

Towards Defining the Concept and Essence of Incentives for Academic Staff of Higher Education Institutions with Specific Training Conditions for Police Officers

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Abstract. *The article proves that scientific and pedagogical workers constitute the core of the permanent staff of higher education institutions with specific training conditions that train police officers because they are responsible for training the main product of these institutions – police graduates. 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 Remuneration", "On Higher Education", "On the Disciplinary Statute of the National Police of Ukraine", and "On State Awards of Ukraine", 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 the concept of "encouragement of scientific and pedagogical workers of higher education institutions with specific training conditions who train police officers" and to provide proposals for improving the relevant legislation. Results. The article draws attention to the fact that scientific and pedagogical workers of higher education institutions with specific training conditions who train police officers can be divided into two groups depending on their relationship to police service: scientific and pedagogical workers-police officers and scientific and pedagogical workers carrying out their job under a contract. Thus, the encouragement of scientific and pedagogical workers working under a contract is carried out in accordance with the norms of the Labour Code of Ukraine, and the encouragement of scientific and pedagogical workers – police officers – in accordance with the Law of Ukraine "On the Disciplinary Statute of the National Police of Ukraine". It is argued that the grounds for encouraging scientific and pedagogical workers of higher education institutions with specific training conditions who train police officers should reflect the specifics of the main activity of the specified workers. It is proposed to consider such grounds as "successful performance of educational duties" and "special labour merits in the field of education and science". It is substantiated that encouraging scientific and pedagogical workers of higher education institutions with specific training conditions who train police officers is a positive means of stimulating the effective performance of duties and maintaining labour (service) discipline, which consists in rewarding employees for the successful performance of educational duties and special labour merits in the field of education and science, which is applied in accordance with the procedure established by law by the employer or other authorised body (official).*

Key words: *encouragement, labour stimulation, scientific and pedagogical workers, merit, labour activity, honorary diploma, higher education institution, state award.*

INTRODUCTION

Today, it is extremely important to properly regulate the labour activities of scientific and pedagogical workers and ensure their effective fulfilment of educational duties. This is a guarantee of the quality of higher education, since scientific and pedagogical workers constitute the core of higher education institutions, and it is they who are responsible for training the main product of these institutions – graduates (bachelors and masters). In view of the above, it is relevant today to study incentives as a means of stimulating the work of scientific and pedagogical workers of higher education institutions with specific training conditions who train police officers.

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 Remuneration", "On Higher Education", "On the Disciplinary Statute of the National Police of Ukraine", "On State Awards of Ukraine", 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 in order to provide a comprehensive study and systematic analysis of the concept of "incentives for scientific and pedagogical workers of higher education institutions with specific training conditions who train police officers" and to provide proposals for improving the relevant legislation.

Based on the comparative legal method and the generalisation method, the points of view of scientists on the definition of the concept of "incentive" have been investigated; the grounds for incentives for scientific and pedagogical workers have been considered.

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.

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Methodological limitations of the study are associated with the informational closure of certain aspects of the activities of higher education institutions with specific training conditions that train police officers. These factors are compensated by using data from various sources, their verification, comparison with generally accepted approaches, and critical analysis of the information presented in them.

RESULTS

The effective activity of enterprises, institutions, organizations is closely connected with a properly organised labour process, a component of which is the labour discipline of employees. The problem of ensuring labour discipline has always been given great importance, and in certain periods of Ukraine's development (the beginning of the 80s of the 20th century) the organisational component of the economy was even considered the main one in relation to its production component. In the 70s-80s of the 20th century, the position prevailed in the legislation that labour discipline should be ensured not by material but by moral methods – persuasion and education. And only in 1988, in part 1 of article 140 of the Labour Code of Ukraine, an important addition was made regarding the need to create the necessary organisational and economic conditions for normal, highly productive work. The wording of the specified article became as follows: “Labour discipline at enterprises, institutions, and organisations is ensured by creating the necessary organisational and economic conditions for normal high-performance work; a conscious attitude to work; methods of persuasion and education; as well as encouragement for conscientious work” [1].

It should be noted that initially in any labour collective there are no exclusively disciplined or undisciplined employees. Everything depends on the organisation of the labour process at the enterprise, on ensuring its management of labour discipline and control over its observance. Therefore, it is the heads of enterprises who must stimulate the effective labour activity of employees and ensure labour discipline at the enterprise. This can be achieved by relying either on incentive measures or by giving preference to the application of disciplinary sanctions.

