

## Artículo de investigación

**Object and subject of staffing of the national police of Ukraine at the regional level****ОБЪЕКТ И ПРЕДМЕТ КАДРОВОГО ОБЕСПЕЧЕНИЯ НАЦИОНАЛЬНОЙ ПОЛИЦИИ УКРАИНЫ НА РЕГИОНАЛЬНОМ УРОВНЕ**

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Written by:

**Oleg Volodymyrovych Martselyak**<sup>55</sup>ORCID: <https://orcid.org/0000-0001-6686-0255>**Vladyslav Volodymyrovych Karelin**<sup>56</sup>ORCID: <https://orcid.org/0000-0002-6271-2447>**Ihor Mykhailovych Koropatnik**<sup>57</sup>**Rostislav Andriyovych Kalyuzhnyi**<sup>58</sup>ORCID: <https://orcid.org/0000-0001-8357-8681>**Abstract**

*The purpose of the article* is to investigate the specifics of the object and subject of staffing of the National Police of Ukraine at the regional level based on scientific points of view and regulatory legal acts. Writing the article, the following methods were used: dialectical, logical-semantic, and logical-legal methods.

The relevance of the article is in the need to study the essence of the object and subject of staffing of the National Police at the regional level. The subject of the study is the legislation of Ukraine regarding the requirements for a police officer as an object of the police staffing, including at the regional level. The features of object and subject of the police staffing at the regional level are identified in the paper, as well as the restrictions that are currently placed upon the police officer on recruitment. The guarantees, determined by the law and which the police officer can use during the performance of official duties, are analyzed. The legislative requirements for candidates for senior posts are examined. The powers of the head of the territorial police authority are administrative and regulatory in nature, as evidenced by their rights and obligations.

**Аннотация**

*Цель статьи* заключается в том, чтобы на основании научных точек зрения и нормативно-правовых актов исследовать специфику объекта и предмета кадрового обеспечения Национальной полиции Украины на региональном уровне. При написании статьи использовались следующие методы: диалектический, логико-семантический и логико-юридический методы. Актуальность статьи заключается в необходимости изучения сущности объекта и предмета кадрового обеспечения Национальной полиции на региональном уровне. Предметом исследования является законодательство Украины касательно требований, предъявляемых к полицейскому как объекта кадрового обеспечения полиции, в том числе регионального уровня. В работе выделены особенности объекта и предмета кадрового обеспечения полиции на региональном уровне, а также приведены ограничения, которые на сегодняшний день предъявляются к полицейскому при приеме на службу. Проанализированы закрепленные на законодательном уровне гарантии, которыми сотрудник полиции может воспользоваться во время выполнения

<sup>55</sup> Doctor of Legal Science, Professor, The head of the Department of Constitutional Law of the Faculty of Law of Taras Shevchenko National University of Kyiv

<sup>56</sup> Doctor of Law, Associate Professor of Department of Criminal, Penal Law and Criminology of the Law Faculty of the Academy of the State Penitentiary Service

<sup>57</sup> Doctor of Law, Associate Professor, Head of the Department of Legal Support of the Military Faculty of Finance and Law of the Taras Shevchenko National University of Kyiv

<sup>58</sup> Doctor of Law, Professor, Deputy Dean of the Faculty of Law, National Aviation University

The authors concluded that the service in the National Police at the regional level is specific, requires professionalism and compliance with the law, which underlines the urgent need to strengthen staffing in this area. In addition, the author's opinion of the concepts of the object and subject of staffing of the National Police of Ukraine at the regional level is provided due to the results of the study.

**Key words:** Staffing, National Police, object, subject.

## Introduction

The process of creating the National Police of Ukraine and its further successful functioning, of course, requires the improvement of staffing procedures, including at the regional level. This need is based on the fact that law enforcement authorities cannot perform their tasks and functions without appropriate staffing. This statement, first of all, can be explained by the fact that the police staffing is the basis for effective work in the public safety and law and order domain. In our opinion, effective staffing of the National Police at the regional level will allow to provide high-quality service that meets public requirements.

