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POLICE BEFORE AND DURING THE RUSSIAN-UKRAINIAN WAR OF 2022

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The article is devoted to the theoretical and legal characteristics of the essence of the police in the period of its reform and highlighting of certain positions of its official duties performance in the Russian-Ukrainian invasive war. The legal analysis of the main conditions and reasons is carried out according to which the qualitative reorganization of the organizational and legal essence of the police has been slowed down.

It is found out that the main reasons for non-implementation of the police improvement program are that the reformist ideas aimed at updating the patrol police functioning did not cover the entire system of its activities, primarily the investigative and operational staff of regional departments and their insufficient interaction with the police units and the public, as well as unsatisfactory re-certification of police officers, the content of the main principles of which was deprived of legislative consolidation, which has led to their mass appeal and protest.

In addition to these negative trends, the police have achieved some positive results in some positions aimed at reforming certain special units such as the Special Police Patrol Service – capable of universal professional service, ranging from the security police functions to the assault operations and the Rapid Operational Response Unit, the main tasks of which are related to the protection of public order, the evacuation of civilians and countering criminals and terrorists. The formation of cyber police is equally important in the police activity whose task is to combat cybercrime.

Studying the police activities in the martial law since the first days of full-scale Russian aggression in 2022, it is proved that Ukrainian law enforcement officers together with the Armed Forces of Ukraine defiantly repel the criminal Russian attack, defending the life and health of the Ukrainians, protecting territorial integrity and independence of Ukraine.

It is stated that one of the important factors in the organizational and legal support of the police during the war is the concern of state authorities to improve their financial situation.

It is proved that the main principles of the police reform concept should correspond to the real state of its resources, broad cooperation between security and defence forces, as well as finding ways to protect the rights and freedoms of the citizens, the society and the state.

Key words: police, reform, corruption, Russian-Ukrainian war, cyber police, cybercrime, martial law.

Formulation of the problem. In the full-scale criminal war against Ukraine, ignoring all human canons, the Russian Federation is trying to impose on the world its ambitious desire to restore and continue

the Soviet Union with its totalitarian rule and fierce pursuit of global military expansionism after its aggression in Chechnya, Georgia, Moldova and other countries.

Russia's rotten military machine, destroying cities, critical infrastructure of Ukraine, daily and hourly depriving the lives and health of its citizens, pursues a single goal – the systematic and consistent destruction of the Ukrainian people, their national values, identity, deprivation of self-determination, self-development and further existence.

In these difficult conditions for the country, public authorities and, above all, the Verkhovna Rada of Ukraine, the Cabinet of Ministers of Ukraine, the Armed Forces of Ukraine, the National Police and all law enforcement agencies are fully responsible for resolutely resisting Russian aggression, the repulsion from its insane death spasm and bringing its shame and all prospects to global confrontation, condemnation and undisputed victory.

Analysis of research and publications The essence, features, legal status, significance, legal analysis of the police reform in the fight against crime and law enforcement have been studied by both domestic and foreign scientists and scholars. This constellation includes O. Bandurka, I. Blaput, I. Holosnichenko, Ye. Dodin, V. Donenko, I. Zozulya, S. Yesimov, R. Kalyuzhnyi, M. Kovaliv, V. Kolpakov, O. Komisarov, O. Kuzmenko, O. Ostapenko, V. Ortynskyi, O. Synyavska, V. Slinko, L. Sopilnyk, Y. Nazar, V. Pietkov, O. Khytra and others.

The purpose of the article is to study the peculiarities of the police activity before and during the Russian-Ukrainian war in 2022, the legal analysis of its reforming, the circumstances of duty fulfilment in peacetime and wartime, outlining the causes and factors that negatively affect the optimization of the police reorganization, determining the main directions of its improvement in combating the crime, protecting the territorial integrity of the state in the criminal Russian aggression and ensuring the protection of the rights of citizens, the society and national values.

Main material presentation. Almost seven years have passed since the adoption of the Law of Ukraine “On the National Police” (hereinafter – the police) on July 2, 2015, and two days later, one of its first units of the patrol police in the Ukrainian capital was sworn in and it was launched in 32 cities of Ukraine during the year.

The first steps of the police were shrouded in pride and respect and, above all, honesty and integrity. The appearance of young men in fashionable uniforms with American stripes and signs, with the introduction of new methods of activity, strengthened the hope of citizens for rapid positive changes in prevention, crime detection, public order and administrative services. In the post-Euromaidan period in mid-summer 2016, the level of trust in the police was raised from 0.8 % to 40.7 %.

