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## Classification of Personnel Procedures in the National Police of Ukraine

### Класифікація кадрових процедур в Національній поліції України

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#### Abstract

*The purpose of the article* is to explore the types of personnel procedures in the National Police of Ukraine on the basis of scientific developments of scholars and to carry out their classification.

To achieve this goal, such methods as formal-logical, comparative analysis, system-structural and comparative-legal was used.

The successful functioning the National Police of Ukraine is not possible without the proper selection of highly qualified employees, which can be ensured through the introduction of truly effective and efficient personnel procedures. The theoretical and legal approaches to the division of personnel procedures into appropriate types by different classification criteria are analyzed and summarized, in particular, depending on: a) the subject of the initiative; b) the nature of the consequences; c) the type (direction) of the activity of the authority. The personnel procedures, which are divided into ordinary and simplified, are also illustrated. The tasks of the National Police Personnel Department are given. It is stated that the achievement of effective work of the National Police bodies is not possible without further improvement of the mechanism of personnel procedures, since insufficient work with staff has a negative impact on the reform of this law enforcement agency.

As a result of the study the author's classification of personnel procedures in the National Police of Ukraine was proposed, namely, according to the

#### Анотація

*Мета статті* полягає в тому, щоб на підставі наукових розробок учених дослідити види кадрових процедур в Національній поліції України та здійснити їх класифікацію.

Для досягнення поставленої мети використано такі методи, як формально-логічний, порівняльного аналізу, системно-структурний та порівняльно-правовий.

Успішне функціонування Національній поліції України не можливе без належного відбору високопрофесійних працівників, що забезпечується шляхом запровадження ефективних і дієвих кадрових процедур. Проаналізовано та узагальнено теоретико-правові підходи до поділу кадрових процедур. Виділено відповідні їх види за різними класифікаційними критеріями, зокрема залежно від: а) суб'єкта ініціативи; б) характеру наслідків; в) виду (спрямованості) діяльності органу. Також наведені кадрові процедури за ступенем урегульованості, які поділяються на звичайні та спрощені. Приведені завдання Департаменту кадрового забезпечення Національної поліції. Констатовано, що досягнення ефективної роботи органів Національної поліції неможливе без подальшого вдосконалення механізму кадрових процедур, оскільки низька робота з персоналом негативно позначається на реформуванні даного правоохоронного органу.

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following criteria: 1) by the subject of the initiative of the personnel procedure; 2) by the nature of the consequences for the subject of the personnel relations; 3) by the stage of staffing; 4) by the direction of activity of the subject of personnel relations in the police force; 5) by the degree of regulation; 6) by functional purpose; 7) by tasks of staffing.

**Key words:** police, National police, personnel, personnel procedure, types of procedures.

## Introduction

The Association of Ukraine and the EU sets requirements in various areas of functioning of the state apparatus, primarily in the system of law enforcement agencies, which determines the reformation of the Ministry of Internal Affairs of Ukraine. Adaptation of national legislation to the requirements of the EU forms a new view on the definition of the main directions of personnel policy in the police system, focused on the development of models of professional competencies in accordance with the specific functions of the police activities depending on the position category, which allows solving the problems of formation, development, rational and efficient use of human resources (Bondarenko, Kuzo, 2018, p. 49)

Since the creation of such a completely new central executive authority in Ukraine as the National Police, the issue of classification of personnel procedures has become of particular importance and relevance. This is due to the fact that the police are entrusted with the task of providing a highly professional law enforcement service in accordance with the needs and requirements of today's society. In addition, the specifics of each type of legal relations that occur during the implementation of a particular personnel procedure, which are interrelated and complementary, causes differences in its legal regulation, forms and methods of selection of candidates for posts, etc. As a result, this should facilitate the effective fulfillment of entrusted duties by a police officer in law enforcement field. Moreover, during the transition period, the mentioned is important, because the image and general impression of the National Police work as the law enforcement agency consists of the qualitative and diligent implementation of duties by each police officer.