Moreover, the effective work of the police at the regional level is closely related to the fundamental changes that are taking place in Ukraine today in connection with European integration processes, the improvement of the system for ensuring human rights and freedoms, the implementation of international legal standards in the domain of protection of the person etc. Therefore, the study of the issue of determining the object and subject of staffing of the National Police at the regional level is quite topical.

служебных обязанностей. Исследованы законодательные требования, которые предъявляются к кандидатам на руководящие должности. В основном полномочия руководителя территориального органа полиции имеют административно-распорядительный характер, свидетельством чего являются их права и обязанности.

Авторы пришли к выводу, что служба в органах Национальной полиции на региональном уровне носит специфический характер, требует профессионализма и соблюдения законности, что наглядно указывает на насущную необходимость усиления кадрового обеспечения этой сфере. Кроме этого, за результатами исследования предоставлено авторское видение понятий объекта и предмета кадрового обеспечения Национальной полиции Украины на региональном уровне.

**Ключевые слова:** кадровое обеспечение, Национальная полиция, объект, предмет.

## Theoretical framework

Some aspects of the object and subject of staffing of the internal affairs authorities were studied by such scholars as O. V. Koval, Ye. V. Kubko, N. P. Matyukhina, Yu. E. Melikhov, P. A. Maluev, S. M. Serohin and others. In some scientific works, the essence of the object and subject of staffing of the National Police is considered not by itself, but in the context of reforming of the law enforcement system as a whole (for example, in the works of A. M. Bandurka, S. T. Goncharuk, Yu. P. Bityak, V. M. Garashchuk, O. V. Dyachenko and other authors). In the scientific papers of the scientists cited above, the philosophical and sociological approach to understanding the category of object and subject of staffing of the National Police is generally preserved, while being characterized by the absence of clear definitive boundaries and criteria for its legislative definition. At the same time, until now, the object and subject of staffing of the National Police at the regional level is not studied enough.

Scientific works of scientists in the theory of state and law, administrative law and public administration were the theoretical basis to write the article. The norms of the Law of Ukraine "On the National Police", "On Combating Corruption", as well as legal journalism and reference publications, were the theoretical basis to write the article.

**The purpose** of this article is to identify and analyze the object and subject of staffing of the National Police of Ukraine at the regional level based on an analysis of available scientific and regulatory sources.

### Methodology

The methodological basis to write the article was both general and special methods of scientific knowledge, the use of which in their interconnection made it possible to achieve the goal and ensure the completeness, comprehensiveness and scientific reliability of the results. In particular, the dialectical method was the main methodological tool for understanding the essence of the object and subject of staffing of the National Police of Ukraine at the regional level as administrative and legal categories. The logical-semantic method made it possible to specify the categorical apparatus in the context of the theme of this article. Using the logical-legal method, the author's vision of the definition of the object and subject of staffing of the National Police at the regional level is formulated. The complex application of the above methods ensured the completeness and objectivity of the provisions and conclusions set out in the article.

### Results and discusión

We find it appropriate to start out research with the etymology of the basic terms. So, in the scientific literature an object is understood as: a) cognitive reality, independent of a person; b) a material subject of knowledge or scientific research; c) the subject of the practical impact of the person, to which a certain activity is directed (Dictionary of Ukrainian language, 1974; Philosophical Encyclopedic, 1999; Psychological vocabulary, 1982). An interesting is the understanding of the term "object" in the theory of law, in particular, it is interpreted as: that for which a legal relationship develops, arises and ceases to exist. Therefore, one should agree with the opinion that the object is a generalizing concept that characterizes the action or inaction between the subjects, as well as the legal responsibility of the subjects (Goncharuk, 2000).

