніх правоохоронців. Можна виділити основні моральні принципи, без яких не реалізується правоохоронець: служіння праву, усвідомлення його верховенства; гуманне ставлення до людини, визнання її гідності; порядність, сумлінність, чесність і самовідданість; довіра до людини. Саме ці принципи закріплені в міжнародних і національних кодексах працівників поліції.*

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Консультант з мови – Л. Драмарецька

## **INTERACTION OF LAW ENFORCEMENT AGENCIES WITH THE PUBLIC IN THE SPHERE OF ENSURING PUBLIC ORDER UNDER MARTIAL LAW**

Martial law is a special legal regime introduced in Ukraine or in some of its localities in case of armed aggression or threat of attack, danger to the state independence of Ukraine, its territorial integrity and provides for the provision to relevant authorities state power, military command and local self-government authorities, necessary to avert the threat and ensure national security, as well as temporary, caused by the threat, limitation of the constitutional rights and freedoms of a person and citizen and the rights and legal interests of legal entities with an indication of the period of validity of these restrictions [1].

The activities of state authorities and local self-governments in the conditions of the introduction of martial law are reduced to assisting the management bodies created on the specified territory, in the direct solution of the tasks of the defense of the state. Internal organs affairs in the system of state bodies

working in this situation occupy a special place, conditioned the content of tasks in the considered conditions of activity. The efficiency of their work is crucial depends on the direct provision of internal security [2].

On February 24, 2022, after the start of a full-scale attack by the Russian Federation on our state, the life of Ukraine and Ukrainians changed... Among the mass violations of human rights, the most vulnerable was the RIGHT TO LIFE... So strange, so unfair, so scary...

It is clear that the large number of deaths in Ukraine is not just cruelty, but atrocity. This war is outside the rules. But the death of children is especially impressive. As of the morning of December 17, 2022, more than 1,313 children were injured as a result of Russia's full-scale armed aggression. In addition, since the beginning of 2023, at least 284 people have been affected, including 80 men and 39 women, as well as 6 girls and 4 boys. Among the victims there are also 4 children and 147 adults, whose gender has not yet been established. Without words... [3]

The morning of February 24 turned the lives of all Ukrainians upside down. On this day, the protection of the million population of the state fell on the shoulders of our defenders, rescuers and policemen. Many tasks were added to each of them, which were not easy before. Yes, due to the alarm, all the policemen arrived at their offices, which replaced their native homes for several weeks.

"Our entire staff of the Zhytomyr Oblast patrol police department was raised on the alert and 100% gathered on the territory of the department. The entire personnel remained on the territory of the administration, carried out their duties in accordance with the deployments, forces and means, stood at checkpoints where suspicious persons were checked together with servicemen of the Armed Forces of Ukraine and the Teroborona. ...If before the war, patrol police officers were on duty in shifts, then from the first day of the war we were on duty 24 hours a day. We stepped on the line, then the patrol policemen had the opportunity to rest, but in the subdivision we were in such an intensified mode. We only had the opportunity to rest while in the reserve," said the acting commander Vitaly Shatokhin, deputy commander of the patrol police battalion of the Zhytomyr region [4].

During the curfew, the police detected the largest number of saboteurs. At first glance, they are ordinary citizens, but precisely because they violated the ban on movement at night, they attract the attention of the patrolmen. That's when the SRG was taken hot. Patrol policeman Andriy Gurin said that they had messages on their phones; communication with the aggressor country, communication in channels with the aggressor country. There were a lot of such small details, and from the outside, like all ordinary people, they looked like each other [4].

Nowadays, detecting SRG is one of the main tasks of the police. The patrol officers admit that they often discovered enemies precisely thanks to vigilant citizens. Yulia Novikova, senior sergeant of the patrol police added that it very

often happened that the information was not confirmed, but there were many cases when thanks to our citizens, their vigilance, police could find people who help the aggressor country, who worked for the aggressor state [4].

Territorial defense forces, together with police and military personnel, are on duty at checkpoints for the purpose of checking persons, vehicles, luggage and cargo, the position of firearms and military equipment, places for rest and ensuring the livelihood of personnel performing tasks at such a checkpoint.

The scale of volunteer assistance from public initiatives, domestic and foreign, continues to grow. An important role in this process is played by public activists, volunteers who organize humanitarian headquarters, collect funds for the army and help the affected civilians.

The public sector is the most vulnerable in times of war. Despite the loss of premises, office equipment, relocation of part of the team to another region of Ukraine or abroad, suspension of funding - public activists do not give up and continue to actively work for the victory of Ukraine.

The joint struggle of state authorities, public structures, volunteers and international support is convincing: by joining the efforts of all, we effectively defend and will defend Ukraine today, and tomorrow we will rebuild it together. Ukraine will win this war, and the time will come for its restoration and revival.

### **Література**

1. Про правовий режим воєнного стану (2015). Закон України від 12.05.2015 № 389-VIII // Відомості Верховної Ради. № 28. С. 250.
2. Про діяльність органів державної влади та місцевого самоврядування в умовах воєнного стану. URL: <https://science.lpnu.ua/sites/default/files/journalpaper/2017/jun/4948/vnulpurn201683712.pdf>
3. Право на життя в умовах війни. URL: <https://law.chnu.edu.ua/pravo-na-zhyttia-v-umovakh-viiny/>
4. Поліція в умовах війни. URL: <http://sk1.tv/news/97062.html>
5. Порядок перетину блокпостів на дорогах. URL: <https://www.ukrinform.ua/rubric-ato/3577739-u-zsu-nagadali-ukraincam-poradok-peretinu-blokpostiv-na-dorogah.html>

### **Анотація**

*У роботі наводиться визначення «воєнний стан» та описано діяльність органів державної влади та місцевого самоврядування в умовах запровадження воєнного стану. Автор розповідає про складність роботи поліції на першому етапі введення воєнного стану, взаємодію з силами територіальної оборони та військовослужбовцями. Також приділяється увага опису роботи волонтерів, які допомагають українській армії та особам, що постраждали від війни.*

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## **PROTECTION OF CONSTITUTIONAL HUMAN RIGHTS IN THE ACTIVITIES OF THE STATE EMERGENCY SERVICE IN CONDITIONS OF MARTIAL LAW**

After February 24, 2022, when the armed aggression of the Russian Federation against Ukraine became full-scale (and actually began on February 20, 2014), legal guarantees for the protection of human rights were under threat. The invasion of the Russian army into the territory of Ukraine became the reason for the introduction of martial law by the President of Ukraine. New realities have endangered basic human rights, including the right to life. The rules that have been formed for centuries in the civilized world are ceasing to exist.

Together with the Armed Forces of Ukraine, rescuers of the State Emergency Service are also holding the front. Since the beginning of the war, they heroically tried to save the lives of Ukrainians, sometimes at the cost of their own lives. These are unarmed soldiers who are the first to arrive at the places where Russian rockets were hit. They often have to go to the epicenter of destruction under the threat of new shelling, because millions of lives depend on every second. In the conditions of war, employees of the State Emergency Service work around the clock: extinguish fires, dismantle rubble, conduct search operations, destroy unexploded artillery ammunition, evacuate the civilian population. Human rights guaranteed by the Constitution of Ukraine are inviolable .

Human rights represent certain possibilities of a person, necessary for his existence, and should be equal for all people.

The realization of human rights by an individual has the main goal of "ensuring one's normal existence, development, satisfaction of needs."

The principles on which the institute of human and citizen rights and freedoms is based:

- inviolability of human rights and freedoms (Article 21 of the Constitution of Ukraine);

- recognition of all people as free and equal in their dignity and rights (Article 24 of the Constitution of Ukraine);

- inexhaustible of the rights and freedoms of a person and a citizen (Article 22 of the Constitution);

- guarantee of rights and freedoms by the state (Article 3. of the Constitution of Ukraine).

The State Service of Ukraine for Emergency Situations (SES) is the central body of the executive power, the State Emergency Service is governed by the

Constitution and laws of Ukraine, decrees of the President of Ukraine and resolutions of the Verkhovna Rada of Ukraine adopted in accordance with the Constitution and laws of Ukraine, acts of the Cabinet of Ministers of Ukraine, and other acts of legislation.

The main tasks of the State Emergency Service are:

1) implementation of state policy in the field of civil protection, protection of the population and territories from emergency situations, prevention of their occurrence, liquidation of the consequences of emergency situations, rescue work, fire extinguishing, fire and man-made safety, activities of emergency and rescue services.

2) implementation of state supervision (control) over compliance with and fulfillment of the requirements of legislation in the field of civil protection, fire and man-made safety, activities of emergency and rescue services;

3) implementation of state policy in the field of volunteering within the limits of the powers provided for by law.

Human rights in martial law are particularly vulnerable, and their protection can be difficult. From the Constitution of Ukraine to the relevant laws of Ukraine, a mechanism is provided to limit the exercise of certain rights. Special attention in the protection of human rights is concentrated in the hands of the state in the form of state authorities authorized by the Constitution and laws.

### **Література**

1. Державна служба України з надзвичайних ситуацій. URL: <https://dsns.gov.ua/uk>

2. Конституційні права і свободи людини та громадянина в умовах воєнного стану : матеріали наук. семінару (23 червня 2022 р.) / Львів. держ. ун-т внутр. справ, Львівська лабораторія прав людини і громадянина НДІ державного будівництва та місцевого самоврядування НАПрН України. Львів : ЛьвДУВС, 2022. 315 с. URL: <https://ccu.gov.ua/library/konstytuciyni-prava-i-svobody-lyudyny-ta-gromadyanyna-v-umovah-voyennogo-stanu-materialy>

### **Анотація**

*Після 24 лютого 2022 року, коли збройна агресія російської федерації проти України набула повномасштабного характеру (фактично почалася 20 лютого 2014 року), правові гарантії захисту прав людини опинилися під загрозою. Вторгнення російської армії на територію України стало приводом для введення президентом України воєнного стану. Нові реалії поставили під загрозу основні права людини, зокрема право на життя.*



## **JOINT INVESTIGATION TEAMS IN THE INVESTIGATION OF CRIMINAL OFFENSES INVOLVING EUROJUST**

A joint investigation team (JIT) is one of the special forms of international cooperation during the investigation of criminal offenses, which operates on the basis of a legal agreement between the competent authorities of two or more states, with the aim of conducting cross-border investigations. National and international institutions, organizations, law enforcement agencies, in particular, the European Union Agency for Criminal Justice Cooperation (Eurojust), participate in its activities.

Providing effective, operational, legal and financial support to the JIT is a key part of Eurojust's mission. The Secretariat of the Joint Investigation Teams Network, which supports and stimulates the activities of the above-mentioned form of international cooperation, is located in this European agency. Since 2005, the agency has supported national authorities in the establishment and management of the JIT, and since 2009 has provided funding and played an important role in the activities of the JIT and the development of awareness and understanding of the mechanism of its operation [3].

In international cooperation in the investigation of criminal offenses, Eurojust cooperates with the JIT to ensure uninterrupted joint investigations, providing legal and practical support. In particular, Eurojust can provide support to the JIT in the following areas:

1) to help coordinate investigative and prosecutorial strategies between the competent authorities of the states;

2) to help identify and resolve issues, such as necessary changes to the JIT agreement, admissibility rules related to evidence collection and conditions for seconded members;

3) to provide advice on settlement of jurisdiction and transfer of criminal proceedings;

4) to provide advice on financing the activities of the joint investigation team. The financial support provided by Eurojust is an important advantage for national authorities, reducing the impact on national budgetary costs related to the investigation of criminal offenses at the international level.

In addition, Eurojust can support joint tactical operations by organizing coordination meetings and establishing coordination centers. The latter acts as a central information center, where Eurojust constantly monitors and coordinates joint operations, and stakeholders, in turn, are in direct interaction. The

involvement of all key stakeholders allows Eurojust to provide prompt legal and practical advice, ensuring that the actions taken will lead to a successful prosecution. Eurojust helps to reimburse expenses, in particular, for: travel and accommodation (e.g. for operational meetings and participation in investigative proceedings); interpretation and translation; transfer of items (e.g. cross-border transportation of evidence and/or confiscated items); specialized expertise (e.g. trace, ballistics and other types of forensic examinations) [2, p. 39-40].

We emphasize that the coordination of the international investigation with the participation of Eurojust is an important aspect in order to avoid duplication of investigative actions, excessive documentation and repeated discomfort for victims and witnesses due to the need to testify before several bodies.

A striking example of the involvement of the above-mentioned European agency in international cooperation is the support in the establishment of a joint investigation team between the Netherlands, Belgium, Ukraine, Australia and Malaysia to investigate the downing of flight MH17 (July 17, 2014). On August 04, 2014, a joint investigation team was established with the legal, financial and logistical support of the agency [1].

Thus, international cooperation involving Eurojust is one of the most effective methods of combating crime of an international nature. The mechanism for the establishment and operation of joint investigation teams allows the national authorities in the different states to have a flexible structure that is relatively quick and easy to establish, and which enables the relevant authorities to participate in investigations in an operational manner. Once joint investigation teams are set up with the support of Eurojust, representatives of the competent authorities of States can directly exchange information and evidence, cooperate in real time and jointly carry out tactical operations.

### **Література**

1. Eurojust support to joint investigation team MH17: three suspects sentenced to life imprisonment, (17 November 2022). URL: <https://www.eurojust.europa.eu/news/eurojust-support-joint-investigation-team-mh17-three-suspects-sentenced-life-imprisonment>.

2. Joint investigation teams practical guide. Luxembourg: Publications Office of the European Union, 2021. 100 p.

3. Joint investigation teams. URL: <https://www.eurojust.europa.eu/judicial-cooperation/instruments/joint-investigation-teams>.

### **Анотація**

*У тезах йдеться про механізм функціонування спільних слідчих груп за підтримки європейського агентства, що співпрацює з судовими та поліцейськими органами країн-членів Європейського Союзу. Розглянуто окремі аспекти координації Євроюстом розслідування кримінальних*

*правопорушень на міжнародному рівні. Акцентовано увагу на підтримці Євроюстом спільних слідчих груп за різними напрямками на національному та міжнародному рівнях. Досліджено практичний складник залучення європейського агентства до діяльності спільних слідчих груп (міжнародного співробітництва) під час розслідування кримінальних правопорушень з «іноземним елементом».*

**Vityk D.**

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Консультант з мови – О.В. Волік

## **INTERACTION OF LAW ENFORCEMENT AGENCIES WITH THE PUBLIC IN THE FIELD OF PUBLIC ORDER IN PEACETIME AND UNDER MARTIAL LAW**

A lot has changed since the beginning of the Russian Federation's full-scale invasion of independent Ukraine. At the same time, the state has amended most of the legal acts that regulate the interaction of the population with internal bodies. The main task of the National Police is to ensure the safety of citizens, prevent and counteract offenses. The war has affected the safety of citizens, so police officers are always ready to protect civilians. One of the principles of the National Police in Ukraine is to interact with the public on the basis of partnership, i.e., in constant cooperation between public associations and groups and law enforcement agencies.

The National Police of Ukraine, established in August 2015, is a central executive body and directed and coordinated by the Cabinet of Ministers of Ukraine through the Minister of Internal Affairs in accordance with the law. The tasks of the National Police are to provide police services in the following areas: public safety and public order; security and protection of human rights and freedoms, as well as the interests of society and the state; crime prevention; provision of assistance services to persons who, for personal, economic, social reasons or as a result of emergencies need such assistance within the limits defined by law. If we talk about the interaction of the National of the police with other subjects of the security and defense sector in conditions of martial law (external system interaction), then in this case the following should be indicated forms of the latter, as:

1) operational exchange of information regarding the implementation of tasks to ensure the national security of Ukraine;

2) conducting joint operational meetings management staff of the central and territorial bodies of the National Police of Ukraine, the Service of Security of Ukraine, National Guard of Ukraine, Armed Forces of Ukraine and other interested parties state bodies;

3) implementation of joint security measures of national security of Ukraine according to the plans developed at the national, sectoral, regional local and facility levels;

4) conducting joint command and staff meetings, tactical special training, joint training and classes on protection, protection, defense, stopping criminal activities and cyber-attacks against systems and critical infrastructure facilities;

5) regular clarification of force calculations and means involved in joint execution

national security tasks of Ukraine;

6) joint measures to stop illegal actions against important state objects, which threatens the safety of citizens and disrupts their functioning;

7) participation in response and elimination of consequences incidents, crisis situations at critical infrastructure facilities;

8) coordination of actions in the spheres of national security and defense;

9) implementation of other measures provided for legislation.

Thus, based on the above, it can be argued that the features interaction of the National Police of Ukraine with others by subjects of the security and defense sector in the conditions martial law at the current stage are characterized by the following: insufficient definition of the regulatory and legal framework, which needs to be updated and development of legislation with the expansion and clarification of terms and concepts aimed at taking into account the needs and challenges of today in ensuring the national security of Ukraine; attribution National Police of Ukraine as a subject of the sector of security and defense to the state security forces; determining the content of the interaction of the National Police of Ukraine with other subjects of the security sector and defense as coordination in time and duration actions, as joint activity defined by laws of Ukraine "On the National Security of Ukraine" and "On the legal regime of martial law", united with a single goal of accomplishing joint tasks from ensuring national security.

### **Література**

1. Закон України «Про Національну поліцію України» від 02.07.2015. Відомості Верховної Ради (ВВР), 2015, № 40–41, ст. 379. URL: <https://zakon.rada.gov.ua>

2. Закон України «Про правовий режим воєнного стану» від 12.05.2015. Відомості Верховної Ради (ВВР), 2015, № 28, ст. 250. URL: <https://zakon.rada.gov.ua>

3. <https://polis.osce.org>

### **Анотація**

*Національної поліції України як суб'єкта сектору безпеки і оборони до сил державної безпеки; визначення змісту взаємодії Національної поліції*

*України з іншими суб'єктами сектору безпеки та оборони як координації в часі та тривалості дії, як спільну діяльність, визначену законами України "Про національну безпеку України" та "Про правовий режим воєнного стану", об'єднану єдиною метою виконання спільних завдань із забезпечення національної безпеки.*

**Hevchuk I.**

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Консультант з мови – О.І. Комарницька

## **PROTECTION OF CONSTITUTIONAL HUMAN RIGHTS UNDER THE CONDITIONS OF MARITAL STATE**

After the russian invasion to Ukraine, lives of our citizens and state in general have changed significantly. There are a lot of violations of human rights during the war, but the Right to life is least secured and protected. This is so strange and at the same time terrible and not fair.

The armed aggression of russian federation made the state and society operate in conditions of martial law.

Generally speaking, martial law- is a special legal regime, which is introduced in state or in some of its regions in a case of armed aggression, or other cases that are written in law and means empowerment of special structures for ensuring national security. Due to this there might be temporal restrictions of constitutional rights and freedoms of citizens with note about their expiration.

The restrictions of human rights during the war are a usual practice. However, which exactly rights could be limited, and which ones are inalienable anyway?

The main right is human's Right to life. It is fixed in the Constitution of Ukraine and in international legal documents. No person could be deprived of this right.

In case of war there are other rights that a person also could not be deprived of:

- Right to equality and respect for human dignity
- Right to personal integrity
- Right to marry
- Right to citizenship
- Right to a fair trial, legal aid, and protection
- Right to housing

The Constitution of Ukraine, as the main guarantor of ensuring and protecting the rights and freedoms of citizens, includes list of rights, which could not be limited even in period of martial law. For example, there could not be

restrictions based on race, skin colour, political or religion beliefs, sex, ethic or social groups, property status, place of living, language of speaking or other. Ukrainian citizens could not be deprived of citizenship or right to change it. Also, the inalienable right to life, respect of dignity, freedom and personal integrity, the right to send individual or collective written appeals or to personally address state authorities and local government, right to housing, marriage and equal rights and obligations in marriage and family cannot be violated. Violation of equality of children is unacceptable, regardless of their origin. The right to protect rights and freedoms in court, the right to compensation with the funds of state or local governmental bodies for material and moral damage caused by illegal decisions of state authorities are not subjects of limitation.

Military leadership is able to restrict right to freedom of movement. Which includes the imposition of curfews, or restrict free choice of place of residence. During the martial law, a person might be deprived of the right to property. Forced alienation of property is allowed in accordance with the procedure established by law with provided further compensation. Martial law allows the possibility of interference in the private life of individuals. In particular, control of means of communication, inspection of personal belongs, documents, housing and so on. It could also limit people's right to free choice of work, citizens can be involved in socially useful works. The introduction of compulsory labour is also regulated by law. During the war, it is forbidden to hold elections and referendums, which limits the rights of citizens to participate in the management of state affairs. Mass meetings and strikes are also prohibited.

In the conditions of war, the basic human right to life is practically defenseless. Murders, injuries, kidnaping in the occupied territories, forced removal, tortures, inhuman treatment, raping and other forms of abuse are violation of both the right to life and the right to dignity and integrity. Human rights to healthcare are also violated. This is the impossibility of access to medicine and the infliction of damage to health because of injuries and others. Damage or destruction of property could be considered as a violation of human rights, and also the fact that a person was deprived of his own home as a result of the war or not being able to leave the occupied territories. Children are unsecured during the war. They could be separated from their parents, lose access to education, healthcare and so on. This could be considered as violation of the child rights.

### **Анотація**

*Основними принципами, закріпленими в Конституції України є гуманізм та дотримання прав і свобод людини. Порушення міжнародного права в умовах воєнного стану стали поширеними проблемами у збройних конфліктах. Геноцид, військові злочини, злочини проти життя та здоров'я осіб. Після повномасштабного вторгнення росії в Україну постало нагальне питання щодо захисту та не порушення прав осіб, країна-терорист масово*

*винищує український народ, житло ні в чому невинних людей, особи на окупованих територіях страждають від рук загарбників. Зівалтування, вбивства, катування, каліцтво, вони діють як нацисти. Найголовніше, що вони відбирають це право на життя. Масові обстріли цивільної інфраструктури, житлових будинків, закладів освіти, пологових будинків. Саме в умовах збройного конфлікту найчастіше страждають цивільні особи, порушуються їхні права та свободи, такі як: право на життя, право на свободу та особисту недоторканність, недоторканність житла, право на недоторканність особистого життя.*

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## **LEGAL REGULATION OF POLICE ACTIVITIES UNDER MARTIAL LAW**

It would be appropriate to start with the fact that due to the implementation of the legal regime of martial law as a result of the armed aggression of the Russian Federation against our country, it became necessary to amend a fairly wide range of legal acts in order to adapt law enforcement acts to the realities of war. In particular, such changes were necessary in the activities of the National Police of Ukraine, which plays a rather important role in ensuring public order and security process. That is why, on 15.03.2020, the laws "On Amendments to the Laws of Ukraine "On the National Police" and "On the Disciplinary Statute of the National Police of Ukraine" were adopted, which aimed to optimize the national police's activities in wartime [1].

Firstly, the armed aggression against our country poses new challenges to police officers, and therefore, it would be worthwhile to consider these issues in more detail. Referring to the above-mentioned Law of Ukraine on Amendments, it can be noted that it amended and regulated the most general provisions relating to the police activities during the period of martial law. Particularly, it states that during such a period, the national police bodies act in accordance with their purpose, considering the restrictions on rights, freedoms and interests established by the legal regime of martial law, while taking into account the general provisions of the Constitution and the Law of Ukraine "On the Legal Regime of Martial Law".

If we talk about the most significant provisions introduced by this legislative act, they should include the following:

- 1) In certain cases, clearly stipulated by law, national police officials have the right to perform their official duties without carrying special badges;

- 2) Police officials have the right to receive information related to prisoners of war from state authorities and local self-government bodies, as well as state-owned legal entities;
- 3) Additional rights of policemen to use improvised means in the process of repelling an attack that threatens the life or health of a policeman or another person, or during the detention of a person, if such a person resists, have been added;
- 4) Expanding the ability of policemen to use coercive measures, including physical coercion, special means and weapons against persons involved in armed aggression against Ukraine for the period of martial law;
- 5) Exclusion of the obligation for policemen to undergo certification for the period of martial law [2].

Secondly, it should be noted that this legislative act did not solve all the problems related to the activities of the National Police of Ukraine during the legal regime of martial law, since its adoption did not take into account the real conditions of police officials during martial law. Specifically, the amendments did not take into account the provisions of Article 12 of the Law of Ukraine "On Peculiarities of the State Policy on Ensuring the State Sovereignty of Ukraine in the Temporarily Occupied Territories in Donetsk and Luhansk Regions", which provides for a fairly broad list of rights of law enforcement officials aimed at protecting the vital interests of the state and society in the process of repelling armed aggression against our country (for example, checking people's documents, and in case of absence of detention, entry into residential and other premises, land plots to repel armed aggression, etc.) [3].

From my point of view, the work of law enforcement agencies during wartime has become quite complicated, because now they are engaged not only in the protection of human rights and freedoms, but also in the protection of our state. As an example, there are many russian saboteurs in our country who take pictures of infrastructure, military units and facilities and send this information on to their contacts in russia. The National Guard of Ukraine arrested one of them and handed the case over to the Security Service of Ukraine to clarify the circumstances. Vigilance, intelligence, and attention are the things that our state defenders have. GLORY TO UKRAINE

### **Література**

1. Проект Закону про внесення змін до законів України «Про Національну поліцію» та «Про Дисциплінарний статут Національної поліції України» з метою оптимізації діяльності поліції, у тому числі під час дії режиму воєнного стану (реєстр. № 7147 від 13.03.2022). Офіційний веб-портал Верховної Ради України. URL: <https://itd.rada.gov.ua/billInfo/Bills/Card/39210>.



2. Висновок Головного науково-експертного управління на Проект Закону про внесення змін до законів України «Про Національну поліцію» та «Про Дисциплінарний статут Національної поліції України» з метою оптимізації діяльності поліції, у тому числі під час дії режиму воєнного стану (реєстр. № 7147 від 13.03.2022). Офіційний веб-портал Верховної Ради України. URL: <https://itd.rada.gov.ua/billInfo/Bills/pubFile/1245368>.

3. Про особливості державної політики із забезпечення державного суверенітету України та тимчасово окупованих територіях у Донецькій та Луганській областях: Закон України від 18 січня 2018 р. № 2268-VIII. Відомості Верховної Ради України. 2018. № 10. Ст. 54.

### **Анотація**

*Тези актуалізують питання діяльності поліції в умовах воєнного стану та внесення змін законодавством щодо загальних положень. Під час воєнного стану працівники діють згідно свого призначення із урахуванням загальних положень Конституції та Закону України «Про правовий режим воєнного стану». Росія в збройній агресії проти нашої держави виконує роль правопорушника з яким доводиться боротись не тільки в межах бойових дій, а й в межах запобігань інформації до засобів масової інформації, які злочинно передаються до противника.*

**Hlushchenko V.**

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Консультант з мови – Н.О. Мирошниченко

## **POLICE ACTIONS ON ENSURING ORDER UNDER MARTIAL LAW**

Today, our country is going through some very dark moments in its existence. Because of the war, the crime rate has increased by almost one and a half times and is growing every day. Administrative offenses have especially increased, among which the most common are: Article 179 "Drinking beer, alcoholic and low-alcohol beverages at work"; Article 185 "Theft"; Article 186 "Robbery"; Article 187 "Burglary"; Article 189 "Extortion"; Article 191 "Misappropriation, embezzlement or seizure of property through abuse of official position"; Article 432 "Looting"; Part 1 of Article 173-2 "Domestic violence", which are listed in the Code of Administrative Offenses of Ukraine.

Due to the war, our police are used in various areas of war, such as night patrols, protection and support of checkpoints, and sometimes mobilization of police officers to hot spots, i.e. to war. As a result, the crime rate in the country is growing rapidly. Therefore, the police are beginning to actively engage citizens

who want to help them prevent threats to public safety and order or stop their violations.

In particular, police interaction with the public has a goal of maintaining a proper state of public order, primarily in the streets and in other public places, reducing street crime, involving more and more people in joint activities, increasing the number of public order units, and improving their efficiency. Involvement of society in law enforcement and protection of law and order, establishment and development of partnership between law enforcement agencies (in particular, the National Police of Ukraine) and the population will help:

- increasing the level of trust between society and law enforcement agencies;
- intensification of the activities of public organizations;
- strengthening law and order;
- regulating of social conflicts.

Among the legal sources regulating the interaction of the population with the National Police of Ukraine is the Law of Ukraine "On Participation of Citizens in the Protection of Public Order and the State Border". Its provisions state that public formations for the protection of public order and the state border are created on a voluntary basis at the place of work, study or residence of citizens in cooperation with the NPU, in compliance with the principles of humanism, legality, transparency, voluntariness, respect for human and civil rights and freedoms, rights and legitimate interests of legal entities, and equality of members of these formations [4].

The main tasks of such formations in the field of public order protection are:

- Assisting the National Police in ensuring public order and public safety, preventing administrative offenses and crimes;
- informing the National Police about crimes committed or being prepared, and places of concentration of criminal groups;
- assistance to the National Police in detecting and solving crimes, searching for the perpetrators, protecting the interests of the state, enterprises, institutions, organizations, and citizens from criminal attacks; participation in ensuring road safety and combating child neglect and juvenile delinquency.

The Law of Ukraine "On the National Police" is also among the legal sources regulating interaction between the National Police and the public, which stipulates that the police in the course of their activities interact with public authorities and local self-government bodies (Article 5). In addition, Article 11 of the law explains what is meant by the police interaction with the public on the basis of partnership:

- police activities are carried out in close cooperation and interaction with the population, territorial communities and public associations on the basis of partnership and are aimed at meeting their needs;
- in order to determine the causes and/or conditions of offenses, planning of service activities of police bodies and units is carried out taking into account the specifics of the region and problems of territorial communities;
- the level of public trust in the police is the main criterion for assessing the effectiveness of police bodies and units [5].

So, in my opinion, the interaction of the police with citizens and public associations is quite correct, especially under martial law in our country.

### **Література**

1. Безпалова О.І. (2014). Адміністративно-правовий механізм реалізації правоохоронної функції держави: монографія / Харків : Харків. Нац. ун-т внутр. справ. 544 с.

2. Гусаров С.М. (2011). Адміністративно-юрисдикційна діяльність органів внутрішніх справ України : навч. посіб. / Харків : Ніконова. 360 с.

3. Коропатов О.М. (2009). Організаційно-правові питання взаємодії дільничного інспектора міліції з іншими службами міліції та громадськістю: монографія / Одеса : Букаєв В. В. 184 с.

4. Про затвердження Порядку дій посадових осіб органів охорони державного кордону Державної прикордонної служби України щодо установа режиму в пунктах пропуску через державний кордон: Наказ Адміністрації Держкордонслужби від 29.08.2011 № 627 / База даних «Законодавство України» / Верховна Рада України. URL: <https://zakon.rada.gov.ua/laws/show/z1117-11#Text>

5. Про Національну поліцію: Закон України від 02.07.2015 р. № 580-VIII. Дата оновлення // База даних «Законодавство України» / Верховна Рада України. URL: <https://zakon.rada.gov.ua/laws/show/580-19#Text>

### **Анотація**

*У тезах розглянуті причини збільшення правопорушень в період воєнного стану. Проаналізована мета взаємодії поліції з громадянами, котрі бажають допомогти їй та названі основні завдання таких формувань. Наведені нормативно-правові джерела, що регулюють питання взаємодії Національної поліції та громадськості.*

## **THE FEATURES OF CRIME PREVENTION IN UKRAINE IN WARTIME CONDITIONS**

Prevention of crimes and offenses is one of the main tasks of the National Police. Analyzing the normative legal acts of the Ministry of Internal Affairs of Ukraine, it is possible to highlight the following areas of prevention and prevention of crimes in peacetime:

- prevention of particularly dangerous and serious criminal manifestations in the state, which have tended to increase over the past few years;
- special importance in preventive activities is given to the prevention of juvenile delinquencies. Persons who commit the most dangerous and widespread crimes very often come from this environment, such as: theft, robbery, rape, murder, hooliganism, vehicle theft;
- one of the areas of preventive activity is the prevention of recidivism;
- solving crimes and searching for criminals in order to prevent new criminal manifestations, as well as educational work with previously convicted persons in order to prevent them from committing repeated crimes;
- carrying out various raids with the aim of detaining offenders; identifying the causes and conditions of crime and their elimination.

With the onset of martial law in Ukraine, considering the issue of the activities of law enforcement agencies aimed at ensuring public safety and order, the most effective functioning of the system is achieved in all spheres of life, which in turn ensure:

- to provide timely information to state authorities and local self-government bodies (military administrations) to make management decisions aimed at preventing negative consequences or minimizing them, etc.;
- efficiency - the actions of the National Police should be quick and decisive. Ensuring the principle of operational efficiency during police operations under martial law requires the implementation of a whole set of measures, including: early development of action plans, creation of new structural entities;
- preventiveness – priority in management should be given to measures of a preventive nature;

- establishing the priority of the tasks entrusted to the National Police bodies in the conditions of the complication of the operational situation, namely - rescuing people and preserving material values;
- coordination of activities and provision of methodical assistance to public formations in the field of crime prevention;
- effective detection of collaborators who sought to help the occupiers, coordinated their fire, and cooperated with state authorities.

Prevention of crimes by the bodies of the National Police is a type of activity of the services, units and employees of the said bodies, which is carried out within their competence, to prevent and stop crimes, to identify the reasons and conditions that contribute to their commission, to apply measures to persons with illegal behavior in order to prevent from their side of criminal acts.

Police officers who perform duties for the protection of public order and combating offenses under martial law must know the organization and tactics of law enforcement agencies in such conditions, tasks, functions, forms and methods of police activity, decisions of local authorities on matters of public order protection, current legislation, in particular, that which regulates the actions of the police and other law enforcement agencies under martial law conditions. In addition, during the implementation of tasks to ensure public safety and order in the conditions of martial law, attention should be focused on the acquisition and analysis of preventive information about the emergence of possible threats.

### **Література**

1. Адміністративна діяльність Національної поліції : загальна частина : навчальний посібник / В.М. Бесчастний, О.М. Мердова, В.С. Тулінов, А.П. Сахно; за заг. ред. В.М. Бесчастного. Київ: Видавництво «Дакор», 2017. 248 с.
2. Про правовий режим воєнного стану: Закон України від 12.05.2015 № 1647-III // Відомості Верховної Ради. 2015. № 28. Ст. 250.
3. Виноградова О.І. Міжнародне співробітництво України у галузі боротьби зі злочинністю: автореф. дис. на здобуття наук. ступеня канд. юрид. наук: спец. 12.00.09 «Кримінальний процес та криміналістика; судова експертиза» / О.І. Виноградова. Харків, 2000. 20 с.
4. Про національну поліцію: Закон України від 02.07.2015 № 565-XII // Відомості Верховної Ради УРСР. 2015. № 40, 41. Ст. 379

### **Анотація**

*Після 24 лютого 2022 року життя кожного українця розділилося на «до» та «після». Збройні Сили України захищають нашу країну цілодобово, суверенітет, територіальну цілісність та недоторканість від російської агресії у найзапекліших битвах. Правоохоронні органи працюють в тилу, протидіють правопорушенням, забезпечують публічну безпеку і порядок*

*громадян, охороняючи права і свободи, інтереси суспільства та держави. Але проблема вчинення правопорушень серед громадян як ніколи залишається актуальною, тому я пропоную розглянути питання запобігання правопорушень правоохоронними органами в мирний час та в умовах воєнного стану.*

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## **POWER OF PATROL POLICE UNDER MARTIAL LAW**

In peacetime, in the order and cases determined by law, police officers are allowed to use coercive measures such as physical influence (force), special means (truncheons, handcuffs, tear gas and irritant agents, etc.), firearms. Police officers are prohibited from using coercive measures that are not provided for by law.

However, during martial law, in the event of the need to repulse an attack or arrest a person who has committed an offense and/or resists a police officer, the latter has the right to use both coercive measures and improvised means. The police are also given the right to apply coercive measures to persons participating in armed aggression against Ukraine, without taking into account certain restrictions and prohibitions defined by law (in particular, it is allowed the use of coercive measures without warning, striking with special means without restrictions on the location of their use, as well as the use of firearms).

The police are allowed to use the following technical devices in wartime: photo and video equipment, including equipment that works in automatic mode, technical devices and technical means for detecting and recording offenses; for detecting radiation, chemical, biological and nuclear threats; unmanned aerial vehicles and special technical means of countering their use; special technical means of checking for the presence of alcohol intoxication; specialized software for analytical processing of photo and video information, including identification of persons and vehicle license plates.

During martial law, police officers have the right to escort persons detained on suspicion of committing a criminal offense, taken under guard, accused or sentenced to imprisonment. In cases provided by law, the police may detain such persons in temporary detention centers.

From now on, the police carry out forensic technical support for the inspection of the scene of the incident and special explosive work.

Also, within the scope of competence, the police conduct demining of an operational nature in terms of detection, neutralization and destruction of explosive

objects, regarding which there are reasons to believe that they are objects, tools or means of committing administrative or criminal offenses.

The police are allowed to collect biometric data of persons, including through fingerprinting, in cases provided for by the Criminal Procedure Code.

Police officers are not certified during martial law. Public control over police activities is also not carried out. At the same time, the legislator supplemented the Disciplinary Statute of the National Police of Ukraine, approved by the Law "On the Disciplinary Statute of the National Police of Ukraine", with a new section, which regulates the procedure for carrying out an official investigation during wartime.

Thus, even during wartime, in the event of a violation of official discipline by a police officer, by order of the head of the police, an official investigation may be conducted against such a person.

Chapter 5 of the Law of Ukraine "On the National Police" has also undergone some changes related to the period of martial law.

1. The police were given the opportunity to check documents and record data contained in documents, if a person has external signs similar to the external signs of a person who voluntarily left a place for keeping prisoners of war (clause 1, part 1, article 32).

2. The police have the right to stop vehicles if there is information that indicates that the driver or passenger of the vehicle is a person who voluntarily left a place for keeping prisoners of war.

3. According to the new wording of art. 40 the police will be able to use such technical means as unmanned aerial vehicles and special technical means of countering their use in their activities; specialized software for analytical processing of photo and video information, including identification of persons and vehicle license plates.

4. If it is necessary to repel an attack that threatens the life or health of a police officer or another person, and to eliminate the danger in a state of emergency or when detaining a person who has committed an offense and/or is resisting, a police officer has the right to use any available means, and not only those special means provided for in Art. 45 of the Law (Part 5 of Article 42).

5. During martial law, a police officer has the right to apply coercive measures provided for in Art. 42, regarding persons participating in armed aggression against Ukraine, without taking into account the requirements and prohibitions related to the procedure for applying coercive measures, the procedure for using special means, and the procedure for using firearms (Part 9 of Article 42).

So, under the martial law the police have got the broader means of their power to promote law and order in the state.

## Література

1. Закон України «Про Національну поліцію». Київ : Вид. Паливода А.В., 2015. 104 с.
2. Закон України «Про правовий режим воєнного стану». Верховна Рада (ВР) України. URL: <https://zakon.rada.gov.ua/laws/show/389-19>

## Анотація

*У тезах порівнюються повноваження патрульної поліції в мирний час та в період воєнного стану. Наводяться засоби та технічні прилади, які застосовуються патрульною поліцією та надаються приклади розширення меж її повноважень. Наведені нормативно-правові документи, що зазнали змін під час періоду воєнного стану.*

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## **CHANGING APPROACHES IN TRAINING FUTURE POLICE OFFICERS THROUGH THE FOCUS OF MILITARY ISSUES**

The events connected with a full-scale war on the territory of our country affected all spheres of activity, the field of education, departmental in particular, is no exception. It should be stated that nowadays national police officers are directly involved in hostilities, implementing stabilization measures in de-occupied territories, also perform police duties under conditions of the legal regime of martial law connected with ensuring public safety and order, countering subversive groups, identification of collaborators, etc. which causes them to perform functions non-specific to the police, and thus makes it necessary for police officers to have special knowledge for their implementation.

Considering abovementioned, the issue of changing approaches in training future police officers is gaining relevance, as well as the issue of introduction of military-related issues into educational process of institutions with specific conditions of teaching, and conducting additional classes on military professional training.

To implement the main provisions of the Law of Ukraine “On the Basics of national Resistance” and according to the protocol mandate of the leadership meeting of the Ministry of Internal Affairs of Ukraine and the bodies of the Ministry of Internal Affairs (September 5, 2022, № 24) the model Program of primary military-professional training of education seekers, civil protection service and police officers was approved. The following issues are included into this program:



- professional and psychological training which involves mastering topics related to psychological characteristics of a person under extreme conditions, as well as to effective communication and interaction in a group (team building);
- tactical training which involves mastering the basics of general combat and actions of the fighter;
- topography which involves mastering the skills of navigating without a map;
- radiation, chemical, biological protection which provides mastery of topics related to the topics about weapons of mass destruction and consequences of destruction;
- engineering training which forms knowledge and skills in the basics of fortification and explosion hazards;
- fire training which involves mastering topics related to the knowledge and skills of automatic weapon shooting;
- tactical medicine;
- communication training;
- special physical training.

Conducting training classes according to mentioned model Program has been introduced into the educational process of all institutions of higher education with specific studying conditions who train police officers. It should be noted such topics of military direction remain relevant today which require mastering by future police officers of such topics:

- the topic of personal safety of police officers, during shelling in particular;
- the topic of fire training, in particular, in terms of mastering the skills of shooting from anti-tank and submunition grenades, sniping skills, as well as the skills of throwing hand grenades;
- topics related to the formation of skills in the use of unmanned aerial vehicles;
- the topic of oral and psychological support of police officers, development of their communication skills with the population in the de-occupied territories.

We believe that these issues should be reflected in the existing programs of the relevant educational components, or should be implemented outside existing training plans of future police officers as part of additional programs, including special certification training.

In its turn, the efforts of scientific and pedagogical staff of higher education institutions with specific training conditions which provide training for police officers should be directed to the proper scientific, educational and methodological provision of military-professional training of future police officers.

## **Література**

1. Про первинну військово-професійну підготовку: Лист Міністерства внутрішніх справ України від 09 вересня 2022 року №26345/5/48-2022.

## **Анотація**

*На сьогоднішній день працівники Національної поліції України беруть безпосередню участь у бойових діях, реалізують стабілізаційні заходи на деокупованих територіях, а також виконують поліцейські завдання в умовах дії правового режиму воєнного стану, зокрема, пов'язані із забезпеченням публічної безпеки і порядку, протидією диверсійним групам, виявленням колаборантів тощо, що обумовлює виконання ними неспецифічних для поліції функцій, а отже і спричиняє необхідність наявності у поліцейських спеціальних знань щодо їх реалізації. Враховуючи це, актуальності набувають питання зміни підходів у підготовці майбутніх поліцейських, запровадження в освітній процес закладів вищої освіти із специфічними умовами навчання, які здійснюють підготовку поліцейських, питань військової тематики, проведення додаткових занять з військово-професійної підготовки.*

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## **WAYS TO IMPROVE COOPERATION BETWEEN LAW ENFORCEMENT OFFICERS AND CITIZENS UNDER MARTIAL LAW**

The National Police of Ukraine as a central body of executive power which serves society by ensuring the protection of human rights and freedoms, maintaining public safety and order, and combating crime. Its main tasks are the provision of police services in the areas of ensuring public safety and order. In addition, the Law of Ukraine “On the National Police” stipulates that the activities of the police are aimed precisely at meeting the needs of the population. The basic principle of the activity of law enforcement agencies remains the protection of individual rights and freedoms of citizens of Ukraine, as well as the interests of society and the state [1].

The problems of observing human rights and freedoms are one of the most relevant areas of research in the field of law enforcement agencies among legal scholars: O. Bandurka, V. Beschastnyi, Y. Bytiak, I. Holosnichenko, I. Zozulia and others.

Ensuring public safety and order, protecting the rights and freedoms of citizens, creating a safe environment for a comfortable life of the population

require proper legislative protection where one of the main tools in this process is law enforcement agencies of Ukraine. We must understand that in order to achieve the desired regime of law and order in the country the conscious desire of citizens to interact with the police based on partnership is necessary. Without close interaction with the public and the support of the population, this problem cannot be solved [1]. Thus, the interaction of the police and the community will help to more effectively prevent violations of public order and security, as well as the commission of new offenses. Such cooperation will make it possible to gain the support and trust of the population.

One of the methods of improving the partnership between the police and the community is the foreign model of “community-oriented policing” (COP). The purpose of this project of policing is to cooperate with the community in the precinct where the “community police officer” / “district police officer” (COP / DPO) serves for a long time and interacts directly with the residents of the community.

Such priorities were before the introduction of martial law in Ukraine by the Decree of the President of Ukraine “On the introduction of martial law in Ukraine” dated 24.02.2022 which was approved by the Law of Ukraine due to the large-scale invasion of the troops of the Russian Federation, martial law was introduced in the country [2].

During martial law police officers switch to an enhanced version of service that is characterized by a complex of organizational and legal, preventive, operational and other measures related to a special regime for the performance of official tasks [3].

It should be noted that the functions performed by law enforcement agencies during martial law include: ensuring the safety of personnel, weapons, equipment, and military units; strengthened protection of public order, detention, examination and questioning of suspicious persons, control of military transport, assistance to combat units in eliminating enemy airborne troops.

Citizens, in turn, create volunteer battalions, which by their actions help law enforcement agencies during the performance of their duties and ensure public order and security; territorial defense brigades, which include motivated, combat-ready citizens who are not indifferent to the future fate of Ukraine. This is also noted in Art. 1 of the Law No. 1835 that citizens of Ukraine have the right to create public associations to participate in the protection of public order and the state border, to assist local self-government bodies, law enforcement agencies, the State Border Service of Ukraine and executive authorities, as well as officials in preventing and stopping administrative offenses and crimes [4].

## Література

1. On the National Police: the Law of Ukraine dated July 2, 2015 No. 580-VIII. Bulletin of Verkhovna Rada of Ukraine, 2015, No. 40-41, Art. 379. URL : <https://zakon.rada.gov.ua/laws/show/580-19#Text> (access date: 02.02.2023).

2. On the introduction of martial law in Ukraine dated February 24, 2022 No. 64/2022. URL : <https://zakon.rada.gov.ua/laws/show/64/2022#Text> (access date: 02.02.2023).

3. On the approval of the Instructions on the procedure for transferring the bodies of the National Police of Ukraine to the enhanced version of official activity: Order of the Ministry of Internal Affairs of Ukraine dated December 10, 2015 No. 1560. URL : <https://zakon.rada.gov.ua/laws/show/z0012-16#Text> (access date: 02.02.2023).

4. On the participation of citizens in the protection of public order and the state border: the Law of Ukraine dated June 17, 2020 No. 720-IX. Bulletin of Verkhovna Rada of Ukraine, 2015, No. 40-41, Art. 379. URL : <https://zakon.rada.gov.ua/laws/show/1835-14#Text> (access date: 02.02.2023).

## Анотація

*У тезах мова йде про можливі методи покращення партнерства між правоохоронцями та громадянами в умовах воєнного стану. Зосереджено увагу на важливих формах співпраці поліції з населенням щодо виявлення, запобігання та припинення правопорушень.*

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## ILLEGAL LOGGING: CAUSES AND WAYS OF COMBATING

Forests are the lungs of the earth, essential for mitigating the impacts of pollution and even more critically climate stabilization. Unfortunately, illegal logging is a significant environmental challenge in many parts of the world, as the demand for paper, furniture, and other wood and agricultural products grows. Illegal logging has an economic as well as an environmental impact [2] and a serious crime.

Worth almost USD 152 billion a year, the illegal timber industry accounts for up to 90% of tropical deforestation in some countries and attracts the world's biggest organized crime groups. It causes serious economic, environmental and social damage and fuels conflict in forest regions where criminal gangs compete for available markets [1].

According to INTERPOL, trade in illegal timber is estimated to account for

10-30 percent of all wood traded globally, valued between \$30-100 billion annually. The American Forest & Paper Association estimates that illegal logging also depresses world timber prices by between 7-16 percent [2]. In Ukraine by official data, by 2019 118000 square meters of trees were cut illegally. The total losses due to illegal logging were 814 million of hryvnas in 2020.

Illegal logging is the cutting down of trees, transporting them, or using their products such as timber for economic gains against the prohibition by law [3].

There are various causes of illegal logging. In the forest regions, there is always a rural community or indigenous people living within the locality. These communities or tribes are in most cases very poor and entirely depend on the forest for their needs and survival. From food, shelter to fuel, it's all obtained from the forest. Consequently, they are put in a situation where they source firewood for cooking and heating from the forest that encourages the practice of constant illegal logging.

Most of their shelter construction materials are also sourced from the forest which has led to repeated illegal cutting down of trees to obtain timber. Further, since such villages experience harsh economic situations and considering that the forest is their only source of income, they often collude with illegal loggers for monetary gains. Some may also illegally obtain wood from the forest and sell them to lumber mills.

The economics of the markets globally equally plays a role in promoting illegal logging. The reason for this is that illegal timber is normally cheaper compared to legal timber in black markets thereby denying legal operators competitive advantage. To a great extent, this is fuelling the demand for illegal timber which means more illegal logging. Importers of illegal logs and the dependency of black wood in countries such as Japan, China, the US, and the EU make the problem even worse.

The soaring demand for furniture and timber also propels the practice of illegal logging, a multi-billion dollar industry involving some of the top government officials and corporate executives as well as big business owners who are out for selfish monetary gains.

Forest governance in producer countries very poor and the laws in place are lax at addressing illegal logging concerns. Limited resources, weak institutions, and lax laws have contributed to inadequate law enforcement and the lack of proper land use management. Furthermore, many countries have unclear and poor legal frameworks.

These issues combined leave so many gaps in forest management and governance and as such, it makes it hard for the formal systems to strictly enforce laws guarding against illegal logging. It creates room for businesses and individuals to deliberately over-harvest or take advantage of the legislation gaps [3].

Among the best solutions to illegal logging, as the practice of many

developed countries shows, management is the promotion of forest stewardship programs. Stewardship councils and programs can work as effective tools for managing forests by tracking timber harvesting, transportation, and sale. Such programs can also aid in protecting vulnerable forest areas from further degradation as a result of encroachments or conversion into farmlands. For the effectiveness of forest stewardship programs, it is essential that it works directly with the lumber mills and timber industry to monitor and curtail black markets.

Stricter legislation in all countries against illegal logging and the prohibition of importing illegal timber can go a long way in solving the problem. The relevant forest management authorities should take action and utilize their constitutional provisions on environmental protection to enact laws and regulations restricting the practice [3]. Subjecting the lawbreakers to harsh penalties such as sentencing and huge fines can considerably aid in managing the problem.

Citizens as the consumers can equally be part of the solution and can contribute by ensuring that they only purchase certified timber products. Serious governments, regional organizations, and third party certification initiatives like the Forest Stewardship Council (FSC) and EU are working round the clock to ensure only certified timber reaches the markets.

These initiatives, therefore, provide the most outstanding global standards for the management of forest, and as consumers; it's now upon us to be mindful when purchasing timber and its products. By doing this, we will be curtailing illegal logging together with its associated multi-billion dollar industry and illegal markets.

There are numerous forest management groups, organizations, and community programs that work tirelessly to fight illegal logging. From time to time, however, these groups and organizations experience challenges in terms of support, funding, or manpower.

As custodians of our planet's resources, it's important for people to join the fight against illegal logging by offering donations or by volunteering. It can be as simple as volunteering a few hours per week, making monetary donations or funding campaigns to organizations such as the Forest Stewardship Council, Greenpeace, and the World Wildlife Fund [3].

Also, spreading the word about the impacts of illegal logging through blogs, social media, political groups, and community programs can help people understand the issues at hand which can eventually help address the matter. It should be said that the best world experience in preventing and stopping illegal logging is worth to be studied and implemented by the Ukrainian law enforcement agencies.

## **Література**

1. Forestry crime: targeting the most lucrative of environmental crime.  
URL:<https://www.interpol.int/News-and-Events/News/2020/Forestry-crime->

targeting-the-most-lucrative-of-environmental-crimes

2. Combating illegal logging. URL:  
<https://ustr.gov/sites/default/files/2520Combating%2520Illegal%2520Logging.pdf>.  
usg=AOvVaw26EXnPYdSw2CiSzOias2ur

3. Causes, effects and solutions to combating illegal logging globally.  
URL:<https://www.conserve-energy-future.com/causes-effects-solutions-illegal-logging.php>

### **Анотація**

*Авторка розкриває проблеми поширення такого виду злочину як незаконна вирубка лісів. Розглянуто причини виникнення цього кримінального явища та наведено статистичні дані щодо збитків від чорної торгівлі деревиною. Охарактеризовано найбільш ефективні шляхи вирішення проблеми незаконної вирубки лісів в світі, що корисно запозичити правоохоронними органами України.*

**Drembliuha M.**

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## **ROAD SAFETY IN CROWDED AREAS DURING MARITAL LAW**

The adoption of martial law, which is both a legal regime and the basis of the functioning of the state in specific conditions, involves granting the relevant state authorities, military command, military administrations and local self-government bodies the powers necessary to avert the threat, repel armed aggression and ensure national security, eliminate threats to the state independence of Ukraine, its territorial integrity, as well as a temporary, threat-induced, restriction of the constitutional rights and freedoms of a person and a citizen and the rights and legal interests of legal entities with an indication of the period of validity of these restrictions [1].

From February 24, 2022, the life of Ukraine changed into a format of constant combat readiness, because several regions immediately experienced a military invasion by the Russian aggressor. However, the main issues of the functioning of settlements during the period of martial law, although they have undergone drastic changes, do not lose their importance. Road safety is one of such integral priority issues. During this period, its condition is influenced by, it would seem, the same factors as in peacetime, but they also acquire a certain specificity. Among such factors: 1) decisions of local self-government bodies; 2) the condition of roadways, primarily elements that do not depend on electricity supply (such as traffic lights), in particular, their equipment with road signs, road markings, etc.; 3)

the number of vehicles on the roads; 4) the culture of road users (both drivers and pedestrians), etc. Against the background of the general psychological tension among the population caused by the aggressive actions of the aggressor, mass panic that arose in the first days of hostilities and is connected with the need to save one's life, the lives of loved ones and relatives, the state and local authorities had to make operational decisions aimed at ensuring road safety in such conditions.

Traffic safety measures during the martial law period, which were applied in Ukraine, can be defined as: 1) placement of roadblocks. Although the main purpose of such posts is to ensure security and prevent sabotage, their role is clearly reflected in maintaining the proper level and road safety. After all, during the inspection of the car at the checkpoint, not only the documents on the car can be checked, but also the general condition of the driver (for example, whether he is under the influence of alcohol or drugs) and the vehicle (especially cargo carriers); 2) confiscation (alienation) of vehicles from drivers who are under the influence of alcohol, drugs or other intoxication [2].

Therefore, in difficult conditions of martial law, when the main task of the state is to protect the population from armed aggression, road safety still remains one of the main elements of life support in settlements, especially in large cities, which contributed to the adoption by state and local authorities of non-standard, but somewhat effective measures.

### **Література**

1. Про правовий режим воєнного стану: Закон України від 12 травня 2015 р. № 389-VIII. URL : <https://zakon.rada.gov.ua/laws/show/389-19#Text>.

2. Про використання транспортних засобів для потреб Збройних сил України та інших збройних формувань: від 26.03.2022 № 66. URL: <http://npa.voladm.gov.ua/search.php>.

### **Анотація**

*У тезах розглянуто основи функціонування держави в конкретних умовах під час воєнного стану, що передбачає наділення відповідних органів державної влади, військового командування, органів військового управління та місцевого самоврядування повноваженнями, необхідними для відвернення загрози, відсічі збройній агресії та забезпечення національної безпеки, усунення загрози державній незалежності України.*



## **PARTICIPATION OF INTERNATIONAL PARTNERS IN THE CREATION OF THE PLATFORM RECONSTRUCTION OF THE ECONOMY OF UKRAINE AFTER THE WAR**

After the war, Ukraine will need a large-scale project aimed at restoring critical infrastructure facilities, rebuilding damaged production facilities, and restoring the institutional capabilities of public administration bodies.

The contribution of the European Union to reconstruction will be made with the help of special programs and funds. The main areas of activity of the programs are the provision of humanitarian aid, reconstruction of transport networks, housing stock, energy facilities, telecommunications, education and agriculture sectors. The programs should be focused on the problems of economic development, activation of civil society and establishment of regional cooperation.

The reconstruction program and the achievement of positive results require a stable environment, the end of hostilities and a country's development strategy. Security is a public good that must be ensured by the national state and the international community. In the absence of this, the costs are borne by the business. Business competitiveness becomes weak.