У результаті проведеного дослідження запропоновано авторську класифікацію кадрових процедур в Національній поліції України, а саме за наступними критеріями: 1) за суб'єктом ініціативи проведення кадрової процедури; 2) за характером наслідків для суб'єкта кадрових правовідносин; 3) за стадією кадрового забезпечення; 4) за спрямованістю діяльності суб'єкту кадрових правовідносин в органах поліції; 5) за ступенем урегульованості; 6) за функціональним призначенням; 7) за завданнями кадрового забезпечення.

**Ключові слова:** поліція, Національна поліція, кадри, кадрова процедура, види процедур.

In addition, the need to address to this issue is based on the fact that one of the priorities of the reform of the internal affairs authorities was to update the composition of employees, due to the revealed facts of corruption, violation of professional discipline and professionalism of the staff. Therefore, the question of introducing an updated personnel system that meets the current realities and radical reforms of Ukraine's law enforcement system is urgent. Unfortunately, it should be noted that despite the positive developments that have taken place since the creation of a fundamentally new National Police Institute in the field of legal and institutional support of its activities and, above all, the organization of work with personnel there are lots of problematic issues due to some inconsistency, and even hasty of some processes of reform, unresolved problems of logistical, financial support, social protection and low motivation of staff, which led to the outflow of professional staff (26 214 employees resigned during 2015). This situation shows a considerable number of problematic issues that require legal regulation and improvement of the organization of work with personnel nowadays, otherwise the success of the reform of the law enforcement system of our state is at risk (Logvinenko, Demyanenko, 2018, p. 134-135).

In our opinion, a very important fact, which also indicates the relevance of the study, is that today the police are at the final stage of formation, which necessitates the solution of the problems of the implementation of personnel policy, which arose in the conditions of reforming the National Police of Ukraine. This will bring about a positive outcome of the reform and prevent the use of legislative loopholes and shortcomings in enforcement.

*The purpose of the article* is to explore the types of personnel procedures in the National Police of Ukraine on the basis of scientific developments of scholars and to carry out their classification.

### Theoretical framework

The problem of classification of personnel procedures of both law-enforcement authorities and National Police of Ukraine is a subject of study of many domestic scientists. This topic was studied in their writings by such national scientists as *S. Agafonov* (The concept of administrative procedure and the concept of legislative regulation of administrative procedures in foreign countries, 2006), *V. Averyanov* (Public Administration: Problems of Administrative Law Theory and Practice, 2003), *A. Bandurka* (Management in the Internal Affairs Bodies of Ukraine, 1998), *V. Bondarenko*, *L. Kuzo* (The significance of professional competencies in the process of the placement of patrol police personnel, 2018), *T. Kaganovska*, *K. Buhaichuk*, *V. Vasyliev*, *V. Serohin* (Foreign Experience of Staffing of the National Police of Ukraine at the Regional Level and the Possibility of its use, 2020), *A. Klochko* (. The concept and content of staffing of internal affairs authorities of Ukraine, 2012), *P. Koptev* (Organizational and Legal Principles of the Activities of the Police Personnel Departments, 2006), *I. Kravchenko* (Legal basis for the implementation of personnel policy of the National Police of Ukraine, 2018), *M. Kryshchanovych* (Public administration of personnel providing services of internal affairs bodies of Ukraine, 2012), *O. Lagoda* (Administrative procedure: theory and practice of application, 2007), *M. Logvinenko*, *O. Demyanenko* (The role and importance of work with personnel in the period of reforming of the national police bodies of Ukraine, 2018), *N. Matyukhina* (Personnel management of internal affairs bodies of Ukraine: organizational and legal basis, 2002), *Yu. Melikhov*, *P. Maluev* (Personnel management: a portfolio of reliable technologies, 2008), *E. P. Parchimchik* (Personnel policy of the organization, 2011), *V. Plishkin* (Theory of Internal Affairs Management, 1999), *C. Prabhu*, *K. Rose* (A Study on Public Policy Issues towards Management and Deployment of Police Personnel with Reference to North Bengaluru, 2018), *M. Sylachev* (The Legal Theory and Practice of Administrative Procedure, 2009), *S. Stetsenko* (Administrative Law of Ukraine, 2008), *E. Talapina*, *Yu. Tikhomirov* (Administrative procedures and law, 2002), *V. Tymoshuk* (Administrative procedure and administrative services, 2003) etc. However, the

