

METHODOLOGICAL BASICS FOR THE FORMATION OF THE TRANSFORMATION OF THE LAW ENFORCEMENT SYSTEM

Kostyantyn Malyshev¹

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Abstract. Taking into account all possible transformational processes and taking into account the constant growth of new threats to the normal maintenance of law and order in the country and its individual regions. In particular, this applies, first of all, to the spread of: extremism, terrorism, separatism, mass and group violations of public order. In such a case, the strengthening of the role of the law enforcement function of the state, in particular the improvement of the administrative and legal mechanism for the implementation of this function by all entities authorized to do so, becomes important. Like any other process, this one should be scientifically based, systematic and comprehensive, taking into account the state of law enforcement in Ukraine and the situation in the east of our country. First of all, we must understand that the law enforcement function of the state is an independent direction of the state's activity, which has a complex nature and is determined by its social purpose, the implementation of which is possible thanks to the system of subjects (state and non-state), authorized in accordance with current legislation and used in accordance with the forms and methods of using legal measures of influence (including coercive ones). The main goal is to achieve the desired social effect - to protect the law in general, to ensure the protection of law and order, the rights and freedoms of citizens in particular. The methodology of formation and implementation of state policy in general and state policy in the sphere of transformation of law enforcement activities is a complex problem.

Keywords: state, state policy, law enforcement activity, law enforcement system, transformation of the law enforcement system.

¹ Kostyantyn Malyshev, Zhytomyr Polytechnic State University, Ukraine. ORCID: <https://orcid.org/0000-0003-2856-3641>

INTRODUCTION. Having analyzed many sources, we found the complexity of the law enforcement system and the lack of methods of interaction with interested parties, inconsistency with other types of state policy and the lack of effective mechanisms for the implementation of state policy in the field of law enforcement activity, the need for further research arises. The above actualizes the scientific search for new approaches to the procedural aspects of the state policy methodology and the rationale for the development of innovative mechanisms" (Evdokimov, 2021-b). The complex of problems related to the formation and implementation of state policy in the field of transformation of the law enforcement system was considered in dissertations and the field of knowledge of public administration: V.V. Evdokimov, O.O. Khrobust, Y.G. Khomich. The scientists determined the priority areas of state policy and improved the mechanisms its implementation. In theses Kuchur A.M., Bilas A.I., Tsyganov O.G., Guseva V.O., Kovalenko V.P., Medvedenko S.V., Bilous O.V., Mamchur L.O., Fathutdinov V.G., Yermolayeva-Zadorozhnyia S.V., Tarasenko O.V., Seredynskyi I.V., Dmytrenko S.O., Yermak O.O., Savchuk D.A. outlined the legal aspects of the formation and implementation of state policy and the development of the law enforcement system. The purpose of the article is to define and analyze the main methodological foundations of the transformation of the law enforcement system.

Results. Studying the works of domestic scientists (Chemerys, 2011; Hrycyshen, 2021; Evdokimov, 2021-a; Homolyako, 2018) on the problems of formation and implementation of state policy in various spheres of public life, it is possible to distinguish the following stages of its formation and implementation:

identification and detection of symptoms of problems in public life

regarding economic crime and their impact on national security;

determination of stakeholders and identification of their interests in preventing and countering economic crime;

justification of the content of the criminal policy as a system and as a process of preventing and countering economic crime;

formation of the object-subject field of the state criminal policy in the field of prevention and counteraction of economic crime;

determination of the goal and tasks of the state criminal policy in the field of prevention and counteraction of economic crime;

substantiation of directions for the formation and implementation of the state criminal policy in the field of prevention and counteraction of economic crime;

determination of subjects of formation and implementation of state criminal policy in the field of prevention and counteraction of economic crime;

definition of objects of state criminal policy in the field of prevention and counteraction of economic crime;

establishment of relationships with other types of state policy in the sphere of prevention and counteraction of economic crime in the sphere of prevention and counteraction of economic crime;

justification of methods and principles of state criminal policy in the field of prevention and counteraction of economic crime;

establishment of state criminal policy mechanisms in the field of prevention and counteraction of economic crime.

