

SPECIFIC FEATURES OF ADMINISTRATIVE AND LEGAL STATUS OF LAW ENFORCEMENT AGENCIES AS SUBJECTS OF INTERACTION AND COORDINATION WITHIN LAW ENFORCEMENT ACTIVITY AT REGIONAL LEVEL

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Abstract. *The scientific views of scientists on the essence and content of the concepts of “law enforcement agency” and “law enforcement activity” are analyzed. The content of the category “administrative and legal status” is disclosed. The analysis of the norms of the current legislation, the norms of which enshrine the elements of the administrative and legal status of law enforcement agencies as subjects of interaction and coordination in the field of law enforcement at the regional level, is carried out. Methodology. The article uses general scientific and special methods of scientific knowledge, in particular: logical-semantic, analytical method, method of documentary analysis and structural-logical method. Results. It is stated that law enforcement agencies as subjects of interaction and coordination in the field of law enforcement are public authorities defined by legislative acts, which perform law enforcement function on the basis of coherence of the powers granted to them by administrative and legal norms to protect the rights, freedoms and legitimate interests of individuals and legal entities by preventing, terminating and disclosing offenses related to a particular region. It is proved that the key elements that characterize the participation of law enforcement agencies in interaction and coordination at the regional level are: 1) their task within the framework of a common goal for all law enforcement agencies - to ensure law and order associated with the implementation of their inquiry, pre-trial investigation and conducting of operational and investigative activities as elements of the fight against criminality; 2) objectively determined need to solve problems in the implementation of the law enforcement function by law enforcement agencies by coordinating their activities and implementing joint actions; 3) affiliation of law enforcement agencies as subjects of interaction and coordination to the same level of implementation of their powers- a particular region. The peculiarities of the administrative and legal status of law enforcement agencies as subjects of interaction and coordination in the field of law enforcement activity at the regional level are highlighted.*

Key words: *law enforcement agency, administrative and legal status, subject, interaction, coordination, law enforcement activity, regional level.*

1. Introduction.

The law enforcement sector of our state is a separate mechanism, each element of which performs a clear functional role that ensures social justice, protection and security of the population, territorial integrity of Ukraine. This does not fully cover the full range of peculiarities that explain the importance of state activity in the field of law enforcement. The latter combines a significant array of different subjects, each of which is entrusted with a part of powers or socially significant tasks [1]. At the same time, these subjects closely interact with each other but at the same time have their own special administrative and legal status.

2. Research methodology

The methodological basis of the article is a combination of general scientific and special methods of scientific knowledge. Thus, the logical semantic method was used to reveal the theoretical approaches to the interpretation of the concept of “law enforcement agencies”. The application of the method of docu-

mentary analysis made it possible to characterize the administrative and legal status of law enforcement agencies as subjects of interaction and coordination in the field of law enforcement at the regional level. In order to identify the elements of the administrative and legal status of law enforcement agencies as subjects of interaction and coordination in the field of law enforcement activity at the regional level. The structural and functional method was used to identify and characterize the elements of the legal status of law enforcement agencies as subjects of interaction and coordination in the field of law enforcement activity at the regional level. The analytical method was used in order to find out the features of the administrative and legal status of law enforcement agencies as subjects of interaction and coordination in the field of law enforcement activity at the regional level.

3. Results.

V. Teremetskyi and S. Dmytrenko support a broad approach to understanding the content of the law en-

forcement function of the state has been supported, according to which its components include not only law enforcement (human rights) activities, but also activities aimed at creating conditions for optimal operation of legal institutions, effective exercise of the rights and freedoms of an individual and other subjects of law, as well as their performance of legal duties [2].

The very term of law enforcement agencies among the current legal acts is enshrined in the Law of Ukraine "On State Protection of Court and Law Enforcement Officers", according to Article 2 of which law enforcement agencies - the prosecutor's office, National Police, Security Service, Military Law Enforcement Service in the Armed Forces of Ukraine, National Anti-Corruption Bureau of Ukraine, state border protection authorities, Bureau of Economic Security of Ukraine, bodies and institutions of punishment execution, Detention centers, state financial control bodies, fisheries authorities, state forest guards, and other bodies performing legal enforcement or law enforcement functions [3]. That is, the definition of law enforcement agencies provides an inexhaustible list of bodies, and also provides for the legislative possibility of classifying other bodies as law enforcement agencies, provided that they implement legal enforcement or law enforcement functions.