issue of classification of personnel procedures directly in the field of the newly created National Police of Ukraine is not studied enough, which determines the relevance of the chosen direction of scientific search.

We believe that the urgent problems of the implementation of personnel policy in the National Police are: uncertainty of the administrative and legal status of the subjects of personnel relations; a large number of vacant vacancies; uncertainty about the future status and activities of departmental higher education institutions providing police training; shortcomings in personnel procedures in the process of selecting candidates for police service.

### Methodology

To achieve this goal, as well as to provide science-based results of the study, a set of general scientific and special methods used in legal science was used. In particular, *formal and logical* - to clarify and deepen the understanding of the conceptual and categorical apparatus related to the subject of study; *comparative analysis* - when generalizing the opinions of scientists about concepts related to the subject of study; *systemic-structural* - to determine the place of staffing in the system of selection of personnel to serve in the police and the conditions of its compliance with the modern needs of society; *comparative legal* - to analyze the norms of the current legislation of Ukraine on personnel procedures in the National Police. The following methods were used in the article in interconnectivity and interdependence, which ensured the comprehensiveness, completeness and objectivity of the study.

### Results and discussion

As a result of the analysis of the world models of police management and its staffing, *T. Kaganovska*, *K. Buhaichuk* et al. concluded that in Ukraine for a long time there has been a transition from a centralized model of law enforcement management, and now there is a combined (semicentralized) model of police and its staffing because the Ministry of Internal Affairs, despite the reform of the National Police and its withdrawal from subordination and dependence on the Ministry, still has considerable influence and in some cases puts pressure on adoption of important management decisions at regional and local level (*Kaganovska*, *Buhaichuk*, *Vasyliev*, *Serohin*, 2020, p. 503).

Human Resource Management (HRM) in Police has the responsibility for identifying, selecting, inducing the competent police personnel, training them, facilitating and monitoring them to perform efficiently. HRM in police is supposed to render direct services to the society and is responsible for protection of members of the society (Prabhu, Rose, 2018). Nowadays, the organizational and legal issues of staffing and the selection process to the National Police of Ukraine are regulated by Articles 47-57 of the Law of Ukraine "On National Police" (The Law of Ukraine, 2015) and Order of the Ministry of Internal Affairs of Ukraine of 25.12.2015 No. 1631. Personnel work in the National Police authorities is based on the requirements of the Constitution of Ukraine, laws of Ukraine and other normative acts on civil service, as well as the departmental legal framework regulating the tasks, content, principles, methods and main technologies of work with personnel.

It is worth noting that nowadays, there is no consensus among scientists regarding the classification of procedures. V. P. Tymoshuk proposes to divide all administrative procedures into those that arise on the initiative (statement) of a person or entity ("claimants") and those initiated by an administrative body on their own initiative ("interventions"). The first category, according to the author, includes the procedures that arise on the statements when it comes to the satisfaction of subjective right, the legitimate interest of the person, as well as the consideration of citizens' petitions and legal entities. Accordingly, "interventional" proceeding is initiated by an administrative authority ("to the addressee"), for example, in connection with the performance of duties entrusted to the relevant authorities by law, or with the instructions of other authorities or officials (according to the law). In addition, according to the author, "interventional" procedures by the nature of consequences are conditionally divided into positive (contributing) and negative (aggravating), also a preparatory procedure, characterized by openness, protection of rights and legitimate interests in democratic states, is preceded the adoption of each decision (Tymoshuk, 2003, p. 24-25).