Domestic scientists A. Chemerys (2011, 13) and O. Homolyako (2018) propose the following stages of state policy formation: a) solving a public problem. Public policy is aimed at solving a social problem that is politically recognized as public and requires the restoration of a broken

connection or a connection that is in danger of being broken between several social actors. The proposed definition allows the identification of a problem, that is, the existence of a situation of social dissatisfaction, the solution of which is entrusted to the public sector; b) the existence of target groups that are at the heart of a public problem. Any public policy aims to orient target groups to a certain behavior, a certain relationship either directly or by influencing the external environment of these groups; c) the existence of presumed intentions. Public policy is implemented with a specific purpose in mind. It envisages a "theory of social change" (or "causality model") that it will try to apply when solving an emerging public problem, assuming that decisions or activities are interrelated. Therefore, the lack of connection will be revealed due to a purely accidental coincidence of measures that define the same groups, but which, according to the intention of the legislator, are not related to each other; d) availability of a certain number of decisions and actions. Public policy is characterized by a set of actions that go beyond a single or individual decision, remaining on the other side of the "general social movement"; e) intervention program. This is a set of more or less specific and individualized decisions - decisions related to the program and its implementation.; f) the key role of public actors. This series of decisions and actions can only be considered public policy when those who make them act as public actors; in other words, they should be persons who belong to the political-management system, or private persons empowered to make decisions or act on the basis of a legally mandated mandate; g) existence of formalized acts. Public policy allows the issuance of acts (outputs) designed to guide the behavior of groups or individuals, which are believed to be the cause of a public problem. In this sense, the definition of public policy requires the existence of a phase of concrete implementation of the

measures taken. At the same time, it should be noted that there are cases of non-intervention of political-administrative actors or non-application of some intervention tools; g) more or less coercive nature of decisions and actions. Traditionally, most authors assume the authoritarian nature of the decisions of political and administrative persons. If approval of an act is the duty of a body vested with public power, then the variety of ways of action and intervention of the political-management system is such that this coercive aspect is becoming less and less the norm. Conventional public activity and the contractual form of public activity are today both stimulating and coercive. Summarizing meaningful studies of state policy and approaches to the methodology of its formation and development, we believe that this process in the context of the transformation of the law enforcement system should include the following components (Table 1.1). Analyzing the above methodological provisions for the formation and implementation of state policy in the field of transformation of the law enforcement system, it is necessary to point out the following key points: to ensure the effective implementation of state policy and to determine its key directions, it is necessary to identify a social problem that needs to be solved and its symptoms. It has been established that the public problem in the field of law enforcement is the lack of a comprehensive approach to reforming the law enforcement system of the state, which, as a result, determines the variability of threats to state security, the low level of public order and the spread of crime. The symptoms characterizing this problem are: the growth of various types of crime and its consequences; underfunding of law enforcement activities; public distrust of law enforcement agencies; the fragmentation of reforms in the sphere of the law enforcement system.

Table 1.1.

Methodological regulations for the formation and implementation of state policy in the field of transformation of the law enforcement system

<i>State policy</i>		<i>State policy in the field of transformation of the law enforcement system</i>	
the process of development, formation, implementation and its evaluation of state management decisions, which consist in action or inaction, provide for a set of methods, procedures, tools, principles used by subjects of state power to influence social relations as a whole or their individual components for solving a pressing social problem, which as a result should reconcile public, public and private interests		the process of development, formation, implementation and its evaluation of state-management decisions, which consist in action or inaction, provide for a set of methods, procedures, tools, principles used by subjects of state power with regard to the influence on the process of transformation of the law enforcement system as a whole or its individual components for solving pressing problems, regarding the provision of state security, public order, combating and preventing crimes, which as a result will allow to ensure social consensus through the coordination of public, public and private interests	
2. DETERMINATION OF THE SYMPTOMS OF A SOCIAL PROBLEM, WHICH DETERMINES IT AS AN OBJECT OF STATE POLICY			
<i>SOCIAL PROBLEM</i>			
<u><i>The lack of a comprehensive approach to reforming the law enforcement system of the state, which as a result determines volatility to threats to state security, low level of public order and spread of crime</i></u>			
<i>SYMPTOMS OF DETECTING THE PROBLEM</i>			
<i>The growth of various types of crime and its consequences.</i>	<i>Underfunding of law enforcement activities</i>	<i>Society's mistrust of law enforcement bodies</i>	<i>Fragmentation of reforms in the field of law enforcement system</i>
in 2021, Ukraine took 3rd place among European countries according to the crime index; as of 01.01.2020, the number of persons serving a sentence is 52,863; in 2020, 784,096 criminal offenses were registered		according to the data of the Razumkov Analytical Center regarding the population's faith in state power, it was established that only 12.0% fully trust the National Police, and 14.9% completely distrust the Security Service of Ukraine, 14.8% and 17.2%, respectively	in Ukraine, during the 30 years of Ukraine's independence, 4 reforms of the law enforcement system were announced, but none of them were fully implemented

Continuation of the table. 1.1.

