

European experience in organising the activities of law enforcement agencies to ensure security in the border areas of Ukraine

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Abstract. The article is devoted to a comprehensive analysis of the administrative and legal principles of regulating the activities of law enforcement agencies in the field of ensuring the security of border areas of Ukraine, taking into account modern European experience. The focus of the study is on the issues of adapting the national public administration system to the standards of the European Union, as well as developing effective mechanisms for interaction between state authorities in the field of state border protection and protection of national interests.

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 have been used in the process of analysing the provisions of individual regulatory legal acts, in particular the Constitution of Ukraine and the laws of Ukraine "On Ukraine's Accession to the Statute of the Council of Europe", "On the Prevention of Corruption", and "On the National Program for Adapting the Legislation of Ukraine to the Legislation of the European Union", as well as international documents, in particular the Association Agreement between Ukraine, on the one hand, and the European Union, the European Atomic Energy Community and their Member States, on the other hand, as well as the works of domestic scientists, which provide a comprehensive analysis of these provisions. Structural-logical and system-functional methods were used to provide a comprehensive study and systematic analysis of European approaches to the organisation of security and defence in border regions with a subsequent assessment of the possibilities of their implementation in the activities of law enforcement agencies of Ukraine, as well as to investigate the administrative and legal mechanisms used in the member states of the European Union, as well as to determine the prospects for adapting the relevant standards to the national legal system of Ukraine, taking into account modern security challenges. **Results.** The article establishes that the formation and establishment of an independent geopolitical course of Ukraine, its integration into the European legal and security space are directly related to the improvement of the institutional structure of public administration. Of particular importance is the modernisation of administrative and legal mechanisms for the activities of law enforcement agencies that ensure the internal security of the state, the protection of sovereignty and territorial integrity. In this context, it is important to bring national legislation into line with European standards, the principles of the rule of law, transparency, accountability and efficiency of public administration. Modern transformation processes in the administrative law of Ukraine are characterised by the reform of the public administration system, the strengthening of the role of civil society institutions, as well as the introduction of new forms of interagency coordination. Ensuring security in border areas requires clear regulatory regulation of the competence of subjects of power, the definition of procedures for interaction between law enforcement, border and other executive authorities. In this aspect, administrative and legal regulation acts as a system-forming element that ensures the proper organisation of the activities of authorities and their coordinated interaction. International cooperation in the field of information exchange, risk management, countering cross-border crime and hybrid threats is of particular importance. International legal acts and bilateral agreements determine the main areas of cooperation, which include ensuring economic, information and border security.

Key words: Ukraine, European Union, state border, national security, administrative and legal regulation, border areas.

INTRODUCTION

Ensuring the national security and defence capability of the state is one of the key functions of public authorities in Ukraine. The implementation of this strategic task is entrusted primarily to the Armed Forces of Ukraine, as well as to the system of law enforcement agencies that carry out activities in the field of protecting state sovereignty, territorial integrity and constitutional order. In modern conditions, state defence is considered not only a military component but also a comprehensive system of measures of a political, legal, organisational and economic nature.

The relevance of improving law enforcement activities is due to the transformation of the security environment. The current stage of development of international relations is characterised by the emergence and spread of threats that do not have clear territorial boundaries and are able to quickly spread across state borders. These include transnational crime, illicit drug trafficking, international terrorism, illegal migration,

smuggling, cybercrime and other phenomena that undermine the stability of states and create risks for economic and social security. In such conditions, the security system should function on the basis of interagency coordination, international cooperation and adherence to the principles of the rule of law.

The European experience in forming security policy is based on a combination of the effectiveness of public administration with the guarantee of human rights and freedoms. Within the framework of the implementation of the European integration course, Ukraine is gradually adapting its legislation to the standards of the European Union, which provides for the implementation of democratic mechanisms for monitoring the activities of law enforcement agencies, transparency of their functioning and accountability to society. The political, legal and security provisions of the Association Agreement between Ukraine and the EU determine strategic areas of cooperation in the fight against corruption, organised crime, financial abuse and

other threats.

An analysis of international legal acts and national legislation indicates the need for comprehensive improvement of the regulatory framework in the field of internal security, management of economic processes and anti-corruption policy. According to the provisions of the Concept of Administrative Law of Ukraine, administrative and legal regulation must ensure the effective functioning of state institutions, a clear definition of their powers and procedures for activity. A special role is played by the application of modern legal instruments for preventing and combating corruption, which must comply with international standards and best European practices.

Solving these tasks requires the formation of a holistic, multi-level mechanism for ensuring security, which would combine institutional, organisational, informational and material and technical resources of the state. Such a mechanism should provide for the creation of an effective system of public authorities and law enforcement structures capable of promptly responding to modern challenges. At the same time, an important component is the development of the legal culture of society, the formation of respect for law and intolerance to offences.

