

# Institutional principles of interaction between the National Police of Ukraine and other entities of the security and defence sector of Ukraine

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**Abstract.** *The article is devoted to the clarification of the complex of institutional principles of interaction of the National Police of Ukraine with other subjects of the security and defence sector of Ukraine. It is established that the interaction of the National Police and other subjects of the security and defence sector in Ukraine, as in a modern legal and democratic state, aimed at gaining full membership in the European Union, should be based on a complex of relevant institutional principles, which is a special administrative and legal issue that is not given sufficient attention in the scientific literature. It is noted that the interaction of the police and other subjects of the security and defence sector of Ukraine is currently based on a certain number of principles that form a system of fundamental ideas of such interaction, which primarily covers general legal, special and special (institutional) principles of interaction of subjects of activity in the field of ensuring national security and defence. The institutional principles of police interaction with other entities of the security and defence sector constitute an independent group of legal principles that detail general legal and sectoral guidelines in the field of joint security activities and are aimed at streamlining both organisational mechanisms and the content of such interaction. It is noted that the principles that are attributed to institutional fundamental ideas determine the goals and other characteristics of collective actions and decisions, delimit the powers and responsibilities of the participants in the relationship, and establish requirements for planning and organising interaction in general, as well as for procedural forms, methods and tools for implementing security measures in particular. In addition, the criteria for selecting adequate forms and means of administrative and legal response to specific factors, taking into account the assessment of the security situation, follow from these principles. It is substantiated that currently the group of institutional principles of interaction of the National Police with other entities of the security and defence sector of Ukraine primarily includes the principle of objectivity; the principle of systematicity and consistency; the principle of separation of powers of interaction subjects; the principle of planned interaction; the principle of professionalism combined with patriotism; the principle of efficiency of interaction; the principle of optimal interaction; and the principle of assessing corruption risks of interaction.*

**Keywords:** national security, National Police of Ukraine, defence of Ukraine, principles, public administration, security and defence sector, management activities.

**Problem statement.** In modern Ukraine, as in any other modern legal and democratic state, each type of human activity is based on certain principles that constitute the leading scientific and legal categories and reflect the most essential features of the relevant activity and the mechanism of its legal regulation [1, p. 515]. In particular, Ukrainian scientists S.I. Khom'yachenko and I.V. Vladimirenko emphasise that principles are the initial foundations and general requirements for the construction and functioning (development) of a certain object or system and therefore are key characteristics without which the system is unable to properly achieve its purpose [2, p. 81]. In view of this, one should agree with the position of scientists who note that each public service body created to implement state functions (tasks) has its own "coordinate system", which is the principle of the activity of such a subject of power and which it is guided by when exercising its powers [3, p. 32]. Of course, the National Police is no exception, because its activities must be carried out in accordance with the assigned tasks, which (as well as their implementation) in turn must be consistent with the principles of functioning of this public service body. At the same time, the issue of proper (lawful, effective, optimal, productive, timely, etc.) implementation of such police tasks in the field of ensuring national security and defence is particularly relevant, namely in the context of interaction of this public service body with other entities of the security and defence sector. As can be seen, such mutual activity in Ukraine, as in a modern European legal and democratic state, must be based on a set of relevant institutional principles, which is a special administrative and legal issue that requires separate scientific research.

**State of the study.** Given the significant theoretical and practical importance of the principles of administrative and legal activity in general and interaction in particular, Ukrainian scientists (including O.Yu. Vasylenko, S.V. Hronsky, M.O. Demydova, K.S. Izbash, A.V. Komzyuk, S.M. Melnyk, V.M. Oliynyk, S.I. Subota, Ya.V. Shnurko, etc.) have been studying their nature and structure in the context of interaction between subjects of administrative law (including the National Police of Ukraine) and ensuring national security and defense capability of the state for a long time. At the same time, it should be noted that so far, due attention has not been paid to the principles of interaction of the police with other subjects of the security and defence sector of Ukraine, which is a theoretical issue that has practical significance and requires a separate solution within the framework of the analysis of the institutional fundamental ideas of such interaction.