3. ORIGINAL PROVISIONS OF STATE POLICY IN THE SPHERE OF TRANSFORMATION OF LAW ENFORCEMENT ACTIVITIES		
OBJECT OF STATE POLICY	SUBJECT OF STATE POLICY	PURPOSE OF STATE POLICY
The law enforcement system as a whole and the activities of law enforcement agencies, in particular, regarding the provision of state security, public order and combating crime as a tool for coordination and protection of public, social and law enforcement agencies	The process of formation and implementation of state-management decisions regarding the transformation of the law enforcement system as a whole and the activities of law enforcement agencies, in particular, regarding the provision of state security, public order and combating crime as a tool for coordination and protection of public, social and law enforcement agencies	Development of state-management decisions and mechanisms for their implementation regarding the transformation of the law enforcement system as a whole and the activities of law enforcement agencies in particular, to ensure state security, protection of public order and prevention and countermeasures against crime, which is the basis of coordination and protection of public, public and private interests
PUBLIC POLICY TASK IN THE SPHERE OF LAW ENFORCEMENT SYSTEM TRANSFORMATION		
in the field of ensuring state security	in the field of ensuring public order	in the field of crime prevention and countermeasures
1. Formation of tools for collecting, processing and analyzing information on threats to national security	1. Formation of mechanisms for personal protection of public figures	1. Development of preventive measures
	2. Formation of mechanisms for the protection of state objects	2. Assessment of crime in the state and regions
2. Development of mechanisms for communication of law enforcement agencies in parts of identifying and countering threats to state security		3. Formation of protection mechanisms for law enforcement agencies and participants in law enforcement activities
	3. Development of mechanisms for the formation of joint investigative teams to prevent and counter threats to state security	4. Ensuring public order in settlements
5. Penalization of crimes		
6. Decriminalization of crimes		
		7. To improve the procedure of investigative actions
		8. To improve the inquiry procedure
		9. To improve the ORD
general tasks		
1. Formation of a system of institutional relations between law enforcement agencies	2. Establishment of cooperation with international police organizations	3. Establishing cooperation with law enforcement agencies of foreign countries
4. Formation of a system for evaluating the effectiveness of reforms in the field of law enforcement	5. Formation of a mechanism for informing the population about the law enforcement system	6. Development of tools for ensuring information security of law enforcement officers
7. Development of tools for ensuring the confidentiality of citizens' data and information collection procedures	8. Formation of a system for ensuring the activities of law enforcement agencies (informational, legal, financial, personnel, etc.)	9. Transformation of the activity of law enforcement agencies and directions of expansion of the institutional structure

Continuation of the table. 1.1.

4. INTERACTION WITH INTERESTED PARTIES (STAKEHOLDERS)			
It is aimed at the assessment, identification, analysis and coordination of public, public and private interests of interested parties regarding the formation and implementation of state policy in the field of transformation of the law enforcement system			
The main stakeholders of state policy			
those pursuing public interests		those pursuing public interests	those pursuing private interests
1. Bodies of the legislative power of Ukraine		1. Public organizations that are subjects of civil society	1. Business entities of various forms of ownership and organizational and legal forms
2. Local self-government bodies			
3. Central bodies of executive power		2. International public organizations operating on the territory of Ukraine	2. Citizens of Ukraine living on the territory of Ukraine and outside its borders
4. Law enforcement agencies			
5. Judicial authorities (of different levels and branches of law)		3. Trade union organizations of enterprises, organizations, industries	3. Foreign citizens living on the territory of Ukraine
6. Other subjects of state administration		4. Political parties	4. Law enforcement officers
Subjects of interaction with stakeholders			
policy makers		policy analysts	interest groups
Persons, groups of persons responsible for the formation and implementation of state management decisions		Experts who are entrusted with the task of assessment, analysis and forecasting for policymakers	insinuated groups of participants who have a common interest in the policy process, expressing public, private or public interest
Interaction tools			
Consultancy	Information	Expert evaluation	Sociological research
Conferences	Clarification	Social advertising	Others
Participants of interaction with stakeholders in the formation and implementation of state policy			
Stakeholders		Target groups	Beneficiaries
Subjects whose interests can be transformed during the implementation of state policy in the field of transformation of the law enforcement system		Subjects whose status is being changed by the state policy in the field of transformation of the law enforcement system	Entities that benefit from state policy in the field of transformation of the law enforcement system