Subsequently, “...after a few years, the optimism faded, and the problems of the old routine began to penetrate into the newly created law enforcement agency” [1].

According to experts, analysing the police activities in the period of 2019–2020, “...the reform was betrayed by the government itself, which never managed to complete it. Every year, a huge number of people who are disappointed in the system leave the police, ordinary people lose confidence in it, and top officials stubbornly look for the culprits among their opponents” [1]. After all, as the police ex-chief Khatia Dekanoidze herself admitted, she alone is personally responsible for all failures in the police reform. However, this does not make it easier for the society or the domestic law enforcement system itself.

Compared to 2016, in 2020, 55.6 % of citizens stopped trusting the police. All this is the evidence that the reformist ideas aimed at updating the patrol police did not cover the entire system of its activities, especially the investigative and operational staff of regional departments with their insufficient interaction with other police units and the public.

In addition, things are not going well in relation to the re-certification of the police officers, the content of the main principles of which is deprived of legislative consolidation, which led to their mass

appeal and protest. And the practice of the police commissions itself does not stand up to criticism, not only that they exist as a requirement of international partners – all their bureaucratic activities were reduced to open mockery of the real police officers who wanted to work in the police and most of them were asked inappropriate professional questions. It seems that the police commissions are recruiting people who potentially hate the police. In the future, in order for the police commissions to have some benefit in the selection of police candidates, their work should be radically improved through quality training, while avoiding random people who would not ruin the police, but sought to optimize its activities.

The picture of constant underfunding of law enforcement agencies has not changed either. The trend, which began in Soviet times and in the first years of Ukraine's independence, with a constant shortage of logistics, led the police to break the law by creating schemes of extortion from citizens, businessmen and eventually to create numerous pyramid schemes with constant kickbacks, which was almost the main reason for the police corruption.

Prior to the martial law, the local police were also deprived of funds for fuel, car repair, and stationery, without which it was impossible to perform their duties, which also began to revive the sprouts of corruption. According to the study by the Kharkiv Human Rights Group, "...the police are currently unable to carry out their duties without shadow revenues, often corrupt ones...", which <...> "...leads to prejudice against certain categories of people and impunity for others" [2].

As for wages, due to the paradoxical situation caused by higher executive bodies, when the new newly created police patrol service, which had up to a month of service, had significantly increased salaries, and heads of departments, police departments and their subordinates with more than 20 years of experience received in 2–3 times less, a mass resignation from the police started, which had a striking effect on the reform implementation. Actually, this mistake was later corrected, but this paradox left an unforgettable memory.

In 2020, with a surplus of 151.6 thousand people, the salary of the police averaged 15 thousand hryvnias, which is "... with a shortage of 23.7 thousand, which is almost 16 % of the staff", "... only in 5 months of 2020 4400 people left the police" (see, in particular: [2]).

However, in addition to these negative trends, the police have achieved some positive results in some positions. Thus, with the adoption of the Law of Ukraine "On the National Police" the Special Police Patrol Service (SPPS) was reformed, which was previously established on a voluntary basis – the future model analogue of the law enforcement agency, which is able to carry a universal professional service, ranging from security police functions aimed at protecting against criminal encroachment, maintaining public order, patrolling, passport control, as well as functions of assault operations in the ATO area and in resistance to the rashist invasion in the Russian-Ukrainian war of 2022.

In accordance with the order of the Ministry of Internal Affairs dated 04.12.2017 No. 987 regulations on special police units were approved, which defined the main tasks, functions, rights, responsibilities and procedures of special police units of the main departments of the National Police in the Autonomous Republic of Crimea and Sevastopol, regions and the city of Kyiv [3].

According to experts, "...volunteer battalions created within the Ministry of Internal Affairs are probably one of the most significant reforms that have brought real patriots to the police. We have not had this in all the years of state independence. Today, volunteer battalions within the Ministry of Internal Affairs are highly respected among the people. And if during Maidan they were most afraid of the police, it was the volunteers who began to restore confidence in them" [4].

One of the positive moments of the police work is that, taking into account the rampant corruption that has existed for many years in the police force, the domestic police, with external and internal countermeasures, have improved their overall integrity to some extent. However, the general practice of the police activity still shows the urgency of corruption in its ranks, which requires action to find the best ways to create and improve it on the basis of international standards and expert recommendations of the internal system of its prevention.