Strengthening the principle of the rule of law and ensuring legality throughout the territory of the state is possible only under the condition of coordinated activities of all security policy subjects, proper regulatory regulation and the implementation of modern management approaches. It is systematicity, comprehensiveness, and compliance with European standards that should become the defining guidelines for further reforming Ukraine's security and defence sector.

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 have been used in the process of analysing the provisions of individual regulatory legal acts, in particular the Constitution of Ukraine, the laws of Ukraine "On Ukraine's Accession to the Statute of the Council of Europe", "On Prevention of Corruption", "On the National Program for Adapting the Legislation of Ukraine to the Legislation of the European Union", as well as international documents, in particular the Association Agreement between Ukraine, on the one hand, and the European Union, the European Atomic Energy Community and their Member States, on the other hand, as well as the works of domestic scientists, which provide a comprehensive analysis of these provisions. Structural-logical and system-functional methods have been used to provide a comprehensive study and systematic analysis of European approaches to the organisation of security and defence in border regions with a subsequent assessment of the possibilities of their implementation in the activities of law enforcement agencies of Ukraine, as well as to investigate the administrative and legal mechanisms used in the member states of the European Union, as well as to determine the prospects for adapting the relevant

standards to the national legal system of Ukraine, taking into account modern security challenges.

Based on the comparative legal method and the generalisation method, it is noted that international cooperation in the field of information exchange, risk management and countering cross-border crime and hybrid threats is of particular importance; it is determined that Ukraine's interaction with the European Union contributes to the implementation of best practices in integrated border management, the development of joint security programmes and increasing the institutional capacity of law enforcement agencies; it is established that international legal acts and bilateral agreements determine the main areas of cooperation, which include ensuring economic, information and border security.

The validity and reliability of the study are ensured by using a system of sources: regulatory and legal acts of various legal force, scientific commentaries, etc. The risks of regulatory ambiguity and unsystematic application are reduced by using categories established in legal science.

The methodological limitations of the study are associated with the informational closure of certain aspects of the activities of law enforcement agencies in ensuring security in the border areas of Ukraine. 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 consolidation in Part 1 of Article 3 of the Constitution of Ukraine of the provision that a person, his or her life and health, honour and dignity, inviolability and security are recognised as the highest social value, determines the humanistic orientation of the activities of the state and its institutions. At the same time, in accordance with Part 3 of Article 17 of the Fundamental Law, it is established that ensuring state security and protecting the state border of Ukraine are entrusted to the relevant military formations and law enforcement agencies, the organisation and procedure for their activities are determined by law [1]. Such a constitutional provision forms the normative obligation of the state to create an effective system of public authorities, the functioning of which is directly related to guaranteeing internal security, in particular in border regions. In this context, security activities are a type of administrative and political activity that combines power-management, law enforcement and coordination elements.

These provisions are of particular relevance in the context of modern security challenges, when border areas become a zone of increased risk and require enhanced legal and organisational support. Constitutional norms not only proclaim the priority of the person but also determine the functional purpose of the security and defence sector, orienting it towards the protection of rights and freedoms, maintaining public order and strengthening statehood.

According to O. I. Nikitenko, the modern law enforcement system of Ukraine is not fully capable of effectively implementing the functions assigned to it in terms of guaranteeing internal security. This is due to both

institutional problems and the imperfection of legal regulation and coordination mechanisms between security actors. Ensuring national security by law enforcement agencies has specific features that are determined by the nature of state tasks and the scope of powers, as well as the forms and methods of professional activity. This is a combination of preventive, control, operational-search and management tools aimed at neutralising internal and external threats.

The modern development of the science of administrative and financial law, as well as the theory of public administration in the field of security, is characterised by a transition from a fragmentary analysis of individual aspects to the formation of holistic conceptual approaches. There is an urgent need to systematise the accumulated experience and develop an integrated theoretical model of ensuring the internal security of the state, which would take into account both legal and organisational and managerial factors. It is this approach that allows us to form a comprehensive vision of the role of administrative and legal mechanisms in the national security system of Ukraine [2, p. 362].

After the declaration of independence of Ukraine, the modernisation of the legal system became a key direction of state-building processes. Reforming the legislation and institutional structure of the state acquired particular importance after Ukraine joined the Council of Europe in November 1995, which was accompanied by the adoption of a number of international legal obligations [3]. This step necessitated the need to bring national legislation into line with European standards of democracy, human rights and the rule of law.

