

Administrative and legal status of personnel procedures subjects in the national police of Ukraine

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Abstract. *The article emphasises that the administrative and legal status of personnel procedures subjects in the National Police of Ukraine not only formalises the participation of individuals in personnel processes but also ensures a balance between the interests of the state and the rights and freedoms of individual participants.*

It has been established that the administrative and legal status of personnel procedures subjects is a complex concept that includes not only a set of rights, obligations and powers but also a system of legal guarantees and restrictions, as well as mechanisms of control and responsibility. Its specificity is manifested in the public-legal nature of personnel procedures, a special regime of service in the police, and increased attention to issues of ethics, integrity, and professional suitability.

The importance of legal guarantees of protection provided for personnel procedure subjects, which ensure the possibility of appealing decisions, fair consideration, and protection of honour, dignity, and labour rights, has been emphasised. Administrative and judicial appeal of personnel decisions is an important tool for ensuring a balance between the power of the administration and the rights of employees and candidates for service.

It has been found that the administrative and legal status of the subjects of personnel procedures in the National Police of Ukraine performs not only a regulatory but also a stabilising function. It allows maintaining the internal integrity and manageability of the police system in the face of constant changes in the security environment, law enforcement reforms and public expectations. A clear definition of the legal position of each subject of personnel processes minimises the risks of abuse, increases the accountability of management and strengthens the trust of citizens in law enforcement agencies.

Keywords: *administrative and legal status, subjects of personnel procedures, National Police of Ukraine, personnel units, competition commissions.*

Problem statement. The relevance of the study of the administrative and legal status of subjects of personnel procedures in the National Police of Ukraine is due to a number of important objective and subjective factors that determine the current state of the management system in the internal affairs bodies, as well as the need to increase the efficiency of the functioning of the personnel mechanism as a key tool for forming a professional police force. In the context of the reform of law enforcement agencies that began in Ukraine after 2015, special attention is paid to the issue of ensuring transparency, openness and legality of personnel procedures, which are aimed at creating an effective, honest, accountable and professional personnel.

The administrative and legal status of subjects of personnel procedures, in particular police officers, members of competition and certification commissions, representatives of the public, and personnel departments, requires clear regulatory regulation that meets the principles of the rule of law, legal certainty, and equality before the law. In addition, it is worth considering that the administrative-legal status is not only a legal characteristic but also a systemic category that covers the rights, obligations, guarantees, grounds and limits of responsibility of subjects of administrative-legal relations. That is why a systematic study of the administrative-legal status of participants in personnel procedures in the National Police of Ukraine allows us to form a holistic picture of the mechanisms of interaction between management bodies and other subjects, to assess the effectiveness of regulatory support and to suggest ways to improve it.

The harmonisation of administrative-legal regulation with European standards, including the requirements of the

European Social Charter and GRECO recommendations, as well as the practice of the European Court of Human Rights, emphasises the urgent need for a scientific understanding of the issues of the status of subjects of personnel procedures in the police. Given the constant challenges associated with personnel security, police professionalisation and strengthening public trust in the law enforcement system, the study of this topic has not only theoretical but also significant practical significance [1, p. 14].

Therefore, the relevance of the study of the administrative and legal status of subjects of personnel procedures in the National Police of Ukraine is determined by the need to improve legal regulation in this area, ensure the effective functioning of personnel policy, and improve the quality of management decisions and respect for human rights in the public service system.

In addition, the relevance of the study is enhanced by national challenges – armed aggression, security sector reform and the need to ensure sustainable police work in times of crisis. Personnel procedures in such conditions acquire special importance, because it is precisely on the effectiveness and legality of the selection, assessment and promotion of employees that the ability of the police to perform its functions of maintaining law and order, citizen security and protecting human rights and freedoms depends [2, p. 33].

Thus, the study of the administrative and legal status of subjects of personnel procedures in the National Police of Ukraine is complex in nature and is of scientific and practical interest. Its results can be used to improve

national legislation, increase the efficiency of police administrative activities, form a legal culture in the field of public service, and establish European standards in Ukrainian law enforcement.

State of the study. In the field of Ukrainian legal doctrine, the following scholars devoted their scientific research to the issue of personnel procedures in the National Police of Ukraine: O.M. Bandurka, O.I. Bezpalova, K.L. Bugaychuk, V.M. Vasylenko, M.Ya. Demyanenko, O.V. Dzhafarova, O.Yu. Drozd, P.V. Yevdokimov, Y.V. Kovbasyuk, A.M. Kolodiy, A.T. Komzyuk, T.V. Kostyuk, K.B. Levchenko, O.A. Morgunov, R.V. Myronyuk, O.M. Muzychuk, O.Yu. Salmanova, O.Yu. Sinyavska, V.V. Sokurenko, V.P. Tymoshchuk, N.P. Khrystynchenko and other scholars. However, despite the considerable interest of the scientific community in the researched issues, scientists have actually ignored problematic issues related to the administrative and legal status of subjects of personnel procedures in the National Police of Ukraine.