In our opinion, in the sphere of staffing of the National Police of Ukraine monitoring and supervision activities (especially public control, control of trade unions etc.) can be attributed to the widespread "interfering" procedures, cases of commence proceedings about administrative offenses, which may also begin on application by the individual. In addition, it can be argued that some personnel procedures arise at the will of the

subject (submission of documents for vacant posts in the authorities of the National Police, the competitive examination for police service, etc.), while others may take place against the will of a police officer or other police worker (personnel rotation, certification, dismissal, etc.).

It is also possible to "transfer" the criterion "by nature of consequences" to the scope of personnel procedures, as some procedures may be "favorable" for employees (promotion, higher title or award, etc.) and "unfavorable" or "restrictive" (get reprimand, dismissal, demotion; taking oath and as a result taking over certain restrictions according to the administrative and legal status of the police officer). Similarly, in our view, the identifying of preparation procedures merits attention, since most of the procedures in the field of staffing are exactly the same. At the same time, we consider it possible, along with preparatory (for example, training and education procedures), to identify effective procedures (for example, placement or dismissal). That is, from the above we conclude that in general, this classification of procedural relations, extended in the theory of administrative law, can be applied in the sphere of personnel procedures of the National Police of Ukraine, but taking into account the specifics of this authority.

In addition to the classification of procedures, depending on the subject of the initiative and the nature of the consequences, we consider it appropriate to distinguish such criterion of administrative procedures separation as the type (focus) of the executive body activity that the National Police of Ukraine applies to. Thus, according to this classification feature in the theory of administrative law it is proposed to conditionally divide the types of activity of executive authorities into "internally directed" and "externally directed" (Averyanov, 2003, p. 199; Lagoda, 2007, p. 10). The first group of procedures is implemented within the system of executive authorities, while the second one involves, along with the executive authority, the presence of another subject, such as a person or entity. In our opinion, in the sphere of personnel procedures, by analogy, internally oriented, such as transfer and promotion procedures and externally oriented, such as recruitment to police, public control, etc. can be distinguished.

Another criterion for the classification of personnel procedures is the degree of regulation, according to which standard and simplified procedures are distinguished in administrative law (Stetsenko, 2008, p. 268; Averyanov, 2003, p. 10). So, the standard procedure is carried out

in accordance with the law, which is mandatory. Instead, a simplified procedure takes place when a decision is made within the law, but with a minimal number of procedural elements (shorter time limits, reduced procedural requirements, etc.).

S. I. Agafonov's opinion on the classification of procedures is interesting, who, in particular, considers it appropriate, depending on the competence and tasks of public authorities, to distinguish between positive (oriented to the streamlining of main activities of public administration) and conflict (posed by the consideration of complaints, dispute of resolutions and differences) administrative procedures (Agafonov, 2006, p. 266-267). In this case, the vast majority of personnel procedures within the National Police System of Ukraine can be classified as positive ones, but often there are conflicting procedures that occur when appealing decisions, during the work of appellate commissions in fulfilling personnel certification. M. V. Silaychev's opinion is reasonable, who pays attention to such types of procedures as functional and organizational (Silaychev, 2009, p. 51). Thus, functional procedures are described by the author as procedures with the participation of non-subordinate persons (for example, control procedures), and organizational procedures are those that are carried out in the process of organization of management (preparation of normative acts of management, office work etc.). In turn, S. G. Stetsenko proposes the following classification of types of administrative procedures: 1) normative procedures; 2) constitutive procedures; 3) law enforcement procedures; 4) registration procedures; 5) certification procedures; 6) control and supervision procedures (Stetsenko, 2008, p. 267). From the above list, examining directly the personnel procedures in the bodies of the National Police, attention should be paid to such types of procedures as normative, law enforcement, certification and control and supervision.