The key goals of the post-war reconstruction of the economy should be: reconstruction of property and infrastructure destroyed or damaged as a result of the war; quick recovery of economic activity; return of refugees to Ukraine and their inclusion in economic processes; formation of foundations for sustainable economic growth. The post-war recovery of the economy should take place in the following main directions:

- reconstruction and modernization of physical infrastructure (including transport) and overcoming environmental problems;
- reconstruction of housing stock;
- rehabilitation of victims, restoration of social infrastructure and the sphere of social services;
- improving the quality of public administration and strengthening the institutions of the market economy;
- revival of the industrial sector, creation of new jobs and support of small and medium enterprises;
- creation of production facilities and formation of state orders to strengthen the country's defense capabilities.

The most important sources of financing for reconstruction will be reparations from the aggressor country and assistance from the international

community. The EU, partner governments and international institutions – the World Bank, the International Monetary Fund, the European Investment Bank, the European Bank for Reconstruction and Development – should play a key role in the formation of international aid.

Important sources of financing for the reconstruction of Ukraine in the post-war period will be: the Solidarity Fund with Ukraine of the European Union; World Bank Trust Fund; Confiscated assets of the Bank of Russia, the National Welfare Fund and Russian oligarchs; The capital budget of Ukraine or the reconstruction fund within the state budget of Ukraine.

In an official document of 2022, the European Council announced its intention to create the Ukraine Solidarity Fund. It is planned to invite international partners to participate in the formation of the fund. The platform for the reconstruction of Ukraine should unite under one roof EU support and other initiatives of partners (the World Bank Trust Fund and the IMF aid account for Ukraine) [2].

According to the plans of the European Commission, financial assistance to Ukraine will be covered by targeted contributions of member countries to the Fund for the Reconstruction of Ukraine. The EU budget for Ukraine is increasing, current EU programs and funds are being replenished. New sources of financing provide Ukraine with loans from the Reconstruction Fund under the guarantees of EU states.

When developing the Economic Reconstruction Plan, it is necessary to resolve the issue of credit support, activation of private investments in small and medium-sized enterprises. This will ensure the creation of jobs for the population, for migrants and demobilized military personnel. Small and medium-sized enterprises in the service sector and manufacturing enterprises can play a significant role in providing employment and generating income.

After the end of hostilities in Ukraine, income will objectively be in industries that will work to restore the domestic market and conquer new export markets. They include: construction; agriculture, food production; wholesale and retail trade; information technologies, telecommunications; transport, warehousing; production of chemical products; production of machines and equipment; repair of machines and equipment; furniture production; waste processing.

The mechanisms of economic development in Ukraine in the indicated directions require legal support and resources from international donors within the framework of the Platform for the Reconstruction of Ukraine.

### **Література**

1. Інфографіка: історія економіки України за часів незалежності  
<https://businessviews.com.ua/ru/ukraine-in-data/id/istorija-ekonomiki-ukrainy-2327/>

2. Українці vs держава: що буде, якщо українці й надалі ігноруватимуть обов'язок будувати країну <https://strategies.id/ukraincy-vs-gosudarstvo-cto-budet-esli-ukraincy-i-dalshe-budut-ignorirovat-objazannost-stroit-stranu-2266/>

3. Воєнні злочини Росії проти культурної спадщини <https://uinp.gov.ua/informaciyni-materialy/rosiysko-ukrayinska-viyna-istorychnyy-kontekst/yaki-zlochyny-skoyuye-rosiya-v-ukrayini>

### **Анотація**

*Аналіз концептуальних підходів до управління економікою після війни визначає, що необхідним є орієнтація на європейські цінності, використання міжнародного досвіду та ефективних управлінських технологій. Дане дослідження включає системний підхід, методи аналізу і синтезу; використання нормативно-правової бази та інформації Державної служби статистики України. Продовжено розробку механізмів оперативного реагування, методів управління та антикризових заходів для економіки країни після війни. В дослідженні вказано фактори інтеграції країн для майбутнього економічного зростання економіки України; шляхи формування фінансових можливостей повоєнного відновлення. Проведено оцінку ефективності застосування залучених фінансів для заходів і програм з вектором на європейські цінності. Викладено науково-теоретичну сутність правового регулювання державного управління в нових умовах.*

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## **SOME ISSUES OF POLICE COOPERATION WITH THE PUBLIC**

The police are state authorities of executive power, the main task of which is to provide public order and public safety, to struggle against criminality and other offences. One of the most important tasks of reforming the bodies of internal affairs of Ukraine is the establishment and maintenance of police cooperation with the public.

Unfortunately, police as the body with public authority had no influence on society and the level of its positive image remains unsatisfactory. Law enforcement agencies of Ukraine are changing. They are changing in their structure, objectives, functions and methods. These changes do not coincide with development of society. It is needed to reform the system of law enforcement in order to solve this problem. [1, c. 166-167].

Issues concerning the relationship of people with the police are actively studied and remain in the spotlight of scientists and practitioners of law enforcement bodies. A significant contribution to the development of this issue was made by such scientists as: N.I. Anufriev, O.M. Bandurka, O.V. Dzhafarova, A.P. Zakaljuk, A.P. Kljushnichenko, M.V. Kostetsky, A.V. Majdikov, V.O. Sobolev, V.T. Tomin, A.N. Jarmish and others.

Fundamentals of law-enforcement cooperation with the public, authorities and management, labor collectives, public organizations and mass media are also reflected in some international and domestic regulations of Ukraine, particularly in the Universal Declaration of Human Rights (1948), Code of Conduct for Law Enforcement Officials (1979), the Laws of Ukraine: "On information" (1992), "On operational-investigative activities" (1992), "On citizens' participation in protection of public order and state border" (2020) and others [1].

Cooperation with the public plays a very important part in law-enforcement activities. Such cooperation will create a positive image of militia in society and will promote solving complicated tasks arising at providing law and order in society. Thus, modern system of internal security, where the largest volume of tasks is in action, with functions and powers of the police, must be based on a combination of existing and specially created bodies, governmental and nongovernmental organizations, social groups, associations and civic organizations, individuals, and as specific legal, informational, political, economic and other relations between them.

### **Литература**

1. [http://www.nbuv.gov.ua/portal/soc\\_gum/ms/2011\\_4\\_2/166.pdf](http://www.nbuv.gov.ua/portal/soc_gum/ms/2011_4_2/166.pdf)

### **Анотація**

*Дана стаття присвячена проблемі взаємодії поліції з населенням. У статті запропоновано шляхи вирішення даної проблеми. Показується роль зв'язку поліції з громадськістю та вказуються люди, які присвятили цій темі багато наукових розробок.*

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## **INTERACTION OF LAW ENFORCEMENT AGENCIES AND THE PUBLIC IN THE SPHERE OF ENSURING PUBLIC ORDER IN PEACETIME AND UNDER MARTIAL LAW**

Nowadays cooperation with the public is a priority for law enforcement agencies. In peacetime, this cooperation helped fight crime, detect contraband, identify violators through citizen vigilance, notifications 'bout administrative offenses, and the list goes on and on. To fight crime various countries around the world decided to use certain mechanisms to counter violations, for example, improving the law on criminal and administrative liability, increasing the number of police officers, all this would seem to help, but it turned out to be a useless thing, because no mutual understanding and cooperation between the population and law enforcement agencies was established. Then it was clear that for success you need to establish friendly contact with the public. If we talk about the State Border Guard Service of Ukraine, in general, everything is kinda the same, border guards, like the police, closely cooperate with the public, mainly it is the transfer of information, data 'bout the presence of contraband in a certain area and people who illegally try to cross the border, for example in order to evade from the army, possible cases of human trafficking and much more. Also, in peacetime, the Administration of the State Border Guard Service conducts certain consultations with the public, for example, in March 2022, a consultation was held on preventing the spread of COVID-19 caused by the SARS-CoV-2 coronavirus. But peacetime is peacetime, today Ukraine is in a state of war against a serious enemy – the russian federation.

How law enforcement employees maintain public order by cooperation with the citizens, that is what the conversation will be about now. War times create crisis and panic, crisis and panic create violations, war greatly distracts the power structures from various kinds of crimes, that is why cooperation with the public is necessary in such times as long as there is a war. People themselves understand that now is a difficult time for everyone, especially for law enforcement employees, it is very difficult to monitor drones over Kyiv and some thieves at the same time, so the public is an important element at such a time. For example, you can take a recent case, young people drink alcohol and rape girls, before that they got them drunk. People began to spread this information everywhere, and after a couple of days the law enforcement officers detained the violators in accordance with Part 3 of Art. 301 of the Criminal Code of Ukraine. When problems are raised

by the public, it is much easier to implement measures to eliminate these problems. But how do SBGSU and the public cooperate? With the beginning of the large-scale offensive of the Russian aggressor and the imposition of martial law in Ukraine, the question of maintaining public order by the border guard in such conditions arose. The war disrupts the usual routine life, for many people it completely changes all values, for many, lives are completely destroyed. With war comes martial law, what is it? Martial law is a legal regime, which is introduced in Ukraine or in certain of its territories in case of armed aggression or threat of attack, danger to the state independence of Ukraine and its territorial integrity. In places where there is a constant threat of attack, the possibility of crossing the border was prohibited, but not all areas have such a threat, for example, the western border is functioning, of course there are certain restrictions due to the martial law. If we take the western border, the main problem is the large number of border violators. Many men who do not want to be mobilized do everything to cross the border and escape to Europe, even going so far as to change into women's clothes. Law-abiding and vigilant citizens report such "evaders", making work of border guards much easier. At the frontline, citizens report about movement of the aggressor's troops, which makes an invaluable contribution to the development of events at the frontline. It is also worth noting the collection of funds for various drones, unmanned aerial vehicles, these are not only tools for reconnaissance of enemy positions, but also an opportunity to inspect the degree of damage to the infrastructure, while being in the safe place. In general, the collection of funds from the public greatly affects the efficiency of the work of law enforcement agencies, drones, UAVs, plate carriers, helmets, medicines, food, warm clothes, all this makes the work easier, because it is nice to have something to eat and clothes to keep warm.

In my opinion, an analogue of the American "community policing" should be made in Ukraine. What is it? Community policing or Community-oriented policing is the interaction of the police and the community, it is a strategy that encourages the cooperation of the public and law enforcement officers, its main goal is to prevent and solve the problems of crime, threats to the physical safety and peace of the local population, as well as atrocities and the destruction of virtuous relationships. The goal of this interaction is to improve the lives of citizens. Although it was founded in the United States, it is practiced in many countries in the world, for example: Belgium, Bulgaria, the Czech Republic, Germany. Of course, there is something similar in Ukraine as well, it is even stated in the Law of Ukraine "On the National Police" Art. 11. But to the level of Western standards, we still have to work and work, which our people do every day.

In conclusion, I can say that the establishment of friendly relations between law enforcement agencies and the public is an effective method of reducing crime level, popularizing the consciousness of citizens and a law-abiding lifestyle, protecting the rights and freedoms of citizens of Ukraine. This cooperation is key

in solving some public issues, protecting public peace, law and order, and preventing administrative and criminal offenses. As for cooperation during martial law, this is also an invaluable contribution to the maintenance of public order, because the effectiveness of work with such support and assistance increases significantly. It is necessary not just to continue this work, it is necessary to improve it all the time, because when there is mutual understanding and friendly relations between the public and law enforcement agencies, the quality of life of all citizens improves in many times.

### **Література**

1. Закон України “Про Національну поліцію”: URL: <https://zakon.rada.gov.ua/laws/show/580-19?find=1&text=%D0%A1%D1%82%D0%B0%D1%82%D1%82%D1%8F+11#Text>
2. Community policing. URL: [https://en.m.wikipedia.org/wiki/Community\\_policing](https://en.m.wikipedia.org/wiki/Community_policing)
3. Закон України “Про правовий режим воєнного стану”. URL: <https://zakon.rada.gov.ua/laws/show/389-19#Text>
4. Орієнтовний план проведення консультацій з громадськістю. URL: <https://dpsu.gov.ua/ua/orintovniy-plan-provedennya-konsultaciy-z-gromadskisty/>

### **Анотація**

*Співпраця громадськості та правоохоронних органів у теперішньому світі є невід’ємною частиною забезпечення публічного порядку. Під час воєнного стану нічого не змінюється, навпаки, співпраця посилюється. Правоохоронні органи та громадськість працюють разом щоб забезпечити безпеку всіх громадян. Національна поліція, Національна гвардія і особливо Державна прикордонна служба України роблять усе для мирного і спокійного життя громадян, і ці ж самі громадяни роблять усе можливе щоб допомогти їм.*

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## **INTERNATIONAL STANDARDS OF LAW ENFORCEMENT UNDER MARTIAL LAW**

It is generally known that human rights are something that a person acquires from birth, i.e. their life, freedom, health, dignity and honor. The right to a safe environment is a fundamental human and civil right. For a long period of time,

legal doctrine studying various environmental issues did not consider the right to a safe, favorable environment as part of this process. In general, they should be realized with the participation of or with the help of law enforcement agencies that provide them to us. And in the realities of our time, such rights must be realized as never before. Today, our law enforcement agencies spend all their time at work, we can even say that they live there, and this is all for the sake of our safety. While active hostilities are ongoing, our rights are being protected from both sides: The Armed Forces of Ukraine at the frontline and law enforcement agencies in cities, ensuring public order. The issue of human rights violations in the context of military conflicts has become a topical issue for our country and many other countries. Therefore, now more than ever we need to know that our rights and freedoms are guaranteed not only by the Constitution of Ukraine but also by various international legal documents.

When we examined this issue, it was stated that international legal acts set out basic standards and served as a benchmark for guarantees of citizens' rights and freedoms. Recognition of international legal acts, ratification, and implementation of their provisions in domestic legislation is one of the obligations assumed by Ukraine before the international community. In many countries around the world, deepening and developing partnerships between law enforcement agencies and the community is recognized as a priority task of public policy in order to ensure public peace and order; protect fundamental human rights and freedoms, particularly life; prevent and solve crimes; provide assistance and services to society in order to reduce the level of fear of crime, the possibility of bodily harm, and social disorder; and prevent the declination of basic human rights and freedoms [3]. The above tasks make it important to strengthen and develop partnerships between civil society institutions and police agencies of foreign countries.

Ukraine has ratified a number of international legal acts that define standards of behavior for law enforcement officers in various situations related to combating crime, the detention of offenders, custody, execution of sentences, etc. The main ones are: the 1948 Universal Declaration of Human Rights; the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms; the Standard Minimum Rules for the Treatment of Prisoners, adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders in 1955; the Code of Conduct for Law Enforcement Officials, adopted by the UN General Assembly in 1979; and the Convention Against Torture and Other Cruel and Inhuman Treatment. These international documents contain both general human rights provisions and special standards applicable to law enforcement activities.

Human rights in the war period are the rights contained in the 4th Geneva Convention of 1949, regulated as relations between states in wartime, the treatment of the wounded, prisoners of war, the conclusion of armistice agreements, and the



signing of peace treaties. Invasion of life and physical integrity, including crimes such as mutilation, cruel treatment, torture, and torture, hostage taking, and violation of human dignity, including those that degrade human honor and dignity, are among them. The wounded and sick are guaranteed assistance, and the perpetrators are punished without a prior court decision [1].

In our opinion, a special place among international documents is occupied by the Code of Conduct for Law Enforcement Officials adopted by the UN General Assembly on December 17, 1979. The main provisions of the Code are summarized in the following requirements: respect and protect human dignity and the rights of citizens; use force only in cases of extreme necessity; keep all information of a confidential nature secret, unless the performance of duties or orders of justice require otherwise; stop any manifestations of cruelty; ensure the health protection of detainees; not engage in or stop any form of corruption; respect the law and this Code.

Most of the norms of international legal acts ratified by Ukraine are reflected in the Constitution of Ukraine, laws and bylaws regulating the activities of internal affairs agencies. However, it is also worth noting that part 2 of Article 64 of the Constitution of Ukraine provides that under martial law certain restrictions on rights and freedoms may be imposed, specifying the duration of these restrictions. However, the following rights can never be changed or abolished, as specified in the Constitution of Ukraine [2], namely Articles 24, 25, 27, 28, 29, 40 and others.

It follows from the standards formulated in this form that in their administrative, operational and investigative activities, internal affairs agencies must strictly adhere to the requirements set forth. The right to life is of particular importance. Ignoring it negates all other rights and freedoms, deprives them of such an important quality as reality. Cases of detention, arrest, imprisonment, and other cases of deprivation of liberty and custody are specially regulated. International standards governing these situations enshrine the following provisions: any arrested or detained person must be brought immediately before a judge or other official authorized by law to exercise judicial functions; he or she has the right to a fair trial within a reasonable time; anyone deprived of liberty as a result of arrest or detention has the right to appeal to a court against the unlawfulness of the detention; the court decision must be delivered immediately; if the detention is unlawful, the detained person is released [4].

Thus, the trust of citizens in law enforcement agencies and the degree of their involvement in the process of creating a secure environment in territorial communities become characteristic features of the partnership model of interaction between the police and civil society institutions at the local level. Many paragraphs could be written about the problems in this area, because gaps in the law and frequent violations of these standards and rules raise many questions and

challenges for legal scholars and law enforcement agencies. Therefore, this topic has many areas for further research, formulation and improvement.

### **Література**

1. Goncharenko O.M. Human rights in Ukraine: a textbook. K.: Znannya, 2008.
2. The Constitution of Ukraine. June 28, 1996. 1996, No. 30, p. 141.
3. UN General Assembly Resolution 34/169 "Code of Conduct for Law Enforcement Officials" of 17.12.1979. *URL:* [https://zakon.rada.gov.ua/laws/card/995\\_282](https://zakon.rada.gov.ua/laws/card/995_282).
4. On Operational and Investigative Activities: Law of Ukraine of 18.02.1992 No. 2135-XII. Bulletin of the Verkhovna Rada of Ukraine. 1992. № 22. Art. 303. 465.

### **Анотація**

У роботі висвітлено міжнародні стандарти правового захисту під час військового конфлікту. Наші права і свободи гарантовані не лише Конституцією України, а й різними міжнародно-правовими документами під час введення воєнного стану.

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## **TOPICAL ISSUES OF LAW ENFORCEMENT TRAINING IN PEACETIME AND UNDER MARTIAL LAW**

Professional training of members of investigative and operational groups is carried out in peacetime. Usually, professional training in peacetime for employees who are members of investigative teams is carried out separately at the relevant structural units of the Ministry of Internal Affairs of Ukraine and the National Police of Ukraine. At the same time, there are no joint training sessions in the system of in-service training involving representatives of the National Police of Ukraine and sectoral departments of the MIA of Ukraine, in particular the State Border Guard Service of Ukraine, the Migration Service of Ukraine, the SES of Ukraine and structural units, representatives and specialists of other ministries and agencies. Everything is limited to one-time invitations of their representatives (or even individual representatives) to such types of training on interaction issues that should be solved during preparation in peacetime and in case of martial law. To eliminate such shortcomings, it would be advisable to draw up curricula and

schedules for training with members of investigative and operational groups. One of the areas of service training that should be considered is the peculiarities of observing the secrecy regime, secrecy of pre-trial investigation regime as well as information security, which should be conducted with the participation of the Security Service of Ukraine, cyber police and officers of the secret police units. For example, in the current state of martial law, certain politicians, heads of certain agencies, media representatives, etc. publish on Internet sites what we believe to be classified information on the amount, types, ways of receiving and moving military and other assistance from our country's partners, as well as certain strategic and tactical military and law enforcement information. Another significant area of professional training should be the improvement of interaction with forensic specialists, employees of expert institutions of the Ministry of Internal Affairs of Ukraine, the Ministry of Justice of Ukraine, the State Emergency Service of Ukraine, the Security Service of Ukraine, representatives of explosive, sapper and pyrotechnic units, and specialists of other agencies.

In addition, it would be appropriate to hold joint classes in peacetime and martial law with the participation of the following specialists: 1) with forensic medical experts; 2) with psychiatrists and teachers to establish proper contact during inspections of the scene and other investigative (search) actions involving and victimized children and minors); 3) with experts from various expert institutions, in particular, on the preparation and conduct of forensic molecular genetic examinations to establish DNA profiles and peculiarities of conducting examinations in the investigation of murders and war crimes against the military, our prisoners of war, representatives of regional and local military administration bodies, civilians and other categories of persons; 4) with criminal law experts on amendments to the legislation adopted in wartime (for example, on aiding the enemy - "collaborator" according to the new Article 111-2 introduced to the Criminal Code of Ukraine) and other amendments to the law on criminal liability of Ukraine and with the participation of international law experts on the peculiarities of international legal acts and the procedure for activities and cooperation with the International Criminal Court (in The Hague) on the issues under study, as well as the genesis, experience and results of the consideration of war crimes by the above-mentioned and Nuremberg and Tokyo tribunals.

In this regard, I suggest that scholars of criminal procedure and criminal law, international law, theory of state and law and others take an active part in the discussion of the draft law of the Cabinet of Ministers of Ukraine "On Amendments to the Criminal Procedure Code of Ukraine on Cooperation with the International Criminal Court" No. 7304 of 20.04.2022, which was submitted to the 7th session of the 1st convocation of the Verkhovna Rada of Ukraine, under the heading "Legal Policy", taking into account the existing theoretical and applied problematic issues in this area that occurred both in peacetime and those that arose during martial law. The very relevant draft law developed by MP O. Bakumov

together with the Ministry of Internal Affairs of Ukraine on the registration of human genomic information should also be supported. This will support and finally resolve the controversial scientific positions of criminologists and facilitate the comparison of the DNA of a crime suspect with DNA traces left at the crime scene both in peacetime and during martial law.

### **Література**

1. Сокурєнко, В.В. (2015). Сфера оборони України: адміністративно-правове регулювання : монографія. Київ. Національна академія внутрішніх справ. 544 с.

2. Мартовицька, О.В. (2022). Проблемні питання поліцейстики з удосконалення забезпечення прав особи на професійну правничу допомогу: матеріали науково-практичної конференції «Проблеми сучасної поліцейстики» (м. Харків. 20 квітня 2022 року). Харків. Харківський національний університет внутрішніх справ. С. 41-43.

### **Анотація**

*При реалізації напрацьованих мною пропозицій, вони зможуть сприяти удосконаленню професійної підготовки працівників поліції та відповідних спеціалістів, які будуть готові виконувати свої обов'язки в складі слідчо-оперативних груп і слідчих груп в мирний час та вирішувати поставлені завдання при можливому воєнному стані.*

*Утім, підняті питання не є остаточними і підлягають окремому дослідженню, або науковому вивченню. Пропоную учасникам науково-практичної конференції прийняти участь у обговоренні піднятих питань та наданих пропозицій.*

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## **INTERNATIONAL STANDARDS OF LAW ENFORCEMENT ACTIVITIES IN PEACETIME AND WARTIME**

In order to understand in the military sense what international standards of law enforcement are, it is necessary to define the international standards of law themselves.

In the field of international protection of human rights, international standards play a huge role, given that the fulfillment of obligations to promote

universal respect, respect and protection of human rights and fundamental freedoms is the duty of all states.

Namely, international standards in the field of human rights are general legal norms that fully approve the status of an individual and are a list of basic human rights and freedoms.

In general, there is a distinction between definitive and specific characteristics of international legal standards, namely: historical-legal, evolutionary and conceptual aspects of their formation, legalization and development.

There are different standards according to the criteria, but the most basic ones are: 1) International; 2) National; 3) Formally optional; 4) Declarative; 5) Relatively defined.

In addition to the analysis of the sources of international law, it is necessary to follow the scientific work of well-known foreign and domestic specialists, who in their works can offer modern and effective methods and techniques of borrowing international legal standards in the activities of national law enforcement agencies. This is also a significant way and method of solving the main issue of bringing the Ukrainian law enforcement system up to modern world and European standards. However, there cannot be an ill-conceived and simple mechanical transfer of an international standard or foreign experience of their implementation into national law enforcement systems, since our state is an original country with its own history, culture, mentality, its own way of developing law and legal system, which combine general civilizational and specific , trends peculiar only to Ukraine. In this regard, there is an urgent need to analyze the existing domestic and foreign developments regarding the borrowing of international legal standards as a methodological basis for the creation and improvement of the national law enforcement system, the development of acceptable for Ukraine procedures and mechanisms for the implementation of positive elements of the organization and activity of law enforcement agencies, which determines the need to conduct relevant scientific research.

Law enforcement activities are a common example of establishing international standards.

In our very difficult time, law enforcement activities are entrusted with a lot of responsibilities, since they are responsible for all the rights and obligations of people and their violations.

It is the law enforcement activity that studies and analyzes the general rights of human freedoms. For example, the same court. It is thanks to him that all violations of human rights are solved and analyzed.

During martial law all human rights remain unchanged, but some rights change for the military. On the example of the National Border Academy, cadets can be expelled during their free time.

In wartime, it doesn't work like that, because you can't leave a military unit during a war.

This will count as desertion.

In conclusion of this statement, I can say that all "hopes" are placed on law enforcement activities to solve human rights problems. It is thanks to the articles specified in the Constitution that we can regulate human responsibilities, rights and freedoms.

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## **POLICE ACTIVITIES FOR THE PROTECTION OF UKRAINIAN CITIZENS' CONSTITUTIONAL RIGHTS DURING THE WAR PERIOD**

On February 24, 2022, after the start of a full-scale attack by the Russian Federation on our state, the life of Ukraine and Ukrainians changed. During the period of martial law, the constitutional rights and freedoms of citizens began to be limited.

In our opinion, the restriction of human rights during the war is the norm. We must know exactly what rights can be "taken away" from us and how to protect them.

Among the mass violations of human rights, the RIGHT TO LIFE turned out to be unprotected, which is a rather strange, unfair and scary factor. Unfortunately, this right is most often violated in the conditions of a military conflict.

Bodily injuries, murders, abductions of people on the occupied territories, tortures and other forms of violence are the infringements of both the right to life and the right to dignity and integrity [1].

A violation of human rights is also the damage and destruction of property, as well as the fact that a person was deprived of his/her native home due to the war or could not leave the occupied territories.

It is also impossible to remain silent about children who were separated from their parents, lost access to education, medicine - this is a violation of the child's rights.

Therefore, nowadays, there is a number of normative legal acts that determine the peculiarities of state administration in Ukraine and are designed to ensure social protection of the local population, in particular, these are: Laws of Ukraine "On Temporary Measures for the Period of the Anti-Terrorist Operation", "On Ensuring Rights and Freedoms Internally Displaced Persons", acts of the Cabinet of Ministers of Ukraine on Approval of the List of Settlement [4].

Understanding the need to ensure the protection of the civilian population, the restoration of peace and social harmony in Ukrainian society, in order to protect the constitutional rights and freedoms of citizens who suffered during the anti-terrorist operation and on the occupied territories, attention should be paid to:

- protection of the right to freedom and personal integrity;
- effective investigation of crimes of enforced disappearance;
- releasing hostages, restoring their rights and ensuring their rehabilitation;
- ensuring the right to an independent, fair trial within a reasonable time;
- opposing (preventing) torture, cruel, inhuman or degrading treatment or punishment [2].

The first recommendation to our parliament is to ratify the Rome Statute of the International Criminal Court and the relevant legislation, which will make it possible to adapt the national Criminal Law to the challenges of armed conflict [3].

Human rights activists insist that the procedure for obtaining a Ukrainian-style diploma for those who received higher education on the occupied territories should be developed and improved. Also, a person must leave the occupied territory to the territory under the control of Ukraine, pass tests and exams according to a certain procedure and, based on this, receive a Ukrainian-style diploma.

Summarizing all of the above, we must emphasize the importance of informing the population about rights and obligations under martial law. We would also like to add that the police activities in the zone of military conflict should not be limited only to the physical protection of citizens, but also to legal assistance and the protection of their rights and freedoms.

### **Література**

1. Які права можуть порушуватись під час війни та як їх захистити? URL:<https://visitukraine.today/uk/blog/700/yaki-prava-mozut-porusuvatis-pid-cas-viini-i-yak-ix-zaxistiti>

2. Право на життя в умовах війни?! URL: <https://law.chnu.edu.ua/pravo-na-zhyttia-v-umovakh-viiny/>

3. Принципи права. URL: [https://uk.wikipedia.org/wiki/%D0%9F%D1%80%D0%B8%D0%BD%D1%86%D0%B8%D0%BF%D0%B8\\_%D0%BF%D1%80%D0%B0%D0%B2%D0%B0](https://uk.wikipedia.org/wiki/%D0%9F%D1%80%D0%B8%D0%BD%D1%86%D0%B8%D0%BF%D0%B8_%D0%BF%D1%80%D0%B0%D0%B2%D0%B0)

4. Діти та збройні конфлікти: нормативно-правова база. URL: <https://warchildhood.org/ua/children-and-armed-conflict-legal-framework/>

### **Анотація**

*У статті аналізується необхідність відновлення громадянського миру та соціальної злагоди в українському суспільстві, наголошується на забезпеченні реалізації конституційних прав і свобод громадян, які постраждали під час проведення антитерористичної операції та воєнних*

*дій 2022-2023 років, приведення норм чинного законодавства України до європейських стандартів.*

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## **PROTECTION OF CONSTITUTIONAL HUMAN RIGHTS IN POLICE ACTIVITIES IN A ZONE OF MILITARY CONFLICT**

Human rights and freedoms, which are defined in the Constitution of Ukraine, are aimed at ensuring the conditions for their normal life activity, and they are also one of the main scientific problems of our time. Nowadays, the legal status of a person in various spheres of life shows the imperfection of the mechanism of ensuring human rights and freedoms, especially this problem is pressing during the martial law in the state.

The Constitution of Ukraine defines a person, his or her honor and dignity, life and health as the highest social value. A curfew has been introduced to protect human life. Yes, it can be said that this restricts the right of citizens to free movement, but it is correct to note that this very decision to introduce such a restriction is aimed at maintaining order, with the purpose of reducing the number of victims in wartime. Also, due to such a situation, it is important to remember the legal guarantees provided to each of us.

One of the types of guarantees of human rights protection is judicial protection. The courts of general jurisdiction and the Constitutional Court operate in Ukraine, in accordance with the Law “On the Judicial System of Ukraine”. Their practical activity is a structural element of ensuring human rights and freedoms. To protect one’s rights, a person can apply to the court personally or through a representative.

There are also relevant law enforcement agencies: SSU, Ministry of Internal Affairs, Prosecutor's Office. They have a direct duty to identify violated rights, protect constitutional human freedoms, and counter criminal acts against the rights and freedoms of citizens. The human rights enforcement mechanism is a system of measures to create conditions for the exercise of fundamental rights. The tasks of this mechanism consist in the protection, defense and restoration of violated rights, as well as in the formation of the legal awareness of the population. The parts of the mechanism include: - Implementation guarantees; - Protection guarantees; - Defense guarantees.

The police work as a single mechanism with other law enforcement agencies to counter any attempts of destabilization of the situation in the country.



During martial law, the law enforcement agencies work in a heavy security mode; the situational centers have been transferred to a heavy security version of service. The collecting and summarizing of information is carried out around the clock. The police patrol the streets, check the documents of suspicious persons, and, if necessary, have the right to inspect things, vehicles, luggage and cargo, office premises and citizens' homes. And also during the martial law in Ukraine, the police officers are obliged to check stores, regarding the prohibition of trade in weapons, powerful chemical and poisonous substances, as well as alcoholic beverages and substances produced on an alcohol basis. In addition, the police also inspect shops in regard to the sale of humanitarian aid, which is strictly prohibited.

Also, in the conditions of martial law in Ukraine, a special security regime was introduced. The curfew is in effect in the country and the roadblocks have been set up, where the representatives of the territorial defense, the National Guard, as well as the police officers allow vehicles to pass. The security forces check the documents of drivers and passengers.

To date, the following war crimes committed by the enemy have been recorded:

- facts of injury/death of civilians due to the use of weapons by the occupier;
- facts of physical violence, deprivation of liberty of the civilian population by the occupier;
- violence against medical personnel, damage to the medical transport, hospitals, equipment;
- refusal or deprivation of access to medical care.
- violence against the clergy, damage/destruction of religious buildings (temples, mosques, synagogues, etc.);
- location and use of military equipment, conduct of combat operations by the occupier in residential quarters of the city;
- damage to civil infrastructure objects;
- use of civilian clothes, uniforms of the Armed Forces of Ukraine, emblems of humanitarian and medical institutions by the occupier;
- use of civilian infrastructure for military purposes under the cover of civilians;
- seizure of property, robbery.

The Verkhovna Rada adopted draft law No. 7147 with the aim of optimizing police activities, including during the martial law. The draft law No. 7147 added new clauses to Article 23 of the Law of Ukraine “On the National Police” and gave the police the authorities necessary to carry out the tasks assigned to it, including under martial law. In particular, the additions relate to issues of interaction between the bodies and units of the National Police with state bodies, local self-government bodies, state-owned legal entities, including regarding prisoners of war, the issues of ensuring the escort and detention of retained

persons, demining and allowing police officers to carry out special explosive works, as well as the issues of representation in the International Criminal Police Organization - Interpol.

In addition, the changes provided by the draft law No. 7147 are also aimed at settling the issue of collecting biometric data of persons, including through fingerprinting, as well as expanding the list of grounds for stopping a vehicle by a police officer and checking it, as well as verifying the driver and passengers. The draft law No. 7147 supplemented the Disciplinary Statute of the National Police of Ukraine with a new section that defines the specifics of conducting an official investigation in the National Police during the period of martial law.

Therefore, an important element of the legal status of a person is the guarantee of the rights and freedoms granted to him or her. The system of measures and means determined by the Constitution and other legislative documents should be defined under these guarantees. A special attention in the mechanism of legal guarantees is paid to judicial protection of constitutional rights. The attention should also be focused on the fact that each person can apply for the protection of violated rights to extrajudicial entities authorized in such matters.

### **Література**

1. Конституція України: Закон від 28.06.1996 № 254к/96-ВР. Відомості Верховної Ради України, 1996, № 30. Дата оновлення: 01.01.2020. <https://v.gd/MLWOQT> (дата звернення 18.04.2022).

2. Фрицький О. Ф. (2003). Конституційне право України: підручник. Київ: Юрінком Інтер, 2003. 536 с.

3. Заворотченко Т.М. (2002). Конституційно-правові гарантії прав і свобод людини і громадянина в Україні : дис. канд. юрид. наук : 12.00.02. НАН України: Ін-т держави і права ім. В. М. Корецького. Київ. 222 с.

4. Воєнні аспекти протидії “гібридній” агресії: досвід України : монографія. Колектив авторів ; за заг. ред. А. М. Сиротенка. К. : НУОУ ім. Івана Черняховського, 2020. 176 с.

5. <https://warcrimes.gov.ua>

6. <https://www.rada.gov.ua/news/razom/220378.html>

### **Анотація**

*У роботі досліджується концепція прав людини, а також аналізується значення конституційних прав людини. Співставлено поняття «конституційні права людини», «основні права людини» та «фундаментальні права людини». Розглянуто функції прав людини та визначено функціональні особливості таких прав. Досліджено функції конституційних (основних) прав за матеріалами німецької правничої доктрини, до яких належить: оборонна функція, функція надання благ та захисту, функція однакового поводження.*

## **TRAINING OF LAW ENFORCEMENT AGENCIES IN CONDITIONS OF PEACE AND MARTIAL LAW**

The basis of the construction of any state is its ability to provide proper and safe conditions for the existence of its inhabitants. Therefore, both in peacetime and in wartime, the issue of proper training of law enforcement officers is important and will always be relevant. One of the relevant issues of training law enforcement officers in conditions of peace and war is the improvement of marksmanship. In the light of recent events in the country, the topic of significantly improving the level of fire training of employees of internal affairs bodies, primarily representatives of the patrol police is gaining more and more publicity. After all, the events in the east of Ukraine directly affect the state of the criminogenic situation, in particular, the brazen actions of criminals with the experience of being in the zone of an anti-terrorist operation quite predictably pose an increased danger for law enforcement [1, p.17].

During the period of martial law (February 24, 2022 – October 31, 2022), investigators of the National Police of Ukraine initiated 135,562 criminal proceedings based on the facts of crimes committed under martial law. The police record the war crimes of the Russian Federation, which are committed by the senior management and servicemen of the armed forces of the Russian Federation in the temporarily occupied territories, after the de-occupation of these territories, the cases will be brought to the courts and sentenced [2].

The complexity of the situation is exacerbated by the well-known fact that the duration of training for representatives of the new generation of patrol police officers is limited. Of course, acquiring the necessary knowledge, skills and abilities in such a short period of time appears to be a frankly overwhelming task for a significant layer of civilian applicants until recently. And this is especially evident in critical situations, when marksmanship has to be demonstrated in conditions of significantly increased psycho-emotional tension [1, p.17]. The activities of the National Police of Ukraine in most cases are associated with danger and extreme situations. The possibility of an attack on a police officer exists throughout the time he is performing his official duties. [1, p.19] Therefore, another relevant issue of the training of law enforcement officers is training to quickly adapt to extreme situations, to be attentive and adequately react to the events that surround us. And the expediency of holding practical classes.

And also, in my opinion, in the conditions of martial law, and not only, law enforcement officers should be taught the following:

- always consider and evaluate everything that happens during an extreme situation, practice the ability to predict one's actions and the opponent's actions one step ahead;
- take into account the "lag" time (the time between thought and action) and the time to shoot;
- learn to control the surrounding space (sounds, objects, people, movements, etc.);
- choose and use your own location as a position to create an advantage in a certain situation;
- check your physical and emotional state before the service; - check weapons, equipment, transport before work;
- never let a suspicious person out of sight;
- do not use threats if it cannot be implemented;
- it is difficult to identify a criminal based on appearance alone, so the unexpected must be expected;
- practice the skills to quickly retrieve and reload weapons (for example, on the move, in the dark and in other difficult conditions);
- control the situation in the space around your location, conditionally dividing it into sectors, coordinating your actions with your partner;
- if necessary, use code words, phrases and gestures to transmit information;
- act actively in case of danger, always remember to be careful. [1, p.21]

### **Література**

1. Актуальні питання проблеми фізичної і психофізичної підготовки працівників правоохоронних органів  
<http://dspace.oduvs.edu.ua/handle/123456789/4289>
2. Peculiarities of Training Specialists for the National Police of Ukraine (On the Example of Higher Education Institutions with Specific Training Conditions)  
<https://versita.com/menuscript/index.php/Versita/article/view/736>
3. Basic Principles on the Use of Force and Firearms by Law Enforcement Officials  
<https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-use-force-and-firearms-law-enforcement>

### **Анотація**

*У роботі висвітлено питання забезпечення правоохоронцями мирного існування, завдяки їх підготовці належним чином. В даний час більш важливе покращення рівня вогневої підготовки, навчання швидкості реагування в екстремальних ситуаціях, та психо-емоційної стійкості.*

## **TRAINING OF FIREFIGHTERS AND RESCUERS UNDER MARTIAL LAW**

On February 24, 2022, the Russian Federation launched a large-scale armed aggression against Ukraine, killing Ukrainian citizens and destroying cities and villages through offensive hostilities, including missile, artillery, and airstrikes. In order to repel the aggressor and protect the sovereignty and territorial integrity of the state, the Decree of the President of Ukraine No. 64/2022 of February 24, 2022 introduced martial law in Ukraine. In accordance with Part 7 of Article 4 of the Law, the General Staff of the Armed Forces of Ukraine directs, coordinates and controls the activities of regional military administrations on matters of defense, public safety and order, implements martial law measures. The Cabinet of Ministers of Ukraine directs, coordinates and controls regional military administrations on other issues. In addition, military administrations are responsible for exercising the powers of the respective local state administrations, as well as solving issues related to:

- placing on a contractual basis orders for production, performance of works (services) necessary for the territorial community, enterprises, institutions and organizations;
- preparation and approval of the local budget, making changes to it, ensuring the implementation of the current budget;
- management of the property of communal property of the relevant territorial community (except for solving issues of alienation, including privatization of communal property and lease of communal property for a period of more than one year);
- provision of town planning conditions and land development restrictions in accordance with legislation;
- a decision on the settlement of land relations (except for the alienation of communally owned land plots and the lease of such land plots for a period of more than one year);
- a decision on granting a permit for the special use of natural resources of local importance for a period not exceeding one year, as well as on the cancellation of such a permit;
- a decision banning trade in weapons, powerful chemical and poisonous substances, as well as alcoholic beverages and substances produced on the basis of alcohol, etc.

The management system in the emergency department consists of:

- management bodies - direct (the Head of Works on Emergency Situations and the Staff for Elimination of Emergency Situations) and coordinating bodies (special commission for elimination of the consequences of emergency situations, commissions on technogenic and environmental safety and emergency situations);
- control points (stationary and mobile) and control centers in emergency situations;
- communication and information systems.

The management system must have a high degree of readiness, ensure the reliability of the functioning of its components and the possibility of both centralized and direct management of units.

For the direct management of ARINR in the event of any emergency, the Head of Emergency Operations is appointed. The procedure for the appointment, powers and functions of the Head of Emergency Operations is determined by Article 75 of the Civil Protection Code of Ukraine.

Until the arrival of the Emergency Operations Manager, his duties are performed by the head of the unit (service, formation) of the civil defense forces or operational group (representative of the emergency management center), who arrived at the emergency zone first. If an emergency has occurred at a potentially dangerous facility or a high-risk facility, until the Emergency Work Manager arrives, his duties are performed by the facility dispatcher or a senior engineering and technical staff member who is on shift.

In case of liquidation of the consequences of an emergency, which by its nature and consequences does not require the special appointment of the Manager of works on the emergency, the duties of such a manager are ensured by the head of the emergency and rescue service, which performs the liquidation of the consequences of this emergency.

For the direct organization and coordination of the ARINR for the liquidation of the consequences of the emergency, the Headquarters for the liquidation of the emergency is formed, which is the working body of the Head of works on the emergency.

The organization of the work of the Emergency Response Headquarters is carried out in accordance with the Regulations on the Emergency Response Headquarters, approved by Order No. 1406 of the Ministry of Internal Affairs of Ukraine dated December 26, 2014, registered with the Ministry of Justice of Ukraine on January 16, 2015

The main tasks of management are:

- maintenance of constant readiness to perform assigned tasks; advance planning of the actions of the units of the ORS of the Central Committee;
- continuous collection and study of data on the situation in the emergency area; timely decision-making and communicating them to subordinates;

- organization and provision of continuous interaction of management bodies and civil defense forces subordinate to them;
- preparation of units of the ORS of the Central Committee for conducting ARINR;
- organization of all-round support for the units of the ORS of the Central Committee, involved in the execution of works, and maintenance of the appropriate level of moral and psychological state of these units.

The principles of management during an emergency are:

- continuity of management, which is achieved by timely decision-making and operational delivery of tasks to the subordinate units of the ORS of the Central Committee, the presence of communication with them and interacting management bodies, timely deployment of mobile control points;
- consistency of management, which consists in the decisive and persistent implementation of measures provided for by emergency response plans, plans for the localization and liquidation of the consequences of accidents, organizational and administrative documents regarding the actions of personnel in the event of a threat or occurrence of an emergency, civil protection plans for a special period and decisions made regarding carrying out ARINR within the established terms;
- flexibility of management, which is ensured by prompt response to changes in the situation, timely clarification of the decisions made, tasks assigned to subordinate units of the ORS of the Central Committee and the order of interaction;
- stability of management, which is achieved by ensuring the uninterrupted functioning of the main (stationary) control point and deployment in the emergency zone of the PPU and duplicating means of communication.

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## **LAW ENFORCEMENT ACTIVITY STUDENTS' TRAINING DURING THE WAR IN PROGRESS**

In modern conditions of martial law, the work of law enforcement agencies comes to the fore on a par with the military departments. Therefore, the issue of training future law enforcement officers plays a very important role both in the educational system and in the internal affairs system.

The war of Russia against Ukraine is going on. The aggressor continues bombing the Ukrainian cities and villages, ruining their infrastructure with missiles

and drones. The full scale invasion brought a lot of grief and troubles to our people. Eight million Ukrainians had to seek shelter abroad, migrating to the European countries, Canada or the USA.

Last autumn more than 1600 Ukrainian towns and villages were de-occupied by Ukraine's Armed Forces. People returned to their destroyed houses and started restoration preparing for the winter. Having failed at the front, the enemy began bombing and shelling Ukrainian electric power stations, trying to leave our people without electricity, water supply and heat. In late autumn, when the temperature lowered and somewhere dropped below zero, the Russian aggressor wanted to make our people suffer and panic. However, all their plans crashed against our burning desire for freedom and independence. We united as one strong nation to withstand the wicked plans of the enemy [1].

Under the conditions of blackout, absence of warmth and water supply President's Office and the government found the way out of the situation. On their initiative the so- called "points of invincibility" were opened throughout the country. These are specially equipped centers which provide access to the Internet, mobile communication, power to charge various gadgets, places for rest and even first aid kits. Moreover, people can warm themselves, have a snack, hot tea or coffee there. These points are free and are able to function thanks to powerful generators that produce electricity. Thousands of such generators of different capacity were given to Ukraine by the European countries, the USA and Japan. Schedules of electricity turning off were implemented in all regions of Ukraine in order to provide sustainable energy supply when power stations were damaged. In most residential areas we have regular electricity switching off but in some regions people also have accidental turning off when the limits of electricity supply are exceeded.

Our partners help us not only with the energy equipment but also with the necessary weapons: the newest tanks, arms, systems of air protection, etc.

Now severe battles are taking place in Donbas where the enemy tries to capture new territories but our brave soldiers do not allow them to move forward. They stand for our native land and demonstrate real heroism and patriotism.

My city has been bombed from the start of the war, but fortunately, every day bombing was stopped in the summer. Our brave soldiers discarded russians far from Mykolaiv. In the middle of the war russian missiles destroyed our water supply so the local government had to find another way to supply the city with water. Our city was without a water supply for practically a month, but it was summer and a lot of people from other regions help us with this problem. Also, there were some points where you could get some water. Another plan of our enemy was to leave us without electricity, so they started to bomb our power stations and damage electrical networks. So in our country were implemented schedules of electricity turning off to provide a sustainable energy supply. Also under the conditions of blackout absence of warmth and water supply were created



many “points of invincibility” which provide access to the Internet, mobile communication, power to charge various gadgets, places for rest and even first aid kits. All of these months of the war were horrible, but our nation united as one to withstand the wicked plans of the enemy and we strongly believe in our victory and waiting for our brave soldiers to come back [1, p. 55-85].

In our opinion, the training of future representatives of law enforcement agencies in various institutions of legal direction is now an almost heroic task (training in basements and bomb shelters, without light, heat and water), when the population of the country is trying to survive, future law enforcement officers are now going through a strict school of life.

### **Література**

1. Удосконалення професійної підготовки поліцейських щодо здійснення ефективної службово-бойової діяльності: матеріали круглого столу, м. Херсон, 28 квітня 2022 р. / за заг. ред. Вайди Т. С., канд. пед. наук, доц. Одеса: ОДУВС, 2022. 100 с.

2. Modern information technologies in the activities of the National Police of Ukraine. URL: <https://dduvs.in.ua/en/2022/11/15/modern-information-technologies/>

### **Анотація**

*У поданій роботі автором було зроблено спробу проаналізувати умови підготовки майбутніх правоохоронців у розпал війни українського народу з російським агресором. Зокрема, було наголошено на титанічній праці викладачів ЗВО Міністерства внутрішніх справ та нелюдських умовах підготовки майбутніх поліціантів.*

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## **LAW ENFORCEMENT BODIES PREVENTION IN PEACETIME AND WARFARE**

As it is known from the disposition of the first article of the Law of Ukraine "On the National Police", the National Police of Ukraine is the central body of the executive branch of government, which serves society directly with a specific goal - ensuring the protection of human rights and freedoms, as well as combating crime and, of course, maintaining public order and maintaining safety on the streets and beyond. As for the usual tasks of this authority, their comprehensive list is given in

the second article of the above-mentioned Law and it is reduced to the provision of police services in various areas [1].

And in which ones, we will now examine and compare the content of the tasks during normal (peaceful) time and during the period of martial law, introduced by the President of Ukraine by signing a decree in connection with the threat to the territorial integrity of both individual territories of the state and the entire state as a whole from the Russian side Federation [2].

The first paragraph of the first part of the second article of the abovementioned Law defines the primary task of a police officer as the provision of services in the field of ensuring public safety and order. By ensuring public safety and order, the legislator meant a set of actions and measures on the part of representatives of law enforcement agencies to ensure compliance with laws and established norms of law and morality, norms of social behavior by the population. Simply put control and supervision of the people, preventing and preventing the commission of offenses. The implementation of this task becomes somewhat more difficult during the martial law, since the National Police of Ukraine are entrusted with more important tasks, which actually push this task to the background and give it the mark of secondary importance, however, it is worth noting, and do not cancel its effect. The protection of human rights and freedoms, as well as the interests of society and the state, is a police service that belongs to the tasks of the National Police in the second part of the first article of the second Law of Ukraine "On the National Police". The content of this provision contains a matrix branched by subject, in relation to which the action is performed. Simply put, protection of 1) rights should take place in relation to a person; 2) freedoms, - regarding interests - the legislator defined two subjects: 1) society; 2) the state. In "peacetime" more attention is paid to the protection of human rights and the interests of society. During hostilities, considerable attention is given to human freedoms and the interests of the state attacked by the aggressor country.

Practically, the provisions of this clause are fulfilled in peacetime and in wartime, however, the difference in perception and interpretation of this norm is slightly different depending on the time and events in the state. Combating crime is and remains an important priority task of the police. That is why it was singled out as a separate area of service provision by the National Police (or as a separate task) and defined in clauses three of the first part of the second article of the aforementioned Law. Crime was, is and will be. The very thought of its absence is defined by scientists in the field of theory and history of the state and law as a utopia, a situation that cannot be realized under real conditions (an illusion, a dream).

The so-called humanistic Western model of law enforcement in Ukraine since 24 February 2022 until the end of martial law and even for some time should be objectively replaced to a somewhat qualitatively different and tougher approach to crime prevention. It is a requirement of the time and a condition of a special

legal regime during military operations in accordance with the current legislation of Ukraine. No wonder the corresponding constitutional ones rights and freedoms that citizens are used to enjoying in peacetime (the right to free movement, the right to education, social services, the right to privacy ownership in terms of managing one's property, etc.) are somewhat limited. Without limiting a number of the listed and many other rights of citizens and legal the interests of legal entities during the war, in fact, it is impossible to protect others and more priority rights (to life, health, security, inviolability).

Activities of many subjects of crime prevention during the wartime period state should be based on such principles and requirements as: adequacy; proportionality; optimality; complexity; transparency (how much is it possible in real social conditions). It is obvious that rights and freedoms of citizens during the war should be limited to a minimum, i.e. to as much as as much as socio-political necessity and the military situation require it.

In a situation of need for general mobilization conscripts from the male population, aimed at repelling external military aggression, involvement in military operations is not only servicemen of the Armed Forces of Ukraine, members of the territorial defense, but also employees of the National Police, the latter should respond and, for opportunities to expose the most resonant, common and socially dangerous illegal manifestations.

Illegal crossing of the state has become a relatively new type of crime border of Ukraine by men aged 18 to 60 who are conscripts and subject to mobilization in wartime, as well as assistance in this by officials of the State Security Service. The reward for such actions reaches 10-15 thousand dollars USA. Therefore, anti-corruption authorities should ask this question on control to minimize corruption risks in the work of this Service and preventing illegal reduction of the number of persons to be protected sovereignty and territorial integrity of the state in the period of military aggression.

### **Література:**

1. On the National Police: Law of Ukraine dated July 2, 2015 No. 580-VIII. Information of the Verkhovna Rada of Ukraine. 2015. No. 40-41. Art. 379 (with subsequent changes and additions). URL: <https://zakon.rada.gov.ua/laws/show/580-19>
2. Decree of the President of Ukraine. No. 64/2022 dated February 24, 2022. URL: <https://president.gov.ua/documents/642022-41397>

### **Анотація**

У доповіді охарактеризовано захист прав людини згідно із Законом України «Про Національну поліцію» та злочини у воєнний час. На поширення злочинності у всьому різноманітті її проявів впливає безліч факторів різної природи: соціально-економічних, правових, інформаційних,

технічних, соціально-психологічних, кліматичних та ін. У довоєнний період такі проблеми, як корупція, автомобільна, організована, економічна злочинність, індивідуальні спекулянти, корисливі насильницькі прояви та деякі інші. Проте для сучасного воєнного часу вони поповнилися не менш актуальними негативними явищами та видами злочинної поведінки. Це були: військовий злочин; кримінальні злочини проти миру, людини та міжнародної безпеки правопорядку; кваліфіковані види індивідуальних майнових злочинів; нові прояви шахрайства; нові види корупційної діяльності з боку окремих суб'єктів.

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## **LAW ENFORCEMENT AGENCIES UNDER NEW CONDITIONS**

One of the main tasks of law enforcement agencies is to prevent committing the offenses, especially under martial law conditions, when in some regions of the country the situation can become unmanageable.

The activity of law enforcement agencies is important in the life of modern society. They perform functions of enforcing the rule of law, maintaining public order. Also, one of main tasks of law enforcement agencies is to prevent crimes. The Department of Preventive Activities of National Police of Ukraine performs the following functions: 1) organizing general and individual preventive activity aimed at preventing the commission of offenses; 2) defining the reasons and conditions that lead to the commission of criminal and administrative offenses, taking measures to decrease them within the limits of competence; 3) observing the operational situation in the state, studying, analyzing and summarizing the results and effectiveness of police activity (only those functions of the department directly related to crime prevention are listed above) [4].

Thus, the activities of National Police of Ukraine in peacetime are mainly aimed at preventing offenses and eliminating the causes and conditions that contribute to criminal activity [1].

During the martial law the preventive activities of the police are intensified in all directions, namely: increasing the number of patrols; introduction of curfew; involvement of other military units to maintain public order under the martial law conditions; introducing a ban on meetings, demonstrations, etc.; creation of roadblocks; strengthening the protection of important objects of military and civil infrastructure; introduction of a permit for inspection and search of citizens' residences if necessary; introduction of permission for listening the telephone conversations and interfere in private correspondence if necessary; introduction of

a permit for the alienation of citizens' property in compliance with a certain procedure and subsequent compensation of the damages caused by the state [2].

The units of National Police of Ukraine directly are authorized to conduct counter-sabotage actions and counter crimes against the state sovereignty and national security of Ukraine in the combat zone.

Taking into account all the points mentioned above, it can be concluded that the limits of competence of National Police of Ukraine are significantly expanded during the martial law, which makes it possible to prevent crimes and maintain public order more effectively.

### **Література**

1. Закон України від 02.07.2015 № 580-VIII «Про Національну поліцію». Ст. 31. URL: <https://zakon.rada.gov.ua/laws/show/580-19#Text>
2. Закон України від 12.05.2015 № 389-VIII «Про правовий режим воєнного стану». URL: <https://tax.gov.ua/diyalnist-/zakonodavstvo-pro-diyalnis/zakoniukraini/77475.html>
3. Жбанчик А.В. «Превентивна діяльність поліції: вітчизняний та зарубіжний досвід» / Міжнародна та національна безпека: теоретичні і прикладні аспекти: матеріали III Міжнародної науково-практичної конференції (ДДУВС, 15.03.2019). URL: <https://er.dduvs.in.ua/bitstream/123456789/3388/1/80.pdf>
4. Положення про Департамент превентивної діяльності Національної поліції України. Офіційний сайт Національної поліції. URL: <https://www2.npu.gov.ua/about/struktura/struktura/departament-preventivnoji-diyalnosti.html#panel-1-2>

### **Анотація**

Однією з основних задач правоохоронних органів є запобігання вчиненню правопорушень, особливо в умовах воєнного стану, коли в деяких регіонах країни ситуація може доходити до некерованої. Під час дії воєнного стану превентивна діяльність поліції посилюється в усіх напрямках. Межі компетенції Національної поліції України значно розширюються, що у свою чергу дає можливість більш ефективно запобігати та припиняти правопорушення і підтримувати режим законності.

## **INTERACTION OF LAW ENFORCEMENT AGENCIES AND THE PUBLIC IN THE SPHERE OF ENSURING PUBLIC ORDER IN PEACETIME AND WARTIME**

Public order, the safety of citizens, their lives and health, prevention and countermeasures of crimes depend on the effectiveness of the National Police of Ukraine. The work of the police and the assessment of its activity depends on the main criterion - the level of trust of the population in the bodies of the National Police of Ukraine. Therefore, the issue of cooperation between the police and the public on a partnership basis is becoming more and more urgent, especially in wartime.