A rather interesting police unit that attracts attention is the Rapid Operational Response Unit (hereinafter – KORD). KORD got its name after the reorganization of special battalions and special units of the Ministry of Internal Affairs and replaced such units as “Falcon”, “Griffon”, “Golden Eagle” and “Titan”. After a two-month training course with the support of American partners, on March 4, 2015, the first 37 fighters of Group A of the KORD special unit began to perform their duties. Later, on April 1, 2016, on the basis of a new witness protection program, the KORD special unit was replenished with seventeen fighters of Group B. Already on January 1, 2017, soldiers of the KORD special unit together with the Kyiv Police Regiment and the Special Purpose Battalion of the Criminal and Preventive Block of the Main Directorate of the National Police in Donetsk region entered into battle with gangs in eastern Ukraine, whose main tasks were to protect public order, evacuate civilians and countering criminals and terrorists.

Taking into account the domestic and international trends in cyber threats, with their devastating impact on the information space, today the Ukrainians and the world community are concerned about the formation and effectiveness of cybersecurity, which is a bastion in information protection of citizens, national values and other interests of the society and the state. One of the entities entrusted with the main functions of ensuring the implementation of the state program in the cyberspace protection and combating cybercrime area is the Cyber police department of the National Police of Ukraine (hereinafter – cyber police).

In general, the study of the essence of the cyber police before and during the war period of 2022 is relevant and timely, as the practice of this law enforcement agency shows its popularization in the practical field and in the domestic and international scientific environment.

In order to determine the legal and organizational basis for the protection of vital interests of an individual and citizen, society and state, national interests of Ukraine in cyberspace, the main goals, directions and principles of the state policy in cybersecurity, powers of state bodies, enterprises, institutions, organizations, individuals and citizens in this area, the basic principles of coordination of their activities to ensure cybersecurity, the Law of Ukraine “On basic principles of cybersecurity of Ukraine” No. 2163-VIII was adopted on October 5, 2017 [5]. However, the author shares the opinion of experts that the reasons for non-implementation of some principles of the Law are related to its declarative nature, lack of a way to perform the main tasks of combating cyber threats and significant restrictions on the involvement of international audit companies [6].

Guided by the Constitution of Ukraine, domestic and international law, the cyber police as one of the newly formed law enforcement agencies in accordance with the order of the National Police of Ukraine dated 10.11.2015 No. 85 “On approval of the regulations on the cyber police department of the National Police of Ukraine” (hereinafter – the regulations) is an interregional territorial agency of the National Police of Ukraine, which in accordance with the legislation of Ukraine ensures the implementation of the state policy in the field of combating cybercrime, provides the information and analytical support to the leadership of the National Police of Ukraine and public authorities on the status of issues within its competence [7].

In accordance with the regulations, the cyber police units develop and implement comprehensive organizational and practical measures aimed at preventing and combating cybercrime, as well as collecting, summarizing, systematizing, analysing the information on criminogenic processes, the state of the fight against crime and data on objects of operational interest. An example of this activity is the detention of a criminal group in Vinnytsia region in early May 2022 that placed advertisements to promote phishing sites of banks with the help of compromised search engine accounts. The defendants used the data of users who tried to log in to fake sites to misappropriate money. Among the deceived ones are clients of foreign banks. The attackers automatically obtained the credentials of bank customers who tried to log in to fake resources. In the future, the group used this information to misappropriate money. The members of the group advertised phishing sites both for their own purposes and at the request of other hackers. Currently, law enforcement officers are determining the final amount of damage caused to citizens [8].

However, without statistics on the cyber police's response to cybercrime, its official website does not provide real results of some such investigations, "...there is no information on the number of actual cybercrime convictions and prosecutions". It is not clear from the report whether all suspects have been declared, whether charges have been filed and in what status they are (see, in particular: [9]).

Thus, it can be stated that in the period from the origins of the police and its activities to the rashist invasion of Ukraine in 2022, the presence of internal and external factors hindered the reform of sustainable development, search and application of exemplary models of the modern police activity. Despite innovations in the patrol police and some other investigative and operational units, the problems of corruption and insufficient material and technical support in the police remain quite relevant.

