

# Tasks and functions of subjects ensuring discipline and legality in the activities of the National Police

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**Abstract.** *The article, based on the analysis of scientific views of scientists and the norms of current legislation, forms the author's approach to determining the tasks and functions of subjects of ensuring discipline and legality in the activities of the National Police. It is noted that the general and specific issues of performing the tasks listed in the article and implementing the functions described depend on the specifics of the subject of responsibility and the scope and scope of authority of each subject of the studied provision. **Methodology.** The scientific research is based on both general and special methods of scientific knowledge. In particular, the method of documentary analysis and formal-legal and analytical methods were used in the process of analysing the provisions of individual regulatory legal acts, in particular the laws of Ukraine "On Law-Making Activity" and "On the National Police". Structural-logical and system-functional methods have been used in order to identify the tasks of ensuring discipline and legality in the activities of the National Police and the functions within which the specified tasks are implemented. **Results.** The following tasks of the subjects of ensuring discipline and legality in the activities of the National Police are highlighted: 1) formation of a meaningful and relevant, clear and understandable regulatory and legal basis for the activities of the police, as well as for the implementation of security measures in relation to its work in order to maintain the proper level of discipline and legality in it; 2) formation of conceptual principles of ensuring discipline and legality in the activities of the National Police; 3) tracking (monitoring), checking and assessing the state of discipline and legality in the activities of the police; 4) creation and maintenance of the optimal structure of the national police bodies and its effective management; 5) coordination, orientation and direction of the activities of the national police bodies; 6) restoration of violated legality; 7) implementation of effective personnel support. In accordance with the outlined tasks, the key functions of the subjects of ensuring discipline and legality in the activities of the National Police are outlined. For example, it is noted that an important guarantee of discipline and legality in the activities of police bodies is the presence of an effective, understandable and transparent organisation of their system and its chairmanship by a person with appropriate professional and personal qualities. These tasks are carried out by the subjects of the studied provision within the framework of the organisational and institutional function, which actually involves: firstly, the formation of the police structure, the definition of its management apparatus, the distribution of responsibilities within the system; secondly, the appointment of persons to leadership positions in police bodies.*

**Key words:** legal status, tasks, functions, support, discipline, legality, National Police.

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## INTRODUCTION

Each subject of ensuring discipline and legality in the activities of the National Police is endowed with a certain legal status, which is a set of legally significant characteristics (signs, properties) that determine the position of a particular subject in the system of relevant legal relations. The elemental composition of such a status is quite broad, however, one of the key places in it belongs to tasks and functions, the complex of which allows us to judge what exactly is required of the relevant subjects to ensure discipline and legality in the activities of the National Police, in what directions each of them should act, and what nature and scope of work they should perform. Tasks and functions reflect the contribution that the subject (subjects) makes to the studied provision.

## RESEARCH METHODOLOGY

The scientific research is based on both general and special methods of scientific knowledge. In particular, the method of documentary analysis, formal-legal and analytical methods were used in the process of analysing the provisions of individual regulatory legal acts, in particular the laws of Ukraine "On Legislative Activity" and "On the National Police" [1; 6]. Structural-logical and system-functional

methods were used to identify the tasks of ensuring discipline and legality in the activities of the National Police and the functions within which certain tasks are implemented [1; 2; 3; 4; 5; 6].

Based on the comparative legal method and the generalisation method, it was stated that ensuring discipline and legality in the activities of the National Police is associated with the implementation by the subject of a whole complex of tasks and functions, from the formation of the ideological and normative-pair foundations of this provision to the implementation of individual practical measures.

The validity and reliability of the study are ensured by using a system of sources: regulatory legal acts of various legal forces (the Constitution of Ukraine, laws of Ukraine, subordinate regulatory legal acts, including departmental ones), scientific commentaries, etc. The risks of regulatory ambiguity and unsystematic application are reduced by using categories established in legal science and domestic legislation. The methodological limitations of the study are associated with the informational closure of certain aspects of the National Police's activities, in particular those related to ensuring the national security of the state together with other entities of the security and defence sector. These factors are compensated by using

data from various sources, their verification, comparison with generally accepted approaches in the theory of administrative law, and critical analysis of the information presented in them.