Today, this work is carried out on the basis of legislative and regulatory acts. Thus, the Law of Ukraine "On the participation of citizens in the protection of public order and the state border" dated June 2, 2000 No. 1835-III [1] defines the procedure for involving the public in the protection of public order, as well as the principles of legal guarantees and social protection of citizens' participation in this activity. In addition, the first part of Article 11 of the Law of Ukraine "On the National Police" stipulates that "police activities are carried out in close cooperation and interaction with the population, territorial communities and public associations on the basis of partnership and aimed at meeting their needs" [ 2, p. 6]; in Part 2 of Art. 89 of this law, the legislator speaks of police cooperation with the public as a prerequisite for effective police activity: such activity [2, p. 66].

The work of the police and the evaluation of their activities depends on the main criterion - the level of trust of the population in the bodies of the National Police of Ukraine [10]. This trust arises under the condition of close and effective police activity with the population on the basis of partnership, which is specified in Article 11 of the Law of Ukraine "On the National Police of Ukraine" [10].

The issue of interaction between the police and the population is a subject of discussion and debate not only among scientists, but also among police officers. Some believe that the interaction depends on the number of appeals from citizens to the National Police, which is not correct according to some researchers, since the indicators of the effectiveness of the police work do not always depend on the number of appeals. Others argue that trust is a measure of police effectiveness. We lean towards the opinion of the second group of people. This discrepancy is due to the fact that domestic scientists have not fully studied the issue of interaction. In particular, the interaction of the police and the public has always been the subject of scientific achievements of such domestic scientists, but does not consider the

issue of using foreign experience as the main basis of the division of preventive activities in the direction of interaction with the public [6, p.65]

In connection with the state of war, Ukraine needs an active position in the search for an effective process of establishing a partnership between police units and the population. One such method of improving partnerships is community-oriented policing (COP), a policing strategy aimed at developing relationships with community members. It is a philosophy of full-service policing that is highly personal, where an officer patrols the same area for a period of time and develops partnerships with citizens to identify and solve problems [9]. Based on the experience of foreign countries that are already actively using the "COP" method, the main practical directions are identified: police service, on a territorial basis; prevention of crimes by community forces; stationary and territorial foot patrols. In Austria, so-called "volunteer wives" take turns guarding private sector housing, sometimes even state housing. In the Czech Republic, Lithuania and Spain, citizens participated as assistants in cooperation with the police [6].

Territorial defense brigades were formed on the territory of Ukraine, especially in the conditions of martial law, which include combat-ready, motivated citizens who partially perform the work of the National Police units, namely stationary and foot patrols.

### Література

1. Про участь громадян в охороні громадського порядку і державного кордону: закон України від 22.06.2000 № 1835-III // «З.У» / ВР України. URL: <http://v.gd/3RGYMb> (дата звернення: 17.02.2023).

2. Закон України «Про Національну поліцію». Київ : Вид. Паливода А. В., 2015. 104 с. (дата звернення: 17.02.2023).

3. Про затвердження Інструкції з організації діяльності дільничних офіцерів поліції: наказ МВС України від 28.07.2017 № 650 /ВР України. URL: <http://v.gd/ISRyBN> (дата звернення: 17.02.2023).

4. Про результати роботи з організованими групами та злочинними організаціями (2019 рік) / Генеральна прокуратура України: URL: <http://v.gd/OxZ5sN> (дата звернення: 17.02.2023).

5. Впровадження Community policing на Вінниччині /Центр з прав людини: URL: <https://v.gd/jJiare> (дата звернення: 17.02.2023)

6. Голуб М. В. COMMUNITY POLICING: сутність та складові елементи. Право і безпека. Харків, 2012. № 1. С. 62-67. (дата звернення: 17.02.2023).

7. Поліцейська діяльність, орієнтована на громаду, в Європі: концепція, теорія та практика /посібник EUCPN. 2012. 136 с. (дата звернення: 17.02.2023).

8. Матюхіна Н. П. Поліція Великобританії: сучасні тенденції розвитку та управління : монографія / Харків. 2001. 131 с. (дата звернення: 17.02.2023).

9. Морозов Н. А. Злочинність та боротьба з нею в Японії - СПб. : Юрид. центр Прес. 2003. С. 59. (дата звернення: 17.02.2023).

10. Про Національну поліцію : Закон України від 02.07.2015 № 580-VIII. URL: <https://zakon.rada.gov.ua/laws/show/580-19> (дата звернення: 17.02.2023)

### **Анотація**

*У тезах розглянуто ефективність роботи Національної поліції України завдяки співпраці з громадськістю, актуальність питання співпраці поліції та громадськості на партнерських засадах, особливо у воєнний час. Порушено питання взаємодії поліції та населення. Розглянуто метод покращення партнерства є community-oriented policing (COP), та приведено досвід використання цього методу іншими країнами і в Україні.*

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### **INTERACTION OF LAW ENFORCEMENT AGENCIES AND THE PUBLIC IN THE SPHERE OF ENSURING PUBLIC SAFETY AND ORDER IN MODERN CONDITIONS**

In the conditions of a legal state, ensuring the rights and freedoms of citizens is a priority in the activities of law enforcement agencies. This activity may be divided into 4 directions:

1) provision of various services to citizens, including search for missing persons, consultations, assistance to victims of crimes and natural disasters;

2) preventive measures aimed at preventing criminal encroachments and offenses (raids, enhanced options for serving on weekends and holidays, outreach), identifying the causes and conditions that give rise to crime;

3) protection of public order and provision of public safety, which guarantees the right to inviolability of the person, protection of health, honor and dignity, safe travel in transport, etc.;

4) ensuring the personal safety of citizens [4].

Recently, many different institutions of civil society have been formed, the main part of which is aimed at protecting the rights and freedom of citizens. But the question arises, if there is a basic law (Constitution) in the country, as well as fixed legislative and executive branches of government that stand to protect the rights of citizens, then what is the point of numerous non-governmental organizations created with the same purpose?



The active civil position of citizens, their concern and desire to help, to stop illegal actions, in order to avoid negative consequences related to the loss of life, harm to health, violation of public order and security of the interests of the individual, society and the state, allow law enforcement agencies to fight crime more effectively, to stop illegal actions in the early stages [1, p.150].

Law enforcement agencies should actively interact directly with public associations whose activities are primarily focused on maintaining law and order (human rights organizations), as well as religious associations (Christians, Muslims, Buddhists and other faiths).

Another important direction of police interaction with society is direct work with the population at the place of residence, as it is practiced in many countries. One of the forms of interaction is the involvement of residents in law enforcement activities, both for a fee and for free in the form of volunteering.

Most often, the interaction is one-sided. For example, the population is encouraged to identify criminals by the photos posted and to call the district inspector by the telephone number shown under the photo. Or the volunteers themselves hang leaflets with photos of missing people, since the police did not accept them, referring to the three-day period after which the search can begin.

It would be expedient for state bodies not only to declare cooperation with the population at large forums, but also to establish real interaction with civil society in everyday work [2].

Police officers often do not allow citizens to record their actions, even though it is against the law. In order to reform the law enforcement system, it is necessary to change the behaviour of the police officers themselves. Modern police officers should change the approach to their work – they shouldn't hide from society, but, on the contrary, to be open.

According to the survey results of the Kyiv International Institute of Sociology, as at December 2022, confidence in the following law enforcement agencies increased: to the Security Service of Ukraine – from 29% to 63%, to the National Police – from 30% to 58% [3]. Since the beginning of the Russian full-scale invasion, on February 24, 2022, people have become closer to the police, because the police made a significant contribution to help citizens secure themselves during the evacuation period with their attitude and their functions. During martial law, the police have the right to escort persons detained on suspicion of committing a criminal offense, taken into custody, accused or sentenced to imprisonment. In cases provided by law, the police may detain such persons in temporary detention centers. Police officers are also given the right to apply coercive measures to persons participating in armed aggression against Ukraine without taking into account certain restrictions and prohibitions defined by law (in particular, it is allowed to use coercive measures without warning, use firearms, etc.).

Thus, the development of modern civil society is impossible without constructive relations between the police and the civil population. The population has the right to count on the police as a state institution called to protect the lives, health, rights and freedoms of citizens, and the police, in turn, rely on public support and count on the cooperation of the population for effective work. In the conditions of martial law, almost all state institutions undergo changes in powers, competences, rights and obligations, orders and procedures. The National Police is no exception: a number of significant changes have been made to the regulations governing its activities, which regulate the functioning during martial law.

### **Література**

1. Безпалова, О. І. (2014). Адміністративно-правовий механізм реалізації правоохоронної функції держави: монографія / О. І. Безпалова; МВС України, Харків. нац. ун-т внутр. справ. 544 с.
2. Гусаров С. М. (2011). Адміністративно-юрисдикційна діяльність органів внутрішніх справ України : навч. посібник / Харків: Ніконова. 360 с.
3. Динаміка довіри соціальним інституціям України у 2021–2022 роках [Електронний ресурс]. – Режим доступу: <https://kiis.com.ua/?lang=ukr&cat=reports&id=1174&page=1>
4. Золотарьова Н. І. (2012). Форми адміністративної діяльності правоохоронних органів у сфері екологічної безпеки / Золотарьова Н. І. // Вісник НТУУ "КПІ". Політологія. Соціологія. Право : збірник наукових праць. 012. № 3 (15). С. 156–161.

### **Анотація**

У тезах проаналізовано взаємодію правоохоронних органів та громадськості у сфері забезпечення публічної безпеки та порядку. Розглянуто особливості діяльності Національної поліції в умовах воєнного стану. Зроблено висновок, що розвиток сучасного суспільства неможливий без конструктивних відносин між поліцією та цивільним населенням.

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## **PROTECTING HUMAN RIGHTS AND FREEDOMS IN THE TEMPORARILY OCCUPIED TERRITORIES OF UKRAINE**

The events of recent years in Ukraine and the analysis of the national legal system show that there are problems with the fundamental values of human life, health and safety, human rights and freedoms, the country's sovereignty, territorial

integrity, and the development of a legal, democratic, and social state. The issues have been clearly demonstrated by Russia's temporary seizure of part of Ukraine's land. The list of human and civil rights and freedoms enshrined in the Constitution and other legislation of Ukraine is universally recognized for any state governed by the rule of law.

The main problem is to ensure their proper realization and create effective state mechanisms for their protection. Achieving this goal is more difficult in countries where the social, political, and legal systems are undergoing significant transformations. The main target of radical economic, political, social, and spiritual transformations in our country, which are conditioned by the strategic course of integration into the European and world democratic community, is a person, his or her interests, rights, and freedoms [1].

In the temporarily occupied territories of Ukraine, human rights and freedoms are an integral part of the system of constitutional rights and freedoms of man and citizen. According to Article 2 of the Constitution of Ukraine, "the sovereignty of Ukraine extends to its entire territory. "Ukraine's sovereignty extends to its entire territory. Ukraine is a unitary state. The territory of Ukraine within the existing border is integral and inviolable" [2]. The presence of the armed forces of other state on the territory of Ukraine is a violation of the Constitution, the Law of Ukraine "On Ensuring the Rights and Freedoms of Citizens and the Legal Regime in the Temporarily Occupied Territory of Ukraine" of 27.04.2014 [3] and other legal acts of Ukraine. For the first time in Ukrainian legislation, the concept of "temporarily occupied territories of Ukraine" was enshrined in law.

One of the most powerful instruments in the field of human rights protection is the Universal Declaration of Human Rights, adopted and proclaimed by the United Nations General Assembly on December 10, 1948. It was adopted in the form of a resolution, so it is not binding, but only recommendatory. V.F. Pohorilko states that "all peoples and states should strive to conform to this model" [4]. The Universal Declaration of Human Rights is a fundamental source of international law which most constitutional provisions are based on.

In the view of the violation of human rights and freedoms, consideration of issues of legal liability for human rights violations in the temporarily occupied territories is of great importance [5, p.19].

Article 55 of the Constitution of Ukraine protects rights and freedoms from unlawful encroachments, determining the possibility of legal liability.

In case of violations, the state must guarantee their restoration and further reliable legal protection. However, today Ukraine is deprived of the ability to control the occupied territories and, accordingly, to enforce the provisions of the Constitution of Ukraine. "We are talking about Russia's violation of both international human rights treaties and its obligations under international humanitarian law as an occupying power" [6].

One of the reasons that has led to wars and conflicts throughout human existence has been and remains the problem of the territories of countries and their borders, which is an integral attribute of the sovereignty of any state. The constitutional and legal regulation of the temporarily occupied territories of Ukraine is an important issue for the country in the context of the hybrid war waged by the Russian Federation, that is why Ukraine is trying to restore its territorial integrity on its own and with the help of international support.

### Література

1. Ляшко О.О. Особливості правового регулювання прав та свобод людини на тимчасово окупованих територіях України. Вчені записки ТНУ ім. В.І. Вернадського. Серія «Юридичні науки». Том 31 (70). 2020. №6. С. 19-25.
2. 26th anniversary of the Constitution of Ukraine. URL: <https://snriu.gov.ua/en/news/26th-anniversary-constitution-ukraine>
3. Про забезпечення прав і свобод громадян та правовий режим на тимчасово окупованій території України: Закон України від 27.04.2014. № 1207-VII. URL: <https://zakon.rada.gov.ua/laws/show/1207-18#Text>.
4. Парахонський, Б.О., Яворська, Г.М. (2019). Онтологія війни і миру: Безпека, стратегія, сенс: монографія Київ: НІСД. 560 с.
5. Катеринчук, К.В. Злочини проти здоров'я особи: проблеми кримінально-правової теорії та практики: монографія. Київ : ФОП Маслаков. 408 с
6. International Law in Interstate Relations between Ukraine and the Russian Federation, 1991-2014: a monograph (2014). Kyiv: K.I.S. 959 с.

### Анотація

*Грунтуючись на Декларації про державний суверенітет України та Конституції України, підкреслено, що суверенітет України поширюється на всю її територію. Підтверджено суверенне право України на відновлення та збереження її територіальної цілісності. Визначені причини, що призвели до війни. Підкреслено, що конституційно-правове регулювання тимчасово окупованих територій є важливим питанням для України в умовах гібридної війни, яку веде російська федерація.*

## **CHANGES IN POLICE ACTIVITY DURING MARTIAL LAW**

National Police provide police services in the different areas: protection and defense of human rights and freedoms, as well as the interests of society and the state; crime prevention; providing, within the limits established by law, services to assist persons who, for personal, economic, social reasons or as a result of emergencies, need such assistance [1].

According to the current Legislation of Ukraine, martial law is a special legal regime introduced in Ukraine or in some of its localities in case of armed aggression or threat of attack, danger to the state independence of Ukraine. The legal basis for the introduction of martial law in Ukraine is the Constitution of Ukraine, the Law of Ukraine "On the Legal Regime of Martial Law" and the decree of the President of Ukraine on the introduction of martial law [4].

In the conditions of martial law, almost all state institutions undergo changes in powers, competences, rights and obligations, orders and procedures. National Police are no exception: a significant number of changes have been made to the regulations governing their activities, which regulate the functioning of this body during martial law [3].

The peculiarities of the organization of the activities of the internal affairs bodies regarding the protection of public order in the conditions of martial law are determined by the current legislation and depend on the tasks that must be performed and the state of the operational situation. Special plans are developed, according to which personnel are deployed taking into account the operational situation, available information, political, economic, social conditions, geographical position and other circumstances. During martial law, a police officer performing official duties in civilian clothes is allowed to act in the absence of a badge, when its presence prevents the conduct of operational and search activities. The police are given the right to use information obtained with the help of photo and video equipment that is in someone else's possession. Public control over police activities is also not carried out. A police officer has the right to use both coercive measures and improvised means in the event of the need to repulse an attack or arrest a person who has committed an offense.

Therefore, martial law has affected all state authorities and the police also have undergone changes for maintaining law and order in the country. Currently, changes have been made to improve the effectiveness of service during martial law.

### Література

1. Закон України від 02.07.2015 № 580-VIII «Про Національну поліцію». URL: <https://zakon.rada.gov.ua/laws/show/580-19#Text>
2. Закон України від 12.05.2015 № 389-VIII «Про правовий режим воєнного стану». URL: <https://tax.gov.ua/diyalnist-/zakonodavstvo-pro-diyalnis/zakoni-ukraini/77475.html>
3. Закон України від 15.03.2022 № 2123-IX «Про внесення змін до законів України "Про Національну поліцію"». URL: <https://zakon.rada.gov.ua/laws/show/2123-20#Text>
4. Указ Президента України № 64/2022 «Про введення воєнного стану в Україні». URL: <https://zakon.rada.gov.ua/laws/show/64/2022#Text>

### Анотація

*В умовах воєнного стану майже всі державні установи зазнають змін у повноваженнях, компетенціях, правах та обов'язках. Не стала винятком і Національна поліція. До нормативно-правових актів, що регламентують діяльність цього органу під час воєнного стану, внесено значну кількість змін. Поліції надано право використовувати інформацію, отриману за допомогою фото- та відеотехніки, яка знаходиться у чужому володінні. Громадський контроль за діяльністю поліції також не здійснюється. Поліцейський має право застосувати як заходи примусу, так і підручні засоби у разі необхідності відбиття нападу або затримання особи, яка вчинила правопорушення.*

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### **SOME ISSUES OF ENSURING PUBLIC SAFETY AND ORDER IN THE TEMPORARY OCCUPIED TERRITORIES OF UKRAINE**

The cruelest tests, inhuman suffering, colossal sacrifices and mutilated destinies, lost childhood and lost youth - such things are not forgotten, not erased from historical memory. The war touched every Ukrainian family and will forever leave a mark in the genetic memory. The war has already been mentioned twice in the pages of Ukrainian history, and three times as of February 2022. Watching the news, the heart is cold, the chest tightens, and the brain refuses to understand and believe in what is happening now. The problem of ensuring public safety and order in the temporarily occupied territories remains relevant, because hostile invasion and the work of subversive groups in the controlled territories of Ukraine remains possible. Therefore, the protection of the civilian population is a task that should be

the first priority for the employees of the National Police of Ukraine, the Armed Forces of Ukraine, Territorial Defence, and State Emergency Service of Ukraine. However, in this article, we will consider only the work of the National Police in such territories. In general, the territories of Ukraine for this period of time can be conditionally divided into two categories: territories under the control of the Armed Forces of Ukraine; temporarily occupied territories. The Law of Ukraine "On Ensuring the Rights and Freedoms of Citizens and the Legal Regime in the Temporarily Occupied Territory of Ukraine" provides an accurate interpretation of the definition of temporarily occupied territory. According to Article 1 of the mentioned above law, the temporarily occupied territory of Ukraine is an integral part of the territory of Ukraine, which is subject to the Constitution and laws of Ukraine and international treaties, the binding consent of which has been given by the Verkhovna Rada of Ukraine [1].

Thus, the Constitution and other laws of Ukraine apply to the temporarily occupied territories, and therefore the provision of public safety and order in such territories must continue and be carried out in accordance with the orders of the leadership of the district administrations. Of course, military service is very different from peacetime service. One of the urgent problems of the National Police service in the temporarily occupied territories is the problem of the safety of field officers who perform the tasks assigned to them. Officers should be given additional courses on fire training and on-duty safety. Scientist S.P. Kolesnyk points out in his work that the employees of the National Police of Ukraine are forced to adapt very quickly to the specifics of their duties, to acquire skills that are not quite typical for law enforcement units (general military training, knowledge of the nature and tactics of modern combined military combat, sapper training, topographic training, ability to use weapons that are not in service in units of the National Police of Ukraine). We agree with this approach to this issue [2]. Thus, from the above information, it is worth pointing out that the work of the National Police in temporarily occupied territories during wartime is very different from work in peacetime, because first of all, police officers must be very careful and responsible. Police officers are forced to adapt to the new way of service very fast, which is characteristic of the wartime period.

### **Література**

1. Закон України «Про забезпечення прав і свобод громадян та правовий режим на тимчасово окупованій території України»: станом на 21.03.2022 р.

2. Колесник С.П. Питання забезпечення охорони прав і свобод людини, протидії злочинності, підтримання публічної безпеки та порядку підрозділами Національної поліції України в зоні проведення операції об'єднаних сил. *Південноукраїнський правничий часопис*. 2019. № 3. С 14.

### **Анотація**

*У тезах розглянуто проблема забезпечення публічної безпеки та порядку на тимчасово окупованих територіях залишається актуальною, адже залишається можливим вороже вторгнення та робота диверсійних груп на підконтрольних територіях України. Тому захист цивільного населення – це завдання, яке має бути першочерговим для працівників Національної поліції України, Збройних Сил України, територіальної оборони та ДСНС України.*

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### **IMPLEMENTATION OF HUMAN RIGHTS INTAKE ACTIVITY OF LAW ENFORCEMENT BODIES DURING MARTIAL LAW**

The ongoing armed aggression of the Russian federation against Ukraine has put the issue of protection of human and citizen rights under martial law on the agenda. The primary concern is the protection of a person from physical and psychological violence. At the same time, it should be pointed out that the invaders deliberately violate the requirements of Chapter I of the UN Convention on the Protection of Human Rights and Fundamental Freedoms, which provide for the inalienable human right to life and respect, the prohibition of torture and forced labor. It is absolutely unbearable that the number of dead Ukrainian people increases every day as a result of armed confrontation with the aggressor.

The National Police of Ukraine plays a successful role in leading reliable protection of human rights and freedoms, as its activities are aimed at fulfilling such a task. In addition, one of the main principles of police activity according to Art. 7 of the Law of Ukraine "On the National Police" is to ensure compliance with human rights and freedoms guaranteed by the Constitution and laws of Ukraine, as well as international treaties of Ukraine, the binding consent of which has been given to the Verkhovna Rada of Ukraine, and to promote their implementation [1].

Therefore, the basis of the modern approach to police activity should be the concentration of main efforts on its priority areas aimed at protecting the rights and freedoms of a person and a citizen in the conditions of the formation of democratic transformations. Taking into account the conditions of the state of war, the National Police reports systematic efforts in matters that are important for every citizen of Ukraine - the defense of the territorial integrity of the state from armed aggression, assistance to the Armed Forces of Ukraine in a dignified repulse of the enemy, as well as ensuring the safety of citizens and protection against any violations of their rights.



It is worth noting that the process of ensuring the administrative and legal protection of citizens' rights by the National Police should be analyzed through the introduction of administrative coercion by the state, which calls for ensuring order and a system of deterring citizens from committing illegal acts [2]. Taking into account this need, in order to fulfill the tasks set by the state before the police, a significant number of changes and additions were made to the legal acts, which relate to the activities of the National Police bodies, the powers of police officers, the order and application of police measures during the period of martial law.

Be sure to pay attention to the fact that the most changes have been made to Art. 23 of the Law of Ukraine "On the National Police", as a result of which the range of basic powers of police officers has significantly expanded [1]. And although the functioning of such a law enforcement body as the police must be adapted to the specifics of wartime, the practical implementation of the principle of ensuring the rights and freedoms of citizens in the activities of the police is under threat due to legislative changes. As confirmation of this: Art. 8 of the Law of Ukraine "On the National Police" was supplemented by the fourth part by the legislator, which provides for activities that, during military action, act in accordance with the state of the policy and specifics, taking into account those restrictions on the rights and freedoms of citizens, as well as the rights and legitimate interests of legal entities, which apply in accordance with the Constitution of Ukraine and the Law of Ukraine "On the Legal Regime of Martial Law".

Regarding the procedure for the application of preventive police measures, paragraph 5 of the Law "On the National Police" also underwent some changes, which relate to the period of martial law [1]. For the first time, the police got the opportunity to check documents and record data corresponding to the documents, if a person has external signs similar to the external signs of a person who voluntarily left a place for the detention of military personnel (clause 1, part 1, art. 32). Also, the police now have the right to stop vehicles if there is information that the driver or passenger of the vehicle is a person who voluntarily left the place for the detention of military personnel [3]. According to the new wording of Art. 40 of the Law, the police may use such technical means as unmanned aerial vehicles and special technical means of countering their use in their activities; specialized software for analytical processing of photo and video information, including identification of persons and vehicle license plates [2]. Also, during martial law, a police officer has the right to apply coercive measures provided for in Art. 42, regarding persons participating in armed aggression against Ukraine, without taking into account the requirements and prohibitions related to the procedure for applying coercive measures, the procedure for using special means, and the procedure for using firearms (Part 9 of art. 42).

Summarizing what has been said, we note that, in addition to maintaining law and order in the regions of the country, the direction of the work of the

National Police in the realities of wartime is to develop effective measures to counter the violation and protection of human rights in Ukraine, to improve the administrative and legal mechanism for responding to violations of rights and laws. interests of citizens, prof and comprehensive assistance to those who need it, in a difficult time for the country.

### **Література**

1. Про Національну поліцію: Закон України від 02.07.2015 № 580-VIII // База даних «Законодавство України» / Верховна Рада України. URL: <https://zakon.rada.gov.ua/laws/show/580-19>.

2. Гусаров С.М. Щодо проблеми забезпечення прав громадян у діяльності Національної поліції України в умовах воєнного стану, тези доп. учасників наук.-практ. конф. (м. Вінниця, 7 груд. 2022 р.) / МВС України, Харків. нац. ун-т внутр. справ, Наук. парк «Наука та безпека». Вінниця: ХНУВС, 2022. С. 21-23.

3. Злагода О. Особливості несення служби працівників поліції при перевірці транспортних засобів на блокпостах в умовах воєнного стану. Матеріали Міжнародного науково-практичного онлайн-семінару (м. Кривий Ріг, 29 квітня 2022 року). Кривий Ріг, 2022.

### **Анотація**

*Зазначено, що важливим напрямом роботи Національної поліції в умовах воєнного часу є застосування ефективних заходів протидії порушенню і захисту прав людини в Україні, вдосконалення адміністративно-правового механізму реагування на порушення прав і законних інтересів громадян. При цьому системна та цілеспрямована діяльність Національної поліції України щодо ефективної реалізації принципу дотримання прав громадян, тісної взаємодії з населенням є необхідною умовою впровадження європейських та міжнародних стандартів у діяльність органів та підрозділів поліції.*

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## **PROTECTION OF CONSTITUTIONAL HUMAN RIGHTS IN POLICE ACTIVITIES IN THE ZONE OF MILITARY CONFLICT**

Ensuring constitutional rights and freedoms of a citizen of Ukraine has become of great importance when Russian Federation launched full-scale military invasion on February 24, 2022, and martial law was introduced in the country. The

list of rights and freedoms of a person and a citizen enshrined in the Constitution and other legislation of Ukraine is universally recognized by any legal state.

The main problem is proper provision of their implementation, creation of effective state mechanisms for their protection. Achieving this goal becomes more difficult in those states where socio-political and legal systems are undergoing significant transformations. The main object to which radical economic, political, social, and spiritual transformations in Ukraine which are determined by the strategic course for integration into the European and world democratic community are aimed at, is a person, his interests, rights and freedoms.

The declaration of the Constitution of Ukraine as the main duty of the state to assert and ensure human rights and freedoms laid the foundation for the construction of such a mechanism. Human rights and freedoms in the temporarily occupied territories of Ukraine are an integral part of the system of constitutional rights and freedoms of a person and a citizen.

The priority of human interests, rights and freedoms led to the actualization of the need for legal support, for the development of the humanitarian sphere. It is the guarantee of fundamental human rights: safety of life, freedom and personal integrity, health care and medical assistance, free development of personality, respect for honor and dignity, work and rest, social protection, freedom of creativity in all spheres (social, scientific, technical, and artistic).

The main condition for the functioning of civil society and the rule of law is a person, an individual who embodies his right to self-realization. A person and his rights are a priority among all humanitarian values. This priority as well as their role and purpose are obvious and unquestionable. Any social reform, development and implementation of any state programs, planning and implementation of large-scale and smaller projects must be correlated with the “human dimension”, and it is in this context that everything that happens in Ukraine should be evaluated now.

After the full-scale invasion of Russia into Ukraine, massive violations of human rights have taken place: shelling of residential areas, destruction, and loss of life. Russian invaders violated the most important human right. “Every person has the inalienable right to life. No one shall be arbitrarily deprived of life” (Article 27) [1].

Dozens, hundreds, and even thousands of civilians including children die every day from occupiers’ shelling. Occupiers have been violating the rights and freedoms of Ukrainians every day: they destroy cities and villages, kill and rape children and women, force Ukrainians to move to Russia, torture and treat people cruelly, destroy the infrastructure and economy of the Ukrainian state.

Articles of the Constitution of Ukraine are about the right to respect the dignity of the person, the prohibition of torture, cruel, inhuman or degrading treatment or punishment, and the right to freedom and personal integrity. “Everyone has the right to respect of his or her dignity” (Article 28) [1] and “Every person has the right to freedom and personal inviolability” (Article 29) [1].

The right to freedom of movement and free choice of residence are violated and restricted in the occupied territories. Article 33 of the Constitution of Ukraine says “Everyone who is legally present on the territory of Ukraine is guaranteed freedom of movement, free choice of place of residence, and the right to freely leave the territory of Ukraine, with the exception of restrictions established by law” [1].

Invaders introduced a ban on movement and a special permission to leave Mariupol. There is no communication, Internet, or power supply in many cities, towns and villages in the occupied territories and it is impossible to enjoy the right to education.

There was a ban on studying and speaking Ukrainian at schools. Ukrainian textbooks were damaged. Russia continues to impose its own curriculum, using Russian at schools located in the occupied Ukrainian cities, but despite the threats and risks the lives, teachers conduct training according to Ukrainian curriculum.

According to Article 49 of the Constitution of Ukraine “everyone has the right to health care, medical assistance and medical insurance” [1]. In the conditions of occupation, it is difficult to realize this right: shelling, destroyed hospitals, insufficient or no medicine, and the absence of gas and electricity. The aggressor country blocks the supply of medicines, including vital ones, from the controlled territories of Ukraine to the temporarily occupied ones. At the same time, doctors help and save lives, perform surgical interventions, give birth to children (they are born in basements, subways, anywhere).

### **Література**

1. Constitution of Ukraine URL: <http://rm.coe.int/constitution-of-ukraine/168071f58b>

2. Проект закону «Про тимчасово окуповані території» від 10.03.2017 р. URL: <http://tyzhden.ua/Politics/188297>

3. Про забезпечення прав і свобод громадян та правовий режим на тимчасово окупованій території України: Закон України від 15.04.2014 р. №1207-VII (редакція 21.03.2022 р.).

### **Анотація**

*Унаслідок повномасштабного військового вторгнення Російської федерації в Україну та введення воєнного стану важливою проблемою постало питання забезпечення конституційних прав і свобод людини та громадянина. Розглянуто питання закріплення в Конституції та інших законодавчих актах України переліку прав і свобод людини і громадянина. Досліджено порушення найважливішого права людини – права на життя, обстріли житлових масивів, руйнування та загибель людей.*

## **UKRAINIAN NATIONAL POLICE PRACTICE IN PROTECTING CONSTITUTIONAL HUMAN RIGHTS UNDER MARTIAL LAW**

The National Police of Ukraine is a central body of executive power that serves the society by protecting human rights and freedoms, combating crime, and maintaining public safety and order.

The most important right is the human right to life, which is enshrined in Article 27 of the Constitution of Ukraine [2] and international legal documents. No one should be deprived of the right to life. Life is a prerequisite for the realization of all human rights and freedoms. The right to life is relative and, under certain legal and factual conditions, may be legitimately limited. The main threat and obstacle to the realization of this right are armed conflicts and violence within the state. Under conditions of war, a fundamental human right - the right to life - is virtually defenseless. Murder and bodily injury, abduction in occupied territories and forced removal, torture and inhumane treatment, rape and other forms of violence are direct violations of both the right to life and the rights to dignity and integrity.

The Office of the UN High Commissioner for Human Rights reported that in the period from the beginning of hostilities to January 22, 2023, 7,068 civilians were confirmed killed and 11,415 wounded in Ukraine, including territories occupied by Russia. There are 438 children among the confirmed dead civilians and 838 among the wounded [5]. According to Matthew Halliday, the official representative of the International Commission on Missing Persons, more than 15 thousand people are missing in Ukraine. This is only a minimal estimate, as only in Mariupol, according to the authorities, up to 25,000 people died or went missing [3]. In this regard, under martial law, the police perform such non-specific functions as: 1). participation in the organization of the evacuation of the population from places where hostilities are taking place; 2). exhumation and identification of bodies from the mass graves of tortured and murdered citizens after the de-occupation of Ukrainian territories; 3). search for missing civilians. Recently, 675 citizens have been found alive [1].

Under martial law, military commanders may restrict people's right to move freely. This includes the imposition of curfews and the prohibition or restriction of free choice of residence. A special regime of entry and exit from populated areas may also be established. The Ukrainian police are responsible for monitoring

compliance with these restrictive measures through patrols, document checks, roadblock duty, etc.

Human rights to health care are also violated, including the inability to access medicine and damage to health as a result of injuries, etc. According to the Ministry of Health of Ukraine, as of September 8, 2022, 127 medical institutions were destroyed and another 82 were damaged [4]. The policeman is obliged to provide emergency, in particular, pre-medical and medical assistance to persons who have suffered as a result of crimes, accidents, as well as to persons who have found themselves in a helpless state or a state dangerous to their life or health.

Damage to or destruction of property can also be considered a violation of human rights, as well as the fact that a person was deprived of his own home as a result of the war or deprived of property due to looting. The topic of looting is as relevant today as ever, as Ukrainians have faced the problem of preserving their property during military operations. Looters plunder the property of residents who have left their place of residence, fleeing from shelling and bombing. They also rob the housing of citizens right during the shelling, being in the epicenter of hostilities, while the owners of the property are in bomb shelters. During the war, the Ukrainian police are waging a stubborn struggle against such a shameful phenomenon as looting. More than 17.3 thousand criminal proceedings have already been initiated specifically for property crimes committed in wartime conditions [1].

Because of the war in Ukraine, the entire social fabric of children's rights has been severely compromised. Children can be separated from their parents or lose their parents, have no access to education, medicine, etc., and this is a gross violation of children's rights. Moreover, in the occupied territories or where active hostilities are taking place, some Ukrainians neglect the laws of Ukraine - they do not inform the relevant authorities that a child is orphaned. They simply keep the child with them. The National Police are investigating such cases and taking appropriate measures to protect the rights of orphaned children.

Thus, the information from authoritative sources outlined above suggests that the National Police are adequately protecting the constitutional rights and freedoms of Ukrainian citizens in war times.

### **Література**

1. Клименко Ігор. "Ми втратили багато сімей поліцейських". Як правоохоронці працюють у зонах боїв та документують звірства РФ — інтерв'ю з головою Нацполіції. NV Україна. 22 липня 2022р. URL: <https://nv.ua/ukraine/events/kak-nacpoliciya-rabotaet-vo-vremya-voyny-intervyu-s-igorem-klimenko-novosti-ukrainy-50252143.html>

2. Конституція від 28.06.1996 № 254к/96-ВР (Чинний). URL: <https://ips.ligazakon.net/document/Z960254K?an=1>

3. Deutsch, Anthony. More than 15,000 people missing in war in Ukraine, says official, Reuters (November 24, 2022). URL: <https://www.reuters.com/world/europe/more-than-15000-people-missing-war-ukraine-says-official-2022-11-24/>

4. Text online of the 198th day of the war. Present (September 9, 2022) URL: <https://www.currenttime.tv/a/war-in-ukraine-day-198/32024879.html>

5. Ukraine: civilian casualty update 30 January 2023. NEWS. OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS . URL: <https://www.ohchr.org/en/news/2023/01/ukraine-civilian-casualty-update-30-january-2023>

### **Анотація**

*Публікація актуалізує питання захисту конституційних прав та свобод громадян і описує практики Національної Поліції України щодо захисту прав на життя, гідність, недоторканність, зокрема прав дітей, майнових прав, боротьби з мародерством в умовах воєнного стану.*

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## **PROTECTION OF CONSTITUTIONAL HUMAN RIGHTS IN POLICE ACTIVITIES IN THE AREA OF MILITARY CONFLICT**

Since the beginning of the full-scale military invasion of the Russian Federation, martial law has been introduced on the territory of our country by Presidential Decree No. 64/92 of February 24, 2022 [2]. The purpose of martial law is to create conditions for granting the relevant state authorities, military command, military administrations and local governments the powers necessary to avert the threat, repel armed aggression and ensure national security, eliminate the threat to Ukraine's state independence and territorial integrity, as well as temporary restrictions on constitutional rights and freedoms of man and citizen and the rights and legitimate interests of legal entities due to the threat, with a specified time limit.

In the context of the war, the country faced new challenges, one of which was the specifics of law enforcement activities in the military conflict zone.

Due to military operations on the territory of Ukraine, more and more people need protection both from criminal acts of the enemy and from other

Ukrainian citizens who take advantage of the opportunity to commit acts that are punishable by law.

Among the most common dangers faced by citizens in the area of hostilities and military conflict are violence (physical, psychological, including domestic), looting, and collaborationism [1, p. 122].

In addition to recording and preventing criminal activity and conducting pre-trial investigations, the National Police of Ukraine has even more functions and priorities. For example, evacuating the population from the so-called "hot spots" - combat zones, escorting humanitarian aid and various types of cargo to units in these conditions and ensuring control and protection of logistics routes. It is also worth mentioning stabilization activities in the de-occupied territories of Ukraine (Kharkiv, Donetsk, Luhansk, Zaporizhzhia, Kherson, Mykolaiv, Kyiv, Sumy and Chernihiv regions).

In total, stabilization activities are underway in almost 665 settlements. Currently, more than a quarter of a million people live in the territories liberated from the Russian occupiers. Also, about 20 police units have resumed their work, including 10 in Kharkiv region, 7 in Kherson region, 2 in Donetsk region and 1 in Mykolaiv region.

Since the beginning of the de-occupation, police in Donetsk, Mykolaiv, Kharkiv, and Kherson regions have found the bodies of 1116 civilians, including 31 children. In the de-occupied regions of these oblasts, police investigators have documented 5398 war crimes. The vast majority of them - 88 in Luhansk, 542 in Mykolaiv, 609 in Kherson and 4,088 in Kharkiv regions.

In total, since the beginning of the full-scale invasion, the number of criminal proceedings initiated on the facts of crimes committed by the military of the Russian armed forces and their accomplices is over 53.7 thousand. the largest number of them are: under article 438 (violation of the laws and customs of war) - 42.1 thousand, article 110 (encroachment on the territorial integrity and inviolability of Ukraine) - 9.2 thousand, article 111-1 (collaboration) - over 2.2 thousand.

About 452 collaborators received notices of suspicion for collaborating with the enemy of Ukraine, including 243 proceedings under the same scheme sent to court.

The demining of the territories liberated from the occupation is a very necessary process to ensure the normal functioning and safe living of the population of Ukraine. Currently, representatives of the explosive service have made about 446 visits to Donetsk region, 2274 to Kherson region, 1671 to Kharkiv region, 131 to Mykolaiv region, and 25 to Luhansk region. In total, the entire territory surveyed by the Service for the purpose of demining in these regions covers an area of more than 16,300 hectares. The number of seized and found explosive items is 184,400.



In addition, the NPU is documenting cases of occupants organizing places of illegal detention and torture of Ukrainian citizens. Thus, the police have so far identified 48 places of detention and torture in the newly occupied territories.

Given the martial law imposed by the Decree of the President of Ukraine of 24.02.2022 No. 64/2022, checkpoints have been deployed throughout Ukraine since February 24 as one of the ways to keep the situation under control [2].

Conclusion. Thus, in wartime, the police work in an intensified mode: they maintain checkpoints, evacuate the population, check documents and vehicles, search for and investigate saboteurs, and counter looting. The police are making every effort to ensure communication with the population, and are opening new phone lines in places where the 102 line is not working.

### **Література:**

1. Актуальні питання та перспективи розвитку кримінального аналізу в правоохоронній системі України: матеріали міжвідом. наук. – практ. конф. (Київ, 11 серп. 2022 р.) / редкол.: С. С. Чернявський, Д. І. Овсянюк, В. В. Корольчук. Київ: Нац. акад. внутр. справ, 2022. 333 с.

2. Про введення воєнного стану в Україні: Указ Президента України від 24.02.2022 № 64 / 2022. *Відомості Верховної Ради України*. URL: <https://zakon.rada.gov.ua/laws/show/64/2022#Text>.

3. Про правовий режим воєнного стану: Закон України від 12.05.2015 № 389-VIII. *Відомості Верховної Ради України*. URL: <https://zakon.rada.gov.ua/laws/show/389-19#Text/>.

### **Анотація**

*Тези доповіді присвячені висвітленню специфіки роботи правоохоронних органів під час дії воєнного стану, що відіграє дуже важливу роль, як для населення, так і держави. Їх роботу можна назвати дуже ефективною та неймовірно потрібною у наш час. Правоохоронці намагаються робити все можливе для захисту громадян, навіть у дуже складних ситуаціях, а в нашому випадку в умовах бойових дій.*

**INTERACTION OF LAW ENFORCEMENT AGENCIES AND THE  
PUBLIC IN THE SPHERE OF ENSURING PUBLIC ORDER IN  
PEACETIME AND UNDER MARTIAL LAW**

The process of transformation of Ukrainian society into a qualitatively new state supported by the reform of all social institutions, the National Police is no exception. It depends on the effectiveness of this state institution public order, safety of citizens, their life and health, prevention and crime prevention. Therefore, the question is becoming more and more relevant interaction of the police and public formations on a partnership basis, especially during the war period [1, p.37].

The Law of Ukraine "On the National Police" provides that "activities of the police is carried out in close interaction and interaction with the population, territorial communities and public associations on partnership principles and aimed at satisfying their needs [1, p.37].

In the current conditions of coordination between the police and the public formations should be planned and based on effective, scientifically argued on an administrative basis, with the introduction of foreign participation experience public in human rights activities [3, p.74].

The interaction of the National Police and local self-government bodies in the field of combating crime is also expressed in the fact that heads of territorial police bodies must have at least one hold open meetings with representatives once every two months local self-government bodies at the level of oblasts, districts, cities and villages in order to establish effective cooperation between the police and local self-government bodies and the population [1, p.57]

The Law of Ukraine "On the National Police" provides for the provision of constant information to state bodies authorities and local self-government bodies, as well as the public about its activities in the field of protection and protection of human rights and freedoms, combating crime, ensuring public safety and order [2, p. 49]

Law of Ukraine "On the participation of citizens in the protection of public order and the state border" provides an opportunity to create on the basis of public self-activities, established squads of public formations, specialized squads (groups) assisting the police, associations of public formations [2, p.3].

Patrolling is carried out together with policemen of the patrol service and precinct police officers, a group of members stand in for daily patrols formation, with their help the city additionally provides several patrol routes determined by the plan of the police body [4, p. 46].

In the conditions of martial law, ensuring the security of communities depends not only on the efforts of the bodies and units of the National Police of Ukraine, state authorities, and local self-government bodies, but also on the responsible attitude of every resident of the territorial community to security issues [4, p. 56].

### Література

1. Матеріали всеукраїнської науково-практичної конференції «Забезпечення публічної безпеки і порядку в умовах воєнного стану» забезпечення безпеки громад органами та підрозділами Національної поліції в умовах воєнного стану / С.С. Вітвіцький ; С. 69 URL: [https://dnuvs.in.ua/wp-content/uploads/2022/08/materialy\\_konferencziyi\\_donduvs\\_01\\_07\\_2022.pdf](https://dnuvs.in.ua/wp-content/uploads/2022/08/materialy_konferencziyi_donduvs_01_07_2022.pdf)

2. Про Національну поліцію: Закон України від 02.07.2015 № 580-VIII. Відомості Верховної Ради. 2015. № 40-41. (із змінами і доповненнями станом на 15.06.2022). С. 379. URL: <https://zakon.rada.gov.ua/go/580-19>

3. Організація охорони публічного порядку : загальна частина : навчальний посібник / Андреев Д.В., Братель С.Г., Ваньчик Ю.А., Золотарьова Н.І.-ст.25 URL:<http://elar.naiu.kiev.ua/jspui/bitstream/123456789/17594/1/%D0%9F%D0%9E%D0%A1%D0%86%D0%91%D0%9D%D0%98%D0%9A%20%20%D0%9E%D0%9E%D0%9F%D0%9F%202019.pdf>

4. Актуальні проблеми організації охорони громадського порядку : загальна частина : навчальний посібник / Назар Ю. С., Йосифович Д. І., Хатнюк Ю. А., Мороз О. Б. Львів, 2021.- ст.49 URL: <https://dspace.lvduvs.edu.ua/bitstream/1234567890/3869/1/%D0%90%D0%BA%D1%82%D1%83%D0%B0%D0%BB%D1%8C%D0%BD%D1%96%20%D0%BF%D1%80%D0%BE%D0%B1%D0%BB%D0%B5%D0%BC%D0%B8...%20---%D0%92%D0%95%D0%A0%D0%A1%D0%A2%D0%9A%D0%90.pdf>

### Анотація

*Воєнний час гуртує українське суспільство дедалі тісніше. Сьогодні в Україні фактично зник поділ на соціальні верстви, політичні сили, професійні об'єднання і навіть групи за інтересами. Всі, за рідкісним винятком, в єдиному пориві працюють на досягнення спільної мети - викинути окупанта за межі нашої держави. Важливим напрямом досягнення цієї мети слугує забезпечення надійної комплексної безпеки громад органами та підрозділами Національної поліції в умовах воєнного стану. Ситуація, що склалася в країні, поряд із звичними повноваженнями, що реалізуються органами і підрозділами Національної поліції, обумовила виконання ними більш специфічних завдань.*

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## **STANDARDS OF LAW ENFORCEMENT ACTIVITY**

In the modern world, the protection and observance of the basic rights and freedoms of the person and the citizen have ceased to be the competence of a specific country, but have become the business of the entire international community, since it has been a very important task of many states of the world community for a long time. Therefore, international standards are an important normative element of the international mechanism for the realization of the rights, freedoms and responsibilities of the person and the citizen. International standards of human rights establish, in fact, a “minimum standard”, are a “minimum acceptable consensus”; they not only fix the list of names of most widely recognized rights, but also fix their certain necessary scope, the minimum level at which the latter should be implemented.

International standards in the field of human rights are generally recognized international legal norms that set the status of an individual at the universal human level and establish a list of fundamental rights and freedoms, the obligation of states to observe these rights and freedoms, as well as the limits of their possible or acceptable restriction. The Basic Law and constitutional legislation of our country are oriented towards international legal standards. In view of this, significant attention is paid to the regulation of the relationship and interaction of the norms of domestic and international law.

In our country, the legislation on rights and freedoms of the person and the citizen meets high international legal standards. It lays down a democratic concept of the relationship between a person and the state, in which a person in Ukraine is recognized as the highest social value, and accordingly, the ratio and role of the structural elements of the legal status of a citizen change, since his or her rights and freedoms prevail over his or her obligations.

A leading place among state authorities, whose direct duties include the protection of human rights and freedoms, without exaggeration, is occupied by law enforcement agencies, which is reflected in a number of legislative acts.

One of the main functions of the Security Service of Ukraine, as one of the state authorities in Ukraine, which carries out law enforcement activities, is the maintenance of law and order and security in society through the prevention, detection and investigation of offenses in the field of human rights protection.

It is worth noting that the task of ensuring the rights and freedoms of citizens acquires significant importance during the period of operation of special

legal regimes - during the occurrence of various situations of an extraordinary nature (in particular, in the conditions of martial law), when the normal functioning of society and the state becomes impossible due to one or another reason.

The introduction of martial law in Ukraine, of course, makes it much more difficult for the state to guarantee the rights of citizens in the conditions of the objective necessity of their partial restriction. After all, such a restriction involves a legislative narrowing of the content and scope of human rights and freedoms, as well as factors that make their realization impossible or difficult.

The Constitution of Ukraine enshrines the standards of the state governed by the rule of law in such a situation. This means that:

firstly, the restriction of human and citizen rights in the state is temporary and minimally necessary in nature;

secondly, there is a certain list of rights that cannot be violated in any case;

thirdly, the final decision on the declaration of martial law is made by the highest national representative body - the parliament.

In general, the issue of the rights of the person and the citizen under the martial law is extremely complex and multidimensional. Human rights under the martial law are particularly vulnerable, and their protection can be difficult. Special attention in the protection of human rights is concentrated in the hands of the state, in the form of state authorities authorized by the Constitution and laws.

In the conditions of martial law, increased requirements are put on the functioning of state authorities, in particular, on their unity in the implementation of the defense function.

It is worth noting that in the conditions of martial law, the protection of human rights in the activities of the Security Service of Ukraine becomes especially relevant, because one of the main functions of the Security Service of Ukraine, as one of the state authorities in Ukraine, which carries out the law enforcement activities, is the maintenance of law and order and security in society through the prevention, detection and investigation of human rights violations.

That is why an extremely important direction of work regarding the observance of human rights standards in the activities of the Security Service of Ukraine under martial law is, firstly, the development of a modern paradigm of management decisions that embody the theoretical and methodological components of the implementation of the concept of human rights; secondly, the implementation of European principles of activities of law enforcement agencies in the context of the implementation of human rights.

In order to avoid certain gaps in the legal regulation of the activities of the Security Service of Ukraine, it is necessary to take measures to improve the national legislation in the field of activity of law enforcement agencies with the aim of maximally and effectively ensuring and protecting the rights and freedoms of the person and the citizen, especially in the conditions of martial law.

## Література

1. European Court of Human Rights. Overview 1959–2017.URL: [https://www.echr.coe.int/Documents/Overview\\_19592017\\_ENG.pdf](https://www.echr.coe.int/Documents/Overview_19592017_ENG.pdf)
2. DW News. URL: <http://m.dw.com>
3. Government portal. The unified web portal of the executive authorities of Ukraine

## Анотація

*У роботі досліджено механізм міжнародного стандарту правоохоронної діяльності в мирний час та в умовах воєнного стану, оскільки права і свободи людини і громадянина є фундаментальним надбанням людства, важливим елементом у процесі становлення та соціалізації кожної особистості, оскільки дозволяють їй задовольнити свої потреби та реалізувати власні можливості в різних сферах суспільного життя. Особливе місце в системі прав і свобод людини і громадянина посідають конституційні права і свободи, які разом з відповідними обов'язками закріплюються в основному законі кожної держави.*

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## **GENERAL THEORETICAL ISSUES OF METHODS OF STATE FINANCIAL CONTROL IN THE ASPECT OF DISTINGUISHING AUDIT FROM INSPECTION, INSPECTION AND AUDIT**

First of all, it should be noted that Dybchenko Y.P. Under the method of state financial control considers the method, which is a certain sequential process of financial control. In turn, Sidorenko O.M. and Yaremchuk I.V. under the method of financial control propose to understand the way to achieve a goal, solve a specific problem or a set of methods for mastering reality [1, p. 26].

Today, there are many different types and ways of classifying financial control methods, but it is worth highlighting and comparing the most important of them in the field of financial control. According to Gutsalenko L. The most important method of financial control is audit, but we consider it necessary to compare this method with others, no less important, in order to understand in this way their difference lies [2, p. 106].

Under the audit, as a method, it is necessary to understand the documentary form of control over compliance with the legislation on financial issues, the accuracy of accounting and reporting, as well as the control of the financial and

economic activities of an enterprise, institution, organization. The audit acts as a certain way of documenting the shortages, embezzlements, misappropriations and thefts, and consists in identifying violations, abuses, establishing the causes that contributed to this, as well as identifying the perpetrators in order to further take appropriate measures to compensate for the damage or damage caused in order to eliminate violations. According to the results of the audit, an appropriate act is drawn up [2, p. 106].

Comparing the audit and inspection, first of all it is worth noting that the inspection consists in documentary and actual verification of a certain complex or individual issues of financial and economic activity of the object of control and is carried out in the form of an audit. Therefore, speaking about the difference between these concepts, in accordance with the Procedure, then audit is a form of control over the performance of functions for the preparation and execution of the budget, which consists in simultaneously conducting audits of the state of compliance with the requirements of budget legislation. That is, we can argue that audit is a form of inspection, that is, its role is to control and draw up the relevant act, and inspect such a document in the pen [3, p. 275].

As for verification, this concept should be understood as a survey and determination of actual and documentary data in certain individual areas of financial and economic activity. Audits, as well as inspections, can be both planned and unscheduled. But their difference lies in the fact that verification acts as a narrower method in content, because during inspections, as a rule, documents are examined, and during the audit, not only documents are examined, but also the processes and actual maintenance of the company's economic activity. But, as a rule, in practice, the very content of inspections, Regarding the work of state regulatory authorities, it can be very capacious. That is, sometimes the verification of mozhe actually acts as a revision [4, p. 275].

Another important factor in distinguishing between control measures of verification and audit is the fact that control over the activities of private enterprises (public, audit, internal corporate) is inherent in the public sector to designate appropriate measures almost always use the term "verification" [4, p. 6].

As for the audit, in accordance with the Law of Ukraine "On Audit of Financial Statements and Auditing", an audit is a service for verifying accounting data and financial reporting indicators in order to express an independent auditor's opinion on its compliance in all significant aspects with the requirements of accounting regulations and standards. Comparing audit and audit, it should be noted that they differ in their purpose. Thus, the main purpose of the audit is to identify financial violations and abuses, as well as to bring the perpetrators to justice. That is, the audit in its purpose is to observe the legality of what has already happened in the past, and is carried out both in public sector institutions and in enterprises that receive funds from the budget. As for the purpose of the audit, it depends on whether the audit is mandatory or proactive, because the

statutory audit consists in confirming the reliability of financial statements, because enterprises must publish financial statements only together with audit report. That is, the audit is carried out by the State Audit Service, which is vested with the powers of the state and its interregional bodies [5].

The audit is carried out by the auditor, that is, the audit can be initiated at any time, regardless of when the last audit was carried out and regardless of whether such an audit is mandatory. The customer is interested in conducting the audit, and the audit is appointed in accordance with the issued decision of the head of the relevant body of state financial control without approval, in connection with which the audit is usually perceived negatively [5].

So, we can conclude that the methods of financial control certainly differ from each other according to different criteria. Auditing as one of the most common methods differs from verification, inspection and audit in its purpose, planning, subject, authority and content. Nevertheless, there are certain similarities between these methods, because all these methods perform the most important function of financial activity, namely the control over compliance with legislation in the field of Finance.

### Література

1. Сидоренко О.М., Яремчук І.В. Розмежування форм і методів державного фінансового контролю. Теорія та практика розвитку наукових знань: міжнар. наук.-практ. конф., (м. Київ, 28-29 грудня 2017 р.). Київ, 2017. С. 26-27.

2. Гребень С.Є. Види, форми та методи державного фінансового контролю: сутність та принципи відмінності. *Інвестиції: практика та досвід*. 2017. № 2. С. 103-108.

3. Тарасенко Н.Ю. Співвідношення видів, форм та методів державного фінансового контролю. *Від громадського суспільства до правової держави: XIII міжнар. наук. конф.*, (м. Харків, 27 квітня 2017 р.). Харків, 2017. С. 273-276.

4. Калюга Є.В., Гуцайлюк З.В., Денисюк О.М. Державний фінансовий контроль: навч. посіб. Київ: ЦУЛ, 2009. 424 с.

5. Про аудит фінансової звітності та аудиторську діяльність: Закон України від 21.12. 2017 р. № 2258-VIII. URL: <https://zakon.rada.gov.ua/laws/show/2258-19#Text> (дата звернення: 08.12.2022 р.)

### Анотація

*Аналізуються методи фінансового контролю, які безумовно різняться між собою за різними критеріями. Ревізія виступаючи одним з найрозповсюдженіших методів різниться від перевірки, інспектування та аудиту своєю метою, суб'єктом, повноваженнями підставою здійснення та*



*змістом. Проте, між цими методами існують певні схожості, адже всі ці методи виконують найголовнішу функцію фінансової діяльності, а саме - здійснення контролю за дотриманням законодавства в сфері фінансів, тобто – фінансової дисципліни.*

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## **INTERNATIONAL STANDARDS OF LAW ENFORCEMENT ACTIVITIES IN PEACETIME AND WARTIME**

Law enforcement officials are expected to fulfill their obligations when carrying out their responsibilities: to maintain public order, to prevent and detect crime, and to provide aid and assistance in all kinds of emergencies. They are given specific powers to enable them to carry out their tasks: the power to use force and firearms, to arrest and detain, and to carry out searches or seizure. They must respect human rights when exercising those powers, which means observing four fundamental principles that should govern all state actions with a possible impact on human rights: principle of legality (all actions should be based on provisions of the law); principle of necessity (it should not affect or restrict human rights more than is necessary); principle of proportionality (it should not affect human rights in a way that is disproportionate to the aim); principle of accountability (those carrying out the action should be fully accountable to all relevant levels: the judiciary, the public, the government and the internal chain of command).

“Under customary and conventional international human rights law, a state must ensure that its law enforcement agencies and officials respect and protect the right to life. The UN human rights machinery has made an important contribution in this area” [1, p.21].