Ukraine left the totalitarian Soviet Union, pursued a course of European integration and aspired to become a member of the North Atlantic Alliance, an international intergovernmental organization uniting 30 countries in North America and Europe, and became a bone in the throat of the Nazi Russian Federation. Back in 1997, fascist publicist and rashism preacher O. Dugin, whose undisputed admirer is Putin, argued that "...Ukraine should be annexed by Russia..." <...> "Ukraine as a state has no geopolitical significance, special cultural imports or universal significance, geographical uniqueness, ethnic exclusivity, its certain territorial ambitions pose a huge danger to the whole of Eurasia and without solving the problem of "Ukrainian question", to talk about continental politics in general is meaningless", as the rashist further pointed out. <...> "...Ukraine cannot be allowed to remain independent if it is not a sanitary border, which would also be unacceptable" [10].

As for the so-called "special military operation", which was launched on February 24, 2022 to protect the so-called "Russian peace", it was a continuation of the Russian-Ukrainian war after the declaration of annexation of Crimea and military occupation of Donetsk and Luhansk in 2014. Till March 2022 alone, at least 4,431 homes, 92 companies, 378 educational institutions, 138 health care facilities, 8 civilian airports and 10 military airfields, 7 thermal power plants and hydroelectric power plants were damaged, destroyed or seized in fierce fighting in Ukraine. The total amount of damage caused to the infrastructure of Ukraine during the war has already reached \$ 63 billion or 1.8 trillion hryvnias till March 24, 2022 [11].

Till May 8, 2022, according to the Office of the Prosecutor General of Ukraine, 638 children were affected by the aggression of the Russian occupiers, of which 225 children died and about 413 were injured. Only on May 7, 2022 <...> "... as a result of shelling by the occupiers of the city of Privilie, Luhansk region, two boys died – 11 and 14 years old, 8-year-old and 12-year-old girls were injured" [12].

Condemning the criminal attack on Ukraine, the UN General Assembly in its resolution of March 2, 2022 "...did not recognize the decision of the Russian Federation of February 21, 2022 on the status of certain districts of Donetsk and Luhansk regions of Ukraine, which violates the territorial integrity and sovereignty of Ukraine and contradicts the principles of Charter of the United Nations and requires the Russian Federation to immediately cease its use of force against Ukraine and to refrain from unlawful threats or use of force against any UN member state and the complete and unconditional withdrawal of all its armed forces from Ukraine within its internationally recognized borders ..." (see, in particular: [13]).

Describing the police activities in the martial law condition, since the first days of full-scale Russian aggression in 2022, Ukrainian law enforcement officers together with the Armed Forces of Ukraine defiantly repel the criminal Russian attack, defending the life and health of the Ukrainian population, protecting the territorial integrity and independence of Ukraine.

In accordance with their responsibilities, the police in less than a month of the war of 2022 investigated "more than 5.5 thousand criminal proceedings for property crimes, more than 1,200 people have already received reports of suspicion of committing these crimes <...> law enforcement documents property crimes of the Russian occupiers (several hundred were recorded), as well as the atrocities of our compatriots (they were declared more than a thousand suspects)" [14]. In Kyiv region alone, according to the Deputy Chief of the Police of the Kyiv Region Maksym Ocheretianyi, 114 citizens were reported on suspicion of looting and 10 were reported on suspicion of collaboration [15].

With the retreat of enemy forces from the rashist-occupied towns and villages, many mined infrastructure was left behind. In these circumstances, the explosives technicians of the National Police of Ukraine were given great responsibility for their demining. These rights and responsibilities are determined by the order of the Ministry of Internal Affairs dated 19.08.2019 No. 691 “On approval of the instruction on the handling of explosives in agencies and departments of the National Police of Ukraine and units of the expert service of the Ministry of Internal Affairs of Ukraine” [16].

In total, till May 5, 2022, more than 14.000 explosive devices were seized and neutralized during the demining of the liberated territories. “... In the territory of Kyiv and Kyiv region alone, specialized experts of the National Police together with colleagues from the State Emergency Service seized and destroyed about 10.000 ammunitions of various types. Unexploded tactical missiles, aerial bombs, a large number of artillery ammunition and hand grenades are among” [17].