Continuation of the table. 1.1.

5. SUBJECTS OF STATE POLICY IMPLEMENTATION FORMATION			
Bodies of the central executive power implementing the state policy in the field of transformation of the law enforcement system			
Office of the President of Ukraine	Cabinet of Ministers of Ukraine	Ministry of Internal Affairs of Ukraine	
Bodies of the central executive power implementing policy in the spheres of formation appropriate support of the law enforcement system			
Ministry of Finance of Ukraine	Ministry of Justice of Ukraine	Ministry of Culture and Information Policy of Ukraine	Ministry of Digital Transformation of Ukraine
Ministry of Education and Science of Ukraine	Ministry of Social Policy of Ukraine	Ministry of Health of Ukraine	Ministry of Foreign Affairs of Ukraine
Law enforcement agencies			
General purpose		Special purpose	
National Police	Bureau of Economic Security of Ukraine	National Anti-Corruption Bureau of Ukraine	
Security Service of Ukraine	State Bureau of Investigation	State border service	
Proposals for expanding the structure of the law enforcement system			
Office for Countering and Preventing Cybercrime and Cyber Threats	Bureau of Combating the Production and Sale of Drugs prevention and countermeasures	Counter Terrorism Bureau	
prevention and counteraction of cybercrimes; analysis and assessment of state cyber threats; countering information warfare	prevention and counteraction of crimes related to the production, sale and consumption of narcotic substances	preventing and countering terrorist threats; preventing and countering the financing of terrorism	
Management of special security units	Bureau of Combating Illegal Trafficking in Firearms	Bureau of Combating Human and Organ Trafficking	
the formation of special operational units to ensure the performance of particularly important tasks that require the use of physical force	against illegal production, trade, distribution of firearms	preventing and combating human trafficking and the use of forced labor; prevention and countermeasures against organ trafficking and illegal transplantation	

Continuation of the table. 1.1.

6. METHODOLOGICAL PROVISIONS FOR THE FORMATION AND IMPLEMENTATION OF STATE POLICY IN THE SPHERE OF LAW ENFORCEMENT SYSTEM TRANSFORMATION						
groups of state policy methods						
<i>Organizational- -</i>	<i>administrative Social</i>	<i>psychological Economic</i>	<i>Motivating / stimulating</i>			
<i>instruments of state policy in the field of transformation of the law enforcement system</i>						
Information	Belief	Propaganda	Advertising		Poll	
Requests	The social protection	Expenses	Donation		Grants	
Subsidies	Programs	Rewards	Insurance		Purchasing	
Laws	Decrees	Regulation	Self-regulation		Standards	
<i>key mechanisms of formation and implementation of state policy</i>						
<i>Legal,</i>	<i>Financial,</i>	<i>Institutional,</i>	<i>Informational,</i>	<i>Communication,</i>	<i>Educational</i>	
<i>Principles of formation and implementation of state policy in the field of transformation of the law enforcement system</i>						
legality	justice	equality	professionalism	competence	apolitical	continuity
independence	systematicity	humanism	publicity	transparency	performance	interaction
7. ANALYSIS AND EVALUATION OF THE EFFICIENCY OF STATE POLICY IN THE SPHERE OF LAW ENFORCEMENT SYSTEM TRANSFORMATION						
The purpose of evaluating the state policy is to determine the quantitative and qualitative parameters of the state policy at the stage of its development and implementation and to evaluate its results based on qualitative and quantitative indicators and to achieve the goal and fulfill the tasks						
<i>areas of assessment</i>						
Security effect	Legal effect		Social effect		Economic effect	