## RESULTS

The National Police is a collective entity that does not have its own consciousness and (or) will and in its functioning is completely dependent on its staff, that is, on employees and other workers who actually perform the functional purpose of the police, carry out its tasks and powers. From this it is quite obvious that the more qualitative (professional, conscientious, responsible, proactive, tactful, etc.) the police personnel, the greater the likelihood that the proper level of discipline and legality will be observed in its activities.

It is obvious that in order to require the police to comply with the relevant rules in their activities, these rules must be introduced, because both the Constitution of Ukraine and the Laws of Ukraine "On the National Police" and "On the Disciplinary Statute of the National Police of Ukraine" stipulate that the National Police, both as a whole and its individual bodies and officials, are guided in their activities by the provisions of current legislation, that is, they act on the basis, in the manner and within the limits specified in the relevant regulatory legal acts. It follows that we can speak of violations of discipline and legality or their low level in police activities only when there are clear and unambiguous regulatory and legal instructions on how police activities should be organised and implemented. However, not only the activities of the National Police require proper regulatory and legal regulation, but also the organisation and functioning of the mechanism for ensuring discipline and legality in the activities of this law enforcement agency, because any influence on the activities of the police, and even more so direct interference in its work, must be strictly regulated by law in order to prevent abuse and arbitrariness within the police system and unlawful pressure on it from outside. An important guarantee of discipline and legality in the activities of police agencies is the presence of an effective, understandable and transparent organisation of the system of subjects of its provision. Each subject of ensuring discipline and legality in the activities of the National Police is endowed with a certain legal status, which is a set of legally significant characteristics (signs, properties) that determine the position of a particular subject in the system of relevant legal relations. The elemental composition of such a status is quite broad, however, one of the key places in it belongs to the tasks and functions, the complex of which allows us to judge what exactly is required of the relevant subjects to ensure discipline and legality in the activities of the National Police, in what directions each of them should act, and what nature and scope of work they should perform. Tasks and functions reflect the contribution that the subject(s) makes to the studied provision.

## DISCUSSION

In the scientific literature, the issue of tasks and functions of subjects of ensuring discipline and legality in

the activities of the National Police is insufficiently studied. We are convinced that the list of such tasks should include:

1) the formation of a meaningful and relevant, clear and understandable regulatory and legal basis for police activities, as well as for the implementation of security measures in relation to its work in order to maintain the proper level of discipline and legality in it. The specified task of subjects of ensuring discipline and legality in the National Police is implemented within the framework of the law-making function. According to the official position, law-making activity is an activity carried out by a subject defined by Article 4 of the Law of Ukraine "On Law-Making Activity" for the purpose of: 1) planning the development and adoption (issue) of regulatory and legal acts; 2) developing draft regulatory and legal acts; 3) adopting (issuing) regulatory and legal acts; 4) keeping records of regulatory legal acts; 5) carrying out legal monitoring [1]. Subjects of law-making activity, in accordance with the specified article, are state authorities, local self-government bodies, their officials and other subjects vested with the Constitution of Ukraine and (or) law with the authority to adopt (issue) regulatory legal acts, namely: the Ukrainian people at the all-Ukrainian referendum; the Verkhovna Rada of Ukraine; the President of Ukraine; the Cabinet of Ministers of Ukraine; ministries; other state authorities and other subjects of public law, which, in accordance with the law, carry out law-making activities on behalf of the state and whose jurisdiction extends to the territory of Ukraine (another state body); the Verkhovna Rada of the Autonomous Republic of Crimea, the Council of Ministers of the Autonomous Republic of Crimea, ministries of the Autonomous Republic of Crimea; heads of local state administrations and heads of structural divisions of local state administrations; territorial community at a local referendum; local self-government bodies [1]. Thus, the law-making function is a direction of activity of public authorities, which consists in assessing the need to regulate certain aspects of ensuring discipline and legality in the activities of the National Police, developing projects, adopting and implementing relevant regulatory legal acts, monitoring their effectiveness and relevance, and amending and terminating the effect of these regulatory legal documents. It should be noted that the concept of law-making is general and includes legislative activities and subordinate norm-making. The first, that is, the legislative function, is implemented only by the people of Ukraine in the form of a referendum or by the parliament. In particular, according to the Constitution of Ukraine, exclusive laws determine the judiciary, judicial proceedings, the status of judges; the principles of judicial examination; the organisation and activities of the prosecutor's office, notary public, pre-trial investigation bodies, bodies and institutions for the execution of sentences; the procedure for the execution of court decisions; the principles of organisation and activities of the bar; the principles of local self-government; the foundations of national security, the organisation of the Armed Forces of Ukraine and ensuring public order [2]. While the function of subordinate norm-making belongs

to a number of subjects. One of the, so to speak, most active and large-scale implementers of the norm-making function is the executive authorities, which, through this function, regulate numerous administrative and related relations of a substantive and procedural nature, introducing and adapting more general legislative provisions to specific areas of practical activity of these authorities;