**Purpose and objectives of the study.** The purpose of the article is to clarify the institutional principles of interaction of the National Police with other subjects of the security and defence sector of Ukraine. To achieve this goal, the following tasks are performed: 1) to outline the structure of the system of basic principles of interaction of the police with other subjects of the security and defence sector; 2) to characterise the institutional principles of interaction in the context of the system of basic principles of such interaction; 3) to analyse the identified institutional principles of interaction of the National Police with other subjects of the security and defence sector.

**Presentation of the main material.** First of all, we

note that the system of principles of interaction between the National Police and other subjects of the security and defence sector of Ukraine consists of three groups of fundamental ideas, namely general legal, special and special (institutional) principles of interaction. Thus, we note that general legal principles (i.e., the principles of the rule of law, legality, respect for human rights, justice, equality and non-discrimination) are essentially primary, civilisation-based ideas that permeate the legal system as a whole and determine the content and vector of legal regulation. Therefore, the specified principles serve as criteria for the belonging of any legally significant activity to the legal order established in the state, based on these fundamental guidelines of administrative activity [see, for example, 4, p. 56; 5, p. 137]. Thus, since the interaction of the police with other subjects of the security and defence sector is a special expression of public administration, it must be planned and carried out within the requirements arising from the above principles (otherwise, such administrative activity will acquire the character of a phenomenon alien to the rule of law, will be repelled by the national legal system and, as a result, will lose its constructive regulatory significance).

Instead, the scope of special principles of such interaction is made up of fundamental ideas that, as sectoral guidelines, regulate administrative and legal activity in the field of national security and defence, specifying general legal and administrative and legal principles and reproducing the content of the relevant branch of law [6, p. 184], taking into account the needs of the proper performance of supporting functions within public administration. These include, among others, the principle of priority of preventive influence, the principle of systematic readiness for action, the principle of unity of purpose and coherence of actions, and the principle of correspondence (proportionality), as well as the principle of combining democratic civilian control with internal systemic supervision (control), etc. That is, the mentioned guidelines determine the legitimate goals of planning and implementing joint measures, outline the boundaries of the competence of the participants in the interaction, and establish the appropriate legal forms of decisions and requirements for procedures in the interaction of the National Police with other entities of the specified sector. Along with this, let us agree that these principles, while preserving the main features of general legal principles, acquire special qualities inherent in public administration in general [7, p. 35] and the security and defence sphere in particular, performing a system-forming role (after all, they specify and outline guidelines for regulatory and institutional and organisational support of interaction, increase the legal culture of the parties to the relationship regarding interaction and ensure the stability of law and order in this area, including by overcoming gaps and conflicts in regulating joint actions of the National Police and other security and defence sector entities).

Meanwhile, a special group of such principles is made up of institutional fundamental ideas of interaction between the police and other subjects of the security and defence sector, which is a block of legal principles that specify general legal and sectoral fundamental ideas in the

field of joint security activities of such subjects and are therefore aimed at streamlining the organisation and content of such interaction of subjects. It should be noted that the above principles determine the purpose and other characteristics of joint actions and decisions of the subjects of interaction, delimit the powers and responsibilities of the participants in relations regarding interaction, and establish requirements for planning and organising interaction in general and procedural forms, methods and means of implementing security measures in particular. In addition, the above principles also provide appropriate criteria for selecting forms and measures of administrative and legal response of the subjects of interaction to certain factors, taking into account the assessment of the security situation.