A critical issue is the degree to which international standards are respected by the police and other law enforcement agencies. It is necessary to assess whether the weapons sought are lawful and appropriate for law enforcement.

Weapons that are cruel or inhuman in nature, such as stun belts or batons with spikes, have no place in law enforcement and should never be transferred.

Prevention and detection of crime is a key obligation of the state as part of its duty to protect the human rights of all who have become, or may become, the victims of a crime. At the same time, the exercise of powers by law enforcement officials investigating a crime may affect individuals' human rights.

To effectively fulfill this obligation requires careful balancing of, on the one hand, the rights of the potential or actual victims as well as of society in general

and, on the other hand, the rights of those who may be affected by law enforcement work.

“Human rights are legal entitlements possessed by each individual human being. They are universal and belong to everyone without distinction” [2, p.11]. International human rights law (IHRL) provides the legal framework for this balancing act. It sets out several guarantees and rights to be respected throughout the entire judicial process, starting from the very first stages of the investigation.

Maintaining public order is a core responsibility of law enforcement officials that calls for constant careful balancing of the rights and interests of all sections of the population. Strict compliance with the applicable legal framework is indispensable to ensure the success of this balancing act.

Any restrictions imposed on assemblies should be based on provisions of domestic law and should not go beyond what is necessary to ensure peace and order. Moreover, they should not disproportionately affect the rights of those involved in the assembly. Respect for and protection of the right to life, liberty and security of person is of particular importance in this regard. This includes the duty to protect peaceful assemblies against violent acts committed by others.

“Law enforcement officials, in carrying out their duty, shall, as far as possible, apply non-violent means before resorting to the use of force and firearms. They may use force and firearms only if other means remain ineffective or without any promise of achieving the intended result” [3].

The police force not only greatly expanded to meet the challenges of war, but also a huge spike in crime. Escorting persons detained on suspicion of committing a criminal offense, taken into custody, accused, or sentenced to imprisonment and their protection in the courtroom. Operational demining: detection, neutralization, and destruction of explosive objects. Technical and forensic inspection of the scene of the incident, including those related to fires, and special explosive engineering work following the facts of explosions, receipt of reports on the discovery of suspicious explosive objects, the threat of an explosion.

### **Література**

1. Use of Force in Law Enforcement and the Right to Life: The Role of the Human Rights Council. URL: [https://www.geneva-academy.ch/joomlatoools-files/docman-files/in-brief6\\_WEB.pdf](https://www.geneva-academy.ch/joomlatoools-files/docman-files/in-brief6_WEB.pdf)
2. International rules and standards for policing. URL: <https://www.icrc.org/en/doc/assets/files/other/icrc-002-0809.pdf>
3. Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. URL: [https://www.policinglaw.info/assets/downloads/1990\\_Basic\\_Principles\\_on\\_the\\_Use\\_of\\_Force\\_and\\_Firearms.pdf](https://www.policinglaw.info/assets/downloads/1990_Basic_Principles_on_the_Use_of_Force_and_Firearms.pdf)

### **Анотація**

*Розглянуті питання виконання працівниками правоохоронних органів покладених на них обов'язків у мирний та воєнний час з охорони громадського порядку, запобігання та розкриття злочинів, надання допомоги у всіх надзвичайних ситуаціях, а також додаткові повноваження, такі як конвоювання осіб, затриманих за підозрою в учиненні кримінального правопорушення, узятих під варту, обвинувачених або засуджених до позбавлення волі, оперативне розмінування, техніко-криміналістичне забезпечення огляду місця події та інші у тому числі пов'язаної з пожежами, та спеціальні вибухотехнічні роботи за фактами скоєння вибухів, надходження повідомлень про виявлення підозрілих вибухонебезпечних предметів, загрозу вибуху.*

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### **GUARANTEERING OF HUMAN RIGHTS UNDER MARTIAL LAW**

The internal balance, stability and readiness of state authorities to make informed decisions are very important for every citizen of Ukraine and people staying in our country in these difficult times, as well as support of national and international human rights organizations. Constitutional guarantees are particularly important and they are fundamental in providing a legal mechanism for protecting human rights.

The imposition of martial law in Ukraine makes it difficult for the state to guarantee the rights of citizens in the face of the objective situation in the country. The partial restriction of the rights entails a legislative narrowing of the scope of human rights and freedoms, and it brings out many factors that make it impossible or difficult to realize all these rights.

The Constitution of Ukraine enshrines the fundamental rights of the state in wartime. This means that firstly, restrictions on human and civil rights in the state are temporary, forced and necessary for a certain period of time; secondly, there is a certain list of human and civil rights that are inviolable in any case; thirdly, the final decision to declare martial law is made by the highest national representative body - the Parliament.

Therefore, Article 1 of the Law of Ukraine "On the Legal Regime of Martial Law" declares that martial law as a special legal regime introduced in the country or its separate localities in the event of armed aggression or threat of attack, threat to the state independence of Ukraine, its territorial integrity, in addition to granting

the relevant state authorities, military command and local self-government bodies the powers necessary to prevent the threat and ensure national security, provides for a temporary restriction of constitutional rights and freedoms of a person and citizen, as well as the rights and legitimate interests of legal entities, due to a threat, with an indication of the duration of these restrictions.

Accordingly, all other constitutional human and civil rights and freedoms not specified in this list and provided for by the Constitution of Ukraine (in particular, the right to freedom of movement, free choice of residence; property rights; the right to strike; freedom of thought and speech, free expression of views and beliefs, and others) may be restricted during the period of martial law, but only to the extent necessary to ensure the defense and security of the country and to the extent required by the military situation. Measures taken in this regard, taking into account international legal norms, should not result in any discrimination against individuals or groups solely on the basis of gender, race, nationality, language, origin, property and official position, place of residence, attitude to religion, beliefs, membership in public associations, and other grounds.

The list of rights that may be restricted even during martial law is a constitutional guarantee of human and civil rights. Thus, in the event of declaring martial law or a state of emergency in the country, torture, cruel or degrading treatment or punishment, or any restrictions on the right to life, freedom of thought, conscience, or religion in the sense of these rights and freedoms as defined in the International Covenant on Civil and Political Rights and Ukrainian legislation cannot be used as a basis for the imposition of martial law.

And any attempts to use the declaration of martial law or a state of emergency to seize power or abuse it entail certain legal liability. The use of the armed forces by the state to establish constitutional order on its territory is an extreme means of ensuring public order. In general, the issues of human and civil rights under martial law are extremely complex and diverse, as the actions of citizens directly depend on the situation within or near the area of armed conflict.

### Література

1. Закон України «Про правовий режим воєнного стану». Верховна Рада (ВР) України. URL: <https://zakon.rada.gov.ua/laws/show/389-19>
2. Конституція України, прийнята на п'ятій сесії Верховної Ради України 28 червня 1996 р. [Електронний ресурс] // Відомості Верховної Ради України. – Режим доступу: <http://zakon2.rada.gov.ua/laws/show/254к/96-вр>
3. Повага до прав людини в Умовах збройного конфлікту в Україні. Застосування судами норм міжнародного гуманітарного права та стандартів захисту прав людини. URL: [https://newjustice.org.ua/wp-content/uploads/2017/09/Report\\_Respect-for-HR-in-Conflict\\_Gnatovsky\\_UKR.pdf](https://newjustice.org.ua/wp-content/uploads/2017/09/Report_Respect-for-HR-in-Conflict_Gnatovsky_UKR.pdf)
4. URL: [https://nlu.edu.ua/wp-content/uploads/2021/05/msc\\_6\\_copy.pdf](https://nlu.edu.ua/wp-content/uploads/2021/05/msc_6_copy.pdf)

5. URL: <https://ljd.dnuvs.in.ua/wp-content/uploads/2022/01/2-deliya-1.pdf>

6. URL: [olaw.ua/ua/insights/publication/yaki-povnovazhennya-nadano-policzejskim-na-chas-diyi-voyennogo-stanu/](http://olaw.ua/ua/insights/publication/yaki-povnovazhennya-nadano-policzejskim-na-chas-diyi-voyennogo-stanu/)

### **Анотація**

*У тезах розглянуто питання важливості гарантування конституційних прав людини в мирний час та в період воєнного стану, а також надається перелік прав громадян, які непорушні в жодному разі. Надається тлумачення поняття «правовий режим військового стану» та зазначені основні дії та права держави у воєнний час.*

**Lungu O.**

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### **TOPICAL ISSUES OF LAW ENFORCEMENT OFFICERS TRAINING IN PEACETIME AND UNDER MARTIAL LAW**

Today our state experiences bloody invasion of russian federation. Every day our defenders struggles in the hardest battles for the sovereignty of Ukraine, lot of people have lost their lives because of ruthless temper of the aggressor. The main our goal is confrontation and such a structure as police is not an exception.

We should address a question of training of law enforcement officers in the peacetime and their training during the martial law.

Peacetime. Concerning the specifics of training policemen in institutions of higher education of the Ministry of Internal Affairs of Ukraine, it should be emphasized that only in such institutions a student of higher education systematically and gradually adapts to the future profession. Such a process is largely possible due to training methods of preparation and use of elements of the police quest. A. V. Andreev's opinion is valid here, who notes that improving the training of personnel for the National Police by institutions of higher education with specific training conditions is possible only if the emphasis is shifted to modern training methods in the training of specialists [1]. Accordingly, the most important features of the training of police officers in institutions of higher education of the Ministry of Internal Affairs of Ukraine can be considered consistent adaptation to the requirements and peculiarities of police activity, as well as a successful combination of theoretical approaches in acquiring legal knowledge with the practice of implementing legislation, which occurs during using elements of a police quest in the process of training. Even in peacetime police must know how to act in emergency situations requiring quick response.

We should not forget about psychological components. Tasks facing psychological services OBS in the process of professional and psychological training are following: 1) providing employees with psychological knowledge for their full understanding of the difficulties of official activity in extreme situations; 2) development of the psychological focus of the employee's personality - development of automatic overcoming of psychological difficulties of law enforcement activities; 3) formation of professional and psychological abilities and skills for the development of professionally necessary successful actions of psychological qualities; 4) improvement and strengthening of professional and psychological stability, as an element of the employee's psychological character [2].

Martial law. Taking into account the significant burden on police units, the destruction of their service premises, combat losses and injuries among its personnel, in some regional centers and large cities during martial law, problematic issues arise cheap from the point of view of the organization of activities and rotation of investigative and operative groups. In order to optimally and maximally involve the personnel of the police to work in the indicated investigative-operational groups for the wartime period, it would be expedient to: 1) to foresee in the mobilization plans of the Ministry of Internal Affairs of Ukraine and the National Police of Ukraine for the period of martial law an increase in the number of investigators in regional units of pre-trial investigation with appendices of approved lists regarding their filling by employees of other police units, including civilians (and employees studying at law schools , pensioners, etc.); 2) to provide in the mobilization plans of the Ministry of Internal Affairs and the National Police of Ukraine for the period of martial law to increase the staffing of forensic specialists in regional investigative departments and in district police units with appendices of approved lists regarding their filling;

3) to provide in the mobilization plans of the Ministry of Internal Affairs of Ukraine for an increase in the number of experts in the regional subdivisions of the NDEKC of the Ministry of Internal Affairs of Ukraine, with appendices of the approved lists regarding their filling (since certain expert institutions of the Ministry of Justice of Ukraine and other departments in wartime either do not work or work with reduced staff numbers) [3].

However, the issues raised are not final and are subject to separate research or scientific study. I suggest the participants of the scientific and practical conference to take part in the discussion of the raised issues and the proposals.

### **Література**

1. Сокурєнко В.В. Сфера оборони України: адміністративно-правове регулювання: монографія. Київ. Національна академія внутрішніх справ. 544 с.

2. Мартовицька О.В. Проблемні питання поліцейстики з удосконалення забезпечення прав особи на професійну правничу допомогу: матеріали науково-практичної конференції «Проблеми сучасної поліцейстики» (м. Харків. 20 квітня 2022 року). Харків. Харківський національний університет внутрішніх справ. 2022. С. 41-43

3. Про Національну поліцію: Закон України від 02.07.2015 № 580-VIII // База даних «Законодавство України» / Верховна Рада України. URL: <https://zakon.rada.gov.ua/laws/show/580-19> (дата звернення: 12.04.2020).

### **Анотація**

*Представлені тези стосуються проблеми актуальних питань щодо покращення підготовки правоохоронців в мирний час та в умовах воєнного стану. Розглядаються найбільш потужні напрямки вирішення поставленої проблеми.*

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## **THE LATEST STANDARDS OF POLICE ACTIVITY UNDER THE CONDITIONS OF THE WAR WITH RUSSIA**

Ukrainian people have been defending their country from Russian terrorists for almost a year. A lot of changes have taken place in their life and people have to survive in a new awful reality. Nevertheless, Ukrainians are strong and they would not give up so they add the latest standards of police activity which will help them to improve the life of Ukrainians in this war.

Today, our state has found itself in extremely difficult conditions, experiencing external armed aggression from the Russians. Under such difficult conditions, Ukraine consistently defends its fundamental values – sovereignty and independence, democracy, territorial integrity, rule of law, rights and freedoms of the citizens. This is exactly why human rights and freedoms must be affirmed and ensured, that it is not just a slogan, but also the main vector of state policy.

In order to defend national interests, ensure reliable security of the state, and therefore of every citizen, Ukraine needs both dynamic economic development and military capable Armed forces, effective diplomacy, highly professional special services and law enforcement agencies. For this reason, a reform of the Security Service of Ukraine takes place, aimed at creating a dynamic special service of the European model, staffed by highly professional specialists, equipped with modern material and technical means and able to perform the effectively assigned tasks.

Ukrainian police are also involved in the international cooperation which is one of the community activities of the state, aimed at coordinating its interests and achieving common goals in solving law enforcement activities, on the basis of generally recognized principles and norms of the international law [2].

The National Guard of Ukraine continues what has been started by the internal forces and time-proven constructive international cooperation on a mutually beneficial basis with related law enforcement structures with military status of foreign countries, in particular, with the National Gendarmerie of the French Republic (in the field of training of public security units, training under the "Monitor of Professional Intervention" program, learning the French language.). Also, Gendarmerie of Romania; People's Armed Militia of the People's Republic of China (exchange of experience in training and conducting special operations aimed at the elimination of terrorist groups, prevention of terrorist acts. The preparedness police of the Federal Republic of Germany (methods of collecting, analyzing and summarizing information on committed offenses; tactics of conducting "street intelligence"; documenting facts of hooliganism using video surveillance devices, etc.) [2].

The most important trend of improving the implementation of the law enforcement function of the state Security services of Ukraine under modern conditions, as noted by O.M. Polkovnichenko, is to concentrate the efforts of this body on the unconditional provision of human rights and freedoms in Ukraine. In this difficult period the transition of the law enforcement system itself from prohibited methods of activity to real protection of the rights of every member of society, there is a need to solve many complex theoretical, practical, organizational and other problems [3, p. 571].

Art. 19 of the Law of Ukraine "On National Security of Ukraine" states that "Security Service of Ukraine is a special purpose state body with law enforcement functions that ensures state security by strictly observing human and civil rights and freedoms:

1) Countering intelligence and subversive activities against Ukraine; 2) Struggle with terrorism; 3) Counter-intelligence protection of state sovereignty, constitutional order and territorial integrity, defense and scientific and technical potential, cyber security, information state security, critical infrastructure facilities; 4) Protection of state secrets" [4].

In our opinion, in particular to avoid certain legal gaps in regulation of the activity of the bodies of the Security Service of Ukraine, it is necessary to take measures regarding the improvement of national legislation in the field of law enforcement agencies and to provide as complete and effective provision and protection of human and civil rights and freedoms as possible, especially under martial law [1].



## Література

1. Security Service of Ukraine. URL: <file:///C:/Users/TPCUser/Downloads/604-Article%20Text-1105-1-10-20220923.pdf>
2. Міжнародно-правова допомога у сфері правоохоронної діяльності. URL: <https://dduvs.in.ua/wpcontent/uploads/files/Structure/library/student/lectures/1115/9.1.pdf>
3. Полковніченко О.М. Шляхи удосконалення практичної діяльності Служби безпеки України щодо реалізації правоохоронної функції держави. Форум права. 2011. № 4. С. 571-576. URL: <http://www.nbu.gov.ua/e-journals/FP/2011-4/11pompfd.pdf>
4. Про національну безпеку України: Закон України від 21 червня 2018 року № 2469-VIII. Відомості Верховної ради України. 2018. № 31. Ст. 241. URL: <https://zakon.rada.gov.ua/laws/show/2469-19#Text>

## Анотація

*Автором зроблено спробу проаналізувати останні вимоги та обов'язки правоохоронних органів, які стали вимушеними через війну з росією. У роботі окреслено основні функції поліції та служб національної безпеки України та наголошено на ролі міжнародної правової допомоги у боротьбі України за свободу та незалежність.*

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## **INTERACTION BETWEEN LAW ENFORCEMENT BODIES AND THE PUBLIC IN THE SPHERE OF ENSURING PUBLIC ORDER IN PEACETIME AND CONDITIONS OF WAR**

In martial law conditions and the increase in the level of crime traditionally in Ukraine, improving the quality and efficiency of interaction between law enforcement agencies and the public requires urgent determination. First, it should be emphasized that the solution to problematic issues in the protection of public order and security, the protection of public order, and the provision of public safety calls for the need to optimize the mechanism of interaction between law enforcement agencies and the public. This issue is extremely urgent, considering

the problematic period of the functioning of our state in connection with the full-scale invasion of Russian troops on the territory of Ukraine.

Among the most important social values, a special place belongs to public order and public safety. The level of provision largely depends on the citizens' realization of their rights and freedoms. Therefore, ensuring and maintaining public order and security is one of the main tasks of the state, which uses a complex of various means for its implementation, including legal ones [2, p.88].

For the National Police bodies to effectively ensure public order and security in martial law conditions, this activity must be organized appropriately [3, p.10]. For this, taking into account the operational situation and social, political, and economic conditions that have developed, it is necessary to take measures regarding the deployment of police personnel, providing them with the required material and technical resources, working out the algorithm of police actions in emergencies that may occur (seizure of government buildings, significant objects, hostages, etc.).

The everyday (operational) activity of public formations for the protection of public order and the state border is organized, directed, and controlled by the relevant bodies of the National Police, units of the State Border Service of Ukraine. The Law of Ukraine "On the National Police" [1] specifies the principle of police interaction with the public, which provides for a new concept and building relations based on openness and partnership, a new "philosophy of interaction," where the community's need for security is a crucial signal for the police to develop optimal joint actions based on legislation.

In turn, the Law regulates and implements the right of citizens in law enforcement activities, namely in preventing offenses, in ensuring public order and security.

The main tasks of public formations for the protection of public order and the state border in the field of public order protection are: "assisting the National Police bodies in ensuring public order and public safety, preventing administrative offenses and crimes, informing the National Police bodies about the committed or those being prepared, crimes, places of concentration of criminal groups, assisting the National Police bodies in detecting and solving crimes, searching for the persons who committed them, protecting the interests of the state, enterprises, institutions, organizations, and citizens from criminal encroachments, participating in ensuring road traffic safety and combating child neglect and juvenile delinquencies."

Summarizing the above, it is worth emphasizing that public formations for the protection of public order can be a reliable assistant to law enforcement agencies in preventing and stopping violations of the rights and freedoms of citizens protecting public order. Moreover, fighting crime provided that law enforcement agencies and local self-government will give proper help and support, which needs to be improved today.

## Література

1. Pro Natsionalnu hvardiiu Ukrainy: Zakon Ukrainy vid 13 bereznia 2014 roku No. 876-VII. Available at: <https://zakon.rada.gov.ua/laws/show/876-18>[in Ukrainian].
2. Khatniuk, Yu. A. (2020). Aktualni problemy orhanizatsii okhorony hromadskoho poriadku: kurs lektsii. Lviv: Lvivskiy derzhavnyi universytet vnutrishnikh sprav. 168 s. [in Ukrainian].
3. Minka, T. P. (2016). Zabezpechennia rezhymu voiennoho stanu orhanamy Natsionalnoi politsii. Naukovyi visnyk Dnipropetrovskoho derzhavnoho universytetu vnutrishnikh sprav. № 1. S. 9–13. Available at: [http://www.irbisnbuv.gov.ua/cgi-bin/irbis\\_nbuv/cgiirbis\\_64.exe?C21COM=2&I21DBN=UJRN&P21DBN=UJRN&IMAGE\\_FILE\\_DOWNLOAD=1&Image\\_file\\_name=PDF/Nvdduvs\\_2016\\_1\\_3.pdf](http://www.irbisnbuv.gov.ua/cgi-bin/irbis_nbuv/cgiirbis_64.exe?C21COM=2&I21DBN=UJRN&P21DBN=UJRN&IMAGE_FILE_DOWNLOAD=1&Image_file_name=PDF/Nvdduvs_2016_1_3.pdf) [in Ukrainian]

## Анотація

*Авторки запропонованої розвідки мають на меті визначити, яким чином громадські формування з охорони публічного порядку можуть стати помічниками для правоохоронних органів щодо запобігання та припинення порушення прав і свобод громадян, охорони публічного порядку та боротьби зі злочинністю під час воєнного стану в Україні.*

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## COOPERATION BETWEEN THE POLICE AND CIVIL SOCIETY INSTITUTIONS

According to Ye. Kobko all over the world there is a fairly constant trend of increasing the number of police personnel [1]. Thus, in the USA its number increased by almost 7,000 people in the period from 1990 to 1995. (the police of 49 states by 5.6 thousand and the federal by 1.2 thousand) and amounted to about 500 thousand employees. This trend is connected, first of all, with the general increase in crime, especially in cities with a population of 1 million or more. Nevertheless, despite this, police measures have demonstrated low effectiveness, given the rigid vertical structure of police management and the inability of police leadership to establish effective interaction with the population.

It should be emphasized that the law enforcement function of the US state policy is dynamic and technological that allows its implementation by maintaining public order within the framework of the implementation of human rights and freedoms enshrined at the constitutional level [2]. That is why the reform of the

police service took place on the basis of updated concepts of national security. The core principle was collective responsibility for creating a safe environment, taking into account the idea of “community policing”. According to the well-known American researcher in the field of police law R. Friedman community policing is a policy and strategy aimed at achieving more effective and efficient control over crime, reducing the fear of crime, improving the quality of life and the legitimacy of the police by proactively relying on community resources in order to changes in the conditions that cause crime [4].

The USA police force has a three-tiered structure that includes the federal police, state police, and local police agencies. However, Kh. Solntseva cites a more extensive structure of the American police, which includes federal police bodies; state police agencies; police authorities in counties; police bodies of urban-type cities and towns; police bodies of corporations and firms (private police) [3]. In any case, the local police are the largest body of the American law enforcement agency that directly interacts with the population and forms the basis of the entire police system. In the 1990s of the last century in the USA in order to combat crime innovative projects were implemented, the purpose of which was to strengthen the socially oriented work of the police with the population. Maintenance of law and order by the police and bodies specially formed with the participation of territorial communities began to be considered as the provision of police services, and citizens themselves began to show a desire to participate in maintaining order, becoming so-called volunteer police – police assistants on a voluntary basis. The result of such a policy was a decrease, starting from the 2000s, in the level of the criminogenic situation according to all main indicators. For example, Professor O. Shostko rightly claims that the rate of violent crimes in the USA has decreased significantly over the past 25 years.

Summing up, it should be noted that the establishment of partnership relations between police authorities and the community has been consolidated both in international legal acts and in the norms of national laws. The main goal of cooperation between the police and the population is reducing the level of crime at the local level, carrying out extensive campaign work to popularize a law-abiding lifestyle, respect for human rights and freedoms. Therefore, cooperation between the police and the community at the local level is considered as a key means of solving issues related to ensuring public peace and law and order, protecting fundamental human rights and freedoms, and preventing criminal and administrative offenses.

### **Література**

1. Кобко, Є. В. (2017). Особливості кадрового менеджменту в поліції зарубіжних країн. *Науковий вісник Дніпропетровського державного університету внутрішніх справ*. № 1. С. 38-44. URL: [http://nbuv.gov.ua/UJRN/Nvdduvs\\_2017\\_1\\_7](http://nbuv.gov.ua/UJRN/Nvdduvs_2017_1_7) (дата звернення: 06.02.2023).

2. Колодяжний, М. Г. (2013). Участь громадськості у програмах запобігання злочинності в США. *Теорія і практика правознавства*. Вип. 1. URL: [http://nbuv.gov.ua/UJRN/tipp\\_2013\\_1\\_30](http://nbuv.gov.ua/UJRN/tipp_2013_1_30) (дата звернення: 06.02.2023).

3. Солнцева, Х. В. Поняття «поліцейська діяльність» в Україні та США. URL: <https://ndipzir.org.ua/wp-content/uploads/2016/05/Solntseva13.pdf> (дата звернення: 06.02.2023).

4. Friedmann, R. R. (1992). *Community Policing: Comparative Perspectives and Prospects*. New York. St Martin's Press. P. 4. URL: <https://www.ojp.gov/ncjrs/virtual-library/abstracts/community-policing-comparative-perspectives-and-prospects> (дата звернення: 06.02.2023).

### **Анотація**

*У публікації порушується питання співпраці поліції та громади. Потреба у безпеці є однією з базових потреб людини, а взаємодія поліції, місцевої влади і мешканців – найкращий спосіб її забезпечити.*

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## **THE INTERACTION OF LAW ENFORCEMENT AGENCIES IN THE IMPLEMENTATION OF MEASURES TO PREVENT CRIMINAL OFFENSES**

At the current stage of reforming the law enforcement system and the judicial branch in Ukraine, the question of detecting, registering and recording crimes, analyzing the crime situation as well as the requirement of developing and implementing measures in order to prevent criminal offenses arises. Thus, the Law of Ukraine «Fundamentals of National Security of Ukraine» states that reforming the law enforcement system in order to increase the efficiency of its activities through optimization of the structure, increasing of the level of coordination of law enforcement agencies, improvement of their financial, logistical, organizational, legal and personnel support are among the main directions of the state policy on national security of Ukraine.

On October 1, 2022, the number of criminal offenses in which wasn't made any decision (on termination or suspension) at the beginning of the reporting period amounted to 896,047 offenses, while the total number of registered offenses amounted to 4,158,943 offenses. The largest number of offenses were crimes against property (284,852), crimes against life and health (36,463), and crimes in the field of trafficking drugs and psychotropic substances (24,886).

Criminal offenses under pre-trial investigation by the National Police of Ukraine amount to 114,628 crimes, criminal offenses under pre-trial investigation by the bodies that control compliance with tax legislation - 8,663 crimes, criminal offenses under pre-trial investigation by security agencies - 9,904 crimes, criminal offenses under pre-trial investigation by the National Anti-Corruption Bureau of Ukraine - 1,807 crimes.

When studying the causal complex which influences such a state of criminality in the state, problems in the interaction of law enforcement agencies in the implementation of measures to prevent criminal offenses were identified. In this regard, scientific studies dealing with the definition of the problems of the interaction of law enforcement and control bodies in the prevention of criminal offenses acquire special relevance.

It is important to determine the content and nature of interaction between law enforcement and regulatory authorities. There are those who propose to define interaction as a joint well-established activity of two or more bodies, services, departments, which involves a rational combination of procedural and operational and investigative activities carried out by each of them within the limits of the powers granted to them by law.

The Agreement on Law Enforcement Agencies in the Joint Armed Forces and the Armed Forces of the Member States of the Commonwealth of Independent States was signed to ensure legal protection of servicemen, law enforcement and supervision of the compliance with the legislation as well as investigation and court proceeding of cases of offenses. This refers to the activities of military judicial and military prosecutorial bodies.

All the definitions of interaction based on rulemaking and the points of view of scientists and practitioners are not final for legislative consolidation, but they allow us to draw certain conclusions for formulating the interaction of law enforcement agencies in the prevention of criminal offenses.

To summarize, it should be noted that interaction of state bodies in the field of prevention of criminal offenses may be carried out in other forms, including: joint meetings and conferences, planning work, mutual exchange of information, execution of orders, joint inspections and audits, transfer of materials containing signs of a crime to law enforcement agencies, exchange of experience and coordination of work during coordination meetings and monitoring. For example, the Prosecutor General's Office of Ukraine, being the main holder of national statistics on criminal offenses since 2012, is obliged to summarize and analyze crime by areas of commission, by persons who have committed crimes as well as by the number of proceedings under the jurisdiction of different law enforcement agencies in accordance with article 216 of the Criminal Procedure Code of Ukraine, etc.

This requires a coordinated operation of such a mechanism, which is possible only on the basis of effective interaction between law enforcement and

regulatory authorities. In this regard, it is necessary to take a number of organizational and legal measures, as well as to develop a unified approach to the formation and implementation of law enforcement cooperation in the prevention of criminal offenses regardless of the area of offense.

### **Анотація**

*В Україні на сучасному етапі реформування правоохоронної системи та судової гілки влади гостро постає питання виявлення, реєстрації та обліку злочинів, аналізу криміногенної ситуації та необхідності розробки та вжиття заходів запобігання кримінальним правопорушенням.*

*Так, у Законі України «Про основи національної безпеки України» вказано, що реформування правоохоронної системи з метою підвищення ефективності її діяльності на основі оптимізації структури, підвищення рівня координації діяльності правоохоронних органів, покращення їх фінансового, матеріально-технічного, організаційно-правового і кадрового забезпечення є одними з основних напрямів державної політики з питань національної безпеки України. Взаємодія державних органів у сфері запобігання кримінальним правопорушенням може здійснюватись й в інших формах, до яких можна віднести: проведення спільних засідань і нарад, планування роботи, взаємний обмін інформацією, виконання доручень, проведення спільних перевірок і ревізій, передачу складених за ними матеріалів, що містять ознаки злочину, до правоохоронних органів, обмін досвідом та координацію роботи при проведенні координаційних нарад, а також під час здійснення моніторингу.*

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### **PECULIARITIES OF LAW ENFORCEMENT BODIES WORK DURING MARTIAL LAW**

Firstly, it is necessary to define the concept of martial law. Martial law is a legal regime that is introduced in Ukraine or in certain of its territories in case of failed aggression or threat of attack, danger to the state independence of Ukraine and its territorial integrity [1]. During martial law, the rhythm of life is disturbed, there is a threat to people's lives and health, material damage is caused, the work of state bodies, transportation, and communication is disrupted, social tension is exacerbated, crime and other offenses increase. To prevent and stop negative consequences, significant forces of the executive authorities are involved, among which the National Police of Ukraine occupies a special place [2]. In wartime, the

police work in an intensified mode: they ensure the operation of checkpoints, carry out the evacuation of the population, check documents and means of transport, conduct search and investigative work with saboteurs, and also oppose looting [2]. During war, the police work in an intensified mode: they ensure the operation of checkpoints, carry out the evacuation of the population, check documents and means of transport, conduct search and investigative work with saboteurs, and also oppose looting [2].

Law enforcement officers cannot go beyond that is allowed in the means of their activities to ensure the safety of the population. Even under martial law, compliance with the law is an inevitable condition for their activity. The police are constantly in various situations of a stressful nature, which requires a high level of attention and high concentration; everyone should know their functional duties both in normal conditions and in conditions of martial law and perform them perfectly.

The functions performed by law enforcement agencies during martial law include ensuring the safety of personnel, weapons, equipment, and military units; strengthened protection of public order, detention, examination and questioning of suspicious persons, control of military transport, assistance to combat units in eliminating enemy airborne assaults [3].

The police are making maximum efforts to ensure communication with the population, and in places where the 102 line does not work, new telephone lines are being opened. Alternative means of communication are also active. Wartime looting incidents can be reported to the Cyber Police email. Law enforcement agencies are engaged in organizing the logistics of volunteer groups, defense processes, and maintaining the morale of the military and the civilian population [4]. Psychological preparation of personnel, special physical and special toughness is necessary. Psychologists, as bearers of knowledge and skills to cope with stress, continue to assist our colleagues and cultivate in themselves and those around them maximum resilience and the ability to react in extreme conditions. Law enforcement officers, who are engaged in the protection of public order under martial law, are obliged to know the organization and tactics of practice of internal affairs bodies, tasks, functions, methods of activity, current legislation regulating their activities. The actions of the police during martial law must be legally competent, fair and lawful. Improper actions of law enforcement officers can cause serious harm. Therefore, we can draw the conclusion that the work of law enforcement officers in martial law plays a very important role, both for the population and the state. Their work can be called very effective and incredibly necessary in our time. Police officers try to do everything possible to protect citizens, even in very difficult situations, and in our case, in the conditions of hostilities.



## Література

1. URL: <https://zakon.rada.gov.ua>
2. URL: <https://v.gd/7fFLhN>
3. URL: <https://v.gd/axdEfU>
4. URL: <https://v.gd/uFKd3i>

## Анотація

*Тези присвячені особливостям роботи правоохоронних органів під час воєнного стану. У воєнний час поліція працює в посиленому режимі: забезпечує роботу блокпостів, проводить евакуацію населення, перевіряє документи та транспортні засоби, проводить пошукову та слідчу роботу з диверсантами, а також протидіє мародерству.*

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## FEATURES OF THE WORK OF LAW ENFORCEMENT AGENCIES DURING THE MARTIAL LAW

For a start, it is necessary to define the concept of martial law. Martial law is a legal regime that is introduced in Ukraine or on its designated territories in case of armed aggression or aggressive threat, danger to the state independence of Ukraine and its territorial integrity [1].

During martial law, the rhythm of life is disturbed, there is a threat to people's lives and health, material damage is caused, the work of state bodies, transportation, and communication is disrupted, the social tension is exacerbated, crime and other offenses increase. To prevent and stop the negative consequences, significant forces of the executive authorities are involved, among which the National Police of Ukraine occupies a special place [2].

In wartime, the police work in a heavy security mode: they ensure the operation of checkpoints, carry out the evacuation of the population, check documents and means of transport, conduct search and investigative work on sabotage forces, and also oppose looting [2].

The law enforcement officers cannot go beyond what is allowed in the means of their activities to ensure the safety of the population. Even in the conditions of martial law, compliance with the law is an inevitable condition for their activity. The police are constantly in various situations of a stressful nature, which requires a high level of attention and high concentration; everyone should know their functional duties both in normal conditions and in conditions of martial

law and perform them perfectly. The functions performed by law enforcement agencies during martial law include: ensuring the safety of personnel, weapons, equipment, and military units; strengthened protection of public order, detention, verification and questioning of suspicious persons, control of military transport, assistance to combat units in eliminating enemy airborne invasion [3].

The police are making maximum efforts to ensure communication with the population, and in places where the 102 line does not work, new telephone lines are being opened. The alternative means of communication are also active. The wartime looting incidents can be reported to the Cyber Police email. The law enforcement agencies are engaged in organizing the logistics of volunteer groups, defense processes, and maintaining the morale of the military and the civilian population [4].

It is necessary to have the psychological preparation of personnel, special physical fitness and special toughness. The psychologists, as bearers of knowledge and skills to cope with stress, continue to provide assistance to our colleagues and cultivate in themselves and those around them maximum resilience and the ability to react in extreme conditions. The law enforcement officers, who are engaged in the protection of public order under martial law, are obliged to know the organization and tactics of practice of internal affairs bodies, as well as tasks, functions, methods of activity, current legislation, which regulates their activities. The actions of the police during martial law must be legally competent, fair and lawful. The misconduct of law enforcement officers can cause serious harm. So, we can draw the conclusion that the work of law enforcement officers during the martial law plays a very important role, both for the population and the state. Their work can be called very effective and incredibly necessary in our time. The police officers try to do everything possible to protect citizens, even in very difficult situations, and in our case, in the conditions of combat activities.

### **Література**

1. Про правовий режим воєнного стану: Закон України станом на 01.04.2022. Верховна Рада України. Інтернет-ресурс URL:<https://zakon.rada.gov.ua> (дата звернення 13.04.2022р.)
2. Інтернет-ресурс URL: <https://v.gd/7fFLhN> (дата звернення 13.04.2022р.)
3. Інтернет-ресурс URL: <https://v.gd/axdEfU> (дата звернення 14.04.2022р.)
4. Інтернет-ресурс URL: <https://v.gd/uFKd3i> (дата звернення 14.04.2022р.)

### **Анотація**

*Розглянуто типові плани охорони громадського порядку, в яких визначаються наявні сили та засоби забезпечення безпеки особового складу,*

*зброї, техніки, а також військових частин. Посилена охорона громадського порядку, затримання, перевірка та опитування підозрілих осіб, контроль руху військового транспорту, допомога бойовим підрозділам у ліквідації повітряних десантів ворога тощо – є запорукою ефективної діяльності органів внутрішніх справ в умовах воєнного стану.*

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## **CURRENT ISSUES OF THE TRAINING OF LAW OFFICERS UNDER THE CONDITIONS OF MARTIAL STATE**

Our lives definitely changed on February 24, 2022. Russian troops launched a full-scale war. Many Ukrainians were forced to leave their homes for security, but a large number defend the Motherland to this day. Employees of the National Police of Ukraine are no exception. Even during martial law, the country trains highly qualified specialists to maintain public order in Ukraine. The peculiarities of the organization of the activities of the internal affairs bodies regarding the protection of public order in the conditions of martial law are determined by the current legislation, primarily the Law of Ukraine "On the Legal Regime of Martial Law" [2] and depend on the tasks that must be performed and the state of the operational situation. Taking into account the operational situation, available information, political, economic, social conditions, geographical location, and other circumstances, special plans are developed, according to which the staffing and logistical support of internal affairs bodies is carried out. As a rule, the development of a typical plan takes place in four stages: preparatory; direct development of the plan; its coordination, adjustment, approval; bringing it to the executors.

At the preparatory stage, the head of the internal affairs body clarifies the goals and tasks of planning, studies legislative and other normative acts, instructions and recommendations of the Ministry of Internal Affairs of Ukraine, the experience of other bodies, information about events that should be prevented, consequences. The head of the internal affairs body gives an order to collect proposals from the heads of subordinate units regarding specific measures, routes, checkpoints, locations of operational groups, securing transport, and executors.

At the second stage, the structure of the plan, the list of its positions, the composition of the operational headquarters, its functional responsibilities, the composition of operational groups of employees, the procedure for action, the organization of control, communication, material and technical supply, schemes of

particularly important objects that are subject to security and the location of the reserve.

At the third stage, the draft plan is coordinated with the executive authorities, other law enforcement structures, in particular with the prosecutor's office, the SBU, the border military garrison, neighboring internal affairs bodies and senior management. Changes are made to the draft plan, its correction is carried out, joint actions are clarified. After that, the draft plan is reported to the senior chief for approval, if it is not within the competence of the developer of the standard plan.

At the fourth, final stage, the plan is brought to the executors. The head of the internal affairs body announces a standard plan at an operational meeting and briefing, introduces the executors to their functional duties that will arise in the event of the plan being implemented, and sets additional tasks for organizing the implementation of planned activities. The plan is replicated, if necessary, sent to the higher management entity, other bodies involved in its implementation. At the same time, the regime of secrecy is preserved, if planned measures require it. In the event of the introduction of martial law, the head of the internal affairs body must carry out the measures specified in the plan of preparation for actions in this period, which provides for a set of measures aimed at bringing the internal affairs body to a state of combat readiness and ensuring public safety in the territory of operational responsibility [1, p. 357].

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, convincing citizens of the need for conscious and voluntary compliance with legal requirements, stopping anti-social behavior, preventive work in labor groups and with individuals is a necessary condition for promoting effective mobilization. The mechanism of persuasion involves a set of different means, forms and methods of influencing people's consciousness and behavior. Legal persuasion should be carried out by employees of internal affairs bodies who themselves know the legislation well, enjoy authority and respect among the population [1, p. 58].

### **Література**

1. Адміністративна діяльність: навч. посіб. / [М. В. Ковалів, З. Р. Кісіль, Д. П. Калаянов та ін.]. Київ : Правова єдність, 2009. 432 с
2. Про правовий режим воєнного стану: Закон України від 12.05.2015 № 1647-III. *Відомості Верховної Ради*. 2015. № 28. Ст. 250

### **Анотація**

*Дослідження присвячене актуальним питанням підготовки правоохоронців в умовах воєнного стану. Розглянуто особливості організації діяльності правоохоронців під час воєнного стану, розроблення планів, етапи*

*підготовки типових планів, комплекси заходів, а також механізми органів внутрішніх справ. Це питання надзвичайно важливе, оскільки вже рік, як Україна потерпає від агресії ворога та активно бореться з ним.*

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## **CURRENT ISSUES OF THE TRAINING OF LAW ENFORCEMENT OFFICERS IN PEACETIME AND UNDER THE CONDITIONS OF THE STATE OF MARTIAL**

**Formulation of the problem.** As everyone knows, on February 24, 2022, Russian troops began attacking Ukrainian territory. We are talking not only about military facilities, but about peaceful residential areas. Since then, Ukrainian cities, towns and villages have been living in brutal conditions caused by the war. Since 2014, Ukrainian law enforcement agencies have been operating in a special period of time. In such a difficult time, proper training of law enforcement officers is needed, because effective and high-quality training of law enforcement officers has always been extremely necessary, and today this issue is more relevant than ever.

**The purpose** of this study is to study and analyze the actual issues of law enforcement training in peacetime and wartime.

**Presentation of the material.** The safety of each person is an important basis for law and order in society and the safety of society itself. The state's ability to ensure the safety of society as a whole and of each citizen in particular largely determines its present and future. The direct provision of the country's internal security both in peacetime and in the period of martial law depends crucially on the effectiveness of the work of law enforcement agencies.

When clarifying the problematic aspects of training law enforcement officers, first of all, it is necessary to determine the essence of the concept of "professional training of a law enforcement officer." In accordance with the Order of the Ministry of Internal Affairs of Ukraine No. 50 of January 26, 2016, which approved the Regulation on the organization of official training of the National Police of Ukraine, which defines the procedure for planning, conducting and recording classes, and monitoring the knowledge, skills and abilities of junior, middle and senior employees of the National Police of Ukraine, professional training is defined as a system of measures aimed at consolidating and updating the necessary knowledge, abilities and skills of a police officer, taking into account the specifics and profile of his official activity [3]. Types of professional training of a law enforcement officer. Type of training and Characteristics:

1)Functional - Complex of activities aimed at acquiring and improving knowledge, skills and abilities in the field of regulatory and legal support of official activities

2)Firearms - Complex of activities aimed at studying the basics of shooting with a firearm, its legal use and improving the skills of safe handling of it

3)Tactical - Set of activities aimed at acquiring and improving the skills of practical application of theoretical knowledge regarding the correct assessment of specific events.

4)Physical - Complex of activities aimed at the formation and improvement of motor abilities and skills, development of physical qualities.

Today, the course of development and strengthening of Ukraine as a legal state requires new approaches to the professional training of law enforcement personnel, in particular, employees of the National Police of Ukraine. Unfortunately, as of today, the law enforcement personnel training system does not have its own system for evaluating the quality of such training and takes into account only part of the real problems facing law enforcement officers. It should be noted that taking into account the positions of scientists and publications of domestic experts in the field of personnel training for the security and defense sector, as well as the analysis of normative legal acts of Ukraine, it can be concluded that despite a significant number of documents that determine the order and standards of obtaining higher education in Ukraine, approaches to the training of personnel for the security and defense sector in our country are currently outdated and do not meet the needs of ensuring national security in the conditions of the introduction of martial law [7, p. 172].

In this context, it should be noted that higher educational institutions that train law enforcement personnel are performing a very important mission today. These universities should update existing approaches to personnel training and take into account the positive experience of the European Union and NATO.

In general, in this field, it is necessary to accumulate knowledge and develop quality educational programs taking into account the state of war and the threats that countries face today for national security, independence and sovereignty. Therefore, we can call the issue of quality education the first urgent issue of training law enforcement officers in peacetime and, especially, in wartime. The next issue worth talking about is psychological training, special physical and professional training and strengthening of the personnel of law enforcement officers. The fact is that these skills are crucial in peacetime and especially during martial law. Practical experience shows that the level of training of law enforcement officers is insufficient. And this is one of the biggest problems of professional training of police officers in peacetime. This is explained by the following reasons, such as non-compliance of the training level with the requirements of the European level; shortcomings of professional selection for law

enforcement agencies; low entry level of physical fitness of most recruits entering the service and low level of motivation [7, p. 173].

Use of special measures in accordance with Art. 45 of the Law of Ukraine "On the National Police" is an important issue of law enforcement training both in peacetime and during martial law [5]. The list of reasons for the use of special measures by police officers is exhaustive and cannot be expanded. All special measures applied by internal affairs bodies under martial law can be divided into two groups: active defense measures and special operations support measures. This should be taken into account when training law enforcement officers to perform their duties

An important issue in the training of law enforcement officers is proper training in the use of firearms. It is not known exactly how many police officers were killed because they failed to use their firearms at the right time. Therefore, the relevance of improving the state of fire training today is beyond doubt. In the last decision of the Commission, Requirements, Orders and Instructions of the Ministry of Internal Affairs of Ukraine, it was determined that the increase in the level of professionalism affects the safety of employees when they perform their official duties. Higher education institutions play a large role in combat weapons training. They are designed not only to give future police cadets certain knowledge, but also to teach them to think outside the box and make accurate decisions in difficult and extreme situations. If necessary, measures of physical influence, special measures and countermeasures regarding firearms can be taken. Firearms technical training is the traditional training of law enforcement officers and has recently undergone significant changes under the influence of the general increase in extremist activity, the spread of weapons among the population and the rapid growth of criminal weapons [2]. In practice, the need to maintain professional skills is often underestimated. It is a widespread mistake that the training of specialists in universities and retraining centers of the Ministry of Internal Affairs of Ukraine should guarantee the acquisition of professional skills and predict what law enforcement officers should do in a year or several years. But this is far from the case. The training of a law enforcement officer should always be at the appropriate level, because he actually solves professional tasks every day. It is certainly proven that an expert who has reached a certain level of knowledge has no right not to improve his knowledge and skills. The very process of simplifying the training regime leads to a decrease in the skills and competence of law enforcement personnel.

**Conclusions.** It can be concluded that the focus of attention of law enforcement agencies is internal threats to the state, and the success of law enforcement agencies depends on quality training. The main issues of training law enforcement officers in peacetime and wartime are the proper interpretation of their rights and duties; quality education in a higher educational institution;

applying the experience of leading European countries and NATO, as well as proper handling of weapons and constant improvement of knowledge and skills.

### Література

1. Конституція України від 28 червня 1996 року (зі змінами і допов.). Відомості Верховної Ради України. 1996. № 30. Ст. 141.
2. Наказ Міністерства внутрішніх справ України 01 лютого 2016 року № 70 Інструкція із заходів безпеки при поводженні зі зброєю.
3. Положення про організацію службової підготовки працівників Національної поліції України: Наказ Міністерства внутрішніх справ України № 50 від 26.01.2016.
4. Про основи національного спротиву: Закон України із змінами, внесеними згідно із Законом № 2024-IX від 27.01.2022.
5. Про національну поліцію: Закон України від 02.07.2015. Ст. 379.
6. Про правовий режим воєнного стану: Закон України від 12.05.2015. Ст. 250.
7. Сокурєнко В.В. Особливості організації оборони в Україні. Підприємництво, господарство і право. 2017. Вип. 3. С. 172-177.

### Анотація

*Безпека кожної людини є важливою основою для правопорядку в суспільстві і безпеки самого суспільства. Здатність держави забезпечувати безпеку суспільства в цілому і кожного громадянина зокрема в значній мірі визначає її сьогодення та майбутнє. Пряме забезпечення внутрішньої безпеки країни як у мирний час, так і в період воєнного стану вирішально залежить від ефективності роботи правоохоронних органів. Вищі навчальні заклади, які готують правоохоронців, виконують сьогодні дуже важливу місію. Але необхідно оновити існуючі підходи до підготовки персоналу і врахувати позитивний досвід Європейського Союзу та НАТО. Загалом, у цій сфері необхідно накопичувати знання та розробляти якісні освітні програми з урахуванням стану війни та загроз, з якими країни стикаються сьогодні для національної безпеки, незалежності та суверенітету.*

*Можна зробити висновок, що фокус уваги правоохоронних органів - це внутрішні загрози державі, а успіх правоохоронних органів залежить від якісної підготовки. Основними питаннями підготовки співробітників правоохоронних органів у мирний і воєнний часи є правильне тлумачення їх прав і обов'язків; якісна освіта в вищому навчальному закладі; застосування досвіду провідних європейських країн та НАТО, а також правильне використання зброї та постійне вдосконалення знань та навичок.*



## **CRIME PREVENTION BY LAW ENFORCEMENT AGENCIES IN PEACETIME AND IN THE CONDITIONS OF MARTIAL LAW**

To begin with, it is necessary to define the concept of martial law. Martial law is a legal regime that is introduced in Ukraine or in certain of its territories in case of failed aggression or threat of attack, danger to the state independence of Ukraine and its territorial integrity.

During martial law, the rhythm of life is disturbed, there is a threat to people's lives and health, material damage is caused, the work of state bodies, transportation, and communication is disrupted, social tension is exacerbated, crime and other offenses increase. To prevent and stop negative consequences, significant forces of the executive authorities are involved, among which the National Police of Ukraine occupies a special place.

In wartime, the police work in an intensified mode: they ensure the operation of checkpoints, carry out the evacuation of the population, check documents and means of transport, conduct search and investigative work with saboteurs, and also oppose looting.

Law enforcement officers cannot go beyond what is allowed in the means of their activities to ensure the safety of the population. Even in the conditions of martial law, compliance with the law is an inevitable condition for their activity. The police are constantly in various situations of a stressful nature, which requires a high level of attention and high concentration, everyone should know their functional duties both in normal conditions and in conditions of martial law and perform them perfectly.

The functions performed by law enforcement agencies during martial law include: ensuring the safety of personnel, weapons, equipment, and military units; strengthened protection of public order, detention, examination and questioning of suspicious persons, control of military transport, assistance to combat units in eliminating enemy airborne assaults.

The police are making maximum efforts to ensure communication with the population, and in places where the 102 line does not work, new telephone lines are being opened. Alternative means of communication are also active. Wartime looting incidents can be reported to the Cyber Police email. Law enforcement agencies are engaged in organizing the logistics of volunteer groups, defense processes, and maintaining the morale of the military and the civilian population.

The purpose of imposing martial law is to create conditions for granting 38 relevant bodies of state power, military command, military administrations and

local self-government bodies the powers necessary to avert the threat, repulse armed aggression and ensure national security, eliminate the threat of danger to the state independence of Ukraine, its territorial integrity, as well as a temporary restriction of the constitutional rights and freedoms of a person and a citizen, as well as the rights and legal interests of legal entities, with an indication of the period of validity of these restrictions, caused by a threat.

### Література

1. Про правовий режим воєнного стану: Закон України станом на 01.04.2022. Верховна Рада України.

2. Інтернет-ресурс URL: <https://zakon.rada.gov.ua> (дата звернення 13.02.2023р.) 3. 8 ночей без сну: як працює поліція під час війни Катерина Дубовська URL: <https://v.gd/7fFLhN> (дата звернення 13.02.2023р.)

4. На час війни поліцію наділили додатковими повноваженнями URL: <https://v.gd/axdEfU> (дата звернення 14.02.2023р.)

5. Про участь громадян в охороні громадського порядку і державного кордону: закон України від 22.06.2000 № 1835-III // База даних (БД) «Законодавство України» / Верховна Рада (ВР) України. URL: <http://https://v.gd/3RGYMb> (дата звернення: 16.02.2023).

6. Закон України «Про Національну поліцію». Київ : Вид. Паливода А. В., 2015. 104 с.

7. Про затвердження Інструкції з організації діяльності дільничних офіцерів поліції: наказ МВС України від 28.07.2017 № 650 // БД «Законодавство України» / ВР України. URL: <http://https://v.gd/ISRyBN> (дата звернення: 16.02.2023).

8. Про результати роботи з організованими групами та злочинними організаціями (2019 рік) // Генеральна прокуратура України: URL: <http://https://v.gd/OxZ5sN> (дата звернення: 16.02.2023).

9. Впровадження поліцейської діяльності, орієнтованої на громаду (Community policing) на Вінниччині // Експертний центр з прав людини: URL: <https://v.gd/jJiare> (дата звернення: 16.02.2023)

### Анотація

*Робота правоохоронців у воєнний стан відіграє дуже важливу роль, як для населення, так і держави. Їх роботу можна назвати дуже ефективною та неймовірно потрібною у наш час. Правоохоронці намагаються робити все можливе для захисту громадян, навіть у дуже складних ситуаціях, а в нашому випадку в умовах бойових дій. У нинішніх умовах узгодження поліції з громадськими формуваннями має плануватися і ґрунтуватися на дієвій члені аргументованої адміністративної основі, із запровадженням іноземного досвіду участі громадськості у правозахисній діяльності. Узгодження з громадськістю є одним із ключових факторів збільшення*

*продуктивності заняття поліції з охорони громадського порядку, виявлення, придушення та профілактики правопорушень.*

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## **CONSTITUTIONAL HUMAN RIGHTS. THEIR PROTECTION BY THE POLICE UNDER THE CONDITIONS OF THE STATE OF MARTIAL LAW**

The issue of protection of constitutional human rights in the activities of the police in the martial law zone is a rather urgent problem nowadays. A legal regime called martial law is introduced in the event of armed aggression by any country or a threat to the territorial integrity of Ukraine.

After the introduction of martial law, among the most frequent offenses against a person, the most vulnerable is the right to life. This is stated in Article 27 of the Constitution of Ukraine: "Every person has an inalienable right to life. No one can be arbitrarily deprived of life. The duty of the state and relevant bodies is to protect human life" [2]. Therefore, the police must protect people's rights both in peacetime and in wartime, regardless of nationality, religion, or race.

I completely agree with many specialists that the Constitution of Ukraine determines exactly which human rights can be limited as a result of the establishment of martial law throughout Ukraine because it is the legal basis in our country. The police are also governed exclusively by the Constitution of Ukraine and the Laws of Ukraine. Amendments to the Law of Ukraine "On the National Police" have entered into force, which provides expansion of the powers of Ukrainian police officers for the period of the introduction of martial law, but this does not remove them from the performance of official duties, such as: to respect human rights and not to violate them, to show respect for human dignity, to control oneself and one's behavior.

While performing their tasks, the police ensure insurance with human rights and freedoms. Under no circumstances are measures that limit human rights and freedoms allowed, in the event of detection of such actions, each police officer is obliged to immediately take all possible measures to stop them and must report to the immediate management about this physical violence and the intention to use them [1].

Thus, in my opinion, the police are an important law enforcement body, because one of the main tasks of the National Police of Ukraine is to ensure public order and ensure the constitutional rights and freedoms of people regardless of gender, age, or financial situation.

## Література

1.<https://ips.ligazakon.net/document/T150580?an=33> (абзац третій частини четвертої статті 7 із змінами, внесеними згідно із Законом України від 17.06.2020 р. N 720-IX).

2.<https://www.president.gov.ua/ua/documents/constitution/konstituciya-ukrayini-rozdil> (Конституція України - Розділ II № 11/99, 3/18).

## Анотація

*У тексті зібрана інформація щодо захисту конституційних прав людини. Було порушено проблему невід'ємного права на життя в Україні та проведено систематизацію обов'язків українських поліцейських в умовах воєнного стану.*

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## TOPICAL ISSUES OF LAW ENFORCEMENT TRAINING IN PEACETIME AND UNDER MARTIAL LAW

Professional training of members of investigative teams is carried out in peacetime. Usually, professional training in peacetime for employees who are members of investigative teams is carried out separately at the relevant structural units of the Ministry of Internal Affairs of Ukraine and the National Police of Ukraine. At the same time, joint training sessions involving representatives of the National Police of Ukraine and sectoral departments of the MIA of Ukraine, in particular the Border Guard Service of the MIA of Ukraine, the Migration Service of Ukraine, the SES of Ukraine and structural units, representatives and specialists of other ministries and agencies are not conducted, limited to one-time invitations (and then only to some of their representatives) to such types of training on interaction issues that should be addressed during preparation in peacetime and in case of martial law.

In Ukraine, martial law is defined as a special legal regime introduced in case of a threat to national security. Proposals for the introduction of martial law in Ukraine or in certain areas of Ukraine are submitted to the President of Ukraine by the National Security and Defense Council of Ukraine. After considering these proposals, the President of Ukraine issues a decree on the introduction of martial law [1].

The law enforcement agencies expand cooperation with the European Police Office (Europol) and act as the National Contact Point between the competent authorities of Ukraine and Europol; represent and ensure the fulfillment

of Ukraine's obligations in the International Criminal Police Organization - Interpol and act as the National Central Bureau of Interpol; collect biometric data of persons in accordance with parts 42, 43, 45 of Article 23 of the Law of Ukraine "On the National Police" [3].