As V. I. Prokopenko notes: “The main means of maintaining high labour activity of employees are the creation of favourable working conditions, a normal psychological climate, persuasion, the power of example, moral and material stimulation” [2, p. 410]. From the point of view of V. V. Zhernakov: “In conditions of economic independence of enterprises and competition in the market

of products and services, when the material conditions of production are decisive and the real salary of the employee depends on the sale of products, the creation of proper working conditions is able to direct the employee to productive work to a much greater extent than persuasion” [3, p. 253].

The above indicates that in the legal literature on labour law, the prevailing point of view is that the acquisition of material means to satisfy his needs and interests is of paramount importance for the employment of an individual in labour activity. The need for a livelihood turns into a conscious goal that determines the behaviour of an individual, which is manifested in his or her labour activity.

In view of the above, special importance is given to incentive measures in the means of stimulating labour. Let us immediately note that the Labour Code of Ukraine has a different attitude to the consolidation of incentive measures. Thus, in Art. 143 “Incentives for success in work” of the Labour Code of Ukraine, the following norm is provided: “Any incentives contained in the internal labour regulations approved by the labour collectives may be applied to employees of enterprises, institutions, and organisations” [4]. Therefore, in this case, the national legislator has not defined a list of incentives that an employer can apply to stimulate employees for success in work. The resolution of this issue is transferred to the level of a specific enterprise, the labour collective of which makes a decision, which is reflected in the internal labour regulations of this enterprise, regarding the list of incentive measures that can be applied by the relevant employer for the success of employees in work. Such measures can be both moral (declaration of gratitude, awarding a certificate of honour, entry on the Board of Honour, recognition as the Best Employee of the Month, Quarter, Year, etc.) and material (incentive with a valuable gift, incentive with a monetary reward, etc.).

Another article – Art. 146 “Incentive for Special Labour Merits” of the Labour Code of Ukraine – contains the following norm: “For special labour merits, employees are presented to higher authorities for encouragement, for awarding orders, medals, certificates of honour, badges and for conferring honorary titles and the title of the best employee in a given profession” [4]. The above indicates that the national legislator, in the event that an employee has special labour merits, has provided a list of incentives that can be applied to such an employee. At the same time, we note that the right to apply such incentives lies with higher authorities. The employer only has the right to recommend to such bodies to apply one incentive or another to the relevant employee.

The draft Labour Code of Ukraine No. 2410 of 08.11.2019 already provides for three articles that establish certain incentives. Article 316, “Application of incentives by the employer”, of the draft contains the following norm: “For success in work and conscientious performance of labour duties, measures of moral and material incentive may be applied to employees – declaration of gratitude, awarding a diploma, payment of a bonus, presentation of a valuable gift, etc. The rules of internal labour regulations

and local regulatory acts of the employer may establish other types of incentives applied to employees" [5]. According to Art. 317, "Incentives for special labour merits" of the project: "For special labour merits, employees may be presented in the established manner for awarding departmental distinctions and state awards" [5]. Article 190, "Incentive leaves", of the project provides: "1. In the order of incentive for the performance of state or public duties, the law or collective agreement may provide for the provision of additional leave to employees with partial or full retention of wages. 2. The collective agreement, and if the agreement was not concluded, the local regulatory act of the employer, issued after consultations with the elected body of the primary trade union organisation (trade union representative), may provide for the provision of incentive leaves to employees for conscientious performance of labour duties, long-term conscientious work and for other reasons with partial or full retention of wages. 3. At the initiative of the employer, on the grounds provided for in part two of this article, incentive leave may be granted, the duration of which is determined by the employer independently" [5].

As can be seen, the developers of the specified draft of the Labour Code of Ukraine slightly changed the name of the first type of incentives to "incentives for success in work and conscientious performance of labour duties" and provided for an open list of such incentives. In addition, incentive measures were supplemented with incentive leave.

We do not support changing the name of the first type of incentives by adding the terminological construction "conscientious performance of labour duties", since for conscientious performance of labour duties the employee is paid a salary. Thus, Art. 1 of the Law of Ukraine "On Remuneration" provides for the following norm: "Salary is remuneration, calculated, as a rule, in monetary terms, which the employer pays to the employee under an employment contract for the work performed by him or her. The amount of wages depends on the complexity and conditions of the work performed, the professional and business qualities of the employee, the results of his or her work and the economic activities of the enterprise" [6].

DISCUSSION

Incentives should act as an incentive to achieve success in work and special labour merits by ensuring labour productivity and its high results, as well as initiative, innovation, etc.

Scientific and pedagogical workers make up the core of the permanent staff of higher education institutions with specific training conditions that train police officers because they are responsible for training the main product of these institutions – police graduates.