Studying the issue about the essence of the object of staffing, we agree with the opinion of some authors who propose to consider the object of staffing persons whose activities are socially oriented and organized under the personnel support facility (Reforming of the public administration, 1998). Speakers on the topic

"Government staffing policies in Ukraine: state, problems and development prospects" suggest by the object of staffing policy understand staffing work and potential, mechanisms of social interaction (The Government Staffing Policy, 2012). N. P. Matyukhina concretizes the concept of the object of staffing exactly for law enforcement agencies. In particular, she considers any category of employees of internal affairs bodies as an object of staffing policy (Matyukhina, 1999). Professor A. M. Bandurka expresses the same opinion, noting that the entire team of employees of a particular body is the object of staffing system. Also, by the object of staffing system, the scientist proposes to consider something aimed at managing the subject in order to develop and improve it (Bandurka, 1998).

It should be noted that the object of staffing is characterized by a wide range of concepts. Among the most commonly used terms are "human factor", "staff", "human" and "labor resources", "personnel" and other legal definitions. At the same time, the concept "staff" is the most generalizing and, in a broad sense, considered as the main qualification composition of the organization's employees (Serohina, 2011).

Thus, by the object of staffing of the National Police of Ukraine at the regional level, we propose to consider a complex staff system consisting of separate structural units of the National Police and its individual employees as representatives of the system.

Analyzing the regulatory framework for ensuring the work of the National Police, it can be noted that the key figure, that is the object of staffing system of the National Police at the regional level, is the policeman, the senior management of the territorial police bodies, as well as other service staff (lawyers, economists, accountants and others). Therefore, based on legal and regulatory analysis and our own vision, we find it necessary to consider the policeman and the heads of police units as the object of staffing of the National Police in detail.

The main staffing requirements and regulations on police officers as an object of staffing for the National Police are set out in the Law of Ukraine "On the National Police" (On the National Police, 2015). So, in the provisions of Art. 17 of the Law of Ukraine "On the National Police" it is determined that only a citizen of Ukraine who serves in the police units in relevant posts with the assigned police rank can be a policeman.

However, in Art. 49 of the Law above it is provided that only adult citizens of Ukraine with complete secondary education can apply for service in the National Police, regardless of race, color, ethnic origin, social and property status and place of residence. Fluency in the official language is a mandatory requirement for candidates for police positions.

At the same time, a person can be appointed to the position of a policeman by authorized officials of the police according to the nomenclature approved by the Ministry of Internal Affairs of Ukraine. The appointment and dismissal of police officers from their posts is carried out in accordance with the order of the appropriate officials under current legislation.

It should be noted that there are also a number of restrictions for the objects of staffing of the National Police of Ukraine at the regional level. Among these, the following should be drawn: 1) compulsory current citizenship of Ukraine; 2) incapable persons or persons with limited ability to act cannot be accepted; 3) a person applying for a position in the National Police cannot have a criminal record; 4) a person who has been brought to administrative responsibility for committing corruption or criminal liability cannot be a police officer; 5) did not pass or refused to pass a special inspection on recruitment to the police service; 6) a person who has diseases from the list approved by the Ministry of Internal Affairs of Ukraine, which will impede service, does not have the right to be a police officer; 7) persons who provided false information on recruitment also cannot apply for the positions of police officers; 8) persons who refused to take the Oath of the policeman and from duties determined by law cannot be taken into police service; 9) persons dismissed according to the Law of Ukraine "On the Purification of Power" ("On Lustration") cannot be accepted for police service etc. (On the Purification of Power, 2014; On the National Police, 2015). It is also worth noting that on recruitment there are some requirements and restrictions of the Law of Ukraine "On Preventing Corruption" (On Preventing Corruption, 2014) and other legislative laws of Ukraine (for example, a candidate for the position of a policeman should not be a member of a political party, cannot participate in strikes or be their organizer, etc.) for police officers.