Unlike previous authors, E. V. Talapina divides procedures into the following types: 1) organizational procedures; 2) decision-making procedures; 3) procedures for the use of information; 4) procedures for solving functional problems; 5) procedures for delegation of authority; 6) legal action procedures; 7) coordination procedures; 8) control procedures; 9) procedures for consideration of citizens' appeals; 10) procedures for resolving disagreements and disputes; 11) international and mixed procedures and others (Talapina, Tikhomirov, 2002, p. 6). In our opinion, in one

form or another, these procedures are also present in the process of staffing of the National Police of Ukraine.

Considering the staffing of the newly formed National Police, let us pay attention to the positions of other scientists. Thus, according to Yu. E. Melihov, the personnel management system consists of a number of interrelated processes: 1) personnel planning; 2) formation of personnel reserve; 3) recruitment (hiring, selection and employment); 4) staff adaptation; 5) evaluation and certification of personnel; 6) staff training; 7) motivation and stimulation; 8) normalization of labor activity; 9) dismissal of personnel, etc. (Melikhov, Maluev, 2008, p. 48-49). We believe that each of these processes reflects one or the other kind of personnel procedures, from the interconnected set of which it consists.

In turn, P. B. Kopt'ev, considers the following procedures of work with the personnel: 1) ensuring legality and service discipline; 2) career guidance; 3) socially educational work; 4) selection; 5) vocational training (preparation, retraining, advanced training, adaptation, mentoring); 6) personnel evaluation; 7) dismissal of employees; 8) social security; 9) psychological support, etc. (Koptev, 2006, p. 139). E. P. Parkhymchik states that personnel policy consists of a set of personnel policies (personnel procedures) in different directions, in particular: 1) ensuring the organization of personnel; 2) staff evaluation; 3) staff development and promotion; 4) remuneration of staff; 5) personnel management; 6) labor relations; 7) formation of organizational culture; 8) communication with staff; 9) occupational safety and social protection, etc. (Parchimchik, 2011, p. 8). A. M. Klochko distinguishes the procedures: 1) selection and placement of personnel; 2) legal regulation of the service; 3) staff stimulation; 4) training and education of staff; 5) providing legal and social protection (Klochko, 2012, p. 49).

M. F. Kryshtanovych considers the following elements (personnel procedures) that make up the process of staffing of law enforcement agencies: 1) determination of the number of personnel, categories of posts, level of professional training; 2) personnel work (selection, placement, transfer, formation of reserve for promotion, evaluation); 3) stimulation of professional activity and education of personnel: (moral and material stimulation, disciplinary responsibility, enhancement of legal culture); 4) training (at departmental training institutions, retraining and

advanced training) (Kryshtanovych, 2012). On the contrary, O. M. Bandurka focuses on the following procedures: 1) determining the number of employees, their job position and level of training; 2) work with the personnel: selection, placement, transfer, formation of reserve for promotion, evaluation of employees; 3) stimulation of labor activity and education of personnel; 4) application of measures of moral and material stimulation, disciplinary practice, education for compliance with the law and service discipline; 5) staff training: basic combat and physical and special training, advanced training (Bandurka, 1998, p. 192).

From N. P. Matyukhina's research, it implies that personnel procedures are conducted at: 1) determining the need for personnel, their selection, placement, development, maintaining a comfortable socio-psychological climate, influencing the motivation of behavior; 2) ensuring the safety of employees; 3) legal and information support, etc. (Matyukhina, 2002, p. 145). V. M. Plishkin believes that personnel procedures take place during: 1) organizational and staffing work; 2) selection of personnel; 3) placement of personnel; 4) training; 5) assignment of special ranks; 6) personnel evaluation; 7) providing official promotion of personnel; 8) education of personnel; 9) social security of personnel; 10) stimulation of service activity of personnel; 11) strengthening the legality and service discipline in the activity of personnel; 12) dismissal of personnel, etc. (Plishkin, 1999, p. 617). As you can see, there is not a single opinion among scientists regarding the quantitative and qualitative composition of personnel procedures, including the National Police of Ukraine.