The Law of Ukraine "On Higher Education" provides a legal definition of the studied category of workers. Thus, Article 53 of the Law contains the following definition: "Scientific and pedagogical workers are persons who, at their main place of work in higher education institutions, carry out educational, methodological, scientific (scientific and technical, artistic) and organisational activities" [7].

Today, a fairly large number of scientific and pedagogical workers work in higher education institutions with specific training conditions that train police officers.

Such employees can be divided into two groups depending on their relationship to the police service: scientific and pedagogical employees – police officers and scientific and pedagogical employees working under a contract. The specified categories of scientific and pedagogical employees have different legal status, which is due, first of all, to the presence of specific rights, obligations, restrictions, prohibitions and legal liability established for police officers by special legislation. Thus, the promotion of scientific and pedagogical employees working under a contract is carried out in accordance with the norms of the Labour Code of Ukraine, and the promotion of scientific and pedagogical employees – police officers – in accordance with the Law of Ukraine "On the Disciplinary Statute of the National Police of Ukraine". It should be noted that the Labour Code of Ukraine does not provide for a definition of the term "promotion". We consider this state of general labour legislation regarding the consolidation of legal terminology to be negative. Article 6 of the Law of Ukraine "On the Disciplinary Statute of the National Police of Ukraine" provides for a corresponding definition: "Incentive is a means of maintaining service discipline, which consists in recognising a police officer for the successful performance of their duties, as well as for other services to the state and society" [8]. There are several comments on the above definition. First, incentive is, first of all, a means of stimulating the effective performance of police officers' duties, and secondly, the above definition is not sufficiently informative.

The following approaches to the definition of the term "incentive" have been expressed in the legal literature. Thus, K. E. Mashkov writes: "Incentives for labour achievements are a form of legal approval of meritorious behaviour and stimulation of employees to the most effective, productive work established by law, which is designed to single out the best employees and/or labour collectives, which is applied in the manner established by law on the basis of assessing their labour merits, taking into account personal and public interests" [9, p. 120]. According to O. G. Strelchenko: "Incentives for an employee are a normatively established or actually used form of recognition by public authorities of the personal merits of an employee, which is applied, if there are sufficient grounds, by an authorised state body or its official by issuing a legal act of the established form or by performing other actions that bring material and (or) moral benefits to the employee being encouraged" [10, p. 101].

Traditionally, the basis for the application of incentives is considered to be merit or labour merit [11, p. 12; 10, p. 103]. Thus, O. O. Barabash defines labour merit as "exemplary performance of duties, performance of duties beyond established standards, requirements" [11, p. 14]. From the scientist's point of view, by analogy with the composition of a crime, the composition of merit is a set of established legal signs (objective and subjective) that define a socially useful, lawful act as merit [11, p. 13]. According to O. G. Strelchenko: "Merit is a socially useful act or

activity worthy of respect and general recognition. To apply incentives, an incentive act is necessary. Incentive and punishment are paired legal categories; they are correlates of each other. The composition of an offence is a scientific abstraction that reflects the system of the most general, typical and essential features of individual types of offences. Therefore, in our opinion, using analogy, it can be argued that an encouraging act will be characterised by all the mandatory elements of the composition of the offence. Such an approach is naturally of a conditional (exemplary) nature, since the goals, principles, and content of these legal categories are different." [10, p. 103-104].

National legislation indicates the predominant importance of labour merits as grounds for encouraging employees, since higher awards are established for their achievements. Thus, Art. 1 of the Law of Ukraine "On State Awards of Ukraine" dated March 16, 2000, No. 1549-III provides: "State awards of Ukraine are the highest form of recognition of citizens for outstanding merits in the development of the economy, science, culture, social sphere, defence of the Fatherland, protection of constitutional rights and freedoms of man, state building and public activity, and for other merits to Ukraine" [12].

The Regulation on Honorary Titles of Ukraine, approved by the Decree of the President of Ukraine dated June 29, 2001, No. 476/2001, establishes: "Honorary titles of Ukraine are state awards of Ukraine, which are awarded for personal merits to the Ukrainian state to citizens who work in the relevant branch of the economic or socio-cultural sphere, as a rule, for at least ten years have high labour achievements and professional skills" [13]. The regulations establish the following honorary titles: "People's Artist of Ukraine"; "People's Architect of Ukraine"; "People's Teacher of Ukraine"; "People's Artist of Ukraine"; "Honored Artist of Ukraine"; "Honored Architect of Ukraine"; "Honored Builder of Ukraine"; "Honored Inventor of Ukraine"; "Honored Teacher of Ukraine"; "Honored Art Worker of Ukraine"; "Honored Worker of Science and Technology of Ukraine"; "Honored Donor of Ukraine"; "Honored Economist of Ukraine"; "Honored Power Engineer of Ukraine";