One of the areas of training that should be considered is the specifics of maintaining the secrecy and confidentiality of investigative proceedings and information security, which should be conducted with the participation of the SSU, cyber police and officials of sensitive police units. For example, certain politicians, heads of certain agencies, representatives of the media, etc., publish on Internet sites that we consider classified information about the extent, manner of receiving and forwarding military and other assistance from our country's partners, as well as certain strategic and tactical military and law enforcement information, while martial law is currently in effect. Another important area of professional training should be the improvement of cooperation with forensic experts, employees of specialized institutions of the Ministry of Internal Affairs of Ukraine, the Ministry of Justice of Ukraine, the State Emergency Service of Ukraine, the Ukrainian Security Service, representatives of explosive, pioneer and pyrotechnic units, as well as specialists from other agencies [1, p. 8].

Pre-designed planned activities, tested in practical exercises with personnel, as close as possible to the actual operational situation, are the key to the effective operation of internal affairs agencies under martial law. Standard reusable plans make it possible to save time by developing managerial decisions, choosing the best options and procedures, pre-calculating forces and means, and preparing personnel for martial law operations. The psychological training of personnel, special physical and professional training and hardening are of great importance. Given the high general preparedness of personnel to act under martial law, even a sudden, unpredictable occurrence of emergencies will not put the internal affairs agency in a difficult situation. Preparing a standard plan for the introduction of martial law, for example, organizing search operations in the event of an armed criminal group, requires a certain amount of experience on the part of the head, knowledge of the specifics of the area, analysis of the operational situation, etc.

As a rule, the development of a standard plan takes place in four stages: preparatory; direct development of the plan; its coordination, adjustment, approval; and communication to executors.

Within the framework of the law of war, internal affairs bodies make extensive use of administrative and special coercive measures, the application of which is reserved mainly for the police [2].

Thus, the effectiveness of the forms and methods of martial law enforcement largely depends on the flexibility and dynamism of the use of forces and means of internal affairs bodies. At the same time, it is important to improve the forms and methods of interaction between the police and the public in ensuring the martial law regime.

### Література

1. Мартовицька, О.В. (2022). Проблемні питання поліцейстики з удосконалення забезпечення прав особи на професійну правничу допомогу: матеріали науково-практичної конференції «Проблеми сучасної поліцейстики» (м. Харків. 20 квітня 2022 року). Харків. Харківський національний університет внутрішніх справ. С. 41-43.

2. Training of police officers during martial law. URL: <https://www.quora.com/What-do-police-do-in-martial-law> (дата звернення: 15.07.2022)

3. Закон України «Про Національну поліцію». URL: <https://zakon.rada.gov.ua/laws/show/580-19#Text>

### Анотація

*У доповіді проаналізовано підготовку правоохоронців в Україні під час дії воєнного стану. Розглянуто основну характеристику терміну «воєнний стан». Виявлено за науковими працями авторів план підготовки правоохоронців, проаналізовано частини закону «Про Національну поліцію». Досліджено методи підготовки правоохоронців під час війни в Україні.*

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### THE ROLE OF THE NATIONAL POLICE UNDER THE CONDITIONS OF MARITAL LAW

The activity of state authorities and local self-governments in the conditions of martial law is reduced to assisting the governing bodies established in the designated territory in directly solving the tasks of state defense. The national police in the system of state bodies operating in this situation occupies a special place due to the content of tasks in the considered conditions of activity. The direct provision of internal security depends decisively on the effectiveness of its work. In order to perform the tasks successfully assigned to the police in the conditions of martial law, their duties and rights must correspond to the basic principle - new duties correspond to new rights. It is extremely important that the expansion of the police's competence during the introduction of martial law is part of the system of coercive measures. Police officers cannot cross the limits of what is allowed in the methods and means of activity to ensure public safety and order [1, p. 354]. The peculiarities of the organization of the activities of the National Police bodies regarding the protection of public order under martial law are determined by the current legislation, primarily by the Law of Ukraine "On the Legal Regime of

Martial Law" [3] and the Law of Ukraine "On the National Police" [4], depending on the tasks that must be fulfilled and the state of the operational situation. Taking into account the operational situation, available information, political, economic, social conditions, geographical location, and other circumstances, special plans are developed, according to which the staffing and logistical support of the National Police bodies is carried out.

In order for typical public order protection plans to meet their purpose, they are developed for specific purposes (for example, in case of taking hostages or capturing a particularly important object; for the purpose of searching for and detaining armed, especially dangerous criminals who may appear on service area). Combining different tasks in one typical plan is impractical. There may be other target plans. Such plans define the available forces and means, the composition of the consolidated detachment, additional forces and means, reserves, options for enhanced service, increased readiness of the personnel, combat readiness, communication schemes, specific performers and their duties, calendar schedule for the implementation of measures on one or another version of the development of special events. The plan includes operational maps, emergency staffing schemes, main and reserve deployment locations, and the order of interaction with other law enforcement agencies. The plan also indicates the grounds and procedure for its implementation [2, p. 396]. Planned measures developed in advance, tested in practical classes with personnel, as close as possible to the real operational situation, are a guarantee of effective activity of the National Police bodies in the conditions of martial law. Standard plans for multiple use make it possible to save time when developing management decisions, choosing optimal options and procedures, preliminary calculations of forces and means, and preparing personnel for operations in martial law conditions.

Psychological training of the personnel, special physical and professional training and hardening become important. With a high general preparedness of personnel for actions under martial law, even a sudden, unforeseeable occurrence of emergency situations will not put the National Police in a difficult position. requires a certain experience from the manager, knowledge of the features of the area, analysis of the operational situation, etc.

### Література

1. Оновлена доктрина публічного адміністрування у секторі безпеки і оборони України: кол. монографія/ І.М. Коропатнік, Н.П. Христинченко, І.М. Шопіна, М.В. Ковалів та ін. Львів : СПЛОМ, 2021. 480 с.
2. Правові основи захисту України від зовнішньої та внутрішньої агресії: навчальний посібник / В.В. Середа, М.В. Ковалів, С.С. Єсімов, М.П. Гурковський. Львів: Львівський державний університет внутрішніх справ, 2015. 518 с.

3. Про правовий режим воєнного стану: Закон України від 12 травня 2015 р. № 389-VIII / Відомості Верховної Ради України. 2015. № 28. Ст. 250.
4. URL. <https://zakon.rada.gov.ua/laws/show/389-19>

### **Анотація**

*У роботі розглянуто особливості діяльності органів Національної поліції в умовах воєнного стану. Національна поліція широко вживає заходів адміністративного припинення, спеціального призначення, їх застосування є переважно прерогативою поліції, що відрізняє їх від заходів припинення загального призначення, які використовуються в діяльності багатьох суб'єктів адміністративно-правової охорони.*

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## **PROTECTION OF THE INTERNALLY DISPLACED PERSONS' RIGHTS IN WARTIME**

An internally displaced person is a citizen of Ukraine, a foreigner or a stateless person who is in the territory of Ukraine on legal grounds and has the right to permanent residence in Ukraine, who was forced to set off or leave his place of residence as a result of / or in order to avoid the negative consequences of an armed conflict, temporary occupation, widespread manifestations of violence, infringement of human rights and emergency situations of a natural or man-made character [3].

During the period of martial law introduced by the Decree of the President of Ukraine of February 24, 2022 No. 64 "On the Introduction of Martial Law in Ukraine", persons who have moved to other regions as a result of the war, at their request, are provided with a certificate of an internally displaced person and the relevant information is entered into the Unified information database on internally displaced persons [1].

This registration of an internally displaced person is primarily necessary for timely social payments to citizens to whom disbursements are made through cash payouts. These steps were taken by the Government in particular for:

- timely payment of pensions, benefits, subsidies and state social benefits to all recipients;
- extension of the payment terms of all previously assigned benefits for the duration of martial law without a person's appeal;



- introduction of special mechanisms for paying pensions and benefits to those who received them at their place of residence, but changed it due to hostilities;
- introduction of centralized calculation and payment of benefits for people from territories where, due to active hostilities, the social protection authorities could not carry out calculation and payments;
- attraction and distribution of humanitarian aid.

Most of all, the displaced persons need financial support mainly for food and medical expenses. 25% of IDPs need to issue/renew at least one type of official document. Access to health care and education, as well as the reconstruction of damaged buildings are among the most urgent needs [2].

In addition, the war significantly affected the ability of such people to earn a living - almost half of the IDPs are currently unemployed. Therefore, the issue of ensuring access to administrative, social, cultural and other services, as well as creating conditions for developing the potential and strengthening the capacity of IDPs in the territorial communities that host them is extremely relevant at the moment.

An internally displaced person has the right to:

1. Housing allowance for IDPs - in order to receive the allowance, a person must be registered as an IDP and receive an appropriate certificate, as well as submit an application for housing allowance. To do this, it is necessary to contact the structural unit for social protection of the population or the center for the provision of administrative services, or submit such an application through the "Diya" portal or application.

2. Assistance from the United Nations High Commissioner for Refugees (UNHCR) - the United Nations High Commissioner for Refugees provides cash assistance to people who have been forced to leave their homes due to hostilities to help them meet their immediate needs (such as temporary housing, food and personal hygiene items) so that they can settle and resume life in a new place. The amount of assistance is UAH 2,220 per person, it is provided immediately in three months.

3. Assistance from the Red Cross - within the framework of the Memorandum of Understanding, signed by the International Committee of the Red Cross (ICRC), the Red Cross Society of Ukraine (SRC) and the Ministry of Social Policy of Ukraine, financial support is provided to vulnerable persons affected by the armed conflict in Ukraine. It is about UAH 2,500 per person for three months.

4. Monetary assistance from the European Court of Human Rights - citizens of our country who suffered from Russian aggression can receive compensation from the European Court of Human Rights - from 5,000 to 30,000 Euros. Moreover, you can file a claim for compensation for both material and moral damage. Material depends on the value of the lost, for example, destroyed apartment or car.

5. Assistance for IDPs from the UN World Food Program (WFP) - this cash assistance program targets internally displaced people who have lost their livelihoods and savings due to the current war and rely mainly on humanitarian aid, family and community support. The purpose of the multi-purpose monetary aid is to supplement state aid and to ensure that IDPs' basic expenses are covered. The program covers displaced persons temporarily living in the Vinnytsia and Rivne regions [3].

The mentioned support programs enable IDPs to provide themselves with housing and work, helping them to feel more confident in their new place of life. In addition, such support measures can encourage citizens who are in the war zone and do not dare to evacuate due to fear of being left without means of livelihood, to leave for safer regions.

### **Література**

1. Про забезпечення прав і свобод внутрішньо переміщених осіб: Закон України від 20.10.2014 № 1706-VII станом на 29.10.2022. URL: <https://zakon.rada.gov.ua/laws/show/1706-18> (дата звернення: 09.02.2023 р.)
2. Роз'яснення щодо соціального захисту ВПО та осіб. URL: [https://www.ombudsman.gov.ua/news\\_details/](https://www.ombudsman.gov.ua/news_details/) (дата звернення: 10.02.2023 р.)
3. Внутрішньо переміщені особи: де шукати допомогу під час війни? URL: <https://niss.gov.ua/news/komentari-ekspertiv/vnutrishno-peremishcheni-osoby-de-shukaty-dopomohu-pid-chas-viyny> (дата звернення: 09.02.2023 р.)

### **Анотація**

*У тезах було висвітлено питання права на захист внутрішньо переміщених осіб, національний процедурний та інституційний рівень захисту прав ВПО. Крім того, зазначено правовий механізм захисту окремих прав внутрішньо переміщених осіб.*

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## **PROBLEMATIC ISSUES OF THE APPLICATION OF CRIMINAL LIABILITY FOR FALSIFICATION OF MEDICINES**

Falsification of medical products is one of the most dangerous crimes that poses a threat of harm to the life and health of an indefinite number of people, increases the prevalence of various diseases, contributes to the loss of public confidence in medical and pharmaceutical workers, and, as a result, in the health

care system as a whole. For example, counterfeit drugs can cause serious adverse reactions or lack of a therapeutic reaction, as well as cause resistance to antimicrobials.

Ukraine has a rather extensive system of acts in terms of regulating the sphere of production and circulation of medical products, although it is not complete and in some provisions is not correlated with EU legislation. It seems that first of all it is necessary to eliminate gaps and inaccuracies in regulatory legislation.

There is a need to develop a clear and complete concept of falsified medical products and falsified medicinal products that should be contained in the Criminal Code of Ukraine, and to directly indicate that the very fact of manufacturing medicines by an improper entity is an indisputable basis for recognizing them as a falsification. Additionally, it is necessary to criminalize the illicit trafficking of registered or not registered in Ukraine medicinal products and medical devices.

On the prevalence of the crime under Art. 321-1 of the Criminal Code of Ukraine, in practice, gives an idea of the analysis of reports on the number of illegal schemes exposed by the SSU regarding the manufacture, sale and smuggling of counterfeit medicines. The amounts that attackers receive as a profit as a result of such illegal actions are also impressive [1]. However, the analysis of the Unified State Register of Court Decisions shows that so far the verdict for the commission of this crime has not been handed down, although more than four years have passed. Another example is that on 26.03.2020, employees of the Main Directorate for Counterintelligence Protection of the State's Interests in the Sphere of Economic Security of the SBU blocked the activities of a group of persons involved in the clandestine manufacture and sale of counterfeit medicines in different regions of the country. According to the pre-trial investigation, the illegal scheme was established by several residents of Kharkiv, as well as one of the capital's private distributors of medicines. It was established that since 2016, the dealers have organized artisanal production of drugs that are used to treat patients with diseases of the endocrine system, painkillers. The workshop, where the production of counterfeits from raw materials of dubious origin took place, they set up in a rented room in the industrial zone of Kharkiv. Counterfeit was sold under the guise of products of well-known domestic manufacturers of pharmaceuticals through Internet resources and pharmacy chains. According to preliminary estimates, the dealers sold counterfeits annually by an average of UAH 15 million [2]. As in the previous example, the verdict on this fact has not yet been rendered.

The State Service of Ukraine on Medicines and Drugs Control (hereinafter referred to as the SMDC) operates in the system of state executive authorities, the main task of which is to implement the state policy in the areas of quality control and safety of medicines. The analysis of its activities in the period 2017 to 2020 indicates that this body issued 53 orders/orders banning the circulation of counterfeit medicines.

According to the Office of the Prosecutor General in the period from 2013 to 2020. 256 criminal proceedings under Article 321-1 of the Criminal Code of Ukraine on the fact of falsification of medicinal products and their circulation were registered in Ukraine. At the same time, only 36 criminal proceedings were sent to court with indictments [3]. In turn, from 2013 to August 2021. the courts of the first instance issued 30 verdicts, of which 2 sentences are acquittals (verdict of the Primorsky District Court of Odessa of December 28, 2015 in case No. 522/14195/15-k [4] and the verdict of the Lubensky City District Court of Poltava region of February 21, 2018 in case No. 539/1590/15-k [5]), and the remaining 28 - indictments. For more information on the content of the motivating and resultant parts of the verdicts and the date of their ruling, see Appendix B. Notable is the fact that some individual sentences are imposed by the courts against individuals who commit a common crime under Art. 321-1 of the Criminal Code of Ukraine. This happens in cases where the materials of the pre-trial investigation against a person or persons who commit falsification of medicines or the circulation of counterfeit medicines as part of an organized group or group of persons under a preliminary conspiracy are allocated to a separate proceeding.

Insufficient level of qualification of the representatives of the prosecution leads, in some cases, to the incorrect qualification of the offense, the failure to establish the qualifying and especially qualifying signs of the crime provided for in Art. 321-1 of the Criminal Code of Ukraine. Thus, in particular, it is important for the correct qualification of such actions of the perpetrator to conduct a forensic commodity examination, which should determine the total market value of counterfeit medicines, which, unfortunately, was not carried out in all cases. This information may become the basis for qualifying the actions of the perpetrator under part 2 of Art. Art. 321-1 of the Criminal Code, which provides for the qualifying feature of "the commission of this crime in a large amount", or under part 3 of this article, which provides for a qualifying feature in the form of "the commission of a crime in a particularly large amount".

### **Література**

1. В Одесі СБУ припинила масштабне виробництво та реалізацію фальсифікованих ліків. 01.04.2017. Архівна версія сайту СБУ (матеріали до 22.07.2020 року). URL: <https://www.sbu.gov.ua/ua/news/131/category/78/view/30>. (дата звернення: 23.10.2021).

2. Служба безпеки України блокувала масштабне виготовлення та реалізацію по всій країні контрафактних ліків. URL: <https://ssu.gov.ua/novyny/753> (дата звернення: 23.10.2021)

3. Статистика - Офіс Генерального прокурора. Офіційний сайт. URL: <https://www.gp.gov.ua/ua/1stat> (дата звернення: 23.10.2021)

4. Вирок Приморського районного суду м. Одеси від 28 грудня 2015 р., справа № 522/14195/15-к (провадження № 1-кп/522/847/15). URL: <http://reyestr.court.gov.ua/Review/54720617> (дата звернення: 24.10.2021).

5. Вирок Лубенського міськрайонного суду Полтавської області від 21 лютого 2018 р., справа № 539/1590/15-к (провадження № 11-кп/814/43/21). URL: <http://reyestr.court.gov.ua/Review/72368054#> (дата звернення: 24.10.2021).

### **Анотація**

*Автор наголошує на потребі вдосконалення практики застосування норм права щодо встановлення відповідальності за фальсифікацію лікарських засобів. В Україні, з одного боку, кількість виявлених фактів вчинення злочинів, передбачених ст. 321-1 КК України, є дуже значною, а з іншого - кількість обвинувальних вироків при цьому взагалі є мізерною. Що ж до випадків призначення винним особам так званого реального покарання у виді позбавлення волі, то такі майже відсутні. При цьому переважна більшість виявлених правопорушень стосується фальсифікації медичного спирту. Це свідчить про низьку ефективність діяльності щодо протидії фальсифікації лікарських засобів на практиці. Потребує удосконалення механізм взаємодії Держзлкслужби та правоохоронних органів в аспекті протидії фальсифікації лікарських засобів та іншої медичної продукції.*

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## **LEGAL REGULATION OF CHILD PROTECTION IN UKRAINE**

Children have been remaining one of the least protected social groups, thus are the main subjects of discrimination which is always topical in the context of armed conflicts. The problem of protecting children in war zones is rather urgent so the doctrine of modern international law recognizes this category of people to have special protection and attention. New realities in Ukraine are defined by war and active fighting, and the general order of protection of children's rights established by the current legislation has in most cases stopped working. Within the context of war, the question of real protection of the rights of children who became victims of russian aggression and were left without parental care in difficult living conditions has been raised.

Our legislative, executive and judicial authorities pay constant attention to the protection of children, their development, social protection, because this category of the population of Ukraine is the most vulnerable and unprotected due

to their physical and mental development. The primary source of the legal basis for the protection of children in Ukraine is the Constitution of Ukraine, the provisions of which stipulate that the family, childhood, motherhood and fatherhood are protected by the state (Article 51), and any violence against and exploitation of a child is prosecuted by law (Article 51) [1].

Important legal sources of protection of children in Ukraine are the Family Code of Ukraine, the Criminal Code of Ukraine and the Code of Ukraine on Administrative Offences. The norms of the Criminal Code of Ukraine and the Code of Ukraine on Administrative Offences establish the rules which state responsibility for committing illegal acts against children. So, nowadays there is an extensive system of regulations and legal acts in Ukraine that establish norms aimed at protecting children in Ukraine [2].

The war in Ukraine has left thousands of children orphaned, separated from their families. According to the state portal of children's search "Children of war" from February 24 to August 11 as a result of the armed aggression of the Russian Federation in Ukraine 1066 children suffered, 361 of which died, 705 were injured, 204 children are considered missing, 6159 were deported. These figures are not final, as the work to establish them in the places of active combat, in the temporarily occupied and liberated territories is ongoing. During war, the rights of the child are violated: the right to life, the right to be with family and community, the right to health, the right to personal development, and the right to care and protection. The violated rights of children must be restored and protected by both national and international institutions. The government is not indifferent to children's problems. In the context of war, there was an urgent need for legislation of issues regarding the protection of children's rights that could not be resolved under the peaceful order [3].

In the context of the state of war, the question of the possibility of real protection of the rights of children who became victims of Russian aggression and were left without parental care or in difficult living circumstances was raised. The protection of children's rights in the context of war requires the consolidation of efforts by a large number of organizations and institutions, parents, other relatives, guardians, etc. [ibid].

Since the beginning of martial law, 14 legislative documents have been adopted concerning the protection of children's rights under martial law. Since 1 August, Ukraine has launched a state portal for searching for children, which will help law enforcement agencies collect data on young Ukrainians who suffered during the war, including those who went missing or were moved to the temporarily occupied territories and deported to the Russian Federation [ibid].

The task of each community is to ensure maximum protection of children's rights during wartime. And not just the locals, but also those who come to our community seeking refuge from areas that are occupied or fighting. As during

evacuations and relocations, and because of bombing or fighting children can get lost, can lose their parents, can come to another settlement without adults [ibid].

### **Література**

1. Захист прав дітей в умовах воєнного стану. URL: <https://everlegal.ua/zakhyst-prav-ditey-v-umovakh-voennogo-stanu>
2. Актуальні проблеми адміністративно-правового забезпечення діяльності Національної поліції. Харків. 2017. URL: [https://univd.edu.ua/general/publishing/konf/12\\_12\\_2017/pdf/3.pdf](https://univd.edu.ua/general/publishing/konf/12_12_2017/pdf/3.pdf)
3. Захист прав та інтересів дітей в умовах воєнного стану. URL: <https://hlukhiv-rada.gov.ua/novini/6206-zakhist-prav-ta-interesiv-ditej-v-umovakh-voennogo-stanu>.

### **Анотація**

*В умовах воєнного стану постало питання про можливість реального захисту прав дітей, які стали жертвами російської агресії і залишилися без піклування батьків чи перебувають у складних життєвих обставинах. Наша держава в особі органів законодавчої, виконавчої та судової влади приділяє постійну увагу захисту дітей, їх розвитку, соціальному захисту, адже саме ця категорія населення України є найбільш вразливою і незахищеною в силу свого фізичного і розумового розвитку. Саме тому, для здійснення заходів направлених захист дітей розроблена низка загальних і спеціальних нормативно-правових актів.*

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### **DISTINGUISHING ACTUAL AND DOCUMENTARY TAX VERIFICATION**

Inspection is one of the methods of financial control in the state. It is a one-time control action, which consists in the comparison of factual and documentary data, usually in certain areas of financial and economic operations of the subject. Tax audit is an integral part of tax control in the state. The topicality of the topic lies in the fact that tax audits have an important system-forming value in the tax control system, due to the fact that with their help it is possible to check the accuracy of the payment of taxes and fees as fully and meaningfully as possible.

Tax audit as a form of implementation of tax control was studied in his works by M.P. Kucheryavenko, S.D. Tsyppin, N.M. Onishchenko, T. O. Tatarova, N. A Maryniv, R. M. Rachynskyi, O.V. Pokataeva et al.

An audit in tax legislation is defined as a way of implementing control by the State Tax Service of Ukraine of the correctness of calculation, timeliness and completeness of payment of taxes and fees, as well as compliance with the laws established by the state, which regulate the issue of settlement and cash operations, patenting, licensing and other legislation, which is assigned to the competence of control bodies [1, c. 216]. In Section 2 of Chapter VIII of the Tax Code of Ukraine, it is noted that such bodies have the right to perform three types of inspections, namely - chamber, documentary and factual [2].

Distinguishing the last two often causes a problem, both at the legislative and practical level. Thus, in the Decision of the Kharkiv District Administrative Court dated 10.08.2021 in case No. 820/3541/17, the court draws attention to the fact that documentary checks are carried out by the controlling authorities within the limits of their rights exclusively in the cases and in the order established by the Tax Code, and the actual inspections - by the Tax Code and other laws of Ukraine, the supervision of compliance of which is assigned to the competence of controlling bodies [3]. In my opinion, it would be appropriate to distinguish between these two types according to such features as the purpose, grounds and term of the inspection. It is worth noting that the purpose of the documentary check is the timeliness and completeness of the calculation and payment of all taxes and/or fees, as well as compliance with the currency law, control over the registration of labor relations. Regarding the purpose of the actual inspection, it is carried out in order to highlight the rules and registration of cash circulation, settlement operations (including PRO), cash operations, availability of licenses, certificates, registration of labor relations.

Regarding the grounds for these inspections, the following can be noted. If the documentary check is planned, then the basis for its conduct is the plan-schedule of checks. Documentary unscheduled inspection is carried out on the grounds provided for in Art. 78 of the Tax Code of Ukraine, if they are summarized, it applies to all taxes in general (failure to submit a tax declaration; submission of an objection to an inspection report or a complaint to the PPR with a demand for a full or partial review of the inspection results; a negative VAT value of more than UAH 100,000; failure to send the taxpayer's response to the written request of the SFS, etc.). The actual inspection is carried out on the basis of the taxpayer's violation in a narrower field (failure to submit reports on PRO, cash operations; written appeal of the buyer; complaints of state bodies; availability of information on non-compliance with the rules of circulation of excise goods; lack of formalization of labor relations) [2].



As for the inspection terms, the actual one differs in that it is not divided into small, medium and large taxpayers, its term is common for all types of taxpayers.

The actual inspection is carried out without warning the taxpayer, while the documentary inspection takes place after the person is notified of such an inspection. In accordance with the legal position of the judges of the Judicial Chamber in Administrative Cases of the Supreme Court of Ukraine in the resolution of January 27, 2015 (Case No. 21-425a14), the Tax Code of Ukraine, in order to maintain the equality of public and personal interests, defines the conditions and procedure for the decision-making by the controlling bodies on the implementation of inspections, including documentary unplanned absences. Only their compliance is a relevant basis for an inspection order. The payer must be informed of the inspection order, data on the date of its commencement and the place of its performance in the manner specified by law before its commencement [4]. The actual inspection is carried out at the place of activity of the taxpayer, and the documentary inspection, in turn, can be carried out both at the place of residence of the taxpayer or the location of the object of ownership, if it is on-site, and on the premises of the controlling body, such an inspection is non-on-site [2]. In conclusion, it can be noted that tax audits are an important component of financial control in the state. They are divided into three types, two of which are often identified. Actual and documentary verification should be distinguished according to the various features that were given above. In my opinion, such distinctions should be fixed at the legislative level in order to avoid their incorrect application in practice and in the consideration of disputes by the courts in the future.

### **Література**

1. Рачинський Р. М. Податкова перевірка як форма податкового контролю: підходи до визн. *Право та державне управління*. 2019. Т. 1, № 36. С. 214–220.
2. Податковий кодекс України : Кодекс України від 02.12.2010 р. № 2755-VI: станом на 11 груд. 2022 р. URL: <https://zakon.rada.gov.ua/laws/show/2755-17#Text> (дата звернення: 18.12.2022).
3. Рішення Харківського окружного адміністративного суду від 10.08.2021 р. у справі № 820/3541/17.
4. Постанова Судової палати в адміністративних справах Верховного Суду України від 27.01.2015 р. у справі № 21-425a14.

### **Анотація**

*Автором проведено теоретичне дослідження підстав розмежування фактичної та документарної податкових перевірок в ході якого надані рекомендації стосовно удосконалення вітчизняного податкового*

*законодавства, виявлені існуючі його недоліки. Ліквідація виявлених недоліків стане актуальним питанням при удосконаленні післявоєнного законодавства України.*

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## **CURRENT PROBLEMS OF THE TRAINING OF LAW ENFORCEMENT OFFICERS DURING THE EFFECT OF MARTIAL STATUS**

In the territory of Ukraine since the introduction of martial law by the Presidential Decree of February 24, 2022 and the entry into force [1, 2]. It is extremely difficult to train personnel for public aggression. Therefore, at the state and international level there is a problem arises the professional training of militarized structures in the so -called "offline" mode.

The most relevant in the conditions of martial law is practical training in the academic discipline "fire training", "tactical-special training" and "tactical medicine". In particular, if we take into account the consequences of hostilities, which occur very often, namely injuries, combat wounds and even the death of victims, then it is necessary to understand the importance of theoretical and practical training of police and military personnel in the "offline" mode [3, p.53]. It should also be noted that the professional activity of the police and the military must be included in such a necessary component as having the skills of providing non-delayed primary care. After all, these skills will help to save life not only victims in "civilian conditions" but also in the case of an emergency. In addition, given the fact that military and police do not have medical education, so it can be fully argued that for proper professional tactical training in the conditions of hostilities for these people it is necessary to conduct training and lectures in enhanced mode.

Despite this, one should understand the specifics of providing tactical first aid to the victim, which primarily depends on the nature of the injury, the conditions under which assistance must be provided, and the level of knowledge of the person who first of all comes into contact with the victim. Unlike doctors, police officers and soldiers have much less authority in providing pre-medical care to victims, because they do not have medical education. Therefore, the main goal that appears before police officers or soldiers when performing military combat tasks is to save the life of the victim, while not exceeding the extent of their powers granted by law.

In the conditions of fire contact or the so-called "bombardment", the main task for the military is to destroy the enemy or to repulse, while the duty of the

police and rescuers is to eliminate and neutralize the consequences that occurred as a result of mass shelling and, of course, to provide first aid victims at the moment when the doctors will already be waiting for the delivery of the wounded to the shelter.

Thus, it is possible to compare the professional and, at the same time, official training of the above-mentioned people in past years and today. As practice shows, few people have been concerned with military professional training of personnel for militarized bodies in recent years. This is what, at the moment, is evidenced by the indicator of how militarized state authorities use their skills and abilities in practice in real combat conditions. Therefore, to improve the level of theoretical knowledge and practical skills, as already mentioned, it is necessary to create not only trainings, seminars and lectures at the state level, but also to involve international specialists who will share their experience and recommendations.

It can be said without a doubt that our country will become an international leader in the training of military and police officers after the victory. After all, carrying out professional official activities in conditions of martial law, providing non-urgent first aid, using tactical knowledge and skills in combination with the use of firearms, is an invaluable experience that we will share with foreign specialists.

The rather complex and specific conditions of "offline" training during the war in Ukraine are a factor that significantly lowers the level of knowledge and becomes an obstacle to fully conducting seminars, lectures, as well as various trainings, which are necessary for the professional theoretical and practical training of law enforcement officers and military personnel. But despite all the difficulties and troubles, higher educational institutions that train personnel for such structures do everything to train real specialists and professionals in their field.

### **Література**

1. On the introduction of martial law in Ukraine: Decree of the President of Ukraine dated February 24, 2022 No. 64/2022. Update date: 11/18/2022. URL: <https://zakon.rada.gov.ua/laws/show/64/2022#Text>
2. On the legal regime of martial law: Law of Ukraine dated May 12, 2015 No. 389-VIII. Date of update: 09/29/2022. URL: <https://zakon.rada.gov.ua/laws/show/389-19#Text>
3. Myslova, O.O. (2022). Problems of professional education offline during martial law. Actual problems of service and combat activity of the forces of the security and defense sector of Ukraine in the conditions of martial law: mater. of science practice conf. (DDUVS 30.06.2022) D. P. 53.

### **Анотація**

*У роботі охарактеризовано професійну діяльність поліцейських та військових в умовах воєнного стану, якими навичками вони мають володіти,*

*щоб мати змогу допомагати цивільному населенню. На відміну від лікарів, поліцейські та військові мають набагато менші повноваження в наданні домедицинської допомоги постраждалим, адже не мають медичної освіти. Тому головна мета, яка постає перед поліцейськими чи військовими при виконанні військово-бойових завдань є врятування життя постраждалому при цьому не переступивши через міру своїх наданих законодавством повноважень. Незважаючи на всі труднощі і негаразди, вищі навчальні заклади, що здійснюють підготовку кадрів для таких структур, роблять все для того, щоб підготувати справжніх фахівців та професіоналів своєї справи.*

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## **PROTECTION OF HUMAN RIGHTS AND FREEDOMS DURING ARMED CONFLICT**

Human rights are rules that provide defense of dignity and freedom of every person. In the totality, basic rights form basis of the legal status of a personality. Certain expression and amount of these rights both in the positive right for different states and in different international and legal agreements can differ [3]. The best-known document that fastens them in the international public law is the General declaration of human rights of the UNO. In OSCE states-members, issues of human rights, basic freedoms, democracy and supremacy of the rule of law have international character and do not belong to the exceptionally internal affairs of the corresponding state.

As general principle, conflicts do not influence the legal applicability of international guarantees of human rights. However, the international human rights are characterized by the exceptional regime by means of which it can limit realization or protection of certain rights at certain severe conditions of the state. These conditions often arise up during the armed conflict even if they are not limited by such situations. In particular, according to the international human rights the state can retreat from certain obligations in relation to human rights and limit the realization of certain rights. By a less measure, retreats from the rules of defense of civilians are possible under some circumstances in the international humanitarian law, and some of its norms assume exceptions on considerations of the military necessity or safety [4].

People, who do not take an active part in the battle actions including persons integrated into the armed forces, those who laid down arms and those who "broke ranks" because of illness, wound, detention or on any other reason are

treated humanely without any hostile discrimination the reason of which is race, the color of skin, religion or belief, sex, origin or property state or any other similar criteria.

In relation to persons that were mentioned above, it is forbidden to perform the following actions:

- 1) violence above the life and personality, in particular, all types of murders, task of injury, legal cruelty and tortures;
- 2) hostage-taking;
- 3) outrages above human dignity, in particular, touchy and humiliating behavior;
- 4) convictions and application of punishment without the previous court decision taken by the court, that is created properly and that gives the judicial guarantees confessed by the civilized people as needed [1].

War is the phenomenon that changes constantly and that is why the international law of human rights and international humanitarian law must constantly be corrected and improved in order to avoid gaps in defense that they provide. Changes in legislation, mainly, are held from practice of different agencies that control the observance of the system.

The International law of human rights and international humanitarian law support the general aim of preservation of dignity and humaneness of all people. During many years the General Assembly, the Commission on human rights, and recently the Council of human rights consider that in the situations of the armed conflict the parties of the conflict have legally obligatory obligations in relation to human rights of persons who suffered from a conflict [2].

Thus, both the International law of human rights and international humanitarian law provide the defense and guarantees of human rights of those who do not take part or won't take an active part in military operations including civilians. Application of both laws must be enforced simultaneously. It prevents gaps in defense and can assist the dialogue with parties of the conflict in relation to the amount of their legal obligations. Besides, additional application of both laws will also provide necessary elements for the start of national or international mechanisms of responsibility for the violations accomplished during the conflict. Both legal regimes also provide necessary mechanism in order that victims could realize their rights on legal defense and compensation [5]. These statements are especially acute for Ukrainians who take part in war which was broke out by russia.

### **Література**

1. Женевська конвенція про поводження з військовополоненими від 12.08.1949 року.
2. International Legal Protection Of Human Rights In Armed Conflict, New York and Geneva, 2011.

3. Загальна декларація прав людини від 10 грудня 1948 року.
4. Семенов. В.С. (1998). Закони та звичаї війни // Юридична енциклопедія : / ред. кол.: Ю. С. Шемшученко (відп. ред.) [та ін.]. К. : Українська енциклопедія ім. М. П. Бажана. Т. 2 : Д — Й. 744 с.
5. Бисага, Ю.М., Палінчак, М.М., Белов, Д.М., Данканич, М.М. (2003). Права людини. Ужгород, 189 с.

### **Анотація**

*Тези присвячені аналізу сутності захисту прав і свобод людини під час збройного конфлікту. Робота висвітлює певне коло питань, які безпосередньо стосуються прав і свобод людини під час збройного конфлікту. Обґрунтовано над якими особами заборонено вчиняти ти чи інші протиправні дії, взаємозв'язок міжнародного права прав людини та міжнародного гуманітарного права, правову застосовність міжнародних гарантій прав людини.*

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## **PREVENTIVE POLICE MEASURES IN PEACETIME AND UNDER MARTIAL LAW CONDITIONS**

In our opinion, this topic never loses its relevance due to the fact that the activities of police are aimed at the protection of human rights and freedoms, as well as at preventing violations of the requirements of legislation, public order and security. That is why we propose to consider preventive police measures both in peacetime and in conditions of martial law.

Firstly, let's define «preventive measures». We can describe preventive measures as an action or a set of actions aimed specifically at protecting human rights and freedoms and preventing crimes. In the work of the national police, an important stage is the introduction of European principles and standards of law enforcement into their activities, one of which is the priority in the application of preventive police measures. At the same time, special emphasis is placed on the establishment and development of close partnership relations between the police and the public as one of the fundamental conditions for ensuring the effective application of preventive measures, because it is obvious that citizens will more responsibly comply with the instructions and recommendations of authorities, including authorities and officials police officers whom they trust and respect [1, p.1]. Preventive police measures are regulated by article 31 of the Law of Ukraine "On the National Police". Some of them are:

- 1) verification of a person's documents;
- 2) survey of the person;
- 3) surface inspection;
- 4) stopping the vehicle;
- 5) requirement to leave a place and restriction of access to the specified territory;
- 6) restriction of movement of a person, vehicle or actual possession of a thing;
- 7) breaking into a person's home or other property;
- 8) verification of compliance with the requirements of the permit system of internal affairs bodies;
- 9) use of technical devices and technical means that have the functions of photo and film shooting, video recording, means of photo and film shooting, video recording;
- 10) verification of compliance with restrictions established by law regarding persons under administrative supervision and other categories of persons;
- 11) police custody [2].

All these and other measures were widely used in Ukraine in peacetime, and continue to be widely used in the conditions of martial law. We are convinced that thanks to such actions, the police manage not only to stop the crime before it occurs, but also to prevent possible illegal actions of criminals. In such a difficult time for Ukraine, the armed aggression of Russia has changed not only the lives of many people, but also laws and the activities of executive authorities, including the police. The activities of state authorities and local self-governments in the conditions of the introduction of martial law are reduced to assisting the governing bodies created in the designated territory for directly solving the tasks of state defense. Internal affairs bodies in the system of state bodies working in this situation occupy a special place due to the content of tasks in the considered conditions of activity. Direct provision of internal security depends decisively on the effectiveness of their work [3, p.1]. Now police officers have done the following to ensure public safety and order:

- 1) increased patrolling of the streets in order to detect and prevent offenses in a timely manner;
- 2) increased patrolling at checkpoints;
- 3) regulate road traffic when lights are turned off and when traffic lights are not working;
- 4) if necessary, assist in evacuating the population from danger.

All in all, in the conditions of martial law, the tasks of the police have expanded significantly. But at the same time, the ability to maintain order in our state, to help people who need it, to prevent crimes is strengthened.

## Література

1. Ізбаш, К.С. Превентивні поліцейські заходи. URL: <http://dspace.oduvs.edu.ua/bitstream/123456789/457/1/%D0%86%D0%B7%D0%B1%D0%B0%D1%88%20%D0%9A.%D0%A1..pdf>
2. Стаття 31 Закону України «Про національну поліцію». URL: [https://protocol.ua/ua/pro\\_natsionalnu\\_politsiyu\\_stattya\\_31/](https://protocol.ua/ua/pro_natsionalnu_politsiyu_stattya_31/)
3. Ковалів, М.В., Іваха, В.О. Діяльність органів внутрішніх справ в умовах воєнного стану. URL: <https://science.lpnu.ua/sites/default/files/journal-paper/2017/jun/4948/vnulpurn201683712.pdf>

## Анотація

*У тезах доповіді розглянуто основні превентивні заходи і завдання, які виконує поліція як у мирний час, так і в умовах воєнного стану. Описано, які заходи вживаються для покращення роботи даної структури в умовах воєнного стану.*

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## PREVENTION OF OFFENSES BY LAW ENFORCEMENT AUTHORITIES IN PEACETIME AND WARFARE

Currently, when the military events in our country have not yet ended, we must take great care of the safety of citizens and monitor law and order in our state. To successfully influence the process of law and order supervision, it is necessary to know the mechanisms of implementation of legal norms in people's activities; the factors that influence their behavior and determine whether it is legal or illegal, and the means by which that behavior can be managed and legal regulations and requirements enforced. Therefore, the issue of cooperation between the police and public formations on a partnership basis is becoming more and more relevant, especially during the war period [1].

You can list many factors, but let's focus on the main ones. The first of them is moral consciousness, it is on its basis that the relationship to legal values is formed and the choice of the appropriate behavior option is made. How people relate to the events happening around them and what their actions will be, depending on the situation. Among other factors, there is the point of the external environment, it includes the economy of the country as a whole and this region. It is the economic situation that determines how each person lives, is brought up, is formed, and what qualities each person possesses. The socio-political situation, the level of legislation, and the state of organization and activity of state institutions,



including law enforcement agencies, that is, the state of the rule of law, depend on the economic situation [2].

During the martial law, the work and performance of their official duties by police officers becomes more difficult and persistent, all this is done for the safety of citizens and preservation of peace of the population. Increased patrols, ensuring the operation of checkpoints, curfews - all this serves only to preserve the population, law and order and public safety in the region or state. Law enforcement officers cannot go beyond what is allowed in the means of their activities to ensure the safety of the population. Even under martial law, compliance with the law is an inevitable condition of their activity [3].

Thus, the work of law enforcement officers during martial law plays a very important role, both for people and the state. Their work is very effective and necessary in the modern era. Police officers try to do everything possible to protect citizens, even in very difficult situations, and in our case, in the conditions of hostilities.

### **Література**

1. Правова сторінка. URL: <https://www.solor.gov.ua/info/19/7867> (дата звернення 17.02.2023р.)
2. Основні шляхи посилення законності і правопорядку в Україні. URL: <https://solum.kyivcity.gov.ua/news/1658.html> (дата звернення 17.02.2023р.)
3. Про правовий режим воєнного стану: Закон України станом на 01.04.2022. Верховна Рада України. URL: <https://zakon.rada.gov.ua/laws> (дата звернення 17.02.2023р.)

### **Анотація**

*Поліція постійно перебуває в різноманітних ситуаціях стресогенного характеру, що потребує підвищеного рівня уваги та високої сконцетрованості, кожен має знати свої функціональні обов'язки як у звичайних умовах, так і в умовах воєнного стану та досконало їх виконувати. Робота НПУ на тимчасово окупованих територіях на період військового часу дуже відрізняється від роботи у мирний час, адже по-перше поліцейські повинні бути дуже обачливими і відповідальними. Поліцейські змушені дуже пристосовуватись до нового режиму несення служби, які властиві у період воєнного часу.*

## **FUNCTIONS OF THE STATE EMERGENCY SERVICE REGARDING THE PROTECTION OF CITIZENS**

The main tasks in the field of civil protection:

- Alerting and informing the population about the threat and occurrence of emergencies
- Sheltering of the population in the protective structures of the center
- Evacuation of the population to safe areas, their placement
- Radiation, chemical, biological, medical protection of the population
- Organization of works on response to emergencies and liquidation of their consequences
- Ensuring the livelihood of victims of natural disasters
- Management of the established local (volunteer) fire brigade, control over readiness for action as assigned
- Training of the population in emergency situations
- Creation of a commission on TEB and emergency situations (a special commission - as needed)

The main tasks of the State Emergency Service of Ukraine are: implementation of state policy in the spheres of civil protection, protection of the population and territories from emergency situations and their prevention, liquidation of emergency situations, rescue work, fire extinguishing, fire and man-made safety, activities of emergency and rescue services, prevention of non-industrial injuries character, as well as hydrometeorological activity; implementation of state supervision (control) over compliance with and fulfillment of legislative requirements in the areas of fire and man-made safety, civil protection, over the activities of emergency and rescue services; submission for consideration.

Department in accordance with assigned tasks:

1) summarizes the practice of applying legislation on issues within his authority, develops proposals for improving legislative acts, acts of the President of Ukraine, the Cabinet of Ministers of Ukraine, normative legal acts of ministries and submits them in the established order for consideration by the leadership of the State Emergency Situations;

2) carries out, together with central and local bodies of executive power, local self-government bodies, enterprises, institutions, organizations, forecasting the probability of occurrence of emergency situations, determines risk indicators

and carries out zoning of the territory in relation to the risk of occurrence of emergency situations;

3) submits, in accordance with the established procedure, proposals regarding the formation of a list of business entities, industries and individual territories that are subject to permanent and mandatory emergency and rescue service on a contractual basis, as well as the procedure for providing such service;

4) organizes and conducts an inspection of the state of readiness of the functional and territorial subsystems of the unified state system of civil protection and their respective management bodies for actions in the event of emergency situations;

5) organizes and ensures technical regulation in the specified field and regulatory and technical work within the scope of competence;

6) carries out licensing of economic activity for the provision of services and execution of fire-fighting tasks in accordance with the Law of Ukraine "On Licensing Types of Economic Activity";

7) organizes the execution of the tasks of the State Emergency Service, as a functional body in the field of critical infrastructure protection;

8) registers declarations of conformity of the material and technical base of the economic entity with the requirements of the legislation on fire safety directly and through territorial bodies;

Special education and professional training in the audit of fire and man-made safety. (The audit of fire and man-made safety is a comprehensive check of the state of fire and man-made safety at the object, and the development of recommendations regarding the optimal option for fire protection of the object from the point of view of maximum efficiency and minimum costs.) Keywords: audit of fire and man-made safety, fire risk assessment, fire-technical inspection of the object, technical means of fire protection, systems for ensuring fire and man-made safety, liquidation of fires, elimination of the consequences of accidents.

- Ability to reasonably come up with solutions for extinguishing fires, rescuing and evacuating people during a fire and conducting other fire-rescue operations.
- Ability to provide first aid to the victim.
- Ability to understand the characteristics of emergency and rescue, fire-fighting, special equipment, means of communication, fire-technical equipment and their use in extinguishing fires.
- Ability to audit projects of fire protection systems, compliance of engineering networks and communications, volume planning decisions of buildings and structures with the requirements of regulatory documents.
- Ability to use the regulatory and legal basis of insurance as a tool for compliance with fire protection and minimizing the consequences of emergency situations at facilities and during the performance of official duties

- Ability to carry out actions to investigate fires, establish the causes of their occurrence, and analyze the physical laws of the formation of the fire center, which is also characteristic of various materials and objects.
- Ability to master the methods of building individual programs for ensuring professional capacity (professional activity), individual health and preventive programs for monitoring one's own condition in the process of implementing individual programs; principles of selection of physical exercises, their composition and sequence of use according to defined goals.
- Ability to analyze risk-forming factors, calculate risks and make decisions regarding their reduction.
- Ability to analyze and determine fire safety systems of high-risk facilities.
- Ability to organize and conduct public training on fire safety issues.
- Ability to read and execute sketches and drawings, use of computer graphics in the field of professional activity.
- Ability to reasonably choose and use extinguishing agents, fire-extinguishing substances, fire-extinguishing systems, fire-fighting equipment, fire-technical and special equipment.

### **Література**

1.[<https://dsns.gov.ua/uk/struktura/aparat-derzhavnoyi-sluzhbi-ukrayini-z-nadzvichaynih-situaciy/departament-derzhavnogo-naglyadu-kontrolyu-u-sferi-pozhezhnoyi-tehnogennoyi-bezpeki-ta-civilnogo-zahistu>]

### **Анотація**

*Спеціальна освіта та професійна підготовка з аудиту пожежної та техногенної безпеки. (Аудит пожежної та техногенної безпеки - це комплексна перевірка стану пожежної та техногенної безпеки на об'єкті, розробка рекомендацій щодо оптимального варіанту протипожежного захисту об'єкта з точки зору максимального ефективності та мінімальні витрати).*

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## **THE MAIN TASKS OF THE NATIONAL POLICE ACTIVITY DURING THE MARITAL LAW IN UKRAINE**

As it is known from the disposition of the first article of the Law of Ukraine "On the National Police" - the National Police of Ukraine is the central body of the

executive branch of government, which serves directly to the society with a specific purpose - ensuring the protection of human rights and freedoms, as well as combating crime and, of course, maintaining public order and maintaining safety on the streets and beyond. As for the usual tasks of this authority, their comprehensive list is given in the second article of the above-mentioned Law and it is reduced to the provision of police services in various areas [1]. And which ones exactly - we will now examine and compare the content of the tasks during normal (peaceful) time and during the period of martial law, adopted by the President of Ukraine by signing a decree in connection with the threat to the territorial integrity of both individual territories of the state and the entire state as a whole from the Russian side Federation [2].

Clause one of the first part of the second article of the above-mentioned Law defines the primary task of a police officer as the provision of services in the field of ensuring public safety and order. By ensuring public safety and order, the legislator meant a set of actions and measures on the part of representatives of law enforcement agencies to ensure compliance with laws and established norms of law and morality, norms of social behavior by the population. Simply put - control and supervision of the people, preventing and preventing the commission of offenses. The execution of this task becomes somewhat more difficult during the martial law, since the National Police of Ukraine are entrusted with more important tasks, which actually push this task to the background and give it the mark of secondary, however, it is worth noting, and do not cancel its effect.

The protection of human rights and freedoms, as well as the interests of society and the state, is a police service that belongs to the tasks of the National Police in the second part of the first article of the second Law of Ukraine "On the National Police". The content of this provision contains a matrix branched by subject, in relation to which the action is performed. Simply put, protection of 1) rights should take place in relation to a person; 2) freedoms, - regarding interests - the legislator defined two subjects: 1) society; 2) the state. In "peacetime" more attention is paid to the protection of human rights and the interests of society. During hostilities, considerable attention is given to human freedoms and the interests of the state attacked by the aggressor country. Practically, the provisions of this clause are fulfilled in peacetime and in wartime, however, the difference in perception and interpretation of this norm is slightly different depending on the time and events in the state. Combating crime is and remains an important priority task of the police. That is why it was singled out as a separate area of service provision by the National Police (or as a separate task) and defined in clauses three of the first part of the second article of the aforementioned Law. Crime was, is and will be. The very thought of its absence is defined by scientists in the field of theory and history of the state and law as a utopia, a situation that cannot be realized under real conditions (an illusion, a dream). A feature that distinguishes crime in the pre-war period and during martial law is its qualification. Let's

consider a simple example: citizen "A" broke into an apartment for profit and stole item "B" worth six thousand hryvnias. Under the conditions of the qualification of the actions of citizen A, if other signs of the composition of his actions fall under the category of theft, this action will be qualified under the corresponding article. However, if a similar situation takes place in the zone of active hostilities, the citizen's action will be classified as looting (again, depending on other components of the action, but in this example, we eliminate them). The last, but no less important task entrusted to the bodies of the National Police is the provision of assistance services to persons in need of such assistance. Clarifying markers are precisely the detailing by the legislator of the range of situations in which such assistance will be considered within the scope of the powers of the National Police, namely: provision of services by persons who, for personal, economic, or social reasons or as a result of emergency situations, need such assistance. It is this area of providing police services that closes the list of police tasks defined by the second article of the Law of Ukraine "On the National Police". It is not for nothing that the legislator specified these tasks in such a wording. It really reflects the functionality that should be performed by any law enforcement officer, regardless of the surrounding events. This point can be applied both under normal conditions and under martial law. The statement regarding the need of citizens for help during emergency situations is especially clearly formulated. It is aptly revealed both during a natural disaster, during a pandemic/epidemic, a man-made disaster, and during a military invasion.

### **Література**

1. Про Національну поліцію: Закон України від 2 липня 2015 року № 580- VIII. Відомості Верховної Ради України. 2015. № 40-41. Ст. 379 (з наступними змінами та доповненнями). URL: <https://zakon.rada.gov.ua/laws/show/580-19>
2. Указ Президента України №64/2022 від 24.02.2022 року. URL: <https://president.gov.ua/documents/642022-41397>

### **Анотація**

*У тезах проаналізовано зміст завдань поліції у звичайний час (мирний) та період воєнного стану. Робиться акцент на тому що, контроль та нагляд за народом, ускладняється під час воєнного стану.*

## **THE MAIN FACTOR OF POPULATION INTERACTION WITH POLICE**

Detention of criminals is one of the basic directions of police activity, but it is worth to note that many crimes may be cleared up on the hot trails, thanks to the interaction of law - enforcement bodies with population, therefore, the relationships of police with population should be based on the principles of trust and mutual understanding.

In our time there is insufficient interaction of law enforcement bodies with the population, therefore the creation of citizens' trust to the bodies of internal affairs is a priority task for police activity.

Of course, police should be the guarantee of citizens' personal safety, their rights and freedoms, legal interests, prevention of offenses and crimes. Accordingly, in order to accomplish these tasks police have certain powers defined by the Law of Ukraine "On National Police" [1], rights and responsibilities. The quality of fulfillment of these tasks influences on appreciation of police work.

In recent times, the level of population confidence in police is low. In law enforcement bodies, as in any other structures there are workers, aimed primarily at personal gain. They are not interested in the security of the society. As it is known, in our society trust is easy to lose, but it is difficult to earn. In general, the impact of such employees leads to a rapid loss of confidence in police. Citizens, who are closely faced with the irresponsibility of police officers, begin to share their experiences with other people, who do not have sufficient information of police and work and perceive it negatively as a whole.

Speaking about the preservation of confidence in police, one should not miss the following factor: police officers must constantly observe official etiquette.

Friendly attitude to citizens, loyalty, tolerance, restraint are positively appreciated by people and, as a rule, cause the reaction, which contributes to the resolution of the conflict situation, the development of positive attitude towards police.

Also, in our opinion, the assessments of law enforcement activity, the credibility to it are based on the system of the mass media. The citizens, looking at the negative behavior of police officers, which the "fourth power" reflects, form a bad attitude to them.

In conclusion, I would like to underline the fact that the effectiveness of police work significantly falls without trust and cooperation with the population. The majority of people do not believe in the possibility of police to restore justice

and order in the society. Many people do not want to deal with the police because of popular opinion that they do not want to help. Whatever it is, I believe in the fact that the law enforcement authorities eventually will be able to establish a good reputation with the population, to earn its trust. In spite of public opinion, police officers do everything to maintain order and peace of the citizens in our country.

### **Література**

1. Про Національну поліцію: Закон України. URL: <https://ips.ligazakon.net/document/view/t150580?an=16>

### **Анотація**

*Актуальність даної теми полягає у затриманні злочинців, що є одним із основних напрямів діяльності поліції. Завдяки взаємодії правоохоронців з населенням злочини можливо розкрити по гарячих слідах, тому стосунки поліції з населенням повинні будуватися на принципах довіри і порозуміння.*

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## **PROTECTION OF CONSTITUTIONAL HUMAN RIGHTS IN POLICE ACTIVITIES IN A ZONE OF MILITARY CONFLICT**

Nowadays, during the military aggression of Russia, the protection of human rights is one the most important issues for all Ukrainians around the world. The constitutional rights of human and citizen are inalienable rights that belong to a person from his birth. It is enshrined in the Constitutions of various States in order to meet the needs and interests of citizens in personal, political, economic, social, cultural and other spheres of public life.

We believe that human rights are the fundamental principle of the legal status of human and citizen. The explanation is quite simple, personal rights are the basis not only of the system of constitutional human rights, but almost all of the legal status of persons in Ukraine. As for the human, they are prerequisites for meeting other spiritual and physical needs. What about the state rights, they are significant because they are made of democratic, legal and social nature. Also, it is important to note that human rights provide for the prohibition of violence to life, health, freedom, honour and dignity of the person and the inadmissibility of willful deprivation of life not only by ordinary citizens, but also state bodies, public organizations and officials [2, p. 426] especially by military forces against civil humans.



According to the current legislation of Ukraine the protection of human and citizen rights are enforced by police officers, lawyers and other judicial bodies from different branches of law. So, the right to life is proclaimed by all international legal acts on human rights and the constitutions of almost all countries.

During the meeting with employees of the Human Rights Department of the National Police, Ihor Klymenko, the Head of the National police of Ukraine, emphasized that during the full-scale Russian invasion of Ukraine, the police recorded 47,000 war crimes committed by the occupiers [1]. Among them are tortures, rapes, and murder of civilians. The work of the police during the war became part of a powerful legal front to bring to justice Russian war criminals who neglected the basic human rights declared by the civilized international community.

In the conditions of the war, humanitarian missions were added to the important functions performed by the police officers of the Human Rights Compliance Office. They provide assistance to the population in the liberated territories, delivering food and other life-important things to people who survived from the occupation, which stay in extremely difficult conditions of life, and supporting those who are on the front lines today.

To ensure public safety and human rights during the military conflict on the territory of Ukraine, police officers are involved in the protection of public order together with public organizations, the National Guard of Ukraine and representatives of the Territorial Defense. They follow the preventive purposes in order to counteract crimes of property, nature, life or health of Ukrainian people. Since the beginning of the full-scale invasion of the Russian Federation on the territory of Ukraine, police officers have been cooperating with the Security Service of Ukraine and the Main Intelligence Directorate. During measures related to the detention of persons accused of treason, intentional commission of acts by Ukrainian citizens related to harming the sovereignty and sovereignty of Ukraine, espionage, assisting foreign states in carrying out subversive activities on the territory of Ukraine.