In our opinion, the main types of personnel procedures in the bodies of the National Police of Ukraine arise from the identified tasks of the Personnel Department of the National Police of Ukraine (Personnel Department of the NPU), namely: 1) personnel procedures for the selection, study and staffing of police bodies with qualified personnel; 2) personnel procedures for the organization and methodological provision of special training for the first time recruited to the police service; 3) personnel procedures for advanced training and retraining of police officers; 4) personnel procedures for the organization of vocational training and internships; 5) personnel procedures for psychological support of police and employees of the National Police of Ukraine; 6) personnel procedures for ensuring social protection of police officers, other employees of the National Police of Ukraine and their families, as well as

organizing and carrying out in the police bodies social and humanitarian work and measures for providing social support to members of the families of police officers who have died or have been disabled; 7) personnel procedures for ensuring the implementation in the National Police of organizational-staffing measures, optimal distribution and efficient use of the existing staffing of the police; 8) personnel procedures for organizing work to strengthen discipline and legitimacy in police activities, ensuring the rights and legitimate interests of citizens; 9) personnel procedures for organization of preventive work, conducting of investigations, full and objective check of circumstances of emergencies, etc.; 10) personnel procedures for ensuring the participation of national personnel from the National Police in international peacekeeping and security operations, the operational management and control of its activities, and the organization of cooperation with international peacekeeping organizations.

In our opinion, the defined list of tasks of the Personnel Department of the National Police of Ukraine is not exhaustive and accordingly does not reflect the whole set of types of personnel procedures.

## Conclusions

According to the results of the study, it is considered appropriate to classify personnel procedures in the bodies of the National Police of Ukraine by the following criteria:

- I. By the subject of the initiative of the personnel procedure: statements (by the will of the applicant for the post of police officer: submission of documents for the vacancy in the bodies of the National Police, the competition for service in the police); interventions (by the will of other subjects of personnel relations: public and other types of control over the activity of police bodies and its officials, dismissal and rotation procedures, etc.).
- II. By the nature of the consequences for the subject of the personnel relationship: positive (favorable: promotion, higher rank or awards, etc.); negative (liability, reprimand, dismissal, demotion, etc.).
- III. By the stage of staffing: preparatory (training and education procedures, etc.); effective (placement or dismissal procedures).

- IV. By the spheres of activity of the subject of personnel relations in the police bodies: internally oriented (relocation and promotion procedures, etc.); externally oriented (recruitment procedures to serve in the police, public control procedures, etc.).
- V. By the degree of resolution: standard (formal); simplified (informal).
- VI. By the functionality: organizational; managerial; control.
- VII. By the tasks (or stages) of staffing: procedures for forecasting and planning of staffing and marketing needs; procedures for recruitment, study and appointment; training and education procedures; procedures for staffing police, placement and accounting; procedures for adapting new staff; procedures of service, including relocation and promotion; certification procedures; procedures of vocational training, advanced training and retraining; control procedures; procedures of psychological support; educational and preventative procedures; procedures for strengthening discipline and legitimacy; social security procedures (cash, housing, pension, etc.); motivation and stimulation procedures; procedures of personnel dismissal.

Further improvement of the implementation of personnel policy in the National Police should be systemic and should be aimed at solving the problems of personnel selection. In this regard, it is necessary to detail the requirements for candidates for service in the police, in particular: to improve the stages of declaring a competition for service; introduce a competition and public control for all police posts, including managerial ones; to provide for the priority of the selection of people who graduated from a higher educational institution with specific educational conditions, a military department, have passed military service, as well as persons having a higher legal education, certificates confirming qualifications, experience in the legal field; legislatively regulate the possibility of putting forward additional requirements for candidates for service in the police in accordance with their specialization (Kravchenko, 2018, p. 71-72).

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