2) formation of conceptual principles for ensuring discipline and legality in the activities of the National Police. As a leading ideological idea, notes Yu. V. Chabanova, the concept determines the strategy of actions in the implementation of reforms, programmes, and action plans mostly at the national level. In this case, the concept serves as the basis for decision-making and solving specific tasks. In public administration, the researcher emphasizes, it is considered advisable to pre-develop a scientifically based concept of all significant political and legislative decisions [3, p.342]. That is, the creation of conceptual principles, in the context of the researched issues, is the introduction of ideological foundations for ensuring discipline and legality in police activities and the expression of the leading idea, which is embedded in this provision. It is this idea that is decisive and serves as a guideline in the development of a programme of actions and measures for provision. The implementation of this task takes place within the framework of the above-mentioned law-making function, because at the official level these principles are expressed in the form of a relevant legal document, which sets out the main problems, prospects and ways to solve them, as well as expected results. The specified conceptual principles, depending on which aspects of ensuring discipline and legality in the activities of the National Police they cover, can be introduced by the President of Ukraine, as the person responsible for national security, and the Cabinet of Ministers of Ukraine, as the highest state authority responsible for the formation and implementation of state policy in the state, and the Ministry of Internal Affairs, as the main executive body for the formation and implementation of state policy in the field of police services. According to the Regulation on the Ministry of Internal Affairs, its main tasks are: ensuring the formation of state policy in the field of protecting human rights and freedoms, the interests of society and the state, combating crime, ensuring public safety and order, as well as the provision of police services; ensuring the formation of state policy in the field of protecting the state border and protecting the sovereign rights of Ukraine in its exclusive (maritime) economic zone; ensuring the formation of state policy in the field of civil protection, protecting the population and territories from emergencies and preventing their occurrence, eliminating emergencies, rescue work, extinguishing fires, fire and technogenic safety, the activities of emergency and rescue services, as well as hydrometeorological activities; ensuring the formation of state policy in the field of migration (immigration and emigration), including combating illegal (illegal) migration, citizenship, registration of individuals, refugees and other categories of migrants defined by law; ensuring the formation and implementation of state policy in the field of compliance with the norms of international humanitarian law throughout the territory of Ukraine [4];

3) tracking (monitoring), checking and assessing the state of discipline and legality in police activities. This task of the subjects of the study directly concerns the implementation of specific practical measures regarding: a) clarifying the level of executive discipline in the system of bodies of the National Police; b) identifying deviations and direct violations of current legislation and rules of professional ethics; c) establishing and eliminating conditions and factors that contribute to violations of service discipline and the regime of legality. This task is implemented by subjects of ensuring discipline and legality in the activities of the National Police within the framework of control and supervisory functions. V.Ya. Malinovsky notes that the function of control as a social phenomenon consists in directing the management process to establish an ideal model of adjusting the behaviour of the controlled object. The main purpose of this function is to block deviations of the activity of the subject of management from a given management programme, and when anomalies are detected, to bring the management system to a stable state using all available regulators. The social purpose of control is that it is designed to serve as a source of information about the processes taking place, a condition for maintaining legality, order and organisation, protecting freedom and respecting the rights of citizens. Control is used as an important means of identifying the correctness of the tasks set, a measure of knowledge of the objective laws of social development [5, p.330]. Thus, the control function of subjects of ensuring discipline and legality in police activities is a direction of their work, which involves checking the compliance of police activities with established legislative and ethical requirements, in order to determine the need, scope and directions of its correction and improvement, taking measures to block and eliminate conditions and factors that cause or contribute to deviations and violations in police activities. The control function is to one degree or another inherent to all subjects of ensuring discipline and legality in the activities of the national police, in particular, there is parliamentary, presidential, governmental, municipal, public, judicial and prosecutorial control (the latter is carried out in the form of prosecutorial supervision). A vivid example of the legislative statement of these types of control is the Law of Ukraine "On National Security of Ukraine" dated 06/21/2018 No. 2469-VIII, Section 3 of which sets out the general principles of democratic civilian control. It should be noted that the control function in its classical sense, as a set of measures for verification, inspection, and evaluation, is not inherent in all subjects of the system for ensuring discipline and legality in the activities of the National Police. Most subjects of the said system, except for representatives of the executive branch of government, implement this control in the context of their main activity, as an accompanying one. Therefore, it is quite often manifested in specific forms such as: court decisions on appealing actions, public discussions and (or) surveys, resolutions of no confidence, etc.;