The crimes of the Russian Federation on the territory of Ukraine violate many articles provided for by the constitution of Ukraine, most often these are crimes against life and health, honor and dignity. Murders, kidnapping, rape, torture, infliction of bodily harm, humiliation, terrorism and many more crimes committed by Russia against the citizens of Ukraine, the Constitution of Ukraine, violations of the Geneva Convention on Prisoners.

The police brought war criminals to justice, continue to solve war crimes, help to provide humanitarian aid to refugees from the occupied territories, ensures public order, counteracts subversive activities by enemy agents, participates in filtering measures in the liberated territories, participates in the protection of

territories during hostilities, fixing the consequences of enemy shelling, protection of strategic and administrative objects.

All threats of the military state of Ukraine are the object of attention of the internal affairs bodies, especially such as the criminalization of society, the development of the "shadow economy", various manifestations of terrorism, improper implementation of laws and a low level of protection of law and order, etc. [2].

So we may conclude, the main function of police forces is countering internal threats in ensuring the martial law regime, which is achieved by solving such tasks as the fight against crime, especially its organized forms; countering various manifestations of terrorism; ensuring public safety, etc. And in fact, there are other standards for the protection of human rights in the Constitution, e.g. the right to an adequate standard of living, privacy, the protection of a man of honour and good name, the prohibition of the collection of information about private life, the prohibition of forcible entry into our state.

### Література

1. Під час війни поліцейські задокументували десятки тисяч порушень прав людини, за які окупанти мають відповісти - Ігор Клименко. URL: <https://www.npu.gov.ua/news/pid-chas-viiny-politseiski-zadokumentuvaly-desiatky-tysiach-porushen-prav-liudyny-za-iaki-okupanty-maiut-vidpovisty-ihor-klymenko>

2. Діяльність органів внутрішніх справ в умовах воєнного стану. URL: <https://science.lpnu.ua/sites/default/files/journalpaper/2017/jun/4948/vnulpurn201683712.pdf>

3. Конституція України від 28.06.1996 р. URL: <http://www.president.gov.ua/documents/constitution>

### Анотація

*У публікації висвітлено особливості роботи поліції під час війни для захисту конституційних прав українців. Серед важливих щоденних обов'язків поліцейських є притягнення до відповідальності військових злочинців, які знехтували основними правами людини, задекларованими цивілізованою міжнародною спільнотою; розкриття військових злочинів, надання гуманітарної допомоги біженцям з окупованих територій. Пріоритетними завдання є забезпечення громадського порядку, участь у фільтраційних заходах на звільнених територіях, участь у захисті територій під час бойових дій, фіксування наслідків ворожих обстрілів, охорони стратегічних та адміністративних об'єктів.*

## **THE COOPERATION BETWEEN POLICE AND PUBLIC**

On the 24-th of February 2022 a wide-ranging invasion of the Russian Federation began on the territory of Ukraine. Everyone started, with a few exceptions, works in one game to reach a common goal: to launch the dive outside our country. However, it must not be forgotten that the important factor in achieving the aforementioned objective is to ensure the reliable security of citizens and the rule of law. Such work is carried out by units of the National Police and by the citizens themselves under military conditions [5].

It should be noted that one of the tasks of the National Police of Ukraine is the issue of public security [1]. It is worth noting that in some cases public participation is permitted. At this time, the order of the President of Ukraine Volodymyr Zelensky No. 64/2022 "on introduction of the military condition in Ukraine" has come into force in connection with the full-scale Russian Federation fire. The Law of Ukraine of 22.06.2000 "on the participation of citizens in the Protection of Public order and State Border" notes that citizens of Ukraine can unite for participation in the protection of public order and state border, assistance to local self-government bodies, law enforcement bodies, State Border Service of Ukraine and executive bodies, as well as officials in the prevention and termination of administrative and criminal offenses [4].

The interaction of law enforcement bodies and communities, authorities and local self-government bodies is one of the most important principles of state-building. The term "interaction" is usually considered as coordination of efforts, forces and means for the common purpose, place, time, direction of action, etc. This term is borrowed from the theory of military science. It should be noted that the fulfillment of tasks in the sphere of state security and in the protection of public security is not correct. As it contradicts the Basic Law of Ukraine – the Constitution of Ukraine, namely Art. 17, which states that the provision of state security and protection of the state border of Ukraine shall be based on the relevant military formations and law enforcement bodies of the state, the organization and the order of activity of which shall be determined by law [3]. At the same time, this article states that the Armed Forces of Ukraine and other military formations cannot be used to restrict the rights and freedoms of citizens. Interaction between the public and law enforcement bodies is only appropriate when the legal regime of the military state is introduced [2].

By protecting public order in the conditions of state-of-war, law-enforcement bodies use methods to convince the public in the voluntary

implementation of requirements, and apes. Further explanatory work is being carried out on the rights and duties of citizens [5].

As a result, in the conditions of the military state, ensuring community security depends on considerable efforts not only of bodies and subdivisions of the National Police of Ukraine, state authorities, but also on the responsible and attentive attitude of each citizen of the territorial community and their joint cooperation and patrolling. Such interaction testifies to the trust of citizens to the police and state policy in general.

### **Література**

1. Про Національну поліцію: Закон від 02 лип. 2015 р. № 580-VIII. Верховна Рада України. URL:<https://zakon.rada.gov.ua/laws/show/580-19#Text>
2. Юридичний науковий електронний журнал “Peculiarities of actions of NGU subdivisions according to the results of the organization of interaction of bodies of the military department of the NGU with the law enforcement authorities to ensure social security and order“ URL:[http://www.lsej.org.ua/2\\_2022/25.pdf](http://www.lsej.org.ua/2_2022/25.pdf)
3. Конституція України: Закон від 28 черв. 1996 р. № 254к/96-ВР. Верховна Рада України. URL:<http://zakon.rada.gov.ua/laws/show/254к/96-вр>
4. Про участь громадян в охороні громадського порядку і державного кордону: Закон від 22 черв. 2000 р. № № 1835-III. Верховна Рада України. URL: <https://zakon.rada.gov.ua/laws/show/1835-14#Text>
5. Забезпечення публічної безпеки і порядку в умовах воєнного стану: матеріали Всеукраїнської науково-практичної конференції (м. Кропивницький, 1 липня 2022 року). Донецький державний університет внутрішніх справ. Кропивницький, 2022. 398 с.

### **Анотація**

*Аналізується визначення терміну «взаємодія» як співдіяння Національної поліції України та громади у мирний час та під час дії воєнного стану. Проводиться аналіз юридичних особливостей зазначених станів.*

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## **GUARANTEES OF THE PROTECTION OF THE RIGHTS OF TAXPAYERS IN WARTIME**

Currently, special conditions of taxation are stipulated (or were during a certain period of martial law) by a large number of Laws of Ukraine (№ 2118-IX, № 2120-IX, № 2142-IX, № 2173-IX).

Therefore, according to the aforementioned legislative acts, taxation acquires new features during wartime in completely different directions, starting with the establishment of a moratorium on tax audits and a zero rate on fuel and ending with special taxes in the form of taxation of army assistance.

The first- mentioned examples of innovations are quite stable due to their clear, but in practice, complex structure of action and application - these are, in particular, fuel prices, which made it possible to restrain the increase in prices, because otherwise such unacceptability could provoke problems with the implementation of sowing campaigns, which roughly speaking started quite recently, but is still ongoing, and expensive fuel can have a negative impact (even cause a crisis) in the field of freight transportation, in particular, the very products of the acquisition of sowing activities in the state.

In addition, one cannot ignore the fact that the legislator pays attention to both physical and legal entities. For example, returning to the taxation of aid to the army, the normative base contains provisions for individuals and legal entities, therefore operations of alienation of funds, goods, their voluntary transfer, provision of useful services to territorial defense units and the Armed Forces of Ukraine without subsequent or previous reimbursement of all of the above can and will be an operation that is not subject to value added tax, in particular excise tax.

Speaking of individuals and legal entities, attention should also be paid to business entities that, starting from April 1 of this year, were given the opportunity in the form of a permit to switch to the payment of a single tax with a rate of 2%, but the key factor is that the same applies only those business entities that, in connection with their activities, have an annual income of up to UAH 10 billion. In addition, this form of taxation, of course, has a number of exceptions, which were singled out exclusively by the field, subject, special status and direction of activity of such entities. Individual entrepreneurs (hereinafter referred to as sole traders) of the second and first groups are in the most favorable position, because they may not pay a single tax at all, because it is not their duty, but only their right [1].

Speaking about the most common concept among businesses, it is necessary to note the peculiarities of the situation with Taxation of value added tax. Yes, to a greater extent, the state is exempted from responsibility, that is, if the state does not pay the taxpayers the amount of budgetary VAT compensation, then this is not considered a debt, of course, this is combined with the condition of martial law.

It is unusual for buyers of certain goods/services to draw up primary documents on their own in accordance with Art. 9 of the Law of Ukraine "On Accounting", if, unfortunately, the supplier has not registered the necessary tax invoices in the Unified Register of Tax Invoices [2; 3].

The next aspect, which in a new way protects the rights of taxpayers in wartime, is again due to the provision of № 2120-IX, which stopped the passage of statutes of limitations and tax periods, which are enshrined in Art. 102 of the Tax Code of Ukraine, as well as in clause 69.9 sub. 10 ch. XX of the same code.

Also significant is № 2142-IX, which, very importantly, established a ban on the introduction of tax audits, and if such have already started, then they are stopped.

In general, these are not the only examples of changes in financial legislation due to Law No. 7360, there were changes in many nuances, for example, regarding: a single tax (from 2% to exemption from responsibility for late fulfillment of tax obligations), as well as VAT (resumption of obligations) connection of invoice registration, tax payment and reporting) [4-6].

Special attention should be paid to charitable assistance during wartime, which will not be considered as income of an individual, and therefore such assistance is not subject to personal income tax. In addition, the famous reward for the transfer of military equipment of the aggressor country is also not subject to taxation [7-9].

FOP, members of the farm, as well as persons engaged in independent professional activity have the right not to pay, not to calculate and not to charge a single contribution to them (EUV). At the same time, such persons do not complete the calculation of the single contribution as part of the tax declaration for the period in which the single contribution was not accrued, calculated and paid.

In addition, during mobilization: 1) employers who are payers of the single tax and at the same time have chosen the system of taxation of the simplified form and 2) FOEs, which belong to both the third and the second groups of payers of the same tax - have the opportunity (right) not to pay ESS for employees who are directly affected by mobilization, that is, those who were called up for military service in the Armed Forces [1], [5].

So, the legislator tries to provide stability, but as a rule, it is literally difficult to immediately establish and reliably fix it, despite even the terms/terms of martial law, but with the passage of time, it is clearly possible to observe a positive vector of changes and additions both with the help of the PKU and itself and other laws of Ukraine. Gradual changes, adjustments and all kinds of active activities on the part of subjects of power, as well as the support of the financial foundation by individuals and legal entities, contribute to joint cooperation in many ways, which paves a promising and successful path in the field of the financial system, the field of defense capabilities, and in general, the preservation of the state's economy. The state and its society are definitely making effective efforts.

### **Література**

1. Воронін Я. Податкові стимули в умовах воєнного стану. *Національна Асоціація Адвокатів України*. 12.04.2022. URL: <https://unba.org.ua/publications/7377-podatkovyi-stimuli-v-umovah-voennogo-stanu.html>.

2. Татарова М. Податки під час війни: все, що треба знати бізнесу. *Українська правда. Економічна правда*. 07.04.2022. URL: <https://www.epravda.com.ua/columns/2022/04/7/685375/>.

3. Про внесення змін до Податкового кодексу України та інших законодавчих актів України щодо адміністрування окремих податків у період воєнного, надзвичайного стану: Закон України від 01 квітня 2022 р. № 2173-IX. URL: <https://zakon.rada.gov.ua/laws/show/2173-20#Text>. (дата звернення: 23.09.2022).

4. Оносовський Д. Податки під час війни: що змінилося для бізнесу. *ЛИГА:ЗАКОН*. 17.05.2022. URL: [https://biz.ligazakon.net/analitics/211250\\_podatki-pd-chas-vyni-shcho-zmnilosya-dlya-bznesu](https://biz.ligazakon.net/analitics/211250_podatki-pd-chas-vyni-shcho-zmnilosya-dlya-bznesu). (дата звернення: 23.09.2022).

5. Про внесення змін до Податкового кодексу України та інших законодавчих актів України щодо вдосконалення законодавства на період дії воєнного стану: Закон України від 24 березня 2022 р. № 2142-IX. URL: (дата звернення: 23.09.2022).

6. Про внесення змін до Податкового кодексу України та інших законодавчих актів України щодо дії норм на період дії воєнного стану: Закон України від 15 березня 2022 р. № 2120-IX. URL: <https://zakon.rada.gov.ua/laws/show/2120-20#Text>. (дата звернення: 23.09.2022).

7. Податковий кодекс України від 03 вересня 2022 р. № 2755-VI. URL: <https://zakon.rada.gov.ua/laws/show/2755-17>. (дата звернення: 23.09.2022).

8. Про внесення зміни до пункту 165.1 статті 165 Податкового кодексу України щодо звільнення від оподаткування винагороди за добровільно передану ЗСУ придатну для застосування бойову техніку держави-агресора: Закон України від 21 квітня 2022 р. № 2214-IX. URL: <https://zakon.rada.gov.ua/laws/show/2214-20#Text>. (дата звернення: 23.09.2022).

9. Соловйова Т. Податкові зміни у воєнний час. *ЮРИСТ&ЗАКОН. Знищене майно юридичних осіб під час війни*. 2022. 2 чер. № 21 (655). URL: [https://uz.ligazakon.ua/magazine\\_article/EA015762](https://uz.ligazakon.ua/magazine_article/EA015762).

### Анотація

З 24 лютого 2022 року на всій території України було введено воєнний стан внаслідок військової агресії російської федерації проти України. Через подібне фінансова система нашої держави під загрозою падіння та невдач, тому надзвичайно важливо, щоб керівництво держави забезпечило стабільне надходження податків до бюджетів з метою якомога стабільнішого функціонування в умовах війни. Усі війни в першу чергу є війнами економік, а тому економіка, громадяни та бізнес мають працювати. За для цього держава має адаптувати податкові правила та податкове навантаження до умов воєнного стану, для сприяння виживанню не тільки бізнесу та громадян в умовах війни, але й в цілому самої держави.

## **INTERACTION OF LAW ENFORCEMENT AGENCIES AND THE PUBLIC IN THE FIELD OF PUBLIC ORDER IN PEACETIME AND UNDER MARTIAL LAW**

The reform of the law enforcement sphere, the creation of the National Police of Ukraine is caused by the realities of social development and the desire to meet modern requirements for law enforcement activities, which cannot be effectively implemented only by police measures, without the active participation of the society.

The interaction of the police with the population is based on the law, cooperation, which has a common goal- maintaining the proper state of public order, first of all, on the streets and in other public places, reducing the level of street crime, involving an increasingly large number of the population in joint activities, increasing the number of public formations for the protection of public order, improving the efficiency of their work [1].

The interaction of law enforcement agencies with the public is a socially oriented activity aimed at joint maintenance of law and order.

Close cooperation between the police and the public improves the quality and the effectiveness of law enforcement services, especially during the period of martial law, when any help can save someone's life. Human vigilance and care help a lot to get closer to victory. Police officers, performing official duties, must act with dignity, courtesy, professionalism, conscientiousness, justice, realizing that each person has its own needs and requirements [2].

The involvement of society in ensuring and protecting law and order contributes to increasing the level of trust between society and law enforcement agencies, strengthening law and order, improving the safety of citizens' lives, which further contributes to the strengthening of interaction between society and law enforcement agencies in the process of law enforcement activities [3].

The method of interaction consists, as a rule, of the following aspects:

- 1) transmission of information;
- 2) receiving information;
- 3) reaction to received information;
- 4) information processing;
- 5) receiving processed information [3].

Involvement of society in the provision and protection of law and order, formation and development of partnership between law enforcement agencies and the population will contribute to:



- increasing the level of trust between society and law enforcement bodies;
- activation of activities of public formations;
- strengthening of law and order;
- regulation of social conflicts;
- improving the safety of citizens' lives [4].

### Література

1. Московець, В.І. (2000). Взаємодія міліції та населення в охороні громадського порядку. Вісник Харківського університету внутрішніх справ. Харків. №10. С. 284-288.
2. Прибутько, П. С., Михайленко. Р. В., Дубчак, Л. М. (2010). Конфліктологія: навч. посіб. Київ: КНТ. 136 с. URL: [https://pidruchniki.com/12631113/psihologiya/korotkiy\\_slovník\\_konfliktologichnih\\_terminiv](https://pidruchniki.com/12631113/psihologiya/korotkiy_slovník_konfliktologichnih_terminiv) (дата звернення: 11.03.2019).
3. Медведенко, Н. В. (2019). Медіація як засіб виходу з конфлікту. Медіація в судовій, правоохоронній та правозахисній системах : матеріали міжнародної наук.- практ. конф. (Одеса, 30-31 трав. 2019 р.). Одеса : ОДУВС. С. 147-150.
4. Коропатов, О. М. (2009). Організаційно-правові питання взаємодії дільничного інспектора міліції з іншими службами міліції та громадськістю: монографія / Одеса : Букаєв В. В. 184 с.

### Анотація

*Взаємодія поліції з населенням є заснованою на законі, співпрацю, яка має спільну мету – підтримання належного стану публічного порядку перш за все на вулицях та в інших громадських місцях, зниження рівня вуличної злочинності, залучення до спільних заходів дедалі більшої кількості населення, збільшення кількості громадських формувань з охорони публічного порядку, підвищення ефективності їх роботи.*

*Взаємодія правоохоронних органів з громадськістю є суспільно орієнтованою діяльністю, спрямованою на спільне забезпечення правопорядку. Залученість суспільства до забезпечення та охорони правопорядку сприяє підвищенню рівня довіри між суспільством і правоохоронними органами, зміцненню правопорядку, покращанню безпеки життя громадян, що в подальшому сприяє посиленню взаємодії між суспільством і правоохоронними органами в процесі здійснення правоохоронної діяльності.*

## **THE PREVENTION OF TRAFFIC VIOLATION IN WARTIME**

According to Art. 1 of the Law of Ukraine "On transfer, forced alienation or confiscation of property under the legal regime of war or emergency state" dated 17.05.2012 No. 4765-VI, by forced alienation of property is considered to deprive the owner of the right of ownership to the individually determined property that is in private or communal ownership and that is transferred into the property of the state for use under the legal regime of military or state of emergency, provided the previous or next full reimbursement of its cost [1].

Equally important is the fact that the driver is in a state of intoxication; after all it depends on whether forced alienation will be carried out or not. In accordance with the Instruction on the procedure for detection of drivers of vehicles under the influence of alcohol, drugs or other drugs intoxication or being under the influence of drugs that reduce attention and speed of reaction, approved by the order of the Ministry of Internal Affairs and the Ministry of Health of Ukraine from 09.11.2015 No. 1452/735, signs of alcohol intoxication are: smell alcohol from the oral cavity; violation of coordination of movements; speech disorder; pronounced tremor of the fingers; a sharp change in the color of the skin face; behavior that does not correspond to the situation [2].

Signs of drug or other intoxication or being under the influence drugs that reduce attention and reaction speed are: presence one or more signs of alcohol intoxication (except the smell of alcohol with oral cavity); narrowed or very dilated pupils that do not react to light; slowness or, on the contrary, increased liveliness or mobility of gait, speech; facial redness or unnatural pallor [2].

However, individual signs of intoxication are not 100% drunkenness confirmation, because impaired coordination of movements, slowness or on the contrary, increased liveliness or mobility of gait, impaired speech, expressed trembling of the fingers, a sharp change in the color of the skin of the face, redness of the face or its unnatural pallor may be signs certain chronic or recently suffered serious illness. Give an answer to the presence or absence of the driver's state of intoxication can only carried out appropriate examination of the state of intoxication, the order and conditions of which are determined Instructions on the procedure for detecting signs in drivers of vehicles alcoholic, narcotic or other intoxication or being under the influence drugs that reduce attention and reaction speed, approved by order of the Ministry of Internal Affairs and Ministry of Health of Ukraine dated November 9, 2015 No. 1452/735 [2].

After confirming the fact of driving the vehicle in good condition alcoholic, narcotic or other intoxication or under the influence of drugs that reduce their attention and reaction speed, the policeman makes administrative protocol on the commission of the offense provided for Art. 130 of the Labor Code of Ukraine.

However, there are cases when the driver, driving a vehicle with signs of alcohol or drug intoxication, refuses passing the appropriate examination. In such a situation, the policeman makes administrative protocol under Art. 130 of the Code of Administrative Offenses for the refusal of the person in charge by vehicle, from passing in accordance with the established procedure considering the state of alcohol, drug or other intoxication or regarding use of drugs that reduce attention and reaction speed [3].

Compilation of administrative material according to Art. 130 of the Criminal Procedure Code is the basis for implementation of forced alienation of the vehicle.

### Література

1. Про передачу, примусове відчуження або вилучення майна в умовах правового режиму воєнного чи надзвичайного стану: Закон України від 17.05.2012 р. № 4765-VI. Дата оновлення: 23.04.2021. URL: <https://zakon.rada.gov.ua/laws/show/4765-17>.

2. Інструкція про порядок виявлення у водіїв транспортних засобів ознак алкогольного, наркотичного чи іншого сп'яніння або перебування під впливом лікарських препаратів, що знижують увагу та швидкість реакції: наказ МВС та МОЗ України від 09.11.2015 р. № 1452/735. URL: <https://zakon.rada.gov.ua/laws/show/z1413-15>.

3. Кодекс України про адміністративні правопорушення: Закон України від 07.12.1984 р. № 8073-X. Дата оновлення: 17.03.2022. URL: <https://zakon.rada.gov.ua/laws/show/80731-10>.

### Анотація

*Вчинення правопорушення, передбаченого ст. 130 КУПАП, як підстава для примусового відчуження транспортного засобу в умовах воєнного стану. З березня 2022 року на всій території України у зв'язку із введенням воєнного стану у осіб, які керують транспортними засобами у стані алкогольного, наркотичного чи іншого сп'яніння, здійснюється примусове відчуження транспортних засобів. Після підтвердження факту керування транспортним засобом у стані алкогольного, наркотичного чи іншого сп'яніння або під впливом лікарських препаратів, що знижують їх увагу та швидкість реакції, поліцейський складає адміністративний протокол про вчинення правопорушення, передбаченого ст. 130 КУнАП. Складання адміністративного матеріалу за ст. 130 КУнАП є підставою для здійснення примусового відчуження транспортного засобу.*

## **STRATEGY OF COMMUNITY POLICING IN POLICE TRAINING**

Community policing, or community-oriented policing, is a strategy of policing that focuses on building ties and working closely with members of the communities.

The central goal of community policing is for the police to build relationships with the community through interactions with local agencies and members of the public, creating partnerships and strategies for reducing crime and disorder. Although community policing mostly targets low-level crime and disorder, the broken windows theory proposes that this can reduce more serious crime as well.

Community policing is related to problem-oriented policing and intelligence-led policing, and contrasts with reactive policing strategies which were predominant in the late 20th century. It does not eliminate the need for reactive policing, although successful prevention can reduce the need for the latter. Many police forces have teams that focus specifically on community policing, such as Neighbourhood Policing Teams in the United Kingdom, which are separate from the more centralized units that respond to emergencies.

The overall assessment of community-oriented policing is positive, as both officers and community members attest to its effectiveness in reducing crime and raising the sense of security in a community. Many community-oriented police structures focus on assigning officers to a specific area called a “beat”; those officers become familiar with that area through a process of “beat profiling.” The officers are then taught how to design specific patrol strategies to deal with the types of crime those are experienced in that beat. These ideas are implemented in a multi-pronged approach using a variety of aspects, such as broadening the duties of the police officer and individualizing the practices to the community they're policing; refocusing police efforts to face-to-face interactions in smaller patrol areas with an emphasized goal of preventing criminal activity instead of responding to it; solving problems using input from the community they're policing; and, finally, making an effort to increase service-oriented positive interactions with police [2].

Community policing is more complicated than simply comparing crime rates and there is no universally-accepted criteria for evaluating community policing. However, there are some structures that are commonly used. One possible way to determine whether or not community policing is effective in an area is for officers and key members of the community to set a specific mission and goals

when starting out. Once specific goals are set, participation at every level is essential in obtaining commitment and achieving goals. Street-level officers, supervisors, executives, and the entire community should feel the goals represent what they want their police department to accomplish [1].

### **Література**

1. Community policing wikipedia: веб-сайт. URL: <http://www.wikipedia.org>
2. Rhetoric of Community Policing National Criminal Justice Reference Service: веб-сайт. URL: [www.ncjrs.gov](http://www.ncjrs.gov)

### **Анотація**

*Поліція в громадах є більш складною, ніж просто порівняння рівня злочинності, і не існує загальновизнаних критеріїв оцінки діяльності поліції в громадах. У багатьох поліцейських силах є групи, які зосереджуються саме на поліції в громадах, наприклад, британські команди з питань сусідства у Великобританії, які відокремлені від більш централізованих підрозділів, які реагують на надзвичайні ситуації. Однак є деякі структури, які зазвичай використовуються.*

**Popov Y.**

*Petro Mohyla Black Sea National University*

Науковий керівник – А. А. Коваль

Консультант з мови – Р. О. Гришкова

## **LOCAL POLICE ACTIVITY AND ROLES DURING WAR WITH RUSSIAN AGGRESSOR**

Today, Ukraine faces an urgent task of creating, in accordance with modern requirements, an effective functioning system of law enforcement. The sphere of regulation of police activity is constantly in a state of dynamic transformation and improvement and to some extent reflects the directions of implementation of the legal policy of the state. Despite the changes, the law enforcement system remains insufficiently efficient and closed from society. Ukraine chose its own way of forming the legal order, the need to change which determined the interests of the state and society. Understanding the problem of regulation and ensuring police activity conditions the development of a new, high-quality and effective strategy of organization and activity of police bodies. Exactly therefore, the process of ensuring public order in Ukraine, which will correspond to requirements of today, is one of the most important tasks of the rule of law; in all state bodies participate in the implementation of the specified process, in particular, law enforcement [1, p. 10-55].

The conflict between Russia and Ukraine is a highly controversial and politically charged issue, with a variety of perspectives and interpretations. However, some of the key arguments or "theses" regarding the conflict might include. Russian aggression: One perspective is that Russia is responsible for the conflict, having annexed Crimea in 2014 and supported separatist rebels in eastern Ukraine. This view argues that Russia's actions are a violation of international law and the sovereignty of Ukraine, and that the conflict is a result of Russia's expansionist ambitions.

Ukrainian nationalism: Another perspective is that the conflict is the result of Ukrainian nationalism and attempts to marginalize Russian-speaking populations in the country. This view argues that the Ukrainian government and nationalist groups are responsible for the conflict and that Russian intervention is a response to perceived threats to the rights of Russian-speaking Ukrainians. Power struggle: A third perspective is that the conflict is a result of a power struggle between Russia and the West, with Ukraine caught in the middle. This view argues that the conflict is part of a larger geopolitical struggle for influence and control in the region, and that both sides bear responsibility for the violence.

Thousands of volunteers all over the country organized their work to help people in the occupied cities and towns to survive. They supply them with food, water and medicine, help to rebuild ruined houses, create donation funds to get money for the needs of the army. Volunteers help the people who have lost their relatives to find them and undertake measures to free prisoners of war. Millions of Ukrainians had to leave their homes and seek shelter in other countries, applying for temporary protected or refugee status. Moreover, a great number of our countrymen, especially from the eastern and southern regions of Ukraine, were forced to displace internally within Ukraine, to the more secure parts of the country.

Interaction with society, other bodies, services and divisions: 1. The Ministry of Internal Affairs of Ukraine interacts with the internal affairs bodies and divisions of Ukraine during the performance of its assigned tasks. Such interaction is aimed at solving problems related to ensuring public order and security, preventing the commission of offenses, and reducing the level of crime. 2. The activities of the patrol service are carried out on the basis of partnership with natural and legal persons and organizations in order to solve problems and increase trust in the bodies of the Ministry of Internal Affairs [2].

We are grateful to Ukraine's world partners who willingly give the country political and financial support, provide it with the necessary weapons and provision. Several sets of sanctions against Russia have already been adopted and now the world peace community continues to work on the next package of sanctions and measures to recognize/label/designate Russia as a terrorist state. Our city Mykolayiv suffers significantly from constant Russian shelling and massive missile attacks. Many people were killed and wounded; lots of buildings were

severely damaged. Our alma mater Petro Mohyla Black Sea National University was three times attacked by Russian troops and partly ruined but we stand, function and work for our victory.

### **Література**

1. Організація діяльності Національної поліції України та оперативних підрозділів [Електронне видання]: навчально-методичний посібник (для здобувачів вищої освіти денної форми навчання) / Н. М. Бакаянова, А. В. Кубаєнко, О. Г. Свида. Одеса: Фенікс, 2020. 251 с. URL: <http://dspace.onua.edu.ua/>

2. Про затвердження Положення про патрульну службу МВС. URL: <https://zakon.rada.gov.ua/laws/show/z0777-15#Text>

### **Анотація**

*У поданій роботі автором зроблено спробу дослідити роль та діяльність регіональної патрульної поліції під час воєнних дій українського народу з росією на прикладі міста Миколаєва.*

**Repeta Y.**

*Lviv State University of Life Safety*

Науковий керівник - А. Саміло

Консультант з мови - О. Ковальчук

## **SECURITY OF ONLINE COMMUNICATION IN SOCIAL NETWORKS UNDER THE CONDITIONS OF MARITAL STATE**

The issue of security is now in the first place for all Ukrainians, but a smartphone and the Internet can not only help fight against invaders, but also become dangerous during correspondence on social networks. Communicating in various social networks, discussing pressing issues, arguing and expressing one's own position in the conditions of martial law can lead to the enemy taking possession of our data in cyberspace and obtaining certain information.

The Ministry of Digital Transformation of Ukraine has formulated simple rules that will protect the citizens of Ukraine on the front of the cyber war with the occupier:

- put two-factor authentication on all your accounts; if you are a military person, change your name and surname in social networks or do not use them at all and delete your accounts;
- do not respond to closed Instagram accounts, do not send them any links; prohibit adding yourself to Telegram groups;
- do not publish where you are: neither the country, nor the city, nor even the district;

- do not share screenshots;
- report the movement of enemy equipment to the official chatbot of the Ministry of Internal Affairs @stop\_russian\_war.

Currently, the type of communication - chats - is very relevant. Peculiarities of communication in chats during wartime:

1. Sometimes chats have hundreds of users. All information in the chat is not protected. Keep this in mind and do not share details about yourself or others, especially about activists.

2. Any chat is always oversaturated with discussions - important information communicated by the chat administrator or another person over time drowns in the whirlpool of comments and becomes inaccessible to most users.

3. In times of war, when the lives of people depend on timely communication, it is important that everyone has access to such messages equally quickly.

4. Maximum repost. Be aware that the content may disguise links to malicious programs that can spy on you or even crash your device.

Disclosure of certain types of information in the media can lead to the enemy's awareness of the actions of the Armed Forces of Ukraine and negatively affect their performance of defense and defense tasks of our country. The Commander-in-Chief of the Armed Forces of Ukraine, General Valery Zaluzhnyi, issued an order defining a list of information that should not be disseminated for security reasons and in order not to harm the operations of the Armed Forces of Ukraine.

The General Staff of the Armed Forces of Ukraine appeals to the citizens of Ukraine not to take photos, videos, and online broadcasts, and not to publish information on social networks revealing: the location of military equipment, weapons, property, and personnel; the movement of convoys of military equipment and the movement of personnel in any way; tasks of military administration bodies, troops regarding combat readiness, operational training and deployment of troops; preparation and conduct of exercises.

Today, staying connected and up-to-date is a matter of survival. Therefore, the effective use of chats, consistent behavior, targeted and controlled communication is a kind of guarantee of your safety and the safety of your community, which will help us win.

## **Література**

1. Мій дім online «Воєнний стан: 11 порад як зробити безпечним спілкування в чатах». URL:<https://miydimonline.com.ua/uk/blog/voiennyi-stan11porad-yak-zrobyty-bezpechnym-spilkuвання-v-chatakh>

2. Міністерство цифрової трансформації України. Прості правила, що вбережуть вас на фронті кібервійни з окупантом.



URL:<https://www.zoda.gov.ua/news/59575/pravila-bezpeki-v-interneti-u-vojennychas.html>

3. Офіційний веб-сайт Національної Ради України з питань телебачення та радіомовлення. URL:<https://www.nrada.gov.ua/vidomamovnykiv-yakuinformatsiyu-pro-armiyu-diyi-zsu-zaboroneno-rozgoleshuvaty-v-media-pid-chasvoyennogo-stanu/>

### **Анотація**

*Сьогодні залишатися на зв'язку та бути в курсі подій – це питання виживання. Тому ефективне використання чатів, послідовна поведінка, цілеспрямована та контрольована комунікація є своєрідною гарантією вашої безпеки та безпеки вашої спільноти, яка допоможе нам перемагати.*

**Rovna K.**

*Donetsk State University of Internal Affairs*

Науковий керівник - Т.В. Колеснік

Консультант з мови - Є.А. Васютинська

## **POLICE ACTIVITY UNDER MARTIAL LAW**

In the conditions of martial law, the majority of the civilian population succumbs to panic, provocations and does not know how to behave in such situations. Due to such circumstances, the representatives of the National Police, together with other services, try every day to control the situation in the country, to prevent looting, violence and other crimes, the number of which has increased under martial law.

A police officer is authorized by the state to maintain law and order and prevent crimes. For quite a long time, Ukrainian society tried to create such a system in which the police would become a truly reliable protection of the population, a guarantor of constitutional rights and protection of public order. For this, the law enforcement system was constantly developed and improved. Of course, no one expected that one day this system would need to be adapted for military operations, which today covered the entire territory of Ukraine.

In his speech, Andriy Yermak noted that, according to the official data of the Office of the Prosecutor General of Ukraine, during the full-scale war of Russia against our country, more than 47,900 war crimes were committed, more than 8,400 civilians died, including 440 children. Among them are tortures, rapes, murders of civilians. The wartime police work has become part of a powerful legal front to prosecute Russian war criminals who disregard basic human rights as proclaimed by the civilized international community.

In the conditions of martial law, the powers of the National Police are aimed at:

- receiving information from state bodies and state enterprises upon written request within clearly defined terms;
- performance of official duties by a police officer in civilian clothes;
- expansion of the right of the mass police to use improvised means and coercive measures;
- use of technical means by police officers;
- collection of biometric data;
- police cooperation with Interpol and Europol;
- certification of police officers and official investigations. [3].

Also, humanitarian missions were added to the list of the functions of a police officer under martial law defined in legal acts. Such as: food delivery, help to people in the liberated territories, help to people at the front, etc. Every day, risking their lives, they prove their loyalty to the Ukrainian people and steadfastness to the guiding principles in their activities.

In Ukraine, the right to life is enshrined in Article 27 of the Constitution of Ukraine: "Every person has the right to life. No one can be arbitrarily deprived of life. Analyzing the situation in our country, we can conclude that during the war the right to life is almost defenseless, because the enemy definitely disregards all laws and regulations, both at the national and international level. It is the duty of the state to protect human life. Everyone has the right to protect his life and health, and the life and health of other people from illegal encroachments." [2]. At the international level, the right to life is defined in the article of the Universal Declaration of Human Rights: "Everyone has the right to life, liberty and personal integrity". [1]. It should be noted that the interpretation of the concept of "right to life" is defined in the International Covenant on Civil and Political Rights of 1966, article 6 establishes: the right to life is an inalienable right of every person. This right is protected by law. No one can be arbitrarily deprived of life.

Considering the above, it should be noted that new units of volunteers are being formed today, which will strengthen the protection of public order and, in joint efforts with the National Police, will protect the rights and freedoms of our citizens. The development of the law enforcement system is rapidly growing and adapting to new changes in society. Future police officers are taught not only general skills, but also the experience that specialists of all fields are currently receiving, they must be ready for any challenges that will arise before them. Ensuring public order depends not only on the work of the police, but also on compliance with the laws of each of us.

### **Література**

1. Загальна декларація прав людини. від 10.12.1948р. URL: [https://zakon.rada.gov.ua/laws/show/995\\_015#Text](https://zakon.rada.gov.ua/laws/show/995_015#Text)
2. Конституція України: від 28.06.1996 №254к/96-ВР. Відомості Верховної Ради України. 1996. №30. СТ.141.

URL:<https://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80#Text>

3. Моїсєєва А., Мкртичева М. Які повноваження надано поліцейським на час дії воєнного стану. URL:<https://advokatpost.com/iaki-povnovazhennia-nadano-politsejskym-na-chas-dii-voiennoho-stanu-advokaty-moisieieva-ta-mkrtycheva/>

### **Анотація**

*У роботі висвітлено питання розвитку правоохоронної системи. Майбутніх поліцейських навчають не лише загальним навичкам, а й досвіду, який зараз отримують спеціалісти всіх галузей. Забезпечення громадського порядку залежить не лише від роботи поліції, а й від дотримання законів кожним із нас.*

**Rott A.**

*National Academy of Internal Affairs*

Консультант з мови - І.В. Козубенко

Науковий керівник - Н.Л. Полішко

## **PREVENTION OF OFFENSES BY LAW ENFORCEMENT AGENCIES IN PEACETIME AND UNDER MARTIAL LAW: COMPARISON OF MEASURES TO PREVENT OFFENSES**

Law enforcement agencies have many tasks and responsibilities assigned to them. One of the main tasks is to prevent offenses. After all, as we know, it is better to identify the factors and causes of an offense and prevent it than to have unpleasant consequences later. Let's define what is considered law enforcement. Law enforcement agencies are state institutions whose activities are aimed at protecting national security, ensuring the state of law and order, protecting the rights, freedoms and interests of citizens, society and the state, and implementing other legally defined functions of the state.

Today, our country is going through difficult times. The war has brought changes to the everyday life of Ukrainians and beyond. New problems and rules have emerged. But at the same time, there is a need to deal with old problems. The war has changed everything, so the approach to overcoming old problems has changed a bit.

We can compare the approach of law enforcement agencies to crime prevention before and after the war, and we will see that there is even more control and monitoring of the situation in the country. Let's define crime prevention as a set of various activities and measures in the state aimed at improving social relations in order to eliminate negative phenomena and processes that give rise to or contribute to crime, as well as preventing crimes at various stages of criminal

behavior. It used to be easier for law enforcement officials. Let's take the police as an example. Now there are systematic power outages, which causes difficulties because the streets are unlit and the recording cameras that could contain important information for the police are not working. As a solution to the problem, it was decided to increase the number of patrols on the city streets. Since the beginning of the full-scale invasion, more law enforcement officers and cadets have been joining the foot patrols.

There are different preventive measures. Let's take the example of checking identity documents. The police have the right to check documents in peacetime, if they have appropriate grounds. And now it is one of the measures of the legal regime of martial law in accordance with the Procedure approved by the Cabinet of Ministers of 29.12.2021 No. 1456. When checking identity documents, a police officer does not have the right to photograph them or seize them. Photo and video recording is also a preventive police measure, which is carried out not only to record an offense, but also to: protect public safety and property; ensure the safety of persons; ensure public safety and order.

Despite all the difficulties, law enforcement agencies during the war are making great efforts to prevent offenses, crimes and help people.

### **Література**

1. Правоохоронні органи. URL: <https://arm.naiu.kiev.ua/books/SPOU/files/1-3.pdf>
2. Поняття і система запобігання злочинності, класифікація запобіжних заходів. URL: <https://mix.sumdu.edu.ua/textbooks/16599/1027563/index.html>
3. Які заходи можуть застосовувати поліцейські щодо громадян під час воєнного стану? URL: <https://www.yurfact.com.ua/praktyka/iaki-zakhody-mozhut-zastosovuvaty-politseiski-shchodo-hromadian-pid-chas-voiennoho-stanu>

### **Анотація**

*У роботі проаналізовано роботу та завдання правоохоронних органів. Порівняно підхід правоохоронних органів до боротьби зі злочинністю до і після війни та застосування превентивних заходів під час відключення електроенергії. Охарактеризовано профілактику злочинності як сукупність різноманітних заходів, спрямованих на вдосконалення суспільних відносин, а також попередження злочинів.*

**COOPERATION OF LAW ENFORCEMENT AGENCIES WITH THE  
PUBLIC IN THE FIELD OF PUBLIC ORDER PROTECTION IN THE  
PEACETIME AND DURING THE WAR**

We witness the process of Ukrainian society's transformation into a completely new state. This process goes hand in hand with all social institutes reforming, and law enforcement agencies are not excluded there from. Public order, citizens' safety, life and well-being depend upon their effective operation. Thus, the issue of partnership cooperation between the police and society is crucially important, especially within the war.

Currently, this cooperation is based on legislative and subsidiary acts. Thus, clause 1 of article 11 of the Law of Ukraine "On National Police" provides that police conduct its activity in close relationship with the population, territorial communities and non-governmental organizations on the terms of partnership, aiming to meet their needs [1].

Legislation determines particular ways of cooperation between the police and the population, namely, interaction between the management of the territorial police agencies and the local government authorities. The citizens' possibility to participate in the public order maintenance is provided on the state level by particular legislation. In accordance with the Constitution of Ukraine, citizens of Ukraine have a right to establish public associations for the participation in the public order maintenance [4].

Starting from 24 February till now, due to the war, martial law is enforced on the whole territory of Ukraine. This is a particular legal regime, which grants particular agencies with powers necessary for the prevention of a threat, armed aggression's repulse and national security protection [3].

Taking into consideration the mentioned legal regime, the circumstances and conditions of the National Police cooperation with the population significantly changes, since the state is at war, which significantly involves ordinary citizens' legal conscience regarding the necessity to assist in protection and defense of the state, public order insurance and maintenance.

With this aim, for proper organization of the population in the mentioned focus, the legislative authority determined the basics of the national resistance, which is defined as the set of actions, organized and performed with the aim of contribution to Ukraine defense by the wide involvement of Ukrainian citizens into actions, aiming military security, sovereignty and territorial integrity of the state maintenance, deterrence against aggression and its repel and to inflict heavy

casualties to the enemy, due to which it will be forced to end armed aggression against Ukraine [2].

As it can be seen, the legislative authority of Ukraine has made several actions for legal regulation of the National Police interaction with the population within the martial law, since the actions of the National Police agencies and the citizens shall be legally appropriate and be considered as legal and necessary in the particular time by the persons whose rights and freedoms are restricted, since the mentioned perform multifunctional law enforcement activity on behalf of the state.

Thus, coordination with the public is one of the key factors for the public order maintenance, offenses' detection, suppression and prevention productivity enhancement.

### **Література**

1. Про Національну поліцію: Закон України від 02 липня 2015 року № 580-VIII. *Відомості Верховної Ради України*. 2015. № 40-41. С. 1970.
2. Про Основи національного спротиву: Закон України від 16 липня 2021 року № 1702-IX. *Відомості Верховної Ради України*. 2021. № 41. С. 2.
3. Про правовий режим воєнного стану: Закон України від 12 травня 2015 року № 389-VIII. *Відомості Верховної Ради України*. 2015. № 28. С. 1509.
4. Про участь громадян в охороні громадського порядку і державного кордону: Закон України від 22 червня 2000 року № 1835-III. *Відомості Верховної Ради України*. 2000. № 40. Ст. 338.

### **Анотація**

*В даній темі розглядається проблематика взаємодії правоохоронних органів та громадськості у сфері забезпечення публічного порядку в мирний час та в умовах воєнного стану. Розглядаються можливості громадян брати участь в охороні громадського порядку, вказуються переваги та недоліки цієї співпраці.*

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## **INTERACTION OF THE STATE EMERGENCY SERVICE WITH THE PUBLIC MARTIAL LAW**

The State Service of Ukraine for Emergency Situations (SES) is the central body of the executive power. Organizes training of the population on actions in emergency situations, develops and approves relevant organizational and

methodical recommendations and programs for preparing the population for such actions;

The safety of citizens, their lives and health depends on the efficiency of this state institution. After the start of a full-scale war, the State Emergency Service constantly interacts with the public and in the first days of the war, people followed a certain algorithm of actions provided by the State Emergency Service, namely: Home preparation:

- apply protective tape strips (paper, cloth) to the window glass to increase its resistance to the blast wave and reduce the number of fragments and avoid injury in case of damage;
- if possible, equip a shelter in the basement, protect it with sandbags, provide for an emergency exit;
- if there is a plot of land, equip a shelter at a distance from the house that is greater than its height;
- provide the house with supplies of drinking and technical water. And so on.

Rules of conduct in the conditions of a military emergency

Required:

- keep personal calm; do not react to provocations;
- do not inform about your future actions (plans) to people you do not know, as well as acquaintances with an unreliable reputation...

When explosive objects are detected, it is prohibited to:

- to translate, move from one place to another;
- collect and store, heat and hit;
- try to discharge and disassemble;
- make various items;
- use charges for fire and lighting;
- bring indoors, bury in the ground, throw into a well or river [1].

Having discovered explosive objects, take measures to identify them, fence and protect the found objects at the place of discovery. Immediately notify the territorial bodies of the State Emergency Service and the Ministry of Internal Affairs by calling 101 and 102.

It is also necessary to pack an emergency suitcase.

A large part of the territory of Ukraine is mined, therefore, in order to raise citizens' awareness of mine safety issues and save human lives from possible tragic incidents; the State Emergency Service cooperates with international partners and implements several programs in this direction. In particular, together with the Eastern Europe Foundation, the mobile application "Demining of Ukraine" was implemented, which allows citizens to report explosive and suspicious objects, and the authorities to promptly respond to such information. An online demining map has also been created, where you can learn information about potentially dangerous

areas. It can be found on the website of the State Emergency Service or in the mobile application "Demining of Ukraine" [2].

Together with the Eastern Europe Foundation, a large-scale information campaign is being implemented as part of the "Look at your feet" program. It is implemented in those regions of Ukraine that were most affected by Russia's armed aggression.

Special attention is paid to teaching children safe behavior when identifying suspicious objects. In this direction, the State Emergency Service actively cooperates with the UN Children's Fund UNICEF in Ukraine, with which it implements the "Mine Safety" program, the purpose of which is to save the lives of the younger generation and teach them a clear algorithm of actions when finding dangerous objects [3].

Also an information campaign was launched in Ukraine "Safety at home during war" is designed to raise Ukrainians' awareness of the rules of safe behavior with generators, gas burners, furnace heating systems and candles in case of lack of electricity and heat. The initiative is implemented by the State Emergency Service of Ukraine together with the United Nations Children's Fund (UNICEF) in Ukraine.

### **Література**

1. Дії населення в умовах надзвичайних ситуацій воєнного характеру. URL: <https://dsns.gov.ua/uk/abetka-bezpeki/diyi-naselennya-v-umovax-nadzvichainix-situacii-vojenного-harakteru>
2. 100 днів війни. URL: <https://mvs.gov.ua/>
3. Герман Галущенко: У четвер, 16 лютого, п'яту добу поспіль генерації електроенергії достатньо для забезпечення потреб споживачів. URL: <https://kmu.gov.ua/>

### **Анотація**

*«Безпека вдома на війні» покликана привернути увагу українців до правил безпечної поведінки з генераторами, газовими пальниками, системами пічного опалення та свічками у разі відсутності електроенергії та тепла. Ініціатива реалізується Державною службою з надзвичайних ситуацій України спільно з Дитячим фондом ООН (ЮНІСЕФ) в Україні.*



## **EXPANDING THE POWERS OF LAW ENFORCERS IN WARTIME**

Martial law is a legal regime that is introduced in Ukraine or in certain of its territories in the event of armed aggression or threat of attack, threat to the state independence of Ukraine and its territorial integrity. The main legal act that regulates legal relations regarding the imposition of martial law in Ukraine is the Law “On the Legal Regime of Martial Law”. “This law determines, in particular, the legal basis of activity of public authorities and local governments, enterprises, institutions and organizations, guarantees of human and civil rights and freedoms and the rights and legitimate interests of legal entities during martial law” [1].

In accordance with the decision of the National Security and Defense Council of Ukraine and a decree of the President of Ukraine military formations formed according to the laws of Ukraine are involved together with law enforcement agencies in solving tasks related to the introduction and implementation of measures of the legal regime of martial law. Their purpose and specifics of activity, as enshrined in Part 1 of Article 16 of the Law of Ukraine “On the Legal Regime of Martial Law” are the following [2].

In wartime, police officers work in an intensified mode: they maintain checkpoints, evacuate the population, check documents and vehicles, search for and investigate saboteurs, and counter looting. The work of the National Police of Ukraine has changed; their powers have been expanded for the period of martial law. The National Police also receive the right to escort persons detained on suspicion of committing a criminal offense, taken into custody, accused, or sentenced to imprisonment, and protect them in the courtroom, according to Part 37 of Article 23 of the Law of Ukraine “On the National Police”. They are also authorized for operational demining, in terms of detection, neutralization and destruction of explosives that are means, objects, instruments of committing administrative or criminal offenses; technical and forensic support of the scene of the incident; organization of work on granting, depriving and confirming the admission of police officers to conduct special explosive works (Parts 39, 40, 41 of Article 23) of the Law of Ukraine “On the National Police”.

Law enforcement agencies expand cooperation with the European Police Office and act as the National Contact Point between the competent authorities of Ukraine and Europol; represent and ensure the fulfillment of Ukraine's obligations in the International Criminal Police Organization – Interpol and act as the National Central Bureau of Interpol; collect biometric data of individuals, in accordance with Parts 42, 43, 45 of Article 23 of the Law of Ukraine “On the National Police”.

Public control over the activities of the police, as defined by Articles 86, 88 and 90 of the Law of Ukraine “On the National Police”, is not exercised during wartime (Part 1 of Article 90-1) of the Law of Ukraine “On the National Police” [3].

The actions of police officers during martial law must be legally competent, fair, and lawful. Unlawful actions of law enforcement officers can cause serious harm.

The police are making every effort to ensure communication with the population, and new telephone lines are being opened in places where the 102 line is not working. Alternative means of communication are also actively working. Cases of looting during the war can be reported to the Cyber Police by email. Police officers are involved in organizing the logistics of volunteer groups, defense processes and maintaining the morale of the military and civilians, as well as fighting, volunteering, and risking their own lives to evacuate people from hot spots.

Police officers have shown that they can ensure internal order, from interacting with the military to cleaning up cities after liberation from the “liberators”, while joining the established patrol police regiment on a voluntary basis. Police officers are proving to be highly qualified employees, performing their immediate professional duties and even more than the people of Ukraine could have expected.

### **Література**

1. About the marshal law regime. URL: <https://ukraineinvest.gov.ua/response-to-war/helpdesk/martial-law/#:text>
2. On the legal regime of martial law: Law of Ukraine No. 389 of 12.05.2015. URL: <https://zakon.rada.gov.ua/laws/show/389-19#Text>.
3. On the National Police. Law of Ukraine No. 580 of 02.07.2015. URL: <https://zakon.rada.gov.ua/laws/show/580-19#Text>

### **Анотація**

*Розглянуто питання запровадження воєнного стану через напад Росії на Україну, зміни в житті та діяльності всіх верств населення країни та інституцій. Проаналізовані нові повноваження правоохоронних органів України та зміни до Закону України «Про Національну поліцію», якими передбачено розширення повноважень поліціянтів на період введення в Україні воєнного стану.*

## **BLURRING THE LINE BETWEEN THE POLICE AND THE MILITARY**

There is a blurring of the lines between the police and the military with police units adopting increasingly militarized behaviors and the military taking on policing roles. The police often do not have the monopoly on the use of force to maintain the state's control over the society. In some cases, military units are called upon to fulfil policing roles or police forces include military police units. Recent years have seen a rise in the use of the armed forces in a domestic context, especially in case of transborder security threats, when the police were overburdened or a more robust performance by the authorities was deemed necessary.

Western armed forces have been increasingly deployed in stability operations in post-conflict areas. In such situations, there is usually a security gap after fighting has stopped, but before civilian authorities can provide security. Armed forces may then perform police tasks such as restoring public order, crowd and riot control, and stability policing. This phenomenon has been defined as a constabularization of the armed forces. The performance of police tasks in stability operations might make the armed forces better equipped to perform in a domestic context [1].

On the police side, a certain militarization seems to be taking place. This is particularly visible in the United States but can be found in Europe as well. Examples are centralizing tendencies in the police, the use of more robust gear and means, and the development of a more military mindset. This is stimulated using war metaphors for police work by the authorities.

To understand this reluctance, it is necessary to study the subject of Civil Military Relations (CMR), which investigates relations between the military and society. Several models for CMR can be distinguished, among them a democratic regime, a military regime (where the armed forces rule the country) and a police regime (where the armed forces develop towards a constabulary force).

In a democratic regime, there is usually a clear distinction between the organizations responsible for internal security (the police), and external security (the armed forces). Only in very special, 'last resort', circumstances, will the armed forces assist civilian authorities, for example in the case of disasters or other crises.

Some Western countries, including the Netherlands, have an intermediary or hybrid force in between the armed forces and the police. These 'gendarmierietype' forces – in the Netherlands the Royal Netherlands Marechaussee – combine police and military characteristics and usually perform police tasks related to the

security of the State, which require a higher level of robustness than regular police tasks. The blurring of internal and external security has led to a fast growth in gendarmerie-type forces [2].

On the one hand, one could state that the very existence of gendarmerie-type forces is blurring the clear line between the police and the military and is therefore not fitting in a democratic regime. On the other hand, it does add another step on the escalation ladder.

In the United States, the National Guard fulfils the same function despite being a reserve unit of the United States Armed Forces.

Conscription to the police force can form part of compulsory military service as it does in Cuba where conscripts can be selected to join the National Revolutionary Police Force and Israel where one third of the police force is Border Guard or MAGAV, a unit that recruits via conscription. Where conscription is not present, recruitment is still often militarized with ex-military personnel choosing policing as a career-path upon leaving the armed forces.

The Israeli army carries out an internal security role in the Occupied Palestinian territories alongside the police, with military snipers targeting demonstrators.

Into the mix are thrown unaccountable private actors in the form of private military security companies (PMSCs) which have proliferated “in the years since the declaration of a ‘war on terror’” with a “vast private industry” now being worth “hundreds of billions of dollars” (War on Want, 2016). Israel uses private security companies to operate checkpoints and guard settlements in the Occupied Palestinian Territories. Private security guards “have policing powers (bear arms and are entitled to use force in performing their duties). In the settlements in the West Bank and East Jerusalem, they “de facto” serve as a private police force that serves the settlers population” (Who Profits, 2016).

### Література

1. Blurring the lines between the police and the military / War Resisters' International URL: <https://wri-irg.org/en/pm-themes/blurring-lines-between-police-and-military>

2. Tomáš Weiss The blurring border between the police and the military: A debate without foundations Cooperation and Conflict - Volume 46, Number 3, Sep 01, 2011. P. 396-405. URL: <https://www.jstor.org/stable/45084648>

### Анотація

*Розглянуто питання стирання межі між виконанням функціональних обов'язків поліцейськими силами та військовими підрозділами. Підкреслено важливість використання у деяких випадках військових, які покликані виконувати поліцейські функції, та існування підрозділів військової поліції у складі поліцейських сил.*

*Проаналізовано досвід інших країн щодо повноважень військової поліції після припинення бойових дій, залучення до операцій зі стабілізації в пост-конфліктних районах та виконання поліцейських завдань, таких як відновлення громадського порядку, контроль над натовпом і заворушеннями, а також забезпечення стабільності.*

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## **CRIME PREVENTION BY INTERNAL AFFAIRS BODIES IN PEACETIME AND UNDER MARTIAL LAW**

Martial law, introduced as a result of Russia's attack on Ukraine, changed the lives and activities of all sections of the population and institutions of the country. The Armed Forces of Ukraine, as well as Ukrainian law enforcement agencies, received new powers. As a result, amendments to the Law «On the National Police of Ukraine» entered into force, which provide for the expansion of police powers during the period of martial law in Ukraine and for 60 days after its termination or cancellation.