Purpose and objectives of the study. The purpose of the article is to investigate the administrative and legal status of the subjects of personnel procedures in the National Police of Ukraine. To achieve this goal, it is necessary to solve the following tasks: to clarify the definition of administrative and legal status; to investigate this category through the prism of the specifics of personnel procedures in the National Police of Ukraine.

Scientific novelty of the study. The scientific novelty of the study lies in the fact that the author has formed his own approach to understanding the administrative and legal status of subjects of personnel procedures in the National Police of Ukraine.

Presentation of the main material. Administrative-legal status is a set of rights, duties, powers, guarantees and responsibilities of a subject in the field of public administration, defined by the norms of administrative law, which determines its legal position, functions, opportunities and limits of interaction with state authorities, local self-government, citizens and other participants in administrative-legal relations [3, p. 197].

Administrative-legal status can be both individual (for example, the status of a public servant, citizen, or foreigner) and collective (for example, the status of an executive body, local self-government body, or public organisation), which reflects the multifaceted participation of subjects in public-legal relations.

At the same time, the administrative-legal status of participants in personnel procedures in the National Police of Ukraine is a set of duties, powers, restrictions, guarantees of responsibility and mechanisms of legal protection of persons participating in the implementation of personnel policy within the activities of the National Police of Ukraine, defined by the norms of administrative law.

This status covers both subjects of personnel procedures (for example, during appointment, transfer, certification, and dismissal) and other participants, such as members of competitive and certification commissions, representatives of personnel departments, and officials authorised to make personnel decisions [4, p. 134].

The content of the administrative-legal status is

formed taking into account the principles of legality, professionalism, openness, equality, impartiality and transparency in making decisions on personnel issues. It also includes the possibility of appealing decisions, actions or inaction of subjects of power in the field of personnel management, which guarantees the realisation of the rights and legitimate interests of all subjects of personnel procedures within the framework of the legal order [5, p. 268].

It is necessary to emphasise that in domestic legal science, several more approaches to understanding the concept of administrative-legal status of participants in personnel procedures in the National Police of Ukraine have the right to exist.

Thus, there is a definition according to which the administrative-legal status of subjects of personnel procedures in the National Police of Ukraine is the systemic legal position established by administrative-legal norms of persons who directly participate in the processes of formation, implementation, control and provision of personnel policy in police bodies. This status includes clearly defined powers, functional responsibilities, rights and guarantees, as well as legal responsibility and protection mechanisms in case of violation of legitimate interests [6, p. 89].

The subjects of personnel procedures are both the police officers themselves, in respect of whom the relevant personnel actions are carried out (admission, transfer, dismissal, certification, etc.), and officials authorised to perform personnel functions, in particular, representatives of personnel units, members of commissions, and heads of structural units. The content of the administrative-legal status is formed on the basis of the current legislation of Ukraine, subordinate regulatory legal acts and internal departmental regulations, which determine the legal boundaries and procedure for implementing personnel procedures in the National Police of Ukraine.

Such status is established and regulated by the norms of administrative legislation and covers the legal capacity, capacity, functional competence, subjective rights, legal obligations, legal guarantees and liability of persons participating in the implementation of personnel procedures. The circle of such subjects includes both officials who make personnel decisions (heads, employees of personnel units, and members of certification and competition commissions) and police officers.

It should be noted that the majority of domestic legal scholars agree that the administrative-legal status ensures a balance between the interests of the state, police agencies and individual rights, establishing a clear procedure for the selection, promotion, evaluation and dismissal of personnel, and also provides opportunities for the protection of rights in the event of their violation through administrative-legal mechanisms [7, p. 195].

The administrative-legal status of subjects of personnel procedures in the National Police of Ukraine is a complex and multifaceted concept that encompasses a system of rights, obligations, powers, guarantees and restrictions established by law and regulating the participation of individuals in the procedure of selection,

service and dismissal from police agencies.

The subjects of personnel procedures in the National Police of Ukraine include candidates for police service, police officers who are already serving, heads of structural units, personnel units, attestation and competition commissions, as well as representatives of the public who may be involved in certain stages of personnel selection.

The legal regulation of personnel procedures is based on the norms of the Constitution of Ukraine, the Law of Ukraine "On the National Police", the Labour Code of Ukraine (in the part that does not contradict special legislation), the Law of Ukraine "On Service in Local Self-Government Bodies" (by analogy), the Law of Ukraine "On Purification of Power", as well as on subordinate regulatory legal acts, in particular orders of the Ministry of Internal Affairs of Ukraine, which detail the procedure for selection, service, attestation, disciplinary liability, etc. [8].