This definition has a fairly wide application, because in case of its literal perception, every body that implements law enforcement functions can be recognized as law enforcement. This understanding is due to the fact that there is a conjunction "or" between legal enforcement and law enforcement functions. In the legal literature, the application of law is considered as a managerial activity of public authorities, in particular their officials, as well as state-authorized entities to issue specific individual prescriptions, which impose obligations on some participants of legal relations, and grant rights to others [4, p. 11-12].

In the legal literature regarding the content of the concept of "law enforcement agencies" there is also a significant number of different views. D. Borodin defines a law enforcement agency as a state body, the performance of which one or more main law enforcement functions is the main one in its activities, which is characterized by a separate financial and technical support of employees, to which special requirements are imposed by the current legislation and whose employees are endowed with specific rights and obligations by laws and subordinate normative acts in order to effectively perform their duties [5, p.50]. Thus, as the main requirements for a law enforcement agency, the author calls the implementation of one or more law enforcement functions and special requirements. At the same time, in this definition, the author does not specify which law enforcement functions and special requirements characterize a law enforcement agency.

O. Muzychuk defines law enforcement agencies as state bodies that are entrusted with the imple-

mentation of one or more law enforcement functions by legislative acts and for which their implementation is the main and daily task. To the peculiarities of law enforcement agencies O. Muzychuk refers: 1. They perform one or more of the following functions: prevention of crimes and administrative offenses, their termination and detection, search for persons who have committed them; protection of especially important state facilities and individual officials provided for by law; operational search and intelligence activities; protection of public order and public safety; execution of criminal penalties; control over the movement of people, vehicles, goods and other objects or substances across the state and customs border of Ukraine; fire and civil protection of the population; supervision over the implementation of laws. 2. Such function (functions) is one of the main (major, priority) and is performed by them on a daily basis. 3. The bodies performing law enforcement functions, in order to ensure the performance of their tasks, are authorized to use coercive measures and means (physical force, special means of active defense and attack, firearms). 4. As a rule, to perform their duties, law enforcement agencies are endowed with appropriate attributes that give grounds to call them law enforcement agencies or militarized bodies. 5. As a rule, in order to ensure the proper level of official discipline, law enforcement officers are assigned special ranks, issued uniforms, weapons and other means of self-defense; issues of their disciplinary responsibility are regulated by special statutes on discipline [6, p. 19].

The main feature of this definition of a law enforcement agency is the emphasized routine performance by the law enforcement agency of one of the law enforcement functions listed by the author. S. Rossokha provides a definition of "law enforcement agency" as a state body that is endowed by the Constitution and laws of Ukraine with a certain amount of rights and obligations to protect the rights and legitimate interests of citizens, legal entities, society and the state, by performing specific coercive actions that are carried out in a certain procedural form [7, p. 6]. In this definition, avoiding the law enforcement function, the author actually reveals its content as the protection of rights and freedoms by taking coercive actions in a certain procedural form.

A. Rusetskyi refers to law enforcement agencies as state institutions, bodies and organizations existing in society and the state that carry out law enforcement activities, and whose main task is to ensure the rule of law, protect the rights and legitimate interests of man and citizen, legal entities, fight crime and other offenses. The author defines law enforcement activity as such state activity that is carried out in order to protect the law by specially authorized bodies through the application of legal measures of influence with strict observance of the procedure established by law [8, p. 239].

Most of the above author's approaches to the

concept of “law enforcement agency” focus their attention on the implementation of law enforcement activities, or law enforcement functions, both one and several, which is a special feature of law enforcement agencies that distinguishes them from other bodies that perform law enforcement activities. According to V. Nevyadovsky, most scientists associate the meaning of the term “law enforcement” with the power activity of authorized state bodies, which is aimed at protecting the rights and freedoms of human and citizen with the possibility of using measures of influence [9, p.226]. That is, the main component of law enforcement activity is the possibility of applying measures of influence in the protection of rights and freedoms. A similar opinion is held by R. Shai, who defines law enforcement activity as a form of exercising the functions of the state through the power of operational activities of state bodies aimed at ensuring the protection of the law from violations, protecting the subjective rights granted to citizens and ensuring the fulfillment of legal obligations imposed on them. To the characteristic features of law enforcement activity the author attributes: focus on the protection of law from any violations; is carried out only through the application of normative and legal acts; compliance with the requirements of substantive law; implementation in compliance with certain procedures established in the procedural law; direct connection with the use of coercion against persons who violate the law; implementation by specially authorized bodies [10, p.17].

Let us focus on what should be considered the administrative and legal status of law enforcement agencies.