We understand that the Ukrainian police are faced with this kind of circumstances (military aggression) for the first time, so it is difficult to assess all the risks and new challenges of this situation. For this purpose, new rules and obligations were adopted, which we will try to analyze. Let's consider how the rights and duties of the police changed during the hostilities with Russia:

1) Obtaining information upon written request. Upon written request, the police receives free of charge information from state bodies, local self-government bodies, state-owned legal entities, necessary for the performance of police tasks and powers, including regarding prisoners of war. The request must be fulfilled within three days, and in case of impossibility - no later than within 10 days from day of receiving the request. In case of reasons preventing the execution of the request, the reasons must be reported to the police [1]. In connection with the fact that recently many state traitors have occasionally appeared who are engaged in pointing Russian rockets at our military objects, therefore this point of the new rules plays an important role for the work of the police.

2) Escorting and detention of persons in temporary detention centers. Under martial law, the police have the right to escort persons detained on suspicion of committing a criminal offense, taken into custody, accused or sentenced to imprisonment. In cases provided for by law, the police may detain such persons in temporary detention centers [1]. The streets of Ukrainian cities and villages are full of internal enemies-traitors of two types. The first are suspicious persons who still

support the aggressor. The second are our Ukrainians, who decided to take advantage of this situation and commit various crimes. Therefore, in our opinion, this clause of the new rules is quite fair and necessary.

3) Collection of biometric data. The police are allowed to collect biometric data of persons, including through fingerprinting, in cases provided for by the Criminal Procedure Code [1]. If previously the police could collect biological material in special laboratories, now they can do it anywhere with the help of mobile laboratories.

We know that the police have the right not only to protect the population, but also to protect themselves. Let's analyze the basic rights and duties of police officers in the area of protecting their own interests. *The right to protection*: what powers are given to the police under martial law: 1). As a general rule, a police officer performing official duties in civilian clothes must always carry a special badge. A policeman is prohibited from removing a special badge from his uniform or hiding it. However, under martial law, a policeman on duty in civilian clothes is allowed to act without a badge. 2). In peacetime, in the procedure and cases defined by law, police officers are allowed to use coercive measures such as physical influence (force), special means (truncheons, handcuffs, tear gas and irritant agents, etc.), and firearms [2].

Police officers are prohibited from using coercive measures not provided for by law. During martial law, if it is necessary to repulse an attack or when arresting a person who has committed an offense and/or resists a police officer, he has the right to use both coercive measures and improvised means.

Another interesting topic for research, in our opinion, is the right to use a variety of technical equipment. The police are allowed to use the following technical devices during wartime:

- photo and video equipment, including equipment that works in automatic mode, technical devices and technical means for detecting and/or recording offenses;
- technical devices and technical means for detecting radiation, chemical, biological and nuclear threats;
- unmanned aerial vehicles and special technical means of countering their use;
- special technical means of checking for the presence of alcohol intoxication;
- specialized software for analytical processing of photo and video information, including identification of persons and vehicle license plates. The police are given the right to use information obtained with the help of photo and video equipment that is in someone else's possession [2]. All these technical means provide invaluable assistance to the police and speed up the investigation of various crimes.

To our mind, during the investigation, the police officer may be suspended from his post. If a police officer is found guilty of a disciplinary offense, he may be subject to one of the following disciplinary sanctions:

- remark,
- reprimand,
- severe reprimand
- warning about incomplete service compliance,
- reduction in special rank by one degree,
- resignation,
- dismissal from police service.

Summing up, we can see that the law enforcement officers do a great job protecting us from danger.

### **Література**

1. Які повноваження надано поліцейським на час дії воєнного стану.

URL: <https://zib.com.ua/ua/151773.html>

2. Які повноваження надано поліціантам на час дії воєнного стану.

URL:

<https://mind.ua/openmind/20242900-pravo-na-zahist-yaki-povnovazhennya-nadano-policiyantom-na-chas-diyi-voennogo-stanu>

### **Анотація**

*Викладено деякі міркування автора щодо нових ключових прав та обов'язків, які надаються поліцейським під час війни, і що варто знати кожному про їх реалізацію. Зокрема, зроблено спробу аналізу обов'язків і прав у мирний та воєнний час.*

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## **PROTECTION OF CIVILIANS IN WAR TIME**

In the age of scientific breakthroughs and development, there are still concepts and events such as war and genocide of civilians. Since February 24 the russian military machine has committed many war crimes on the territory of Ukraine, the circumstances of which are being investigated by law enforcement agencies, and the horrors of these events have been brought to the attention of the international community. This includes the Bucha and the Mariupol tragedies, missile attacks on civilians, where many civilians died. Therefore, the issue of

implementing and enforcing international humanitarian law in this regard is becoming urgent.

One of the most important peaceful agreements of international law is the signing of the Geneva Convention Relative to the Protection of Civilian Persons in Time of War of August 12, 1949 [2].

Analyzing the war crimes committed by the Russian armed forces on the territory of Ukraine, we conclude that it has violated the following provisions of the above-mentioned Convention:

ART. 3 – In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions: 1) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, color, religion or faith, sex, birth or wealth, or any other similar criteria. To this end, the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons: a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture; b) taking of hostages; c) outrages upon personal dignity, in particular humiliating and degrading treatment; d) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized people [2, c. 169].

The law enforcement agencies of Ukraine have recorded the facts of shooting, torture, hanging, and rape of civilians, including minors and young people, in March 2022, which in turn led to the genocide of the Ukrainian people. At this time, the authorities of the aggressor country deny any facts of the offense and comment on it as a deliberate provocation and staging by the Ukrainian authorities.

Massive investigations by international media outlets such as Bellingcat, Deutsche Welle, The Economist, BBC, and The New York Times have refuted the comments of the Russian authorities. Evidence has emerged indicating that the Russians targeted Ukrainian civilian men and killed them in an organized manner, with many of their bodies found dead with their hands tied behind their backs [3].

ART. 19 – The protection to which civilian hospitals are entitled shall not cease unless they are used to commit, outside their humanitarian duties, acts harmful to the enemy. Protection may, however, cease only after due warning has been given, naming, in all appropriate cases, a reasonable time limit, and after such warning has remained unheeded [2, c. 176].

On February 24, 2022, Minister of Health of Ukraine Viktor Lyashko wrote the following on Facebook:



The russian occupants are shelling hospitals. This is a direct violation of the Geneva Convention by russian troops! And this is a shameful and low act of weaklings! Such actions of the occupiers pose a direct threat to the lives and health of civilians and contravene the norms of international humanitarian law. Healthcare facilities and medical employees should save lives, not die. Our hospitals and emergency medical teams are on full alert, operating in all regions and will provide assistance under any circumstances. We are proud of the courage and dedication of every medical employee. We will definitely win! Doctors with Ukraine! [1].

This is a small part of all the crimes of the russian federation against the people of Ukraine. On March 16, 2022, the International Court of Justice in The Hague ruled that russia must immediately cease hostilities in Ukraine, which it began on February 24, 2022. In addition, russia must ensure that any military or regular armed forces, as well as other organizations or persons under its control, do not take measures to resume the "operation." The russian federation has committed genocide against the Ukrainian people. Its illegal actions in Ukraine since 2014 must be punished.

### **Література**

1. Щоденна програма новин каналу 1+1 виробництва 1+1 Media «ТЧН»  
URL: <https://www.facebook.com/viktor.liashko/posts/2567780533354055>

2. Geneva Convention Relative to the Protection of Civilian Persons in Time of War of 12 August 1949.

URL:[https://www.un.org/en/genocideprevention/documents/atrocitycrimes/Doc.33\\_GC-IV-EN.pdf](https://www.un.org/en/genocideprevention/documents/atrocitycrimes/Doc.33_GC-IV-EN.pdf)

3. Rudenko O. The Kyiv Independent “Hundreds of murdered civilians discovered as Russians withdraw from towns near Kyiv (GRAPHIC IMAGES)”.

URL:<https://kyivindependent.com/national/hundreds-of-murdered-civilians-discovered-as-russians-withdraw-from-towns-near-kyiv-graphic-images>

### **Анотація**

*Тема захисту прав людини в умовах воєнного стану є на часі та з кожним днем набуває ще більшої важливості. російська федерація намагається знищити український народ, який чинить гідний опір. Головною метою цієї роботи є висвітлення порушення законодавчої бази міжнародного права у вчинених злочинах рф.*

## **ACTIVITIES OF THE POLICE BODIES AND OTHER LAW ENFORCEMENT BODIES DURING MARTIAL LAW**

Among the many challenges currently being solved by Ukraine, the issue of protecting its state independence and territorial integrity occupies the main place. Since February 24 of this year, the armed aggression of the Russian Federation and the occupation of some territories have been taking place against Ukraine. Territorial defense is of particular importance for the state's defense capability. The first months of the war showed the shortcomings of the existing system in the protection of the state's territories. At the same time, ordinary citizens began to form territorial defense battalions (TrD), demonstrating a powerful potential for its development, taking into account the new military-political circumstances. The Ministry of Internal Affairs in general and the National Police in particular are part of the security and defense sector of Ukraine. Today, along with the preparation and conduct of ordinary military operations, requires increased attention and processing of a set of measures to prepare for the fight against special operations forces, sabotage and reconnaissance forces, mobile groups of the enemy that have broken into the territory of the country, and other anti-state armed formations throughout the country, and possibly during the occupation of certain territories of Ukraine. These measures form the basis of the state's TrD. The Decree of the President of Ukraine dated September 23, 2016 No. 406 / 2016 "Regulations on the Territorial Defense of Ukraine" defines the main tasks of the Military Defense Forces [2], which are aimed at maintaining the martial law regime, protecting the state border, functioning of state authorities, military administration bodies, protection of strategic objects, combating sabotage and reconnaissance forces of the aggressor, etc. The main role in solving the tasks of the state's Ministry of Defense rests with the Armed Forces. Therefore, when planning the work of TrD, it is necessary to determine the scope of tasks and measures that should be assigned to the Armed Forces of Ukraine, and which should be performed by military formations, including units of the National Police. At the same time, in the Ministry of Internal Affairs, Security Service of Ukraine, and the main bodies of the Armed Forces of Ukraine, structural subdivisions of the Ministry of Defense are being created to plan and coordinate actions related to the preparation and conduct of the Ministry of Defense. These subdivisions are designed to interact within the framework of the powers of the relevant ministries, departments, services and troops for the planning and coordination of actions and the implementation of the tasks and measures of the Council of Ministers assigned to

them. The creation of the headquarters of TrD in cities is possible today, taking into account the Law of Ukraine "On Local Self-Government" [3].

Units of the National Guard, National Police, and rapid response units of the Ministry of Internal Affairs of Ukraine are involved in the fight against sabotage and reconnaissance forces of the enemy penetrating the territory of the country. Combined police units are created in each zone of the Ministry of Internal Affairs on the basis of territorial (departments) of the Ministry of Internal Affairs in the regions. Under these conditions, the operational situation is extremely complicated, which requires special, extraordinary methods of solving official tasks, improving the quality of management, and strengthening material and technical support from the police. All features of police actions under martial law are defined by current legislation, primarily the Law of Ukraine "On the Legal Regime of Martial Law" dated 05.21.12.2015 [1]. According to this law, during the introduction of martial law, the National Police bodies facilitate the activities of the military administration, prosecutor's office, court, justice, etc.; fight against crime, ensure the protection of public order and the security of particularly important and strategic objects. But there are questions about the actions of the National Police units, when the situation will rapidly develop in such a way that the territory becomes occupied, and the directions of activity of the mobile units of the patrol police, criminal investigation or community officers. Perhaps qualified and authoritative policemen who know the area and local residents can start work on organizing resistance to the aggressor's troops and helping the state's special services. With certain knowledge and experience, police officers can significantly influence the situation and the enemy, inflict significant losses on him and help liberate the territory. But for successful resistance actions, reducing the losses of partisan groups, special knowledge is needed, starting from technical knowledge and handling of military and special weapons, means of communication, to the ability to organize a partisan movement in the city and quickly conduct special sabotage or other measures.

### Література

1. Про правовий режим воєнного стану: Закон України від 12 травня 2015 року. № 389-VIII. URL: <https://zakon.rada.gov.ua/laws/show/389-19#Text>.
2. Положення про територіальну оборону України : нова редакція : Указ Президента України № 406 від 23 вересня 2016 р.
3. Закон України «Про місцеві державні адміністрації» // Відомості Верховної Ради України. 1999. № 2021. Ст. 190; зі змінами.
4. «Про Національну поліцію: Закон України від 2 липня 2015 року № 580-VIII. URL: <https://zakon.rada.gov.ua/laws/show/580-19#Text>. 5. Лобко М.М. Територіальна оборона України як фактор посилення обороноздатності держави. Наука і оборона 2018. С. 29-39.

### **Анотація**

*Дані тези присвячені батальйонам територіальної оборони які демонструють потужний потенціал з урахуванням нових військовополітичних обставин. Для обороноздатності держави особливе значення покладається на територіальну оборону.*

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### **PREVENTION OF OFFENSES BY LAW ENFORCEMENT AGENCIES IN PEACETIME AND UNDER MARTIAL LAW**

After February 24, 2022, when the armed aggression of the Russian Federation against Ukraine became full-scale (and actually started on February 20, 2014), legal guarantees for the protection of human rights were under threat. The invasion of Russian troops into the territory of Ukraine was the reason for the introduction of martial law by the President of Ukraine. New realities have endangered basic human rights, including the right to life. The rules that have been formed for decades in the civilized world cease to exist. The international legal order turned out to be powerless in the face of new challenges, and today we are witnessing the formation of new trends in international politics and new mechanisms for getting out of critical situations.

The current Law of Ukraine "On the Legal Regime of Martial Law" of 2015 indicates the legal basis for the introduction of martial law. In particular, this is the Constitution of Ukraine, actually the Law itself and the decree of the President of Ukraine on the introduction of martial law, approved by the Verkhovna Rada of Ukraine. Art. 20 of the specified Law provides for the legal status and restrictions on the rights and freedoms of citizens in the conditions of martial law. The legal basis for this is the Constitution of Ukraine and the Law itself [1].

Thus, "in the conditions of martial law, the rights and freedoms of a person and a citizen, provided for in the second part of Article 64 of the Constitution of Ukraine, cannot be limited." Part 1 of Art. 22 of the Law indicates the prohibition of torture, ill-treatment or punishment during introduction martial law After February 24, 2022, from the beginning of the full-scale invasion, changes were made to the above-mentioned Law regarding: improvement of the procedure for carrying out criminal proceedings under martial law, expanding the range of persons who have the opportunity to choose to pay a single tax at the rate of 2%, postponing the special inspection during the period of martial law, etc.

The Constitution of Ukraine itself contains the concept of "martial law" in the context of amendments to the latter (Article 157), as well as in the above-mentioned part 2 of Article 64, which refers to the provision of the possibility of limiting the exercise of some human rights. Human rights guaranteed by the Constitution of Ukraine are inalienable and inviolable (Article 21) [2].

Let me remind you that there are human rights that have the rank of so-called absolute rights, including the right to life, the prohibition of torture, etc. That is, no concessions and no restrictions on the exercise of these rights are possible, even under the condition of emergency and martial law. In addition, the right to judicial protection (Article 55 of the Criminal Code) is not subject to limitation under Article 64 of the Constitution of Ukraine. As already noted, the exercise of some human rights may be limited (Article 64 of the Constitution of Ukraine), in particular, it refers to the following rights provided for in Part 2 of Article 64 of the Constitution of Ukraine: inviolability of housing, secrecy of correspondence, freedom of thought and speech, holding rallies, right to education, etc. However, such a restriction cannot have the effect of depriving a person of the very essence of this right. And the essence of human rights is human dignity and freedom.

Extremely relevant in the context of human rights protection is the decision in the Constitutional Court of Ukraine case, with the short title "the case on enhanced social protection of military personnel." In it, taking into account the realities related to the armed aggression of the Russian Federation against Ukraine, the right of servicemen of the Armed Forces of Ukraine and other military formations was protected. The Constitutional Court of Ukraine emphasized the main role of the Armed Forces of Ukraine and other formations that "perform effective protection of the Ukrainian state and the Ukrainian people", noted that the highest state interest is "Maintaining a high level of defense capability" and the support of 13 servicemen of the Armed Forces is "one of the means of expanding the state's defense capabilities." [3].

In addition to the above, in this decision the Constitutional Court of Ukraine checked for compliance with Article 4 of the Constitution of Ukraine. 16-3 of the Law "On Social and Legal Protection of Servicemen and Members of Their Families" dated December 20, 1991 No. 2011-XI, with amendments regarding the limitation of the right to receive one-time cash assistance in a larger amount for a two-year period in terms of its proportionality. Part 5 of Art. 17 of the Constitution is stated, the Constitutional Court of Ukraine believes, in such a way that the realization of the right to social protection "of persons who are in the service of the Armed Forces of the country and other military formations, as well as members of their families, requires high-quality and effective legislative regulation and the introduction of mechanisms for ensuring their state support ". Determining the legitimacy of the goal of the limitation established by the Law, the Constitutional Court of Ukraine came to the conclusion that the means of achieving it chosen by the legislator (temporary limitation for a period of two years) although rationally

related to it, cannot be recognized as reasonable for achieving the established purpose, as it is not a confirmation that the deterioration of the health of this category of persons, caused by an injury (contusion, injury or mutilation) during service in the Armed Forces of Ukraine, cannot occur after the expiry of the established period [4].

The establishment of such a legislative limitation is unjustified also in view of the fact that the legislator had the opportunity to choose a means to achieve the same goal, which would less burdensome affect the sphere of realization of the rights of military personnel to social protection.

And finally, the Constitutional Court of Ukraine concludes: "if in the case of state intervention through the adoption of a regulatory act, there is a limitation of the right of military personnel to social protection, then the justification of such a limitation rests with the public authority that adopted such a regulatory act".

In connection with the analysis of the above-mentioned decision in the case, it is important to focus attention on the separate opinion of Constitutional Court of Ukraine Judge V.V. Lemaka (was a reporter in the mentioned case), which is congruent. He emphasizes the fundamental role of courts in the conditions of martial law and the inadmissibility of opposing "public (state) interest, relevant constitutional values, on the one hand, and respect for individual human rights, on the other hand, as was not uncommon in peacetime. During the war, the perception that the public interest (for example, defense, national security) in which the individual rights and freedoms of a person accumulate should be most evident. For example, restricting the movement of citizens (curfews, roadblocks) or even confiscating citizens' property for defense purposes is aimed at protecting the most fundamental human rights and freedoms - the right to life, their dignity and freedom (for example, protection against the activities of subversive and subversive enemy groups)". The judge states that "restrictions of human rights during war are purposeful and massive, but it is obvious that in the conditions of a constitutional special regime - martial law - the grounds for its justification are different than in peacetime." But again, he confirmed about those rights that are not subject to restriction in any way, it is about Part 2 of Art. 64 of the Constitution of Ukraine [5].

It should also be noted that during the period of Russian armed aggression, the Verkhovna Rada of Ukraine adopted a number of laws on the protection of human rights, in particular, the Law of Ukraine dated March 24, 2022 "On Amendments to the Criminal Code of Ukraine on Liability for Illegal Use of Humanitarian Aid", Law of Ukraine dated April 1, 2022 "On the protection of the interests of individuals in the field of intellectual property during the action martial law introduced in connection with the armed aggression of the Russian Federation 15 against Ukraine", the Law of Ukraine dated April 21, 2022 "On Amendments to Certain Laws of Ukraine Regarding the Functioning of the Employment Spheres

and Mandatory State Social Insurance in Case of Unemployment During Martial Law" and a number of others .

1. Human rights in a state of war are particularly vulnerable, and their protection can be difficult. From the Constitution of Ukraine to the relevant laws of Ukraine, a mechanism is provided to limit the exercise of certain rights. Special attention in the protection of human rights is concentrated in the hands of the state in the form of state authorities authorized by the Constitution and laws.

2. In the conditions of martial law, increased requirements are placed on the functioning of state authorities, in particular, on their unity in the implementation of the defense function.

3. Regarding the balance between public interest and individual rights. During the martial law regime, the so-called balance must be preserved as much as possible, because the restriction of the exercise of certain human rights and freedoms (right to movement, etc.) is aimed at protecting the right to life, for example.

4. The state is entrusted with the need to establish a rational connection between the established restrictions on human rights and freedoms and the state's efforts to wage war and armed resistance of Ukraine to the occupiers [1].

### Література

1. Закон України «Про правовий режим воєнного стану». Відомості Верховної Ради. 2015. № 28. Ст. 250. URL: <https://zakon.rada.gov.ua/laws/show/389-19>

2. Конституція України, прийнята на п'ятій сесії Верховної Ради України 28 червня 1996 р. Відомості Верховної Ради України. 1875- IV URL: <http://zakon4.rada.gov.ua/rada/show/1875-IV>

3. Рішення Конституційного Суду України у справі за конституційною скаргою Поліщука Сергія Олексійовича щодо відповідності Конституції України (конституційності) пункту 4 статті 16-3 Закону України «Про соціальний і правовий захист військовослужбовців та членів їх сімей» (справа про посилений соціальний захист військовослужбовців). м. Київ. 6 квітня 2022 року. № 1-р(II)/2022. URL: [https://ccu.gov.ua/sites/default/files/docs/1\\_r\\_2\\_2022.pdf](https://ccu.gov.ua/sites/default/files/docs/1_r_2_2022.pdf)

4. Окрема думка (збіжна) судді Конституційного Суду України Лемака В.В. стосовно Рішення Конституційного Суду України (другий сенат) у справі за конституційною скаргою Поліщука Сергія Олексійовича щодо відповідності Конституції України (конституційності) пункту 4 статті 16-3 Закону України «Про соціальний і правовий захист військовослужбовців та членів їх сімей» (справа про посилений військовослужбовців). URL: [https://ccu.gov.ua/sites/default/files/docs/1\\_p2\\_2022\\_1.pdf](https://ccu.gov.ua/sites/default/files/docs/1_p2_2022_1.pdf)

5. Офіційний вебпортал парламенту. URL: <https://www.rada.gov.ua/news/zak/page/>

### **Анотація**

*Під час дії режиму воєнного стану має бути максимально збережено так званий баланс, адже обмеження реалізації певних прав і свобод людини (право на пересування тощо) спрямоване на захист права на життя, наприклад.*

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### **TOPICAL ISSUES OF LAW ENFORCEMENT TRAINING IN PEACETIME AND UNDER MARTIAL LAW**

Professional training of police officers is carried out in peacetime. As a rule, professional training in peacetime is carried out by the Ministry of Internal Affairs of Ukraine and the relevant bodies of the National Police of Ukraine. At the same time, a joint course on the system of professional development was launched, which was attended by representatives of the National Police of Ukraine and units of the Ministry of Internal Affairs of Ukraine, including the Border Guard Service of the Ministry of Internal Affairs of Ukraine, the Migration Service of Ukraine, the State Emergency Service of Ukraine and structural units, and other ministries and agencies. We limit ourselves to one-time invitations of their representatives to these types of exercises on issues of interaction that should be addressed in peacetime and martial law preparations.

A separate area of professional development may be the study of the specifics of maintaining secrecy and security of pre-trial investigation and information security, which should be conducted with the participation of the SSU, cyber police and secret police units. For example, under martial law, certain politicians, heads of certain institutions, media representatives and others publish on Internet sites what they consider to be confidential information about the amount, types, receipt and movement of military and other assistance from our partners, as well as certain strategic and tactical military and law enforcement information [2].

An important area of professional training is the consideration of the issue of improving interaction with forensic experts, system specialists of the Ministry of Internal Affairs of Ukraine, the Ministry of Justice of Ukraine, the State Emergency Service, the Security Service of Ukraine, representatives of explosive, mine and pyrotechnic units, and specialists from other agencies [1, p. 1-4].

In addition, it is advisable to conduct joint courses in peacetime and martial law with the involvement of the latter:

- 1) forensic medical experts;



- 2) appropriate liaison with psychiatrists and educators to conduct field examinations and other investigative (search) actions with adults and establish appropriate contacts with victims;
- 3) communication with automotive technicians and forensic experts in case of investigation of shelling and destruction of civilian vehicles under martial law;
- 4) experts from various professional institutions, in particular in the case of preparing and conducting forensic molecular genetic examination to establish DNA profiles;
- 5) with the heads of judicial and pre-trial investigative procedures, other experts and forensic experts on the details of war crimes investigations and the conduct of relevant expertise, including crime scene and victim evidence;
- 6) experts in criminal law - on legislative changes adopted during the war and experts in international law - on the specific content of international legal documents and procedures for activities and cooperation with the International Criminal Court.

Thus, the specificity of martial law today is the daily and continuous large-scale bombardment of certain settlements, which makes it problematic to train law enforcement officers in specific knowledge during martial law.

### Література

1. Юхно О. О. Проблемні питання вдосконалення професійної підготовки членів слідчо-оперативних груп та спеціалістів в умовах воєнного стану. *Підготовка правоохоронців в системі МВС України в умовах воєнного стану*: матеріали Міжнар. наук.-практ. конф., м. Харків, 26 травня 2022 року Харків, 2022. С. 334-337

2. ЗМІ І війна: особливості поширення інформації та фото під час воєнного стану. [HTTPS://WWW.PPL.ORG.UA/ZMI-I-VIJNA-OSOBLIVOSTI-POSHIRENNYA-INFORMACII-TA-FOTO-PID-CHAS-VOYENNOGO-STANU.HTML](https://www.ppl.org.ua/zmi-i-vijna-osoblivosti-poshirennya-informacii-ta-foto-pid-chas-voynenogo-stanu.html)

### Анотація

*Постановка проблеми підготовки правоохоронців в умовах мирного та воєнного стану потребує великої науково-консультативної роботи. Одним із них є максимальна взаємодія майбутніх працівників Національної поліції України з фахівцями різного профілю не лише під час військової агресії Російської Федерації проти України, а й у мирний час. У дипломній роботі висвітлюються питання підготовки працівників правоохоронних органів в умовах мирного та воєнного стану.*

## **COUNTER TERRORISM BY THE UNITED KINGDOM POLICE**

Terrorism is the unlawful use of force or violence against persons or property to intimidate or coerce a government or its citizens to further certain political or social objectives. Law enforcement generally recognizes two types of terrorism: domestic and international [1].

**International terrorism:** violent, criminal acts committed by individuals and/or groups who are inspired by, or associated with, designated foreign terrorist organizations or nations (state-sponsored). **Domestic terrorism:** violent, criminal acts committed by individuals and/or groups to further ideological goals stemming from domestic influences, such as those of a political, religious, social, racial, or environmental nature [2].

Development of new forms of terrorism, modified perception of this phenomenon among the general public and its impact on various legal qualifications, led to confusion and compounding between these two types of measures which both have different purposes, logic and rules of application. Fear of terrorism as a form of asymmetrical warfare has been in constant increase since the end of the Cold war era. The September 11 attacks on New York and Washington were a decisive turning point in understanding the phenomenon of contemporary terrorism. Justified or not, change in understanding has eventually led to change in interpretation of the legal nature of terrorist attacks. Before these horrific events, only a few would label any terrorist attack as “armed attack”, “war crime” and/or “crime against humanity” [3].

Law enforcement measures and intelligence measures are a part of a comprehensive system of measures intended for efficient prevention and repression of terrorism.

The United Kingdom has decades of experience in effective counterterrorism strategy and tactics, most significantly in response to attacks initiated by the IRA and its various splinter groups. As a result, the primary agencies in the United Kingdom responsible for collecting intelligence and safeguarding the public from al-Qaeda and other violent extremist groups – MI 5, MI 6, and the fifty two UK police departments with their Special Branch offices – remain on the leading edge of counterterrorism best practice and constitute a valuable resource for their counterparts in the U.S. and elsewhere. Perhaps even more important, the police forces in the UK, unlike in the U.S., have significantly more experience in counterterrorism operations than their American counterparts [4].

It is no exaggeration to say that large urban police departments in particular are well suited to the complex task of counterterrorism because of their deep involvement in and familiarity with local communities; ability to gather intelligence on complex criminal operations; and, most important, their long-standing experience in deterring, investigating, and prosecuting crime through reality testing methodologies [4].

The UK police focus on creating a hostile environment for terrorists to operate within. This means embracing a dual strategy of effectively targeting crimes and behaviors associated with terrorist activities and developing a public communications strategy that can make the public an effective partner in counterterrorism intelligence gathering. The first half of this strategy, crime prevention and analysis, means using CompStat technology and other database tools that can specifically target the ancillary crimes associated with terrorist activities and allocate police resources to prosecute those crimes effectively. Police can bring tremendous leverage to bear on this front because terrorists do not operate in a logistical vacuum. They do not typically enter their host countries with access to large amounts of hard currency and therefore must engage in a wide range of illegal activities to finance and prepare for their operations. Consequently, they will have been taught at terrorist bases in Afghanistan and elsewhere how to abuse the welfare systems in Western nations, engage in credit-card fraud, and traffic in forged and stolen documents. They will also often sell counterfeit goods. In short, they will create a long trail of preliminary crimes that police can use to dismantle their operations. If the police are aware of these linkages and factor them into their everyday crime-prevention activities, they can disrupt terrorist networks at their roots. Criminal activities engaged in by terrorists include but are not limited to: credit-card fraud, counterfeiting, ID theft, narcotics trafficking, welfare fraud, smuggling, money laundering [4].

Successful prosecution of these crimes includes effective intelligence sharing not only between state, federal, and local agencies, but with the cops on the beat and their supervisory officers. Every officer in the department, when stopping a car, spotting a fake ID, or uncovering a counterfeiting ring, needs to think terrorism first. It has to become part and parcel of every officer's decision making process when he or she is prosecuting criminal activities that could be linked to terrorists. The next critical step in creating a hostile environment for terrorists is developing a public awareness strategy that gives citizens a forum for reporting particularly suspicious behavior to the police when it happens. For instance, the London Metropolitan Police have initiated an ongoing campaign to educate the public on a few simple, but critical indicators of terrorist activity [3].

By targeting the crimes associated with terrorist funding and helping raise public awareness of how terrorists prepare for their operations, police can go a long way toward creating a hostile environment for terrorists without disrupting the lives of law-abiding citizens. The UK police have focused on finding ways of

increasing the likelihood that terrorists will come into contact with law enforcement officers, either through targeted operations or through intelligence gleaned from the public.

### **Література**

1. Austin Municipal Court. URL.: <http://www.austintexas.gov>
2. Terrorism. URL.: <http://www.fbi.gov/investigate/terrorism>
3. International Detroit Penal Measures. URL.: <http://www.cairn.info/review-international-de-troit-penal-2007-1-79>
4. Hard won lessons: how police fight terrorism in the United Kingdom. URL.: <http://media4.manhattan-institute.org/pdf>

### **Анотація**

*Автор розглядає актуальну проблему боротьби з тероризмом, міжнародним і внутрішнім, на прикладі правоохоронних органів Великобританії, які, в результаті десятиліть досвіду протидії ІРА, виробили ефективні стратегії та тактики боротьби з терористичними нападами.*

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## **ACTUAL ISSUES OF LAW ENFORCEMENT TRAINING IN PEACETIME AND CONDITIONS OF WARTIME**

In today's conditions the training of law enforcement officers in the Ministry of Internal Affairs of Ukraine is the most urgent issue for police bodies, as this system needs certain changes and improvements in connection with the current circumstances.

According to Article 72 of the Law of Ukraine "On the National Police" [2] the system of professional training of police officers consists of: primary professional training; training in institutions of higher education with specific study conditions; postgraduate education; service training. The activities of police officers are aimed at providing police services in the following areas: ensuring public safety and order; protection of human rights and freedoms, as well as the interests of society and the state; combating crime; providing, within the limits defined by law, assistance services to persons who, for personal, economic, social reasons or as a result of emergency situations, need such assistance [2].

At first, the process of initial professional training of the police officers took sixteen weeks (four months); subsequently the curriculum was developed into a six-month program. The Academy trains new police officers for the National

Police of Ukraine (Department of Patrol Police). To successfully pass a training course of the Academy is a requirement for the start of active service as an officer of the patrol police [3].

The special importance of the Academy as the first stage in the training process of the new personnel for the Ukrainian patrol police is that according to the concept of reform that is being implemented at the moment in the Ukrainian law enforcement system, all Ukrainian police officers will have to pass through the service in the patrol police before they can be promoted to higher positions in the police force. In order to become a member of the patrol police, they need to go through the basic training at the Academy of Patrol Police.

One of the directions of official training, in the course of which it would be expedient to consider, is the question of the peculiarities of observing the regime of secrecy and information security, which should be carried out with the participation of employees of the Security Service of Ukraine, cyber police and employees of regime police units. For example, in the current state of war, individual politicians, heads of certain departments, representatives of mass media, etc. Internet sites publish, in our opinion, closed information about the amount, types, ways of receiving and transferring military and other aid from the partners of our country.

Taking into account the significant burden on police units, the destruction of their office premises, combat losses and injuries among its personnel, in some regional centers and large cities during martial law, problematic issues arise from the point of view of the organization of activities and the rotation of investigative-operational groups.

In our opinion, in order to optimally and maximally involve police personnel to work during wartime, it would be expedient to:

1) to foresee in the mobilization plans of the Ministry of Internal Affairs of Ukraine and the National Police of Ukraine for the period of martial law an increase in the number of investigators in regional units of pre-trial investigation with appendices of approved lists regarding their;

2) to provide for the mobilization plans of the Ministry of Internal Affairs and the National Police of Ukraine for the period of martial law to increase the number of staff of the National Police of Ukraine and specialists of law enforcement and other agencies during the specified periods.

On the basis of the above, it can be concluded that the main problem is the low level of physical fitness of young people. We can consider one of the main problems to be an incomplete knowledge of the regulatory and legal framework, which in turn leads to a violation of the laws of Ukraine and the policeman is responsible for the incorrect classification of the offense, the illegal prosecution of a person, which will be considered as exceeding official powers.

However, the issues raised are not final and are subject to separate research or scientific study.

## Література

1. Проблемні питання вдосконалення професійної підготовки членів слідчо-оперативних груп та спеціалістів в умовах воєнного стану. URL: [https://dspace.univd.edu.ua/xmlui/bitstream/handle/123456789/12728/Problemni%20pytannia%20vdoskonalennia\\_Yukhno\\_2022.pdf?sequence=1](https://dspace.univd.edu.ua/xmlui/bitstream/handle/123456789/12728/Problemni%20pytannia%20vdoskonalennia_Yukhno_2022.pdf?sequence=1)
2. Про Національну поліцію : Закон України від 02 липня 2015 року № 580-VIII (із змінами в редакції від 03.04.2022). URL: <https://zakon.rada.gov.ua/laws/main/580-19> (дата звернення: 18.04.2022).
3. Удосконалення професійної підготовки поліцейських щодо здійснення ефективної службово-бойової діяльності/ URL: [http://dspace.oduvs.edu.ua/bitstream/123456789/2291/1/%D0%97%D0%B1%D1%80%D0%BD%D0%B8%D0%BA\\_28.04.2022\\_1.pdf](http://dspace.oduvs.edu.ua/bitstream/123456789/2291/1/%D0%97%D0%B1%D1%80%D0%BD%D0%B8%D0%BA_28.04.2022_1.pdf)
4. Academy of Patrol Police: A cornerstone of Ukrainian law enforcement reform. URL: <https://ukrainian-studies.ca/2020/04/08/academy-of-patrol-police-a-cornerstone-of-ukrainian-law-enforcement-reform/>

## Анотація

*Дослідження торкається актуальних питань підготовки правоохоронців в мирний час та в умовах воєнного стану. Відзначено, що підготовка правоохоронців в МВС України є найбільш актуальною проблемою для органів поліції, тому що ця система потребує певних змін та вдосконалення; аналізується система професійної підготовки, послуги, що надають поліцейські; порівнюється первинна професійна підготовка майбутніх поліцейських в мирний час та в умовах воєнного стану; розглядається питання про особливості дотримання режиму секретності та інформаційної безпеки, що передбачає максимальне залучення особового складу поліції до роботи у воєнний стан. Визначається основна проблема первинної підготовки, що полягає у низькому рівні фізичної підготовки молоді.*

**Startsev G.**

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Науковий керівник - С.П. Пекарський

Керівник з мови - О.Б. Козій

## **CURRENT ISSUES OF THE TRAINING OF LAW ENFORCEMENT OFFICERS IN PEACETIME AND UNDER MARTIAL LAW**

Professional training of members of investigative and operative groups is carried out during peacetime. Usually, peacetime professional training of employees who are part of investigative and operational groups is carried out separately at the relevant structural divisions of the Ministry of Internal Affairs of

Ukraine and the National Police of Ukraine. In order to eliminate such shortcomings, it would be advisable to draw up training plans and schedules of classes with members of investigative and operative groups, approved by the heads of the GUNP and the heads of investigative departments of the GUNP of the regions and agreed with the managers of the employees of other departments involved in this type of classes. One of the directions of official training, in the course of which it would be expedient to consider - the issue of the peculiarities of observing the regime of secrecy and secrecy of the pretrial investigation and information security, which should be carried out with the participation of employees of the Security Service of Ukraine, cyber police and employees of regime police units. For example, in the current state of war, individual politicians, heads of certain departments, representatives of mass media, etc. Internet sites publish, in our opinion, closed information regarding the amount, types, ways of receiving and moving military and other aid from the partners of our country, and certain strategic and tactical information of a military and law enforcement nature. Another essential direction of professional training would be to consider the issue of improving interaction with forensic specialists, employees of expert institutions of the Ministry of Internal Affairs of Ukraine, the Ministry of Justice of Ukraine, the State Emergency Service, the Security Service of Ukraine, representatives of explosives, minesweeping and pyrotechnic units, specialists of other departments. In addition, it was expedient to hold joint classes in peacetime and during martial law with the participation of the following specialists: 1) with forensic medical experts; 2) with psychiatrists and teachers for the purpose of establishing proper contact when inspecting the scene of the incident and when conducting other investigative (search) actions with the participation and victims of which were children and minors; 3) with auto technicians and forensic experts regarding issues specific to the investigation of facts shooting and intentional damage to civilian vehicles during martial law [2, p.1-3].

In order to improve the professional qualities of police officers, there is official training. Special physical training, which plays an important role in the process of forming a police officer's personality, occupies an important place within the scope of official training. Only high-quality and regular training of physical and tactical skills ensures proper performance of police officers' duties. The professional training of police officers is a decisive factor in the quality of law enforcement activities, ensuring legality in maintaining law and order, combating crime, protecting the sovereignty and territorial integrity of Ukraine. The authors of innovative approaches and programs move away from the well-known concept of physical education, according to which physical education is teaching movements (motor actions) and education of physical qualities.

Therefore, in contrast to this concept, as a rule, the position is put forward (including in official documents) that the main goal of physical education should

be the formation of a person's physical culture. However, this situation is specified in different ways.

First of all, the very concept of "physical culture of the individual" is interpreted extremely vaguely. Secondly, in the proposed innovations, from all the diversity of aspects of this complex socio-cultural phenomenon, one or another aspect of it, these or other goals, are brought to the fore, which are given the status of "main, guiding idea". However, as recognized by the majority of scientists and practitioners, the modern system of physical education is not effective enough. Extremely important in increasing the effectiveness of physical self-improvement is the formation of motivation for it, which should be considered in the framework of the formation of a valuable attitude to one's own health. Students of higher education should approach this problem from a dual position - personally significant and socially necessary. It should be remembered that there is a close connection between the level of personal physical fitness and the state of physical health. Without pedagogical formation of appropriate motives and interests, increasing the effectiveness of physical self-improvement is impossible. [1, p.141].

### Література

1. Білик І. О., Рогальський В. І. Форми і методи фізичного виховання в умовах воєнної агресії // URL: <http://repositsc.nuczu.edu.ua/bitstream/123456789/15953/1/%D0%A1%D1%82%D0%B0%D1%82%D1%82%D1%8F%2016.09.2022.pdf>
2. Юхно О.О. Підготовка правоохоронців в системі МВС України в умовах воєнного стану // URL: [https://dspace.univd.edu.ua/xmlui/bitstream/handle/123456789/12728/Problemni%20pytannia%20vdoskonalennia\\_Yukhno\\_2022.pdf?sequence=1](https://dspace.univd.edu.ua/xmlui/bitstream/handle/123456789/12728/Problemni%20pytannia%20vdoskonalennia_Yukhno_2022.pdf?sequence=1)

### Анотація

*Робота присвячена дослідженню актуальних питань з підготовки правоохоронців у мирний та воєнний час. В ній йдеться про покращення професійних якостей поліцейського та їх методи діяльності. Звернено увагу на підвищення якості навчання в закладах МВС України за допомогою різних навчальних технік.*



## **TEMPORARY PLACEMENT OF CHILDREN DURING THE WAR IN UKRAINE**

Russia's military aggression against Ukraine caused the death of 429 children, 817 children were injured, and 329 children are considered missing (as of December 2022). As a result, society faces new challenges in the field of temporary placement children, and especially those who were left without parental care during martial law.

Petrochko J.V. believes that children who received physical and psychological injuries as a result of the war on the territory of Ukraine and became orphans or were left without parental care should be in conditions most close to family. Our state provides these conditions through such forms of placement of orphans and children deprived of parental care, such as guardianship or guardianship, foster families, adoption, family-type orphanages and patronage over the child. [1, p. 305].

On February 24, 2022, in the context of Russia's full-scale invasion, a number of amendments to the current legislation were adopted that simplified the procedure for crossing the border by minors and orphans. In accordance with the Resolution of the Cabinet of Ministers of Ukraine No. 166 of February 28, 2022 "On amendments to the Rules for crossing the state border by citizens of Ukraine", during martial law, orphans and children deprived of parental care will be able to go abroad under a simplified procedure." Belo L. Y. emphasizes that the Ministry of Social Policy has developed a solution that allows children to stay during the war on the terms of temporary placement in a foster family or in family-type orphanages, or under a simplified procedure - under the care or care of relatives [2, p. 678-679].

An important issue that was actualized in the conditions of war was the possibility of adopting or taking care of orphans. Yanitska I. A. assures that the adoption during martial law did not change and did not take any other forms, including neither simplification nor complication. The above-mentioned procedure takes place on a general basis and in accordance with the Family Code of Ukraine and the Resolution of the Cabinet of Ministers of Ukraine No. 905 of October 8 2008, which approved the "Procedure for carrying out activities on adoption and supervision over the observance of the rights of adopted children." According to the science department, it would also be necessary to amend the Family Code of Ukraine and supplement part one of Art. 243 of the Family Code of Ukraine, paragraph two in the following wording: "In exceptional cases, at the request of the

mother, father of the child with their consent or at the request of other persons without the consent of the mother, father, if it is impossible to establish their place of residence or stay or for other valid reasons, their consent cannot be obtained, the guardianship authority establishes temporary guardianship, care for orphans and children, deprived of parental care, for a period of up to one year." The Family Code of Ukraine gives priority to family upbringing of children [3, p. 797-798].

For the period of emergency or martial law, a temporary placement in the family of a child left without parental care, including a child separated from the family, conducted by the Children's Service and the authorized body of the National Police at the place of detection of the child, taking into account the requirements of paragraph 31 of the Procedure for conducting guardianship and guardianship activities related to the protection of the rights of the child, became widespread in practice, approved by the Resolution of the Cabinet of Ministers of Ukraine of September 24, 2008, No. 866. Petrochko J.V. emphasizes that a child left without parental care, including a child separated from the family, can temporarily be arranged in: family of relatives, acquaintances; family of foster caregiver; shelter for children of the children's service; center for social and psychological rehabilitation of children; center for social support of children and families; social rehabilitation center (children's town); a orphanage, an orphanage and a boarding school of the social protection system; inpatient service of the center of social services, which carries out social and psychological rehabilitation of children and others [1, p. 306-307].

The issues regulated by the Resolution of the Cabinet of Ministers of Ukraine of May 31, 2022 "On Amendments to Certain Resolutions of the Cabinet of Ministers of Ukraine on the Digitalization of the Processes of Placement of Children in Family Forms of Education" are of particular importance. In particular, the resolution obliges the Ministry of Digital Transformation to "ensure within five months the improvement of the Unified State Web Portal of Electronic Services and the processes of its information interaction with the relevant databases, state registers and information systems for digitalization of the processes of placement of children in family forms of education", and also makes significant innovative changes to the Procedure for conducting activities related to the protection of the rights of the child by the guardianship authorities, supplementing it with new paragraphs 40-1 and 40-2 [2, p. 680].

Judges of the Supreme Court have repeatedly emphasized that the adoption procedure cannot be simplified during martial law, in particular, they drew attention to cases on the abolition of adoption [3, pp. 48-49].

Summarizing the above, it can be noted that respect for the rights of the child is a key task of the state and civil society. This problem is especially widespread in the conditions of war, when the child is always the least protected. Statistical information on the number of orphaned children as a result of the war, the number of children forcibly taken to the territory of Russia, the internal

movement of orphans from the territories where combat is conducted really indicate the severity of the problem and the need to consolidate society to solve this problem. On the one hand, the state, and on the other hand, civil society should take measures to respect the rights of the child, ensure their safety and, if possible, find a new family. The primary task of the state, in addition to guaranteeing the rights of orphans, is to maintain an active information policy aimed at debunking the myth of the impossibility of adoption or taking care of orphans in wartime conditions, because a healthy and full-fledged family, this is the main place where the child becomes a full-fledged member of society.

### **Література**

1. Петрочко Ж. В. Тимчасове влаштування дітей, які залишилися без батьківського піклування, у сім'ї громадян в умовах війни: інноваційний підхід. *Соціальна підтримка сім'ї та дитини у соціокультурному просторі громади*: 2022 рік. № 10. С. 305-308.

2. Бельо Л. Ю, Тарантаєва О. О. Особливості влаштування дітей-сиріт та дітей, позбавлених батьківського піклування, в умовах війни в Україні. *Видавничий дім «Гельветика»*: 2022 рік. № 2. С. 678-681.

3. Яніцька І. А. Встановлення опіки та піклування над дітьми-сиротами та дітьми, позбавленими батьківського піклування, в умовах воєнного стану. *Видавничий дім «Гельветика»*: 2022 рік. № 2. С. 797-801.

### **Анотація**

*Актуальність цієї проблематики обумовлюється тим, що питання тимчасового влаштування дітей-сиріт і дітей, позбавлених батьківського піклування під час воєнного стану набувають нових форм і змісту. Це, своєю чергою потребує оперативної реакції законодавця, впровадження нових правових норм, які б були спрямовані на чітке та актуалізоване правове регулювання, додержання законності при влаштуванні дітей-сиріт і дітей, позбавлених батьківського піклування в критичних умовах сьогодення, що є запорукою дотримання прав дитини. Дослідження в напрямі запропонованої тематики, а саме: тимчасового влаштування дітей в умовах воєнного стану в Україні – досить широко обговорюється науковцями.*

## **THE ACTIVITIES OF THE PATROL POLICE UNITS UNDER THE CONDITIONS OF MARTIAL LAW**

By Decree of the President of Ukraine No. 64/2022 dated February 24, 2022, in connection with the military aggression of the Russian Federation against Ukraine, martial law was introduced from 05:00 a.m. 30 min. February 24, 2022 for a period of 30 days [1]. Also, in connection with the ongoing large-scale armed aggression of Russia against Ukraine, based on the proposal of the National Security and Defense Council of Ukraine, the Decree of the President of Ukraine No. 133/2022 of March 14, 2022 extended the period of martial law in Ukraine from 05:00 a.m. 30 min. March 26, 2022 for a period of 30 days [2]. Today, martial law is a special legal regime for the activities of state authorities, local self-government bodies, organizations, as well as the National Police of Ukraine as the central body of executive power. Currently, the activities of all state authorities are fully or indirectly related to external circumstances, namely the need to repel the armed aggression of the Russian Federation. Thus, in accordance with paragraph 24 of the first part of article 23 of the Law of Ukraine "On the National Police", the police, in accordance with the tasks assigned to it, participates in accordance with the powers in ensuring and implementing measures of the legal regime of martial law in the event of its introduction on the entire territory of Ukraine or in a separate area [1]. In addition, Article 24 of this Law of Ukraine defines additional powers of the police and establishes that in the event of a threat to the state sovereignty of Ukraine and its territorial integrity, as well as in the course of repelling armed aggression against Ukraine, bodies and units that are part of the police system, in accordance with the law of Ukraine participate in the performance of tasks related to territorial defense, ensuring and implementing measures of the legal regime of martial law in the event of its declaration on the entire territory of Ukraine or in a separate area.

It is worth noting that an important role in the activities of the National Police in the conditions of martial law should be given to the patrol police units, since it is these police officers who are the first to respond to statements and reports about criminal, administrative offenses or events, and also these police officers directly ensure the established legal regime. Thus, from the first hours of the invasion of the invading troops into the territory of our country, patrol police officers are on duty according to a tight duty schedule, patrol officers are involved in checkpoints, to protect important infrastructural and industrial facilities. Also, the patrol officers provide an immediate response to all reports from citizens. In

particular, they fight crime, looters, detain spies, maintain road safety, provide humanitarian assistance to citizens, coordinate humanitarian convoys and evacuate people. In general, the main directions provided by the patrol police in the conditions of martial law include: - strengthening the protection of public order and security; - fight against sabotage and intelligence forces, other armed formations, anti-state illegally formed armed formations and looters; - protection of important objects and communications of vital activity; - maintaining the legal regime of martial law; - ensuring the interaction of subjects of territorial defense and others. It should be noted that on March 15, 2022, the Verkhovna Rada of Ukraine made a significant contribution to the work of police officers under martial law, which adopted amendments to the laws of Ukraine "On the National Police" and "On the Disciplinary Statute of the National Police of Ukraine" with the aim of optimizing police activities, in particular during actions of the martial law regime. In particular, Law No. 7147 provides for adding new clauses to Article 23 of the Law of Ukraine "On the National Police" and granting the police the powers necessary to perform the tasks assigned to it, including under martial law. However, in addition to the adoption of a number of legislative changes, ensuring the more efficient work of patrol police units in the conditions of different legal regimes requires further improvement and addition, in particular in the area of administrative legislation. First, we consider it necessary to introduce administrative responsibility for violations of the curfew by persons. As you know, in the territory where the curfew has been introduced, it is forbidden to stay in the streets and other public places during a certain period of the day without issued passes, as well as the movement of vehicles. Currently, police officers who identify such violators are not entitled to bring them to any kind of responsibility, because such responsibility simply does not exist, and therefore the police can only apply to such violators preventive police measures defined by the Law of Ukraine "On the National Police". We believe that in order for citizens to properly observe the measures of the legal regime of martial law, it is extremely important to establish responsibility for the violation of these measures.

### **Література**

1. Про введення воєнного стану в Україні: Указ Президента України від 24 лютого 2022 року № 64/2022. URL: <https://www.president.gov.ua/documents/642022-41397>
2. Про продовження строку дії воєнного стану в Україні: Указ Президента України від 14 березня 2022 року № 133/2022. URL: <https://www.president.gov.ua/documents/1332022-41737>

### **Анотація**

*Варто відзначити, що вагому роль в діяльності Національної поліції в умовах воєнного стану слід надати підрозділам патрульної поліції, оскільки*

*саме ці поліцейські є першими хто здійснює реагування на заяви та повідомлення про кримінальні, адміністративні правопорушення або події, а також ці поліцейські безпосередньо здійснюють забезпечення встановленого правового режиму. Так, патрульні поліцейські з перших годин вторгнення загарбницьких військ на територію нашої країни, несуть службу за цільним графіком чергувань, патрульні залучаються на блокпости, на охорону важливих інфраструктурних та промислових об'єктів.*

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## **THEORETICAL ASPECTS OF POLICE ACTIVITIES UNDER THE MARTIAL LAW**

Under the martial law and the increase in the level of crimes traditional for Ukraine, it is important to have a sufficient number of employees who are knowledgeable in the field of law and order to improve the quality and efficiency of detection, disclosure, investigation of crimes and their prevention. It is clear that the bodies of the National Police and the Expert Service of the Ministry of Internal Affairs in their daily official activities need to develop and keep pace with reality and the ability to adapt to any situation. Under the conditions of martial law, the organization of defense and the execution of tasks on the ground in order to avoid a threat or protect the state border are conceptually important for a country that is in armed conflict.

Thus, summarizing the above, it should be noted that this concept of protection of the sovereignty and territorial integrity of Ukraine is not completely new for law enforcement activities and is not clearly an innovation for our country. It needs considerable improvement and modernization now and in the future. In the conditions of martial law, each of the state and public authorities is involved in ensuring and maintaining public safety and order. The main type of this activity is providing relevant armed and law enforcement agencies with the information and personnel necessary for their activities, i.e. providing comprehensive support for these agencies. Since the beginning of the Russian-Ukrainian war, all state institutions took a position of national resistance to the enemy and regional state administrations after the introduction of martial law, in accordance with clause 4 of Art. 4 of the Law of Ukraine "On the Legal Regime of Martial Law" became regional military administrations, and the Heads of the relevant administrations became the heads of regional military administrations. An example of measures to maintain public safety and order is the issuance of orders by the heads of regional military administrations regarding the prohibition of the sale of alcohol and

alcohol-containing goods in the territory of certain regions, the introduction of a curfew in the territory of the region, orders to increase patrolling by the National Police in the territory of their service and the implementation prohibition of holding peaceful meetings, rallies, marches and demonstrations, other mass events. Another important issue will be the relevance of the problem of legal regulation of public relations in the field of public information security. Law enforcement agencies should regulate the protection of constitutional rights and legitimate interests of subjects in the information and communication sphere [1].

Considering the issue of the activity of law enforcement agencies aimed at ensuring public safety and order in the conditions of martial law, it is necessary to determine the essence of the specified concept, taking into account the fact that it is relatively new in the current legislation. In addition, the concept of "public safety and order" is often considered synonymous with the concepts of "public safety" and "public order". The term "public safety and order" appears for the first time at the legislative level in the Law of Ukraine "On the National Police" dated July 2, 2015, but it is not defined there and is used in parallel with the terms "public order" and "public safety" [3].

One of the first attempts to define the concept of public order is Art. 5 of the draft Law of Ukraine "On Public Order", which states: "...public order is a system of social relations regulated by legal and other social norms, which ensures the protection of the rights and freedoms of citizens, their life and health, respect for honor and human dignity, compliance with norms of social morality" [2].

It is also important to pay attention to the concept of martial law - as a special legal regime introduced in Ukraine or in some of its localities in the event of armed aggression or threat of attack, danger to the state independence of Ukraine, its territorial integrity, and provides for the provision to the relevant bodies of state power, the military command, military administrations and local self-government bodies 46 powers necessary to avert the threat, repulse armed aggression and ensure national security, eliminate the threat of danger to the state independence of Ukraine, its territorial integrity, as well as temporary, due to the threat, restriction of the constitutional rights and freedoms of a person and a citizen and the rights and legal interests of legal entities with an indication of the period of validity of these restrictions [4].

As a conclusion we should note that the police activities on the occupied territories in the conditions of war deserve scientific and theoretical justifications. Therefore, we see our further research in the development of this area of law enforcement activity.

### **Література**

1. Біленчук П.Д., Кобилянський О.Л., Малій М.І. та ін. Правова соціалізація особистості в сучасному світі: людина, суспільство, цивілізація. Монографія. За заг. ред. П.Д. Біленчука. К.: Укр ДГПІ, 2020. – 204 с.

2. Закон України від 02.07.2015 року № 580-VIII «Про Національну поліцію». Відомості Верховної Ради (ВВР), 2015, № 40-41, ст. 379. URL: <https://zakon.rada.gov.ua/laws/show/580-19#Text> (дата звернення: 20.01.2023).

3. Проект Закону України від 19.11.2018 № 9300 «Про публічний порядок». URL: [http://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?pf3511=64953](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=64953) (дата звернення: 21.01.2023).

4. Стратегія інформаційної безпеки України: правові засади захисту інформації: монографія / П.Д. Біленчук, Л.В. Борисова, О.Л. Кобилянський, В.О. Собина; за ред. П.Д. Біленчука. – К.: Укр ДГПІ, 2018. 288 с.

### **Анотація**

*Поданою роботою автор намагається підняти нагальне питання діяльності поліції у період військових дій України у боротьбі за свою незалежність, проводячи паралелі з теоретичними аспектами та реальним станом речей на окупованих та звільнених територіях.*

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## **ACTUAL ISSUES OF LAW ENFORCEMENT TRAINING IN PEACETIME AND CONDITIONS MARTIAL LAW**

Today, the topic of war is very relevant, but the situation in the country is not simple. The aggressor country covets the territory of Ukraine and wants to change the course of history with its existence, influence, and Ukrainianization. I believe that the service is always stable, so nothing will prevent the training of law enforcement officers, both in peacetime and especially in wartime. I will explain in more detail below.

According to Art. 38 of the Criminal Code of Ukraine pre-trial investigation in the National Police system is carried out by investigative units, and inquiries are carried out by inquiry units or authorized persons of other units of the National Police bodies.