Police officers who are serving are the main subjects of personnel procedures. They have the right to promotion, participation in competitions for higher positions, passing certifications, and advanced training. At the same time, they are entrusted with the duties of observing service discipline, professional ethics, and impartial performance of official duties.

Certification and competition commissions operating in the system of the National Police of Ukraine have the status of collegial bodies with clearly defined powers. Their participants act within the framework of the law and must ensure transparency, objectivity, and impartiality in making personnel decisions. The administrative and legal status of members of such commissions includes the duties of maintaining confidentiality, preventing conflicts of interest, and responsibility for possible abuses or violations of procedures.

Personnel departments of police bodies implement the functions of organizational, informational and legal support of personnel processes. They ensure the maintenance of personal files and the preparation of documents for the appointment, transfer, and dismissal of employees. Their administrative and legal status gives them the authority to make relevant decisions within the scope of competence [9, p. 59].

Thus, the administrative and legal status of subjects of personnel procedures in the National Police of Ukraine is determined by the relationship of rights, obligations, powers, legal guarantees and restrictions that ensure the effective functioning of personnel policy in police bodies. Balanced and lawful application of administrative law norms in this area is the key to the selection of high-quality personnel and compliance with the principles of legality, equality, transparency and objectivity.

Separate attention should be paid to public participation in personnel procedures, which is implemented, in particular, through the participation of public observers in competitions, monitoring the selection of candidates and checking compliance with anti-corruption legislation. Such subjects have a special administrative and legal status that does not grant them power but ensures the

implementation of their right to access information, participate in commission meetings, and submit comments and recommendations. This creates additional guarantees of transparency, accountability and public trust in the police.

The administrative and legal status also includes restrictions that apply to subjects of personnel procedures. For example, the Law of Ukraine "On Prevention of Corruption" establishes a number of prohibitions regarding concurrent employment or conflict of interest. Police officers are required to submit income declarations, undergo integrity checks and periodic psychophysiological examinations. All these elements are an integral part of the system of public administration and ensuring legality in the field of personnel processes [10].

Thus, the administrative and legal status of subjects of personnel procedures in the National Police of Ukraine is dynamic, multi-level and regulated by numerous norms of administrative, labour, anti-corruption and special police legislation.

In the process of further analysis of the studied issues, it is worth paying attention to the mechanisms of legal protection of subjects of personnel procedures, which is an important component of their administrative and legal status. In case of violation of the rights of a candidate or police officer, in particular, unlawful refusal to accept for service, illegal transfer, dismissal or imposition of disciplinary sanctions, administrative and judicial methods of protection are provided. A person has the right to appeal such decisions to higher police bodies, the Ministry of Internal Affairs of Ukraine or directly to the administrative court. This right is enshrined in the Constitution of Ukraine and the Code of Administrative Procedure and is also specified in departmental acts. At the same time, national legislation provides that the consideration of such cases must be quick, impartial and effective, with the possibility of reinstatement and compensation for moral and material damage [11, p. 26]. A special role in personnel procedures is played by e-government, which is gradually being introduced into the activities of the National Police of Ukraine. Automated personnel accounting systems, electronic competitions and platforms for submitting applications for service allow for reducing subjective influence, reducing the risks of corruption and ensuring equal access to the service.

It is also necessary to emphasise the dynamism of the administrative and legal status. During the professional activity of a police officer, he repeatedly enters into personnel procedures – from admission and promotion to certifications, disciplinary proceedings and dismissal. Changing the nature of the duties performed affects the scope of rights and obligations, responsibility and administrative guarantees. Thus, the administrative and legal status is not static but changes in accordance with the service path of the police officer [12, p. 63].

Conclusions. Thus, within the framework of this article, it was noted that the administrative and legal status of the subjects of personnel procedures in the National Police of Ukraine not only formalises the participation of individuals in personnel processes but also ensures a balance between

the interests of the state and the rights and freedoms of individual participants.

It has been established that the administrative and legal status of the subjects of personnel procedures is a complex concept that includes not only a set of rights, obligations and powers but also a system of legal guarantees and restrictions, as well as mechanisms of control and responsibility. Its specificity is manifested in the public-legal nature of personnel procedures, a special regime of service in the police, and increased attention to issues of ethics, integrity, and professional suitability.

The importance of legal guarantees of protection provided for the subjects of personnel procedures, which ensure the possibility of appealing decisions, fair consideration, and protection of honour, dignity, and labour rights, is emphasised. Administrative and judicial appeal of personnel decisions is an important tool for ensuring a balance between the power of the administration and the rights of employees and candidates for service.

It has been proven that the administrative and legal status of subjects of personnel procedures in the National Police of Ukraine is not only a formal legal institution but a real mechanism for regulating service relations, ensuring objectivity, professionalism, stability and openness of personnel policy. Its improvement should occur through updating the regulatory framework, developing e-government, strengthening public control and implementing best international practices.

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