Thus, the circle of such principles primarily includes the principle of objectivity, which means that a management decision always has an object, that is, the semantic content of the decision, and therefore “the combination of efforts of two activity systems should arise only in connection with specific facts or persons of operational interest, and on specific grounds” [1, p. 516], which attests to the existence of an object, in view of which the police and another subject of interaction (that is, another subject of the security and defence sector) can interact. At the same time, in order to prevent abuse of the breadth of interpretation of the subject of interaction, the single principle contains the following criteria for the objectivity of the interaction under consideration: first, the specificity of the subject of management activity, which reflects the goal and objectives of ensuring national security and defense capability of the country; second, the correspondence of the properties of the subject area of the environment as a direct object of public administration in the sphere of national security and defense, as well as the management subsystem; thirdly, the certainty of relations between the subjects of interaction, as well as between them and the object (also the subject) of interaction. The effectiveness of the specified principle is enhanced by the principle of systematicity and consistency, which is due to the fact that the subjects of interaction are components of a complex system of subjects “whose activities are subordinated to a common goal and are coordinated at the level of management of these systems” [1, p. 516]. Therefore, the specified principle provides for the creation of structures and sequential actions (with successive stages of initiation, planning, execution, control and adjustment), which contribute to the achievement of the set goals and objectives in the security situation not by fragmentary actions, but within the framework of systematic (not episodic) organisational and legal activities in the form of interaction between the police and other subjects of the security and defence sector.

It is also important to highlight in the context of the issue we are considering the principle of separation of powers of interaction subjects, which is an important structural and organizational principle of public administration, on the basis of which any interaction between the police and other subjects of the security and defence sector is built, which takes into account that despite the common goals and objectives of such subjects, each of

these subjects is endowed with its own specific powers [1, p. 516], which cannot be situationally performed by another subject of interaction, even if in specific circumstances of interaction, such powers may formally contribute to achieving the goal of interaction, however, they harm the legitimacy of the relevant public administration.

Among the institutional principles of interaction between the police and other subjects of the security and defence sector, one should also mention the principle of planned interaction, which is “an expression of the purposefulness of joint efforts and their management” [1, p. 516], as well as a component of “the system of state strategic planning, which aims to ensure the defense capability of the state by determining priorities and directions for the development of the defense forces, their capabilities, weapons and military equipment, infrastructure, training of troops, as well as the development of relevant concepts, programs and plans taking into account real and potential threats in the military sphere and the financial and economic capabilities of the state” [8, p. 177]. Thus, the implementation of this principle requires that the interaction of the National Police and other subjects of the security and defence sector be based on previously agreed activity plans containing the goal, objectives, deadlines for implementing the plan, responsible executors, resources and criteria for evaluating the results of activities.

Also of extreme importance in the context of the issue we are considering is the principle of professionalism combined with patriotism. This principle, which also has a moral and socio-political nature, provides that the interaction of subjects involves officials who have a high level of practical training and are characterised by an “appropriate set of professional, business, communicative and personal qualities” [1, p. 516]. As can be seen, the specified combination of characteristics of officials involved in the interaction of the National Police and other subjects of the security and defence sector of Ukraine ensures the ability of such subjects to act in accordance with professional standards and ethical requirements, confirming loyalty to the oath and devotion to national interests and values, which is also manifested in the mature moral position of officials of the subjects of interaction and their desire to serve the state, as well as in the conscientious direction of their own efforts to strengthen the appropriate level of national security and defence capability of the country.

The interaction of the police and other subjects of the security and defence sector should also be based on the principle of efficiency of interaction, the content of which is that the implementation of the principle of planning cannot be carried out at the cost of harming the timeliness of the protection of national interests and values, and the response of the subjects of interaction to risks and threats must always remain urgent. Therefore, acting according to previously agreed plans, the subjects of interaction are simultaneously obliged to realistically assess the dynamics of the implementation of public administration in general and in the field of national security and defence in particular, taking into account the nonlinear nature of both administrative and legal activity in general and the interaction itself. Other scientists also pay attention to this circumstance, rightly

stating that “in real life it is impossible to calculate and predict all the trends in the development of the interaction process, to predict a constant algorithm of actions” [1, p. 516], and therefore, the principle of efficiency “is an objective requirement that provides for a timely (i.e., in the shortest possible time) adequate response to threats and potential risks to the state of national security and defence capability of Ukraine.” [8, p. 176]. At the same time, it should be noted that the non-ideality of the practical reality of the implementation of security measures within the framework of the interaction of the specified subjects cannot be considered as a sufficient argument for replacing or levelling the legality of interaction.