One of the types of professional training of specialists for the pre-trial investigation bodies of the National Police of Ukraine is the training of police officers in institutions of higher education of the Ministry of Internal Affairs with specific training conditions [1].

It should be noted that during peacetime in Ukraine, there was an active public discussion about the need to reform legal education. The words "advocate" and "legal aid" appeared after changes to the Constitution of Ukraine in 2016,



which were called "justice". At the same time, the term "higher legal education" in the Basic Law remains unchanged.

The need to reform legal education is actively discussed on the pages of legal publications and in the information space of Ukraine. The main ideas of such a reform are primarily reduced to three key points:

- to introduce a single state qualification exam in the form of a test for graduates of legal higher education institutions;
- to make legal education more practice-oriented;
- to reduce the number of educational institutions engaged in the training of lawyers by updating the system of state control bodies over the quality of education [3].

Thus, among the most important areas of preparation of the National Police for actions in the conditions of a military conflict are:

1. Training of personnel in techniques and methods of rational and safe performance of operational and service tasks based on the implementation of didactic principles, the content of which is formed by the regularities of the pedagogical process;

2. The effectiveness of training depends on compliance with the following principles:

- the scientific principle, which means arming employees with in-depth knowledge, abilities and skills, as well as conviction in the necessity and importance of solved professional tasks. For this purpose, teachers organize the educational process in such a way as to provide those who study with reliable theoretical knowledge and connect educational activities with life. Also, an important aspect of the learning process is the implementation of the scientific aspect of learning, the manifestation of intolerance to shortcomings in the pedagogical process, the use of innovative learning methods;
- the principle of consciousness and activity allows students to form a creative and logical approach to solving situational problems. This is achieved by correlating training methods, setting cognitive tasks for employees, problem-based training;
- the principle of visibility of learning, based on visual, auditory and tactile perception of educational material. At the same time, it should be remembered that the basis of visualization is the possibilities of technical means of education, and it should not contradict the purpose and content of the lesson;
- the principle of accounting for the individual characteristics of students, which involves accounting for the psychological state of employees, their interests, abilities, inclinations that determine character traits, in order to approach each person's education differently [4];

3. The formation of motor skills and skills, the development of physical and mental qualities are aimed at the successful pursuit and detention of particularly dangerous and armed criminals [3].

Also, my attention was drawn to the lack of scientific and methodical developments in the field of training employees for actions in the conditions of a military conflict caused by radiation, chemical, biological hazards, as well as floods, fires, earthquakes, etc [2].

In all cases of special conditions, National Police officers called to carry out their activities in a similar situation are deprived of the right to refuse this service without a valid reason. Unmotivated refusal is grounds for dismissal from the position in the National Police, termination of the contract with subsequent dismissal from service.

### **Література:**

1. Eremenko, Eduard Anatoliyovych. "Combat horting in the system of professional training of law enforcement officers." (2020). URL: [https://combat-horting.org.ua/sites/default/files/eduard\\_yeromenko\\_tutorial\\_73.pdf](https://combat-horting.org.ua/sites/default/files/eduard_yeromenko_tutorial_73.pdf)

2. Tishyn, A. V., Yeromenko, E. A. (2020). Застосування прийомів бойового хортингу при вдосконаленні навчання у вищих освітніх установах правоохоронних органів України [Application of combat horting techniques in improving training in higher educational institutions of law enforcement agencies of Ukraine]. Combat horting and activity of law enforcement bodies of Ukraine. Irpin. C. 296–305. URL: [https://combat-horting.org.ua/sites/default/files/tishyn\\_2.pdf](https://combat-horting.org.ua/sites/default/files/tishyn_2.pdf)

3. Скляр О. С., Бойко Х. О., Сизихін С. В. Важливість психологічної підготовки поліцейських для вирішення тактично-оперативних завдань в умовах воєнного стану // Підготовка правоохоронців в системі МВС України в умовах воєнного стану. Харків, 2022. С.255-258. URL: [https://dspace.univd.edu.ua/xmlui/bitstream/handle/123456789/12660/Vazhlyvist%20psykholohichnoi%20pidhotovky%20politseiskykh\\_Skliar\\_Boiko\\_Syzykhin\\_2022.pdf?sequence=1](https://dspace.univd.edu.ua/xmlui/bitstream/handle/123456789/12660/Vazhlyvist%20psykholohichnoi%20pidhotovky%20politseiskykh_Skliar_Boiko_Syzykhin_2022.pdf?sequence=1)

### **Анотація**

*У роботі висвітлено найважливіші напрями підготовки Національної поліції до дій в умовах воєнного конфлікту. Невмотивована відмова від дій є підставою для звільнення з посади в Національній поліції, розірвання контракту з наступним звільненням зі служби.*

## **LAW ENFORCEMENT ACTIVITY UNDER MARTIAL LAW**

In connection with the Russian armed invasion of the territory of our country and the consequent introduction of martial law by the Decree of the President of Ukraine dated February 24, 2022, the issue of ensuring public safety and order by the National Police of Ukraine is particularly relevant.

First of all, it should be noted that law and order and public safety in society are formed by many factors, in particular, the actions of the authorities, the community, their interaction, legislation and social changes. Accordingly, the main goal of the National Police is to ensure law and order and the safety of citizens [1, p. 121].

Analyzing the content of the main areas of police activity, we can come to the conclusion that the specified body is legally entrusted with the functions of ensuring law and order:

- 1) protection of the rights and freedoms of a person and a citizen within the limits of their powers;
- 2) organizations within their powers of prevention, clearing up, termination and investigation of crimes, as well as prevention and termination of administrative offenses;
- 3) ensuring protection of public order;
- 4) ensuring road traffic safety;
- 5) implementation of state control over the circulation of weapons;
- 6) protection of property of citizens and organizations in accordance with the legislation of the state.

Therefore, the police are obliged to assist citizens in ensuring their personal safety and the free exercise of their rights and freedoms. In accordance with the Law of Ukraine "On the National Police", in the event of a citizen's appeal to a threat to his personal safety, a police officer is obliged to take appropriate measures to prevent this threat.

It is also worth paying attention to the fact that the termination measures used by the police in martial law can be divided into two groups:

I. The group of measures of a general nature (assignments) includes demands of police officers to stop illegal actions, administrative detention, seizure of things and documents, inspection, etc.

II. The second group consists of special measures, which are used only in exceptional cases, when it is otherwise impossible to stop illegal behavior, that is, when all other means of influence have been used and have not given the desired

results. The system of these measures consists of measures of physical impact, special means and the use of weapons, that is, combined with the use of force. Such measures can be applied, as a rule, only after a warning about their application, provided strict compliance with the requirements of the law.

The effectiveness of the forms and methods of maintaining the martial law regime largely depends on the flexibility and dynamics of using police forces and means. At the same time, it is important to improve the forms and methods of interaction between the police and the public in the matter of ensuring the martial law regime [3, p. 67].

Therefore, police officers who perform public order protection duties in martial law conditions must know the organization and tactics of activities in such conditions, tasks, functions, forms and methods of police activity, decisions of local self-government bodies on matters of public order protection, current legislation, in particular, the one regulating the actions of the police and other law enforcement agencies under martial law.

### Література

1. Юнін, О.С. (2015). Зарубіжний досвід організації діяльності підрозділів поліції і можливості його застосування в Україні: монографія. Харків: Панов.

2. Косиця, О.О. (2017). Поліцейська діяльність як наукова категорія. Підприємництво, господарство і право. № 1 (251). С. 133-137.

3. Ковалів, М.В., Іваха, В.О. (2016). Діяльність органів внутрішніх справ в умовах воєнного стану. Вісник Національного університету «Львівська політехніка». Серія: Юридичні науки. № 837. С. 65-70. URL: [http://nbuv.gov.ua/UJRN/vnulpurn\\_2016\\_837\\_12](http://nbuv.gov.ua/UJRN/vnulpurn_2016_837_12)

### Анотація

*У зв'язку із російським збройним вторгненням на територію нашої держави та запровадження внаслідок цього Указом Президента України від 24 лютого 2022 року воєнного стану, особливо актуальним є питання забезпечення публічної безпеки та порядку працівниками Національної поліції України. Найголовнішим для поліції України є забезпечення публічної безпеки та правопорядку. Тобто надзвичайна складність забезпечення громадського порядку в умовах воєнного стану потребує високої професійної підготовки поліцейських, дії яких в умовах воєнного стану мають бути юридично грамотними та сприйматися громадянами, права і свободи яких обмежені, як виключно справедливі та законні.*

## **PREVENTION OF OFFENSES BY THE NATIONAL POLICE OF UKRAINE IN PEACETIME AND UNDER MARTIAL LAW**

Today, the problem of the growth of some types of offenses that have become widespread in the conditions of martial law is extremely urgent.

Although the overall level of crime in Ukraine decreased by 25% compared to the previous period, another trend began to be observed - an increase in the number of intentional homicides (by 9.1% compared to 2021), a stable trend in the increase of illegal possession of vehicles (by almost 86% compared to the same period last year), and it was also stated that the law enforcement officers of the system of the Ministry of Internal Affairs are currently recording an increase in the number of offenses related to the illegal handling of weapons.

Among the powers of the National Police, such as rescuing people in the event of a crime, searching for those guilty of this crime, security activities, searching for missing persons, traffic regulation, we can single out as the main activity the prevention of crimes in accordance with the Law of Ukraine "On the National Police".

Together with local self-government bodies, public organizations, and labor groups, the police develop and implement measures aimed at preventing crimes, identifying and eliminating the causes and conditions that contribute to their commission, educating citizens in the spirit of high consciousness and discipline, and strict observance of the laws of Ukraine.

To limit the effect of negative social processes, which are the reasons for committing crimes, law enforcement officers have the right to apply police measures.

A police measure is an action or set of actions of a preventive or coercive nature that restricts certain human rights and freedoms and is used by the police in accordance with the law to ensure the fulfillment of the powers assigned to the police (Article 29 of the Law of Ukraine "On the National Police"). The chosen police measure must be legal, necessary, proportionate and effective [1].

The police can apply the following preventive measures:

1) verification of a person's documents; 2) survey of the person; 3) surface inspection and inspection; 4) stopping the vehicle; 5) requirement to leave a place and restriction of access to the specified territory; 6) restriction of movement of a person, vehicle or actual possession of a thing; 7) breaking into a person's home or other property; 8) verification of compliance with the requirements of the permit system of internal affairs bodies; 9) use of technical devices and technical means

that have the functions of photo and film shooting, video recording, means of photo and film shooting, video recording; 10) verification of compliance with restrictions established by law regarding persons under administrative supervision and other categories of persons; 11) police custody.

In order to prevent the teaching of offenses during martial law, the following measures were introduced: the introduction of a curfew (namely, the prohibition of being on the streets and in other public places during a certain period of the day without specially issued passes and certificates); establishing a special entry and exit regime, banning mass events, banning, in accordance with the procedure determined by the Cabinet of Ministers of Ukraine, trade in weapons, powerful chemical and poisonous substances, as well as alcoholic beverages and alcohol-based substances [2].

The National Police is also involved in the enforcement of the martial law measures, namely, the inspection of curfew violations by citizens, the strengthening of the patrol service, as well as the implementation of the control-passage regime at checkpoints.

So, as a result of the research, it was found that the topic of crime prevention, in particular during the period of martial law, is relevant in Ukraine. The measures used by the National Police are aimed at stopping socially harmful acts, as well as reducing the overall level of crime in Ukraine. In order to improve the effectiveness of preventive work with offenses, it is recommended to hold educational, preventive conversations with citizens in the spirit of strict compliance with the requirements of legality, the formation of a high level of legal culture, and to improve measures to influence persons who belong to the risk group for committing offenses by them in order to reduce the likelihood of them committing illegal acts actions.

### **Література**

1. Закон України «Про Національну поліцію», від 2 липня 2015 року. URL: <https://zakon.rada.gov.ua/laws/show/580-19#Text>

2. Закон України «Про правовий режим воєнного стану», від 12 травня 2015 року. URL: <https://zakon.rada.gov.ua/laws/show/389-19#Text>

### **Анотація**

*У тезах висвітлено проблематику зростання кількості окремих типів правопорушень під час воєнного стану. Розглянуто основні та додаткові види поліцейського заходу, як методи запобігання правопорушенням у мирний час та під час воєнного стану. Тези містять відомості про заходи правового режиму, які вступають в силу під час введення воєнного стану. Зазначено рекомендації щодо покращення ефективності ведення бесід з населенням у вигляді профілактики вчинення суспільно небезпечних діянь.*

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## **PREVENTION OF CRIMINAL OFFENSES IN WARTIME CONDITIONS**

From February 24, 2022, the Decree of the President of Ukraine No. 64/2022 introduced martial law throughout the territory of Ukraine, which provides for a special legal regime introduced in Ukraine in connection with Russia's armed aggression against Ukraine. Such a legal regime introduces certain features when imposing punishments on persons who committed criminal offenses during martial law.

During martial law, most believe that legislation is weakened as much as possible, since all attention is focused on filling gaps in the military base of legislation. In fact, this is not the case. In such a period, on the contrary, the punishment increases, especially for those crimes that were committed during hostilities (for example, looting). When in a normal period there was less punishment for a given crime, during an armed conflict it has a more serious meaning.

Liability for certain criminal offenses during the enhanced martial law may take two forms:

*Committing a criminal offense under martial law as a qualifying feature.*  
For example, under normal circumstances vandalism (Article 113 of the Criminal Code of Ukraine) is punishable by imprisonment for a term of 10 to 15 years with or without confiscation of property (Article 113 Part 1 of the Criminal Code).

However, sabotage under martial law is punishable by imprisonment for up to 15 years or life imprisonment with confiscation of property (Article 113, Part 1 of the Criminal Code). Accordingly, the Criminal Code of Ukraine clearly establishes responsibility for committing this criminal offense under martial law;

*Committing a criminal offense under martial law as an aggravating circumstance.*

The application of Article 114-2 (Unauthorized dissemination of information about the sending, transfer to Ukraine of weapons, armaments and military equipment, movement, transfer or placement of the Armed Forces of Ukraine or other military formations formed in accordance with the legislation of Ukraine or crimes committed during a state of emergency) occurs only in conditions of war or state of emergency.

In general, the actions provided for in Article 114-2 of the Criminal Code of Ukraine cannot be held criminally liable.

*Committing a criminal offense under martial law as an aggravating circumstance.*

Paragraph 11 of the first part of Article 67 of the Criminal Code of Ukraine stipulates that when imposing a punishment, an aggravating circumstance is the use of martial law conditions for the commission of crimes.

First of all, in order to prevent crimes, it is necessary to set the maximum punishment (for example, how the article on state treason was changed and responsibilities were increased).

### **Література**

1. Кримінальний кодекс України від 13 грудня 2022 року. *Відомості Верховної Ради України*. 2022. URL: <http://zakon3.rada.gov.ua/laws/show/2341-14>

### **Анотація**

*В умовах сьогодення тобто воєнного стану кількість кримінальних правопорушень збільшується з кожним днем. Тому відповідальність за них тільки посилюється. Правоохоронні органи повинні вчасно виявляти і запобігати усім проявам суспільно-небезпечних правопорушень. Саме в умовах воєнного стану потрібно чітко усвідомити, що контроль за злочинами здійснюється відповідними органами на постійній основі.*

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## **THE RIGHTS OF SUSPECT, ACCUSED AND DEFENDANT IN UKRAINE DURING WAR TIME**

The presumption of innocence is an important guarantee of the rights of the suspect and accused in criminal proceedings and a mandatory component of a fair trial. A person is presumed innocent of committing a crime and may not be subjected to criminal punishment until his guilt has been proved in a lawful manner and established by a court conviction; no one is obliged to prove his innocence in committing a crime; the accusation cannot be based on evidence obtained illegally, as well as on assumptions; all doubts about the guilt of a person are interpreted in his favor (parts one, two, three of Article 62 of the Constitution of Ukraine).

Ensuring the accused right to defense under Art. 129 of the Constitution of Ukraine is the main principle of justice [1].

Article 59 of the Constitution of Ukraine proclaims the right of everyone to legal aid and free choice of a defender of their rights, and Art. 63 of the



Constitution of Ukraine enshrine the right to protection of a suspect, accused or defendant [2].

The refusal of the suspect, accused, and defendant to testify cannot be proof of a person's guilt in committing a crime. The suspect, accused, defendant, unlike the witness, are not criminally liable for refusing to testify, as well as for false testimony.

Inviting a defense counsel to participate in a criminal case is a major factor in reducing cases of manipulation and abuse by members of the investigation, prosecution, and even the courts [3]. The importance of recruiting counsel increases when a person is taken into custody and has limited ability to gather the necessary evidence. In such situations, the defense counsel can effectively represent the interests of his client before the authorities. An essential guarantee of protection of persons is the right to see a defense counsel before the first interrogation (Articles 43, 43-1 of the Criminal Procedure Code of Ukraine). If the coroner or investigator violates this requirement and, if there is a statement about the need to meet with defense counsel, interrogates him without the participation of defense counsel, the testimony obtained as a result of such interrogation should be considered inadmissible evidence. The defense counsel has the right to be present not only during the interrogation of his client, but also during other investigative actions [4].

The decision to detain a person is made only by a court. The body of inquiry, the investigator or the prosecutor is obliged to provide evidence and prove to the court the validity of their suspicions about the possibility of a person to continue illegal behavior, evade the investigation or influence him in case of his release. This evidence can be refuted by a job description, testimony from employees, neighbors and family members about previous good faith behavior, and so on. At the same time, you can ask to apply another precautionary measure (subscription not to leave, personal guarantee, guarantee of a public organization or labor collective, pledge) [4].

Detention of a person on suspicion of committing a crime may not last more than 72 hours without a court decision. Administrative detention may last no more than 3 hours, except in certain cases (Article 263 of the Code of Ukraine on Administrative Offenses).

Detention during the pre-trial investigation may not last more than 2 months. A person may request a court decision on detention for a shorter period. The term set by the court may be gradually extended by the court to complete the investigation up to 4, 9 or 18 months. After 18 months of detention, if the case is not referred to court, the person is subject to unconditional release.

Suspect, accused, accused have the right to: know what they are suspected or accused of; have a lawyer and see him before and after the first interrogation; refuse to testify and answer questions; use the native language when testifying, filing petitions, getting acquainted with all the materials of the case, appearing in

court; use the services of an interpreter; receive investigative and judicial documents translated into their native language or another language they speak; to declare withdrawals; submit evidence, participate in the investigation and prove their persuasiveness in court; express their opinion on the petitions of other participants in the process; to get acquainted after the end of the pre-trial investigation or inquiry, but before drawing up an indictment with all the materials of the case; submit written comments on the incorrectness or incompleteness of the minutes of the court hearing; have meetings with relatives or other persons in case of detention; demand the suspension of proceedings in case of serious illness; ask questions to other participants in the criminal process during the trial; take part in court debates and make the last remark; apply to the court with the last word without time restrictions; to be immediately released from custody in the courtroom in case of acquittal, release from serving a sentence or sentencing him to a non-custodial sentence; file complaints against decisions, actions or omissions of bodies carrying out operative-investigative actions, bodies of inquiry, pre-trial investigation, prosecutor's office and court; compensation for damage caused as a result of illegal convictions, prosecution, detention, application of a preventive measure [5]. The list of these rights is not exhaustive.

"A person does not need responsibility to determine the tracking or appearance of himself, family members or close parents, as defined by law. A suspect, accused or defendant has the right to defense..." (Article 63 of the Constitution of Ukraine)

In conclusion, we can admire that in accordance with Art. 62 of the Constitution of Ukraine, a person is presumed innocent of committing a crime and may not be subjected to criminal punishment until his guilt is proved in a lawful manner and established by a court conviction. This is also regulated by Art. 17 of the Criminal Procedure Code of Ukraine. The principle of the presumption of innocence should be one of the most important in the prosecution of a person, as it aims to ensure the right to a fair trial and the protection of a person suspected or accused of committing a crime. Also, every citizen is guaranteed the right to appeal to the court decisions, actions or omissions of local governments, officials and officials, other citizens."

The Constitution of Ukraine guarantees everyone the protection of his rights and freedoms in the criminal, administrative, economic, civil and constitutional proceedings of Ukraine. And no one can restrict the right to judicial protection, because it contradicts the principle of equality of all before the law.

### **Література**

1. Criminal process: textbook Yu. M. Hroshevyi, V. Ya. Tatsiy, A.R Tuman and others. Kharkiv, 2013, 138 p. URL: <http://kizman-tehn.com.ua/wp-content/uploads/2017/09/Krim-protse-Tatsiy.pdf>

2. Constitution of Ukraine (1996, June). Retrieved from <https://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80#Text>.

3. Generalization of judicial practice on ensuring the right to protection in criminal proceedings: the decision of the Plenum of the Supreme Specialized Court of Ukraine for Civil and Criminal Cases of 25.09.2015. № 9. URL: [https://protocol.ua/ua/vssu\\_uzagalnennya\\_pro\\_praktiku\\_rozglyadu\\_skarg\\_na\\_rishe\\_nnya\\_dii\\_chi\\_bezdiyalnist\\_organiv\\_dosudovogo\\_rozsliduvannya/](https://protocol.ua/ua/vssu_uzagalnennya_pro_praktiku_rozglyadu_skarg_na_rishe_nnya_dii_chi_bezdiyalnist_organiv_dosudovogo_rozsliduvannya/)

4. Rights and responsibilities of the suspect, accused in criminal proceedings Кримінальний процесуальний Кодекс України від 13 квітня 2012 року No 4651-VI. URL: <http://zakon3.rada.gov.ua/laws/show/4651-17>

5. Tertyshnyk, V.M. (2014). Criminal proceedings of Ukraine. Special part: textbook. Academic edition. Kyiv: Alerta. 420 p. URL: [Tertishnik\\_Krim\\_proc\\_Ukr\\_Osobлива\\_090414\\_avt.pdf](http://Tertishnik_Krim_proc_Ukr_Osobлива_090414_avt.pdf) (umsf.dp.ua)

### **Анотація**

*У тезах розглядаються гарантії та дотримання одного із принципів кримінального судочинства – забезпечення підозрюваному, обвинуваченому, підсудному права на захист. Розкрито зміст принципу забезпечення права на захист. Ключові слова: захисник, зміст принципу право на захист, процесуальні гарантії, забезпечення права на захист, роз'яснення права на захист.*

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### **PECULIARITIES OF TRAINING LAWYERS IN GERMANY**

Legal education in Germany is one of the most prestigious and promising. The study of German law has its own peculiarities. Education lasts on average for 8-9 years (depending on the student's achievements) and consists of two stages. The first stage is a direct study at the university for 4-5 years. After completing this stage, each student must take a state exam (Erstes Staatsexamen). For about 30% of students this exam turns out to be a failure. This is explained by the high level of the requirements imposed on each student. Perhaps this is why legal education in Germany is one of the best in the world and lawyers are among the best in their field. Those who have obtained good results receive the title of a certified lawyer but do not have the right to obtain a lawyer's license yet.

The second stage- "Referendariat" - practice in the court or law firm which lasts for two years. This stage enables the student to get to know the specifics of his profession. Then it is the turn of the second state exam. Only after these two stages does the student become a real specialist who has the right to personal legal activity. The main goal of education is the ability to focus on all legal issues in various areas of the legal system, that is why students master all or several branches at the same time but not just only one.

The majority of German universities set restrictions for foreign students specifically in the area of "law" (Zulassungsbeschränkung). This means that for admission you must have a high average score both in your school certificate and your university diploma (if you have one) [1].

During admission, it is worth remembering that enrollment to higher semesters for Ukrainians is almost impossible since the legal systems of Ukraine and Germany are significantly different. Some universities have master's programs for foreign students - L.L.M./Magister Legum. It is available to those students who received a bachelor's degree in law in their homeland and want to study this specialty in Germany. But this direction is not recognized as a full-fledged alternative to the classical legal education and after receiving such education fewer job opportunities are offered. To study at universities in Germany it is necessary to know the German language at the C1-C2 level. Some universities also require knowledge of the English language [2].

There are about 40 law faculties in Germany where one can get legal education. One of the oldest universities in Europe is Europa-Universität Viadrina Frankfurt (Oder). It is characterized by the intercultural orientation and prepares specialists for work at international companies and institutions. 80% of students spend one or more semesters abroad before receiving a diploma, so they are well prepared for high competitive requirements. The educational institution cooperates with more than 200 universities of the world and offers about 10 languages for law students. At the same time, the university is not considered large, so teachers are able to pay enough attention to each student. The university offers the following undergraduate law programs: German and Polish law, Law and economy. Law and politics; Master's programs: German and Polish law, European Economic Law, International Human Rights and Humanitarian Law, L.M./Magister Legum.

Bucerius Law School is the only private school in Germany where young people can study law. The educational institution cooperates with many universities of the world (more than 100) and has a representative office in the USA. Bucerius attracts famous scholars and teachers from the best legal institutions of the world and offers lectures during the summer school in English. The School offers a master's program MLB (Master of Law and Business) for international students which is a combination of law and economics.

One of the best universities of Germany is Albert-Ludwigs-Universität Freiburg in Breisgau. Exactly here many well-known politicians, scientists and

economists got education. The diploma of this educational institution is recognized in the whole world. The university requires a high level of knowledge of foreign languages as it is situated on a crossing of three countries: Germany, France and Switzerland. For persons who want to study law baccalaureate and two master's degree programs are offered: German-French law and L.L.M.

In Germany, there is no unitary educational program in the field of law. Each land and each university sets its own requirements for future students. There are 16 lands in Germany; the process of education has its own peculiarities in every land. They have the right to regulate the process of education independently. Everywhere in Germany the students of law have to pass two main tests - first and second state examinations [3].

### Література

1. Educational transfer. URL: <https://uni-freiburg.de/universitaet> (дата звернення 04.02.2023).

2. Юридична освіта у Німеччині. URL: <https://studysou.ua/ua/news/juruduchna-osvita-nimechuna> (дата звернення 04.02.2023).

3. Бардаченко Л. Навчання юристів у Німеччині . URL: [http://www.wolfgang-tiede.de/LegalWeekly\\_151.html](http://www.wolfgang-tiede.de/LegalWeekly_151.html) (дата звернення 04.02.2023).

### Анотація

*Тези присвячені аналізу особливостей підготовки майбутніх юристів у закладах вищої освіти Німеччини. Визначено умови навчання, програми навчання за юридичним напрямом в найбільш престижних університетах Німеччини. Наголошено, що кожна земля та кожен університет у Німеччині висуває свої вимоги до майбутніх студентів юридичних спеціальностей. Велика увага приділяється не тільки опануванню фахових дисциплін, а також знанням іноземних мов.*

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## PROTECTION OF PUBLIC ORDER UNDER THE CONDITIONS OF MARTIAL STATE

The process of transformation of Ukrainian society into a qualitatively new state is supported by reforming all social institutions, National Police, in particular. The effectiveness of this state institution depends on public order, the safety of

citizens, their life and health and the prevention of crime. Therefore, the issue of cooperation between the police and public formations on a partnership basis is becoming more and more relevant, especially during the war period [1].

Today, work on this issue is conducted on the basis of legislative and regulatory acts. Thus, the Law of Ukraine "On the Participation of Citizens in the Protection of Public Order and the State Border" of June 2, 2000. No. 1835-III [1] defined the procedure for involving the population in the protection of public order, as well as the principles of legal guarantees and social protection of citizens' participation in this activity. In addition, Part 1 of Article 11 of the Law of Ukraine "On the National Police" stipulates that "police activities are carried out in close cooperation and interaction with the population, territorial communities and public associations on a partnership basis and are aimed at meeting their needs"; in Part 2 of Art. 89 of this law, the legislator speaks of police cooperation with the public as a prerequisite for effective police activity [2].

Today, the interest of citizens and their associations in maintaining public order and combating crime is relevant. On the one hand, such associations help the police in the fight against crime; on the other hand, they contribute to greater transparency of the activities of law enforcement agencies, and exercise public control. Lately, the practice of public order organizations has been spreading in Ukraine. Thus, citizens of Ukraine according to the Constitution of Ukraine have the right to form public associations to participate in the protection of public order and the state border, to assist local self-government bodies and law enforcement bodies in preventing administrative offenses and crimes, to protect the life and health of citizens, the interests of society and the state from unlawful encroachments, as well as to save people and property during natural disasters and other emergency situations. The legal basis of their activities is determined by the Law of Ukraine "On the Participation of Citizens in the Protection of Public Order and State Border" [3].

In connection with the Russian armed invasion of the territory of our state and the consequent imposing of martial law by the Decree of the President of Ukraine dated February 24, 2022, the issue of ensuring public security and order by the National Police of Ukraine is topical. During the state of war, the rhythm of life is disrupted, people's lives and health are threatened, property is damaged, government agencies, transportation, and communications are disrupted, social tensions and other crimes increase. In order to prevent negative consequences, significant forces of the executive authorities are made, a special place among which is occupied by the National Police of Ukraine.

Understanding the complex interactions between armed forces and civilians during war is important because it can shape the course of war and lead to different paths of recovery in the post-conflict period. One important consequence in the case of Ukraine could be the transformation of long-standing civilian resistance into a permanent struggle. Civilians are arming themselves to protect their

communities, and as war approaches, various militias, civil defense forces, and vigilante groups will be formed.

Today, the civilian population under martial law has shown itself to be a strong-willed nation with a high level of legal awareness. During a particularly difficult period, the volunteer movement united the community, creating an effective structure of community organizations. The development of mutual aid in the country gradually turned into a powerful civil movement.

Citizens are an independent element of the public order system. Every citizen has the right to protect his or her rights and freedoms by any means not prohibited by law. In the conditions of martial law, the most fruitful is their cooperation with the National Police, territorial defense groups, local self-government bodies, as well as the Armed Forces of Ukraine in the occupied territories [2].

### **Література**

1. Діяльність державних органів в умовах воєнного стану: збірник матеріалів Міжнародного науково-практичного онлайн-семінару (в авторській редакції). 29 квітня 2022 року. Кривий Ріг. 37 с.

2. Забезпечення публічної безпеки і порядку в умовах воєнного стану: матеріали Всеукраїнської науково-практичної конференції. 1 липня 2022 року. Донецький державний університет внутрішніх справ. Кропивницький. 357 с.

3. Закон України «Про участь громадян в охороні громадського порядку і державного кордону». URL: <https://zakon.rada.gov.ua/laws/show/1835-14#Text>

### **Анотація**

*У тезах йдеться про взаємодію поліції та громадських формувань на партнерських засадах у воєнний період. Сьогодні актуальним є залучення громадян у об'єднання для охорони громадського порядку та протидії злочинності. Такі громадські об'єднання допомагають поліції у боротьбі із злочинністю, а також сприяють більшій прозорості у діяльності правоохоронних органів, здійснюють громадський контроль.*

## **POLICE ACTIVITIES IN WAR TIME**

National Police of Ukraine are the central executive body that protects the rights and freedoms of people, maintains security and order in society, and provides police services [1]. Current conditions in which a police officer has to work are new and require relevant knowledge and skills. Has police policy changed significantly during martial law?

According to the Presidential Decree No. 64/2022 of 24.02.2022 "On the Imposition of Martial Law in Ukraine", martial law was proclaimed in Ukraine in connection with the aggression of the Russian Federation [5].

Martial law is a special legal condition introduced in Ukraine in the event of armed aggression or threat of attack, danger for the independence of Ukraine and provides for the provision to the relevant state authorities necessary to prevent the threat, restriction of constitutional rights and freedoms of citizens, indicating the duration of these restrictions.

During this condition, a curfew is introduced, that is, a ban on staying at a certain period of the day on the streets and other public places without specially issued passes and certificates. It also establishes a special mode of entry and exit of vehicles in the form of checkpoints, where persons, vehicles and baggage are checked.

To maintain order and legality in society, patrols are created, which include representatives of National Police. Their tasks and functions include: detention and delivery of persons who have committed or are committing offenses to the units of National Police; verification of identity of persons' documents; seizing the items from persons that are an instrument, means or subject of an offense, and transferring them to the units of National Police, etc.

During this special legal status, the police have acquired new functions to maintain order in society. Recently, the Verkhovna Rada of Ukraine has expanded the powers of National Police during martial law, which allow law enforcement officers to carry out operative demining, that is, to detect, neutralize and destroy explosives that are means of committing offenses [3].

Thus, martial law had a significant impact on all public authorities. Policing has undergone many changes and received new powers that have made it possible to combat crime more effectively. Currently, the model of police service during martial law continues to be improved.



### Література

1. Закон України від 02.07.2015 № 580-VIII «Про Національну поліцію». URL: <https://zakon.rada.gov.ua/laws/show/580-19#Text>
2. Закон України від 12.05.2015 № 389-VIII «Про правовий режим воєнного стану». URL: <https://tax.gov.ua/diyalnist-/zakonodavstvo-pro-diyalnis/zakoniukraini/77475.html>
3. Закон України від 15.03.2022 № 2123-IX «Про внесення змін до законів України "Про Національну поліцію" та "Про Дисциплінарний статут Національної поліції України" з метою оптимізації діяльності поліції, у тому числі під час дії воєнного стану». URL: <https://zakon.rada.gov.ua/laws/show/2123-20#Text>
4. Постанова Кабінету Міністрів України від 08.07.2020 № 573 «Питання запровадження та здійснення деяких заходів правового режиму воєнного стану». URL: <https://zakon.rada.gov.ua/laws/show/573-2020-%D0%BF#Text>
5. Указ Президента України № 64/2022 «Про введення воєнного стану в Україні». URL: <https://www.president.gov.ua/documents/642022-41397>

### Анотація

*Під час воєнного стану поліція набула нових функцій для підтримання порядку у суспільстві. Верховна Рада України розширила повноваження Національної поліції на час воєнного стану, які дозволяють правоохоронцям проводити оперативне розмінування. Воєнний стан суттєво вплинув на усі органи державної влади. Поліцейська діяльність зазнала багато змін та отримала нові повноваження, які надали змогу ефективніше протистояти злочинності. Продовжується удосконалення моделі несення служби поліцейськими під час воєнного стану.*

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### OFFENSES AMONG LAW ENFORCEMENT OFFICERS DURING THE WARTIME

On February 24, 2022, the russian federation launched a full-scale invasion of Ukraine, which forever changed the lives of everyone who lived on the territory of Ukraine. By decree of the President of Ukraine No. 64/2022 at 05:30, martial law was introduced. The Armed Forces of Ukraine, the National Police of Ukraine, the National Guard of Ukraine - everyone who had a weapon stood up to protect the state. But, unfortunately, not everyone showed a desire to resist the russian

troops, including the police, so some switched to the other side for various reasons: coercion, bribery, threats, and worst of all, desertion.

Ensuring the protection of human rights, preventing crime, maintaining public safety and order has become a very difficult task for the police even in the territories controlled by Ukraine. Against the background of all these large-scale events, the illegal actions of any law enforcement agency (for the local population, the main such agency can be considered the National Police of Ukraine) have become less noticeable, but their number has increased many times. It should be noted that most often law enforcement officers exceed their official powers, behave arrogantly and impolitely, often accuse citizens of things they did not commit, catching them in ignorance of the law. In order to prevent this type of crime, police officers should be obliged to turn on chest cameras every time they approach citizens, and give the latter the right to check whether it is turned on. All recordings on these cameras are recorded and reviewed by special police units authorized for this, therefore, every appeal to a citizen must be saved in a special database, from where it will be possible to retrieve the recording for inspection, if necessary, and analyze the actions of the police.

If we take into account the entire law enforcement system, the most common crime is, of course, corruption. This phenomenon was very common since the time of the Soviet Union and, unfortunately, continues to exist until now, and this is due to the fact that the salaries of law enforcement officers were not as high as they would like, and to receive an undue benefit in the form of additional funds, which made up a large part of the salary, and in some cases exceeded it, depending on the case, they did not mind at all. So corruption gained momentum and became widespread among law enforcement agencies. There were, of course, those who were against undue advantage, but such persons did not hold high positions, so they had to adapt to the `customs and traditions` of the system. However, now, during martial law, there are a lot of "cleanses" in law enforcement agencies, where corrupt people, traitors, collaborators, etc. are found. In order to ensure the fight against corruption, it is necessary to carry out frequent and thorough "purges", to prohibit holding a certain position for a long time and to create a real working anti-corruption system.

In summing up, it should be noted that one must perform one's official duties honestly and conscientiously, not exceed one's official powers, comply with the Law of Ukraine, and know that a penalty will be imposed for its violation.

### **Література**

1. Указ Президента України «Про введення воєнного стану в Україні»  
URL: <https://zakon.rada.gov.ua/laws/show/64/2022>

### Анотація

24 лютого 2022 року розпочалася повномасштабна війна, яка назавжди змінила життя кожного громадянина, який проживає на території України. Того ж дня був введений режим воєнного стану. Особливим завданням для забезпечення охорони прав людини, протидії злочинності, мародерству, підтримання публічної безпеки і порядку було покладено на поліцію. Надзвичайною небезпекою було захищати мирне населення в районі прифронтових зон. Певна кількість поліцейських і не тільки, на жаль, перейшла на бік російської федерації та до так званих «лнр» і «днр», і зараз служать російському режиму. Мотиви в кожного різні: когось примусили, когось заплатили, хтось дезертирував. Проте, навіть на підконтрольній Україні територіях відбуваються певні правопорушення з боку представників правоохоронних органів. У мирний час їх було багато, але зараз в умовах воєнного стану правопорушень стало ще більше.

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### **ACTUAL ISSUES OF LAW ENFORCEMENT ACTIVITIES UNDER MARTIAL LAW CONDITIONS**

The process of transformation of Ukrainian society into a qualitatively new state is supported by the reforms of all social institutions. National Police are involved in this process. The field of police activity is variable and includes maintaining the public order, protecting the safety of citizens, their life and health, and preventing crimes. Therefore, the matter of transformation is becoming more and more relevant. The interaction of the police forces and public formations on a partnership basis, especially during the war period is actual nowadays. This activity is carried out on the basis of legislative and regulatory acts. The Law of Ukraine «On the participation of citizens in the protection of public order and the state border» No. 1835-III dated June 2, 2000 defines the procedure for involving the population in the protection of public order, as well as principles of legal guarantees and the social protection of citizens' participation in this activity [2]. In addition, Part 1 of Article 11 of The Law of Ukraine «On the National Police» provides that activities of the police are carried out in close interaction with the population, territorial communities and public associations on partnership principles and aimed at satisfying their needs [1].

The issue of introducing martial law in Ukraine is regulated by the Law of Ukraine «On the legal regime of martial law» dated May 12, 2015 [3]. This law

defines the content of the legal regime of martial law, the procedure for its introduction and abolition, legal basis of state authorities' activities, military command, military administrations, local self-government bodies, enterprises and organizations in conditions of martial law, guarantees of human rights and freedoms, and protecting the interests of legal entities. The purpose of the introduction of martial law is to create conditions for providing the state bodies, the military command and administrations and local self-government bodies with the necessary powers to repulse armed aggression and ensure national security, to eliminate the danger to the state independence of Ukraine, its territorial integrity.

The current conditions of coordination between the police and the public should be planned and based on an effective, scientific and administrative basis by introducing participation of foreign public experience in human rights activities. According to this experience the public must be involved in some police activities, such as crime prevention. The progressive technical means of control can be installed in public places (surveillance cameras, emergency police call systems). The «single location system» can be introduced for the protection of public order. The administrative service centers must be established in small villages too. The information boards located near the village councils must represent information about the sector officer, the events that occurred in the community, as well as guidance on how to act during emergency situations. The discussion of community matters must be conducted under participation of police officers.

The coordination with the public is one of the key factors increasing the effectiveness of police activity in preventing and investigating the crimes.

### **Література**

1. Закон України від 02.07.2015 № 580-VIII «Про Національну поліцію». URL: <https://zakon.rada.gov.ua/laws/show/580-19#Text>
2. Закон України «Про участь громадян в охороні громадського порядку і державного кордону» (Відомості Верховної Ради України (ВВР), 2000, № 40, ст.338). Редакція від 15.03.2022, підстава - 2107-IX. URL: <https://zakon.rada.gov.ua/laws/show/1835-14#Text>
3. Закон України від 12.05.2015 № 389-VIII «Про правовий режим воєнного стану». URL: <https://tax.gov.ua/diyalnist-/zakonodavstvo-pro-diyalnis/zakoniukraini/77475.html>

### **Анотація**

*В сучасних умовах від ефективності діяльності поліції залежить безпека громадян та суспільства в цілому. Тому все більш актуальним стає питання взаємодії поліції та громадських формувань на партнерських засадах. Взаємодія поліції та громад повинна здійснюватися постійно та урахуванням іноземного досвіду з означених питань.*

## **LAW ENFORCEMENT AGENCIES IN THE FIELD OF PUBLIC ORDER**

Throughout the history of the entire society, the concepts of "security" and "order" have been considered one of the most important issues, as they are aimed at protecting the rights and legitimate interests of citizens. That is why much attention is now being paid to improving the organization and activities of law enforcement agencies. In democratic countries, a person should be protected by the state not only at the legislative level but also in practice.

In today's martial law environment, it is relevant to talk about ensuring public order by law enforcement agencies. Right now, citizens need to protect public safety and order, as well as their rights and freedoms.

Law and order is an integral institutional social and legal phenomenon that is an independent phenomenon of legal reality [1, p.9-10]. Law and order should be understood as the creation and implementation by the state system of educational, organizational and legal measures implemented by state bodies, including law enforcement agencies. In addition, the above measures can and should be implemented by public associations with the active assistance of citizens, which, in turn, are aimed at ensuring and observing the rules governing relations between people in the sphere of social and political life and everyday life; preventing and suppressing violations; bringing those guilty of violating the established rules to justice.

Law enforcement agencies play an important role in ensuring public order. A law enforcement agency is a state institution that operates in the system of government and performs state functions (power, organizational, administrative, control, etc.) in various areas of internal and external activities of the state on the basis of the law [2]. Police activities in the area of public order protection are based on the following principles: the rule of law, the activities of relevant police units exclusively for the purpose of protecting human life, health, rights and freedoms; unity of the law enforcement system of Ukraine, its maximum economy and flexibility of structural organization; priority of orientation of the service and unit to the task of fighting crime and ensuring public order; close cooperation with local state executive authorities to ensure law and order on their territory; participation in the provision of social assistance to citizens; assistance, within their competence, to state bodies, enterprises, institutions and organizations in fulfilling their duties assigned by law.

The law enforcement function can be performed by local self-government bodies in various forms: control, organization of financing of security measures,

law-making and law enforcement activities, etc. In carrying out the law enforcement function, local governments must exercise their powers and ensure law and order, protection of the rights, freedoms and legitimate interests of citizens in the territory they serve.

We agree with the thesis that in order to build an effective state governed by the rule of law, it is necessary to overcome the problem of protecting the rights and freedoms of citizens in the field of public order. To overcome this problem, there is a need to expand the network of public order protection groups to protect the rights and freedoms of citizens in this area. It is public order units that can assist law enforcement agencies in preventing and stopping violations of citizens' rights and freedoms, protecting public order, and fighting crime, provided that law enforcement agencies and local governments provide proper assistance to this interaction, which is currently lacking.

Summarizing the above, we can draw several conclusions that are important in improving public order activities. The main task of law enforcement agencies for public order is to ensure internal law and order in the state, which involves the following functions: prevention, detection and detection of crimes and other offenses; detention of perpetrators; crime prevention; supervision of compliance by citizens and officials of enterprises, institutions and organizations; supervision of persons with antisocial behavior who are registered with the internal affairs authorities.

### Література

1. Крижановський А. Ф. Правопорядок суверенної України: становлення та тенденції розвитку (загальнотеоретичне дослідження) : автореферат дис. ... д-ра юрид. наук. Одеса, 2009. 42 с.

2. Фаріон-Мельник А., Яремко О. Правоохоронні органи: питання термінології та системи. *Актуальні проблеми правознавства*. 2020. Вип. 2. С. 65-70..

### Анотація

*Розкрили поняття “публічний порядок” та “правоохоронні органи”, а також зміст і діяльність цих органів. Було визначено суб’єкти, що входять до системи охорони публічного порядку та роль правоохоронних органів демократичної держави в забезпеченні правопорядку.*

## **PREVENTION OF OFFENSES BY LAW ENFORCEMENT AGENCIES IN PEACETIME AND UNDER MARTIAL LAW**

A crime is a socially dangerous illegal behavior of a person, which is provided for by the current legislation and for which legal responsibility is established. Behavior that reveals a violation of the law is considered illegal. A crime is one of the types of such behavior [1].

Let's consider the issue of the official duties' performance by a police officer in civilian clothes. Previously, as a general rule, a police officer on duty in civilian clothes had to carry a badge. It is forbidden for a policeman to remove a special badge from his uniform or hide it.

However, under martial law, a police officer performing official duties in civilian clothes is allowed to act without a badge, when its presence prevents the implementation of operative-search activities, covert investigative (search) actions, the performance of tasks under the conditions of secrecy, or implementing measures to ensure the safety of persons participating in criminal proceedings, as well as special measures to ensure the safety of court and law enforcement officials and their close relatives, or during the exercise of police powers under martial law.

The police have expanded rights with the use of improvised means and coercive measures. In peacetime, in the order and cases defined by law, police officers are allowed to use coercive measures such as physical influence (force), special means (truncheons, handcuffs, tear gas and irritant agents, etc.), and firearms. Police officers are prohibited from using coercive measures that are not provided for by law.

However, during war period, if it is necessary to repel an attack or to arrest a person who has committed an offense and/or is resisting a police officer, a police officer has the right to use both coercive measures and improvised means [2].

Chapter 5 of the Law of Ukraine "On the National Police" has also undergone some changes related to the period of martial law.

1. The police was given the opportunity to check documents and record data contained in documents, if a person has external signs similar to the external signs of a person who voluntarily left a place for keeping prisoners of war (clause 1, part 1, Article 32).

2. The police have the right to stop vehicles if there is information that indicates that the driver or passenger of the vehicle is a person who voluntarily left a place for keeping prisoners of war.

3. According to the new wording of Art. 40 the police will be able to use such technical means as unmanned aerial vehicles and special technical means of countering their use in their activities; specialized software for analytical processing of photo and video information, including identification of persons and vehicle license plates [3].

Regarding the escorting and detention of persons in temporary detention centers, it should be noted that during martial law, the police have the right to escort persons detained on suspicion of committing a criminal offense, taken into custody, accused or sentenced to imprisonment. In cases provided by law, the police may detain such persons in temporary detention centers.

It is important to remember that the introduction of martial law is only a basis for the possibility of increased security measures. At the same time, this does not indicate a departure from the procedures defined by the law and the absence of an obligation to fulfill the requirements of the law on the part of the police. Knowing your rights and understanding the limits of authority of a representative of a law enforcement agency is the basis of protection against possible violations.

### **Література**

1. Правопорушення: поняття, ознаки та характеристика. URL: <https://osvita.ua/vnz/reports/law/9314/> (дата звернення: 10.02.2023 р.)

2. Які повноваження надано поліцейським на час дії воєнного стану: адвокати Моїсєєва та Мкртичева. URL: <https://advokatpost.com/iaki-povnovazhennia-nadano-politsejskym-na-chas-dii-voiennoho-stanu-advokaty-moisieieva-ta-mkrtycheva/> (дата звернення: 09.02.2023 р.)

3. Національна поліція в умовах воєнного стану: зміни в законодавстві. URL: <https://law-in-war.org/naczionalna-policziya-v-umovah-voyennogo-stanu-zminy-v-zakonodavstvi/> (дата звернення: 10.02.2023 р.)

### **Анотація**

*У тезах розглянуто питання виконання службових обов'язків поліцейським у цивільному одязі в умовах воєнного стану. Також висвітлено право правоохоронних органів на застосування підручних засобів та заходів примусу.*



## **ACTUAL ISSUES OF TRAINING OF LAW ENFORCEMENT OFFICERS IN PEACETIME AND UNDER MARTIAL LAW CONDITIONS**

The proper operation of the security and defense of Ukraine in the context of the armed aggression of the Russian Federation and other contemporary challenges is a priority task to be studied by both scientists and practitioners. The relevant area in the science of administrative law and other fundamental branches is studied by: M. Butenko, V. Doronin, K. Dmytrenko, V. Kalashnykov, N. Kulak, P. Ledovskyi, M. Marchenko, N. Oharkov, V. Pylypchuk, S. Poliakov, S. Ponomarov, A. Khvorostiankin, M. Tsvik et al. [1]. In my opinion, the most pressing issues that need to be addressed “organizational-legal, socio-economic and normative-legal bases of regulation of the personnel training system of the security and defense sector of Ukraine; current trends in medical and pre-medical training of personnel of the security and defense sector of Ukraine under martial law; modern issues of improving the tactical-special, fire, physical and psychological training of specialists of the security and defense sector of Ukraine in the conditions of martial law; optimization of educational and methodological provision of professional education and training of the personnel of the National Police of Ukraine in conditions of martial law, etc. There are many questions, but we will identify the most relevant ones.

### **1. Jurisdiction in wartime**

Ukraine has made its civilizational choice in favor of the European trajectory of development, which, among other things, means the conclusive rule of law and justice in all spheres of public policy and public life. The war did not destroy or even stop the functioning of the judiciary and constitutional justice, the prosecutor's office and the criminal justice system, the bar, the notary and the penitentiary system. But it is obvious that today it is important for Ukraine to solve the problems of the justice sector which arose because of the large- scale invasion of the Russian federation and these problems need to be solved at the stage of rebuilding our country [2].

### **2. Improving the system of vocational training.**

The level of service of law enforcement units is directly dependent on Improving the professional training system. Reform law enforcement agencies and The improvement of the personnel training system is carried out in the context of a paradigm shift Social development, cultural types, spiritual and moral orientations. Appropriate continuing professional training of employee's law enforcement agencies are a pressing issue and an important factor in strengthening the public

Law and order, building a democratic, social, legal state and a socially oriented market economy, constructive interaction between police and citizens.

The modern complexity of the tasks assigned to the Ukrainian National Police (Article 2 Ukraine's law "On the State Police" [3]), namely, to combat the increasingly widespread crime widespread and dangerous, ensuring public safety and order, protecting rights and freedoms man, and the interests of society and the state, assistance services for people with medical conditions needed for personal, financial, social reasons or emergencies. This assistance, the extremely difficult conditions under which this work is carried out, requires constant Increased professionalism of police officers, high level of scientific support. The process of their training and practice activities are actively used by the police in many countries.

3. Training of all educational institutions of the Ministry of Internal Affairs of Ukraine in wartime.

The MVS is launching the project " A safe educational environment in the conditions of war." Yevgeniy Enin said that within the framework of the project, together with the Ministry of Education, that science had planned low preventive visits. For example, up to the beginning of the initial rock, the initial reserves are misrepresented for the presence of bombs.

The cadets have been active participants in the volunteer movement since the first days of the war. Applicants for higher education once again joined the weaving of camouflage nets for the needs of the Armed Forces of Ukraine.

Since the first days of the war, the cadets have had a new experience of participating in the contests "A year of life in shelter - a place of comfort and safety", quests "Find explosives", trainings "Crisis and growth: mental health and help for those who have experienced trauma" and projects "Train and support Ukraine." Also, a new experience of the special volunteer direction "Volunteering during the war" appeared, namely, making trench candles, weaving camouflage nets, knitting socks for soldiers at the front, clearing debris, maintaining law and order, and providing first aid after rocket attacks, as well as digging trenches. The goal is to unite all people around, to help strengthen the moral and physical spirit of Ukrainians in difficult times. Today, such concepts as: living in bomb shelters, making trench candles, weaving a camouflage net, etc., have appeared in the life of cadets. The cadets of the security forces are not afraid of war and continue their training on a full-time basis, because they must be ready for anything, and Ukraine has prepared everything for this. We have experienced teachers and bright students who will become good workers in the future. Summarizing my research, I can point out that the priority area of activity of the national police of Ukraine under martial law is the protection of the country's million population from russian aggression.

### Література

1. Beikun A., Pryimak V. (2021). Legal and regulatory basis for security and defence sector operation: conceptual approach. *Administrative law and process*. vol. 7. URL: <http://pgp-journal.kiev.ua/archive/2021/7/6.pdf> (date of application: 07.01.2023).
2. Draft Ukraine Recovery Plan. Materials of the “Justice” working group. July 2022. URL: <https://www.kmu.gov.ua/storage/app/sites/1/recoveryrada/eng/justice-eng.pdf> (date of application: 07.01.2023).
3. Про Національну поліцію: Закон України за редакцією від 06 лют. 2023 р. № 580-VIII URL: <https://zakon.rada.gov.ua/laws/show/580-19#Text> (date of application: 06.02.2023).

### Анотація

*У тезах розглянуто три основних, на думку автора, актуальних питання підготовки правоохоронців під час воєнного стану: юриспруденція у воєнний час, удосконалення системи професійного навчання та підготовка всіх навчальних закладів МВС України у воєнний час. Визначено актуальність напрямів та відзначено що реформування правоохоронних органів та вдосконалення системи підготовки кадрів повинно здійснюватися в контексті зміни парадигми соціального розвитку, культурних типів, духовно-моральних орієнтацій. Охарактеризовано особливості щодо навчання курсантів вищих навчальних закладів МВС у воєнний час, а саме набуття особливого практичного досвіду та формування високого рівня морального та фізичного дух.*

## РЕЗОЛЮЦІЯ

*Вже більше року Україна виборює у війні з росією своє право на незалежність, свободу, демократію та вільне життя. Рівно рік тому (24 лютого 2022 року) відбулася попередня конференція. З того часу велика кількість представників правопорядку, ЗСУ, територіальної оборони та мирних жителів України склали свої голови у боротьбі з північним агресором. Саме ці події зумовили вибір теми цьогорічної конференції.*

В режимі реального часу учасники конференції обговорили проблеми актуальних питань захисту конституційних прав людини у діяльності поліції в зоні воєнного конфлікту; міжнародних стандартів правоохоронної діяльності в мирний час та в умовах воєнного стану; запобігання правопорушенням правоохоронними органами в мирний час та в умовах воєнного стану; взаємодії правоохоронних органів та громадськості у сфері забезпечення публічного порядку в мирний час та в умовах воєнного стану; підготовки правоохоронців в мирний час та в умовах воєнного стану.

Під час наукової дискусії учасники відзначили, що у сучасному суспільстві в умовах воєнного стану зростає роль та значення наукового потенціалу молодих учених, а також студентської молоді. Сучасний студент та курсант є суб'єктом навчально-професійної, навчально-пошукової та практично орієнтованої діяльності правоохоронних органів, влади місцевого, муніципального та державного рівнів. Учасники конференції акцентували увагу на методах активізації діяльності молодих учених у сучасному науково-освітньому просторі з метою реалізації міжнародних стандартів підготовки майбутніх фахівців правоохоронних органів в Україні в умовах сьогодення. Під час конференції запропоновано шляхи удосконалення та розбудови продуктивних зв'язків правоохоронних органів та громадськості в мирний час та в умовах воєнного стану.

Беручи до уваги інноваційну роль сучасного студентства та молодих учених у поглибленні та популяризації ідей модернізації діяльності вітчизняних правоохоронних органів в контексті інтеграції України у європейську та світову спільноти в мирний час та в умовах воєнного стану, учасники конференції вважають за необхідне:

- продовжити пошук та вивчення позитивного міжнародного досвіду імплементації заявлених проблем в контексті захисту прав людини та конституційних свобод;
- використовувати науковий, творчий потенціал студентства для удосконалення правоохоронних механізмів держави з метою запобігання правопорушенням;
- результати досліджень, які проводилися молодими вченими, впроваджувати у діяльність правоохоронних органів;

- підтримувати та мотивувати молодих вчених, рекомендувати ректорам закладів вищої освіти забезпечити механізм заохочення молодих дослідників, в тому числі і матеріально;
- рекомендувати органам місцевого самоврядування залучати молодих дослідників до розроблення цільових програм розвитку громад;
- створювати умови в освітньому просторі закладу вищої освіти для підвищення ролі та реалізації дослідницьких компетентностей курсантів та студентів через організацію «зворотного зв'язку» з ученими інших закладів вищої освіти та працівниками правоохоронних органів у мирний час та в умовах воєнного стану.

Учасники конференції декларують доцільність видання збірника праць курсантів та студентів за висновками конференції та за підтримки оргкомітету конференції, ректорату Донецького державного університету внутрішніх справ.

Наукове видання

**ПРАВООХОРОННІ ОРГАНИ НА ЗАХИСТІ  
ПРАВОПОРЯДКУ ТА КОНСТИТУЦІЙНИХ СВОБОД В  
УМОВАХ МИРУ ТА ВОЄННОГО СТАНУ**

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