1. The object-subject field of state policy in the field of transformation of the law enforcement system finds in the system of security functions of the state and in this context the coordination of public, public and private interests. Under the object of state policy in the researched area, it is proposed to understand the following: the law enforcement system as a whole and the activities of law enforcement agencies, in particular, regarding the provision of state security, public order and combating crime as a tool for coordination and protection of public, public and private interests. The subject of state policy is the process of formation and implementation of state management decisions regarding the transformation of the law enforcement system as a whole and the activities of law enforcement agencies, in particular, regarding the provision of state security, public order, and combating crime as a tool for coordination and protection of public, public, and private interests.

2. It is established that the purpose of state policy in the field of transformation of the law enforcement system is the development of state management decisions and mechanisms for their implementation regarding the transformation of the law enforcement system as a whole and the activities of law enforcement agencies in particular, to ensure state security, the protection of public order and the prevention and counteraction of crime, which is the basis of coordination and protection of public, public and private interests. The identified symptoms of the problem of state policy in the researched area make it necessary to set the following tasks, which are grouped as follows:

In the field of ensuring state security:

1) formation of tools for collecting, processing and analyzing information on threats to national security;

2) development of mechanisms for communication of law enforcement

agencies in parts of identifying and countering threats to state security;

3) development of mechanisms for the formation of joint investigative teams to prevent and counter threats to state security;

In the field of ensuring public order:

1) formation of mechanisms for ensuring personal protection of government officials;

2) formation of mechanisms for the protection of state facilities;

3) formation of mechanisms for the protection of law enforcement agencies and participants in law enforcement activities;

4) Ensuring public order in settlements);

in the field of crime prevention and countermeasures:

1) development of preventive measures;

2) assessment of crime in the state and regions;

3) criminalization of crimes;

4) decriminalization of crimes;

5) criminalization of crimes;

6) decriminalization of crimes;

7) improve the procedure of investigative actions;

8) improve the inquiry procedure;

9) to improve operational and investigative activities);

general tasks:

1) formation of a system of institutional relations between law enforcement agencies;

2) establishment of cooperation with international police organizations;

3) establishment of cooperation with law enforcement agencies of foreign countries;

4) formation of a system for evaluating the effectiveness of reforms in the field of law enforcement;

5) formation of a mechanism for informing the population about the law enforcement system;

6) development of tools for ensuring information security of law enforcement officers;

7) development of tools for ensuring the confidentiality of citizen data and information collection procedures;

8) formation of a system for ensuring the activities of law enforcement agencies (informational, legal, financial, personnel, etc.);

9) transformation of the activities of law enforcement agencies and directions of expansion of the institutional structure).

The development of state policy mechanisms in the context of solving the specified tasks will allow to transform the law enforcement system to solve the problem and its symptoms.

An important component in the formation and implementation of state policy in the field of transformation of the law enforcement system is the establishment of effective interaction with stakeholders. "In Ukraine today, there is a discrepancy between the democratic system based on the principles of political competition and modern methods and models of state policy development. There is a situation when, on the one hand, attempts are made to introduce mechanisms to ensure the participation of citizens in the management of state affairs, the openness of state authorities, and on the other hand, there is a tendency to usurp the development of state policy by a narrow circle of elites. The resolution of

this contradiction puts on the agenda the issue of effective interaction between state authorities and civil society organizations (CSOs) in the process of developing state policy" [97]. The purpose of such interaction is the assessment, identification, analysis and coordination of public, public and private interests of interested parties regarding the formation and implementation of state policy in the field of transformation of the law enforcement system.

CONCLUSIONS

So, in the course of the conducted research, it was proved that the methodological process of implementing the law enforcement function of the state is directly related to the management process. The list of tasks included in the administrative-legal mechanism of implementation of the law enforcement function of the state is determined, and their characteristics are provided. It was found that the development of state policy mechanisms in the context of solving the specified tasks will allow transforming the law enforcement system to solve problems. It was determined that the main duty of subjects implementing the law enforcement function of the state is to timely identify threats to the proper functioning of the law enforcement sphere, prevent their occurrence, identify factors that have a negative impact on the law enforcement sphere, develop and implement systemic measures to eliminate them or minimize possible negative influence from them.

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