To a large extent, the effectiveness of the principle of efficiency is enhanced by the principle of optimality of interaction, which generally involves the development and adoption of such management decisions (actions) within the framework of interaction of subjects that best take into account the potential of the subjects of interaction (objective ability to exercise appropriate administrative and legal influence) and the external conditions for interaction (primarily, the peculiarities of the security situation in the field of national security and defense, as well as specific circumstances in the context of which administrative and legal influence is exercised). Therefore, as scientists note, “the implementation of the specified principle involves a mutual analysis by the subjects of interaction of each other’s capabilities (quantitative and qualitative characteristics)” [1, p. 516], as well as to preliminarily assess the level of the security environment, which “is designed to objectively assess the situation, identify the most dangerous threats, identify weak links in the functioning of the system of ensuring state security and defense capability, and determine the main areas of concentration of efforts to improve the system of management, communication and mutual assistance of state structures and civil society institutions in matters of national security and defense” [8, p. 177]. It is on the basis of such information that the police and other subjects of the security and defence sector within the framework of interaction should choose the most optimal (with minimal expenditure of public resources and the least interference with human rights and freedoms) forms, methods and means of interaction, as well as (with a preliminary comparison of alternatives and justification of the proportionality of the measures applied) tools to ensure the achievement of the goal of such interaction.

In the context of the issue we are considering, special attention should be paid to the principle of assessing corruption risks of interaction, which is one of the key principles of interaction in general [8, p. 178] and an important principle of preventing corruption offenses in the activities of the National Police and other subjects of the security and defence sector regarding their interaction and in the context of such interaction. Thus, taking into account the breadth of manifestations and content of corruption [9, p. 126], as well as certain administrative and legal restrictions and prohibitions that are of an anti-corruption nature [10, pp. 84–122], we note that the implementation of this principle should: first, make it impossible to use interaction for corrupt purposes (for example, to exercise

administrative and legal influence on subjects who refuse to provide illegal benefits, as well as for the purpose of embezzling budget funds, etc.); second, prevent a conflict of interest within the framework of the interaction of the specified subjects (nepotism, corruption privilege, etc.); third, prevent the erosion of control and transparency of the activities of each subject of interaction of the National Police and other subjects of the security and defence sector of Ukraine; Fourth, all actions and decisions within the framework of interaction should be carried out with an assessment of the corruption risks of such acts (actions and decisions) and a preliminary check of the absence of a conflict of interest in the process of adopting such acts (to the extent that these acts can subsequently be verified by the controlling entity).

**Conclusions.** Summarizing the above, we note that the institutional principles of interaction of the National Police with other subjects of the security and defence sector are a set of special fundamental ideas that specify general legal and special principles of interaction, allowing to properly (lawfully, effectively, optimally, efficiently, timely, etc.) achieve the goal of ensuring national security and

defense capability of the state as a whole and the goal of interaction in a specific area, in particular. The principles under consideration generally guide the organization and content of joint actions and decisions of such subjects, obliging to determine the subject of interaction, ensure the systematicity and consistency of relevant administrative and legal activities, delimitation of the powers of participants in relations regarding interaction, the obligation to plan such activities and take into account corruption risks in this activity, requirements for professional training and service ethics of officials of the subjects of interaction, etc. Thus, the implementation of the requirements of these special fundamental ideas involves preliminary fixing of the purpose of interaction, identification of responsible officials (structural units), coordination of deadlines and resources aimed at ensuring interaction, regulated exchange of information taking into account access regimes to state secrets, assessment of security risks and corruption risks before making decisions, as well as establishment of verifiable criteria for the proportionality of the measures applied and personal responsibility.

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