"Honored Journalist of Ukraine"; "Honored Doctor of Ukraine"; "Honored Forester of Ukraine"; "Honored Master of Folk Art of Ukraine"; "Honored Mechanical Engineer of Ukraine"; "Honored Metallurgist of Ukraine"; "Honored Metrologist of Ukraine"; "Honored Worker of Veterinary Medicine of Ukraine"; "Honored Worker of Culture of Ukraine"; "Honored Worker of Education of Ukraine"; "Honored Worker of Healthcare of Ukraine"; "Honored Worker of Industry of Ukraine"; "Honored Worker of Agriculture of Ukraine"; "Honored Worker of Social Sphere of Ukraine"; "Honored Worker of Services of Ukraine"; "Honored Worker of Transport of Ukraine"; "Honored Worker of Physical Culture and Sports of Ukraine"; "Honored Environmentalist of Ukraine"; "Honored Rationalizer of Ukraine"; "Honored Artist of Ukraine"; "Honored Miner of Ukraine"; "Honored Lawyer of Ukraine"; "Mother Heroine" [13]. The above indicates that the vast majority of honorary titles, even in their names, contain an indication of merit in a certain field of labour activity.

Thus, labour merit as a basis for applying an incentive is a legitimate volitional act of an employee, associated with the performance of labour duties in excess of established standards or with the achievement of a generally useful labour result recognised by the state, which significantly exceeds the results of the usual performance of labour duties. Merit is manifested in such categories as significant labour achievements, courage, heroism, bravery, etc.

CONCLUSIONS

Incentives for scientific and pedagogical employees of higher education institutions with specific training conditions who train police officers are a positive means of stimulating the effective performance of duties and maintaining labour (service) discipline, which consists in rewarding employees for the successful performance of educational duties and special labour merits in the field of education and science, which is applied in accordance with the procedure established by law by the employer or other authorised body (official).

REFERENCE:

1. On introducing amendments and additions to the Labour Code of the Ukrainian SSR related to the restructuring of economic management: Decree of the Praesidium of the Supreme Soviet of the Ukrainian SSR dated May 27, 1988, No. 5938-XI. URL: <https://zakon.rada.gov.ua/laws/show/5938-11#Text>
2. Prokopenko, V. I. Labour Law of Ukraine: Textbook. Kharkiv: Konsum, 1998. 480 p.
3. Labour Law in Questions and Answers: Educational-Reference Manual / edited by V. V. Zhernakova. Kharkiv: Odyssey, 2000. 624 p.
4. Labour Code of Ukraine: Law of Ukraine dated December 10, 1971, No. 322-VIII. URL: <https://zakon.rada.gov.ua/laws/show/322-08#Text>
5. Draft Labour Code of Ukraine No. 2410 dated 08.11.2019. URL: https://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=67331
6. On Remuneration: Law of Ukraine dated March 24, 1995, No. 108/95-BP. URL: <https://zakon.rada.gov.ua/laws/show/108/95-bp#Text>
7. On Higher Education: Law of Ukraine dated July 1, 2014, No. 1556-VII. URL: <https://zakon.rada.gov.ua/laws/show/1556-18#Text>
8. On the Disciplinary Statute of the National Police of Ukraine: Law of Ukraine dated March 15, 2018, No. 2337-VIII. URL: <https://zakon.rada.gov.ua/laws/show/2337-19#n81>
9. Mashkov K. E. The concept of "incentive for labour achievements". Bulletin of the Ministry of Justice of Ukraine. 2008. No. 3. Pp. 117-121.
10. Strelchenko O. G. Merit as the main basis for encouragement. Scientific Bulletin of the National Academy of Internal Affairs. 2008. No. 3. Pp. 98-104.
11. Barabash O. O. Merit as the basis for the application of encouragement in law: general characteristics. Scientific Bulletin of Uzhgorod National University. 2012. Issue 19. Volume 1. Pp. 11-14.
12. On State Awards of Ukraine: Law of Ukraine dated March 16, 2000, No. 1549-III. URL: <https://zakon.rada.gov.ua/laws/show/1549-14#Text>
13. On Honorary Titles of Ukraine: Decree of the President of Ukraine dated June 29, 2001, No. 476/2001. URL: <https://zakon.rada.gov.ua/laws/show/476/2001#Text>
14. Venediktov S. V. Material and Moral Stimulation of Effective Professional Activity of Employees of the Internal Affairs Bodies of Ukraine: Scientific and Practical Manual. Kharkiv: Publishing House of the National University of Internal Affairs, 2005. 328 p.