The main goal of the transformation of the legal system has been to ensure the real operation of the constitutional principles of the organisation of state power, strengthen the guarantees of human rights and freedoms, and establish the principle of the rule of law as a fundamental basis for the functioning of the state. In this context, the reform of the security and law enforcement sector is an integral part of the overall legal modernisation aimed at creating an effective, accountable and people-orientated system of public administration. An important component of the legal and democratic transformation of Ukraine is the observance of humanistic principles in the activities of the state. On September 16, 2014, the Verkhovna Rada of Ukraine and the European Parliament simultaneously ratified the Association Agreement between Ukraine and the European Union. This decision consolidated the common understanding that Ukraine, as a European state, shares the common history, cultural and political values of the EU Member States and seeks to actively support these principles. The agreement confirmed that the EU recognises Ukraine's European aspirations and welcomes its choice of European integration, including its commitment to establishing an effective system of law enforcement agencies capable of ensuring internal security, in particular in border areas, countering internal and external threats, and promoting the development of a stable democracy and a market economy and combating smuggling, in particular

in forestry, the tobacco industry and amber mining [4].

Regardless of the level of economic development, no state can be fully protected from external and internal threats. Therefore, one of the priorities of state activity is to ensure national and internal security. For Ukraine, this problem is particularly acute due to its strategic geographical location, which attracts increased attention from other states both regionally and globally. The lack of clear strategic plans for economic development and the definition of key areas of state policy creates risks of economic dependence for the country. This is especially relevant for Ukraine, which is at the stage of forming its own system of internal economic security and completing the process of demarcating the state border with neighbouring states. In this regard, one of the main tasks of law enforcement agencies is to define and implement state policy directions aimed at eliminating internal and external threats to economic security, as well as combating transnational crime.

DISCUSSION

In the modern world, there is a significant variety of models of national security organisation. Among them, we can distinguish:

- The American model, which combines internal and external security and serves as a reference point for many countries in the world;
- The Japanese model, which emphasises social security within the country;
- The Chinese model, which is an example of the most centralised security system and integration into the construction of a socialist society;
- Models of states that have recently gained independence and are undergoing a stage of deep reorientation of their policies and economies [5, p. 401].

Analysis of these models allows us to identify key approaches that can be adapted to Ukrainian realities, in particular in the field of border security development, improving law enforcement structures and ensuring the stability of the state system against various threats.

At the end of the 20th century, the world community realised that corruption is a global problem that affects almost all countries and requires systemic measures to combat it. This awareness led to the adoption of a number of international legal instruments developed and adopted by international organisations such as the United Nations, the Organisation for Economic Co-operation and Development, the Organisation of American States, the Council of Europe, the European Union, and the African Union. Despite the different scope of application of these documents, their common goal has been to establish common standards for combating corruption and ensuring the implementation of national anti-corruption legislation [6, p. 176]. Ukraine has formed a comprehensive legislative framework for combating corruption, the key element of which is the Law of Ukraine "On the Prevention of Corruption". The law provides for annual declaration of income by civil servants and regulates issues of conflict of interest, criminal liability for receiving excessively expensive gifts, giving gifts, and excessive hospitality [7].

The experience of the United States of America demonstrates that gifts are understood as all objects that can be valued in monetary terms, including money, goods, services, travel, payment for accommodation, meals or education. At the same time, as practice shows, even effective legislation in the USA does not always reduce the level of corruption due to insufficient application of the rule of law. For Ukraine, this means the need to further improve anti-corruption legislation and strengthen its implementation to accelerate integration into the European Union [6, p. 248].

In modern conditions, ensuring effective anti-corruption activities requires coordinated actions of all branches of government and local governments, comprehensive application of nationwide measures and constant improvement of the legislative field. Scientific research on the prevention and counteraction of corruption is of particular importance. Political dialogue between Ukraine and the EU has been ongoing since 1994, when the Partnership and Cooperation Agreement was signed. As part of the European integration process, it is envisaged to bring national legislation into line with EU standards, in particular in the field of combating corruption. This need is enshrined in a number of regulatory legal acts of Ukraine, including the Law of Ukraine "On the National Program for Adapting the Legislation of Ukraine to the Legislation of the European Union" [8].

In our opinion, one of the key aspects of a comprehensive approach to ensuring internal security in the economic sphere and the sphere of public administration is a single concept of interaction between state bodies, primarily law enforcement agencies, as well as active participation in international programmes and initiatives implemented by the UN, the Council of Europe, Interpol, the International Monetary Fund, the World Bank and other international institutions.

In connection with the military aggression of the Russian Federation against Ukraine, based on the proposal of the National Security and Defence Council of Ukraine in accordance with clause 20 part 1 of article 106 of the Constitution of Ukraine and the Law of Ukraine "On the legal regime of martial law", a Decree of the President of Ukraine "On the introduction of martial law in Ukraine" was issued [9], which provided for a change in the regime of activities of bodies responsible for internal security, in particular in border areas.