4) creation and maintenance of the optimal structure of the National Police bodies and its effective management. These tasks are carried out by the subjects of

the studied support within the framework of the organisational and institutional function, which actually involves: firstly, the formation of the police structure, the definition of its management apparatus, the distribution of responsibilities within the system; secondly, the appointment of persons to management positions in the police bodies. For example, the Chief of Police is appointed and dismissed by the Cabinet of Ministers of Ukraine upon the proposal of the Prime Minister of Ukraine in accordance with the proposals of the Minister of Internal Affairs of Ukraine. The Chief of Police has a First Deputy and Deputies. The First Deputy and Deputies of the Chief of Police are appointed and dismissed by the Minister of Internal Affairs of Ukraine upon the proposal of the Chief of Police. As for the structure of the central police management body, it is approved by the Chief of Police in agreement with the Minister of Internal Affairs of Ukraine. The staffing (staff) of the police is approved by the Chief of Police [6].

5) coordination, orientation and direction of the activities of the National Police bodies. An important point in ensuring discipline and legality in the activities of the police is the achievement of a high level of systematicity and coherence in its work, for which the coordination function is used in the department;

6) restoration of violated legal legitimacy. This task involves the response of authorised entities to offences by police bodies and officials in order to eliminate them, bring the guilty to justice, and restore the violated order, rights, freedoms and interests of other entities, as well as take measures to prevent the recurrence of similar manifestations of illegal behaviour in the future. This task is

implemented within the jurisdictional function of authorised entities, which involves the consideration of specific cases in the order of judicial or administrative proceedings;

7) effective human resources management. This task is implemented at once in the context of several functions, such as: personnel selection, their placement and promotion, motivation and stimulation, professional development and education of personnel. A properly organised and functioning mechanism for selecting and placing personnel, working with them, in particular encouraging and motivating them to perform their duties properly, is an important guarantee of attracting high-quality personnel to this system, their retention and development in order to strengthen the human resources potential of the police.

## CONCLUSIONS

Summing up, we can state that ensuring discipline and legality in the activities of the National Police is associated with the implementation by the subject of a whole complex of tasks and functions, from the formation of the ideological and regulatory foundations of this provision to the implementation of individual practical measures aimed at combating offences and working with personnel to strengthen and develop their professional, legal and general culture. General and specific issues of performing the above tasks and implementing the functions described depend on the specifics of the subject of responsibility, the scope and scope of authority of each subject of the provision under study.

**REFERENCE:**

1. On Lawmaking Activity. Law of Ukraine dated August 24, 2023, No. 3354-IX. URL: <https://zakon.rada.gov.ua/laws/show/3354-20#Text>.
2. Constitution of Ukraine. Law of Ukraine dated June 28, 1996, No. 254k/96- VR. URL: <https://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80#Text>.
3. Encyclopedic Dictionary of Public Administration / Surmin Yu. P., Bakumenko V. D., Mykhnenko A. M., et al. Kyiv: National Academy of Public Administration of the President of Ukraine. 2010. 820 p.
4. On approval of the Regulations on the Ministry of Internal Affairs of Ukraine. Resolution of the Cabinet of Ministers dated October 28, 2015, No. 878. URL: <https://zakon.rada.gov.ua/laws/show/878-2015-%D0%BF#Text>.
5. Malynovskyi V. Ya. Public Administration: Study Guide. Kyiv: Attica. 2009. 608 p.
6. On the National Police. Law of Ukraine dated July 2, 2015, No. 580-VIII. URL: <https://zakon.rada.gov.ua/laws/show/580-19#Text>.