In the legal literature, the main discussion is about what elements are included in the content of administrative and legal status. V. Liukh under the administrative and legal status of a law enforcement agency as a subject of financial security proposes to understand the position of a law enforcement agency enshrined in the norms of administrative law, which is characterized by its competence, powers and responsibilities in the field of financial security of the state [11, p.3]. V. Makarchuk defines the administrative and legal status of law enforcement agencies that ensure the formation and implementation of state policy in the field of national security and defense as a set of subjective rights and obligations enshrined in the norms of administrative law for law enforcement agencies that directly affect the formation and implementation of state policy in the field of national security and defense of the state. The structure of the administrative and legal status of law enforcement agencies of Ukraine as subjects of ensuring national security and defense of the state, according to the author, is as follows: 1) purpose, tasks and functions; 2) powers; 3) organizational and staffing structure; 4) legal guarantees and legal responsibility [12, p.40].

Thus, most of the above authors have quite broad views on the elements of the content of the

concept of “administrative and legal status of law enforcement agencies”. In our opinion, it is advisable to determine the administrative and legal status of law enforcement agencies as essential elements that characterize its place and role in the system of certain social relations: powers, tasks, purpose and functions, among which the main one is the implementation of the law enforcement function. Organizational structure, law guarantees and legal responsibility may also be elements of the administrative and legal status of a particular law enforcement agency, which specify its place among other law enforcement agencies.

Let us consider other elements of the administrative and legal status of law enforcement agencies as subjects of interaction and coordination in the field of law enforcement. The procedure for coordinating the activities of law enforcement agencies in the field of combating crime states that the subjects of coordination activities are law enforcement agencies, which are entrusted by the legislation of Ukraine with the functions of inquiry, pre-trial investigation and conducting operational and investigative activities, and, if necessary, other state bodies with their consent. The grounds for the implementation of coordination powers by the leadership of the prosecutor’s office are the problems in the field of combating crime established by the prosecutor’s office in the exercise of constitutional functions, which can be solved by coordinating the activities of law enforcement agencies of the appropriate level and taking joint measures [13]. That is, we are talking about the fact that law enforcement agencies as subjects of coordination in the field of law enforcement are those that carry out inquiries, pre-trial investigations or conduct operational and investigative activities in the fight against crime as a necessary element of law enforcement.

The Regulation “On coordination of law enforcement agencies in combating crime and corruption” stipulates that the grounds for the implementation of coordination powers by the leadership of the prosecutor’s office are the problems in the field of combating crime established by the prosecutor’s office in the exercise of constitutional functions, which can be solved by coordinating the activities of law enforcement agencies of the appropriate level and taking joint measures [14]. This shows that it is the presence of a problem in the field of fighting crime, which can be eliminated through coordination of actions, is an essential for the implementation of coordination powers by the prosecutor’s office of the appropriate level [15].

4. Conclusion.

Thus, conducted scientific research makes it possible to state that law enforcement agencies as subjects of interaction and coordination in the field of law enforcement are public authorities defined by legislative acts that perform law enforcement

functions on the basis of consistency of the powers granted to them by administrative and legal norms to protect the rights, freedoms and legitimate interests of individuals and legal entities by preventing, suppressing and solving offenses related to a particular region. Important elements that characterize the participation of law enforcement agencies in interaction and coordination at the regional level, in our opinion, are the following: 1) their task within the framework of a common goal for all law enforcement agencies - to ensure law and order associated with the implementation of their inquiry, pre-trial investigation and conducting operational and investigative activities as elements of the fight against crime; 2) objectively determined need to solve problems in the implementation of the law enforcement function by law enforcement agencies by coordinating their activities and implementing joint actions; 3) belonging of law enforcement agencies as subjects of interaction and coordination to the same level of implementation of their powers- a particular region.

The features of the administrative and legal status of law enforcement agencies as subjects of

interaction and coordination in the field of law enforcement at the regional level include: 1) these are public authorities whose powers are implemented in a certain region and cover a certain range of administrative-territorial units; 2) the binding of their law enforcement activities to certain administrative-territorial units makes it possible to effectively solve problems arising in the exercise of their law enforcement function under the conditions of optimal coordination of the professional activities of these entities; 3) interaction and coordination takes place within the limits defined by administrative and legal norms of the powers of law enforcement agencies, extending them within the limits of their competence regions; 4) independence of law enforcement agencies and mandatory participation in the coordination of mutual actions and coordination activities to identify the most effective measures and forms of interaction and coordination; 5) mandatory implementation of agreed actions in the process of interaction and coordination, as well as responsibility for compliance with legal requirements in interaction and coordination in the field of law enforcement activity.

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