International legal documents regulating information security in border regions are divided into three groups: documents that define general principles and norms of information accounting; documents ensuring freedom of speech; international treaties on the protection of information property. Some of them are of a recommendatory nature, such as the UN Resolution on Information in the Service of Humanity (1996) [10].

In the monograph by I. V. Artyomov, "On Cross-Border Research in the European Integration Strategy of Ukraine", it is emphasised that the dynamics of Ukraine's European integration progress indicate that cross-border cooperation is becoming one of the key areas of implementation of the integration strategy at the

regional level. This contributes to the formation of a new system of relations with neighbouring states and the development of the Ukrainian-European Union complex of cross-border cooperation.

The formation of this system involves the adaptation of national legislation to EU standards and the introduction of changes taking into account new geopolitical realities. In particular, this concerns the fact that Ukraine interacts not only with individual neighbouring states but also with EU member states within the framework of multilateral legal and contractual relations. Given the large-scale enlargement of the European Union in 2004–2007, the European integration factor of cross-border cooperation has gained even greater importance and determines the priorities for making relevant changes to the legislation of Ukraine.

The system of legal regulation in Ukraine is formed on the basis of a certain hierarchy of legally significant acts. Today, the legal field, in particular in the field of cross-border cooperation, covers several levels of regulatory sources: international legal acts and agreements that have been signed and ratified in accordance with the established procedure in Ukraine; laws of Ukraine; subordinate regulatory legal acts, including acts of the President and government resolutions; as well as regulatory documents of the local level. Such a structure provides a clear priority of norms regulating individual spheres of public relations and creates an effective system of interconnection between different levels of regulation [11, pp. 35–36].

A. Yu. Nashinets-Naumova, in her article "International Experience in Legal Provision of Information Security", notes that the initial legislative acts in the field of information protection concerned primarily the protection of state secrets. One of the oldest laws that has remained in force in Europe is the French Criminal Code, which provided for punishment for espionage. By the end of the 19th century, most European countries had adopted their own laws against espionage: for example, Germany in 1970 and Great Britain and other states in 1989. An important step in the field of protecting the rights of individuals to access information has been the adoption and proclamation of the Universal Declaration of Human Rights by the UN General Assembly on December 10, 1948. In the USA, in 1966 the Freedom of Information Act was adopted, and in 1976 – the Open Government Act.

At the present stage, many countries around the world, from the USA, Canada and Great Britain in the West to Japan, Malaysia and the Philippines in the East, have launched the concept of "electronic government", which provides open access to the entire volume of public information via the Internet [12, pp. 12–13].

As for the analysis of foreign experience in the field of administrative services and the introduction of European Union standards in Ukrainian legislation, it is worth paying attention to the practice of Germany. There is a system of universal centres for the provision of administrative services, which is focused on the procedures most requested by citizens, which allows for effective and prompt resolution of administrative issues.

An important place in Europe is given to state registration, which is traditionally carried out either by judicial or administrative bodies. In France, these functions are performed by commercial courts, in the Federal Republic of Germany - civil courts of first instance, in Switzerland - administrative bodies of cantons, and in Sweden, a similar model is used. This approach demonstrates that the effective functioning of administrative services is based on a combination of centralised organisation, specialised registers and accessibility of procedures for citizens.

Management in the field of registration of enterprises and organisations plays a key role in ensuring the effective functioning of the state apparatus and improving the quality of administrative services [6, p. 92].

CONCLUSIONS

Analysis of foreign and European experience demonstrates that trust is necessary between citizens and executive authorities, which serves as the foundation for the consolidation of society. Citizens, cooperating with the state in improving administrative procedures, accumulate their own experience and use it to strengthen the democratic principles of state governance and law enforcement agencies, especially in the field of ensuring internal security in Ukraine.

The current state of the science of administrative and financial law, as well as public administration in the

field of national security, is characterised by a complex stage of development. This is due to the need to transition from a disparate understanding of the accumulated experience and theoretical ideas about public administration and ensuring internal security from internal and external threats to the construction of holistic theoretical systems of knowledge. Such systems cover administrative, financial law and public administration in the context of ensuring the national security of Ukraine.

The main goal of the reform of the legal system remains to achieve full implementation of the constitutional principles of the organisation of state power, the rule of law and humanistic requirements in the activities of state bodies. At the present stage, scientific research in the field of preventing and combating corruption is of particular importance, as it forms practical recommendations for improving legislation and increasing the effectiveness of law enforcement activities.

One of the key aspects of a comprehensive approach to ensuring internal security in the border areas of Ukraine is the formation of a single concept of interaction between states, primarily their law enforcement agencies, and joint participation in programmes and events initiated by the European Union and other international institutions. Such an integrated system allows not only increasing the effectiveness of security management at the national level, but also contributes to the harmonisation of Ukrainian legislation with European standards and best international practices.

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