It is believed that the above requirements for police officers are due to the fact that they have a high responsibility in connection with the specific activities they perform. Therefore, for

committing offenses, the penalties for police officers are more stringent and are defined by Art. 19 of the Law of Ukraine "On the National Police". In particular, the Law provides that a policeman has criminal, civil, disciplinary and administrative responsible for committing a wrongful act. In the case of police offense, the state must compensate the losses caused to the individual or entity due to the action or inaction of the National Police officer while performing his duties.

Studying a policeman as an object of staffing of the National Police at the regional level, the guarantees provided to him by the state should be brought to the attention. So, the guarantees of professional activity of a police officer are set out in Art. 62 of the Law of Ukraine "On the National Police". In particular, a policeman: 1) is provided with appropriate conditions to perform his official duties; 2) receives information from the police in the prescribed manner, including with the limited access, and the materials necessary perform his duties properly; 3) uses the powers provided for by the above Law, regardless of the position he occupies, location and time; 4) receives cash security and other compensation payments in accordance with the law and other regulatory and legal laws of Ukraine, etc. on time and in full.

In addition, in accordance with paragraph 11 of Art. 62 of the Law of Ukraine "On the National Police of Ukraine", the functioning of unions is provided for that can be created in accordance with current legislation with the aim to protect labor and social rights and legitimate interests of police officers.

Another object of staffing of the National Police at the regional level is the senior management of police the local authorities (institutions, agencies). The selection of the senior management as a separate object of staffing is justified by the fact that such persons perform specific functions directly. For the effective implementation of the functions entrusted to the head of the local police authority, he is endowed with the appropriate powers, which, as a rule, are administrative and regulatory in nature. First of all, it is about ensuring of administrative monitoring by the heads of the relevant local police authorities.

In accordance with the provisions of Article 15 of the Law of Ukraine "On the National Police", the heads of local police authorities are appointed and dismissed by the head of the police in coordination with the Minister of Internal Affairs

of Ukraine. They sign the police service contract for a period of four years with the possibility to extend the contract once and the deputy head of the local police authority signs the police service contract for a period of three years with the possibility to extend the contract for the same period. The legislator establishes a number of requirements, which are currently set out in part 7 of article 15 of the above Law, for a person applying for the post of the head of the local police authority.

The powers of the head of a local authority include the decision-making on the certification of persons appointed to posts in accordance with orders; signing of contracts with persons appointed to police posts; the transfer of police officers under direct subordination; about a business trip of police officers in accordance with subordination etc.

Among duties of the heads of local police authorities the following should be focused on: the publication of statistical and analytical data on measures that were taken to prevent, detect and suppress offences of public order; open meetings with local authorities (at least once every two months) in order to establish effective cooperation; adoption of police time management according to subordination; social support of subordinates etc. In our opinion, compliance with and implementation of these responsibilities at the regional level is of particular importance. This can be explained by the fact that regional level issues relating to the law enforcement sphere often arise because of the ineffective police cooperation with local authorities and population. Therefore, meetings with the participation of the head of the local police and local authorities allow discussing problematic issues and finding possible solutions. In addition, the image and public confidence in the police are increasing. If, however, distrust was expressed to the head of the local authority of the National Police, he is suspended from official duties (Article 87 of the Law of Ukraine "On the National Police").

Studying the object of staffing, it is impossible to ignore the definition of the concept of the subject of staffing of the National Police of Ukraine at the regional level. In juridical literature, the subject of state staffing policy is defined as the relationship in society connected with the formation, development, maintenance and use of the staff (The Government Staffing Policy, 2012).

The etymology of the term "subject" suggests that it is any material phenomenon that is

perceived by the senses; the direction of something on cognitive, creative and practical activities (Dictionary of Ukrainian Language, 1976). Other scientists emphasize that the subject is well-known phenomena or processes expressed in a certain form of cognition (Philosophical Encyclopedic, 1999). Thus, we should agree with the opinion of researchers that the subject is part of the object, the transformation of the object, when there is a transition from cognition of the subject to its conversion (Psychological vocabulary, 1982).

The subject of state bodies staffing policy is also considered as a process of selection and placement of the staff, management and governance of their career (Koval, 2012). In administrative law, the subject of staffing policy is considered as a set of social relations created as a result of the tasks and functions of authorities, social activity of the state (Bityak, Garashchuk, Dyachenko, 2007; Goncharuk, 2000; Kubko, 2000). Yu. E. Melikhov's opinion, who in his studies proposes to consider the subject of staffing as certain relationships created as a result of the intersection of the object and subject of staffing in accordance with certain criteria, is interesting. Among these criteria, the researcher identifies the following: 1) personnel - selection, planning, training, adaptation, assessment, promotion, etc.; 2) regulatory and methodological - documents of a technical, organizational or economic nature, regulatory and reference bases of organizational staffing management; 3) organizational - determining the number of staffing specialists necessary for the effective work of the relevant authority, analytical work on organizing staffing; 4) information - information support of the personnel support system, information protection, etc.; 5) material and technical - measures to ensure the work of staffing department (Melikhov and Maluev, 2008).

Thus, the subject of staffing of the National Police at the regional level is public relations, which may arise or cease between the subject and object of staffing policy in the process of implementing staffing procedures in the local authorities of the National Police of Ukraine. These relationships allow implementing a high-quality process with highly qualified staff effectively to ensure the qualified performance of tasks and functions of the National Police of Ukraine.

The selection for the policeman post, as well as the procedure for his appointment, is enshrined in the Law of Ukraine "On the National Police".

In particular, the contract signed with the applicant for the post is the basis for issuing an order on the employment of a person to serve in the police.

It should be noted that in order to be appointed to the post of a policeman, a candidate must pass a specially created commission which purpose is to ensure transparent selection and promotion for each applicant. The competition commission at the territorial level consists of five people: one representative, appointed by the Minister of Internal Affairs of Ukraine, not serving in the police; a representative appointed by the head; one representative appointed by the head of the police; two members of the public elected by the local authority. At the same time, the competition is held taking into account the level of professionalism, personal qualities and achievements of applicants for service and in accordance with the Standard Procedure for holding a competition to serve in the police or occupy a vacant post. The Standard Procedure of competitive selection includes the conditions for the competition, police powers during the competition, and the requirements for the publication of information about the vacant post; the procedure for the adoption of documents; document examination procedure; applicant assessment methods etc.

It should be noted that nowadays there is a serious problem regarding the staffing of the National Police, especially at the regional level. And the above procedure for holding a competition does not improve this situation at all. According to media reports, experts note that the selection process has been borrowed from European experience. However, the selection should not be carried out by heads and members of the public, but by qualified police officers with an impeccable reputation, high moral qualities, authoritative both in a closed professional circle and outside it. Moreover, in our opinion, one of the main factors to select members of the special commission should be the requirement to have sufficient practical experience, and, in particular, both in the legal domain and law enforcement agencies. First of all, this can be explained by the fact that the service in the bodies of the National Police of Ukraine at the regional level is specific, requires professionalism and compliance with the law. If a person has passed the competition and can be enlisted into the police service, a contract can be signed with him. After the expiration of the contract the police service on the basis of an order can be extended for a policeman who is responsible for his duties and performs his tasks professionally.

## Conclusions

To summarize the above, we propose, by the staffing object of the National Police of Ukraine at the regional level, to consider a complex staffing system consisting of separate structural units of the National Police and its individual employees as representatives of the system. In turn, the subject of staffing of the National Police of Ukraine should be considered as legal relations that arise during the selection for police service, appointment to the post, develop during the police service cease in case of dismissal. These relationships allow implementing a high-quality process with highly qualified staff effectively to ensure the implementation of tasks and functions entrusted to the bodies of the National Police of Ukraine.

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