One of the tasks assigned to the police during the war is to counter criminals suspected of trafficking in humanitarian aid. Thus, on May 5, 2022, a 43-year-old resident of Lviv and a 34-year-old resident of Kyiv were detained by the police of Lviv region together with operatives of the Security Service of Ukraine in Lviv region during the sale of protective helmets and bulletproof vests totalling 550 thousand hryvnias in accordance with Article 208 of the Criminal Procedure Code of Ukraine. In fact, investigators opened a criminal case under Part 3 of Article 201-2 (illegal use for the purpose of receiving profit from humanitarian aid, charitable donations or gratuitous aid) of the Criminal Code of Ukraine (see, in particular: [18]).

Besides, according to the collected data on humanitarian and military assistance to Ukraine, referring to the Institute of World Economy (IfW) in Kiel, it is stated that “the United States remains the largest current supporter of Ukraine with the equivalent of 10.3 billion euros. Moreover, all EU countries together, including funds pledged by the EU institutions and the European Investment Bank, amounted to 12.8 billion euros. In terms of economic production, the biggest supporter of Ukraine (before the adoption of the Land Lease Act) is Estonia, followed by Latvia and Poland. The United States and Germany ranked 10th and 11th, respectively, each of which, according to the available data, accounted for about 0.05 percent of its gross domestic product” [19].

The consequences of unprecedented global sanctions for the Russian Federation are already being felt, especially in the field of imported technology. Thus, based on the data of most world and military analysts of the Armed Forces of Ukraine, it is proved, and this is confirmed by the Conflict Armament Research group, that “...Russian military drones shot down in Ukraine received electronics of only foreign production”. According to US Secretary of Commerce Gina Raimondo, due to the shortage of chips, the Russian Federation is forced to use chips from refrigerators, dishwashers and other industrial equipment in military devices – Ukrainian experts found them while dismantling trophy tanks. According to the official, since the end of February, the supply of American technology to Russia has been reduced by 70 %. She also received the information that Russian tank factories had stopped production due to a shortage of components [20].

Characterizing the actions of the police during the war, a striking example of unwavering will to defend against Russian aggression is the Azov Regiment, along with Marines and the National Guard, protecting civilians in adverse conditions for life and health for 2.5 months of war, defend Mariupol. During this period, courageous Ukrainian defenders have killed more than 6.000 Russian invaders, wounded another 5.000 and in total withdrawn significant enemy forces, consisting of about 7 brigades – 15.000 enemies. Ilya Samoilenko, an intelligence officer of the Azov Regiment, who, despite his disability (lost his left arm and eye in the fighting), said that “...we are doing everything for the benefit of the country and the people – this is our main goal, our main priority...” <...> “...we are most concerned and worry about our national security. Many people consider us heroes. No one expected us to last that long. But in spite of everything, we hold on and continue our struggle. We will continue to fight” [21].

However, on May 8, 2022, during a Zoom conference with journalists from Ukraine and abroad, the same Ukrainian hero, Azovstal defenders staff officer Ilya Samoilenko, stated that “the Ukrainian

bureaucracy stood in the way of effective training of the country's military sector and particularly the city like Mariupol, to the successful defense in the event of a full-scale Russian armed invasion that we are now dealing with.” <...> “The problem is that many government officials have sabotaged Ukraine's defence over the past few years”, he said. “This war did not start in February, not on February 24. And we constantly emphasize this”, Samoilenko added. “Our training was sabotaged – by officials, the government. Everyone just prevented us from preparing for defence”, Ilya Samoilenko said. “The obstruction by the authorities, according to the officer, was to delay the transition of the Ukrainian armed forces to NATO standards, to Western standards.” In addition, Samoilenko added, as of February 2022, the defence of Mariupol was not properly prepared and they, the Azovs, had to take responsibility for the city (see, in particular: [22]).

Indeed, in the emotional statement of the hero there are elements of betrayal suspicion, which can be traced today not only in this area of battle, but also the circumstances related to the occupation of Kherson region... However, thanks to the strong resistance of the aggressor, the Armed Forces of Ukraine heroically repel them, moving to counter-offensive victorious operations, inflicting irreparable defeat, forcing the enemy to retreat in panic to the borders of the Russian Federation, and there... in the future, history will put an end to it and I am sure that the Ukrainian people will learn about all their courageous defenders, as well as about traitors and collaborators wherever they hide in any part of the world.

Cyber police is no less important in counteracting the enemy. This interest is especially evident in its interaction with the public. In particular, IT professionals, united in their common desire to resist the aggressor, are helping the police. In joint counteraction to the enemy, they take part in the development of information systems, contribute to the provision of internal resources aimed at protecting the information security. Now there are more than 200.000 IT volunteers. Under the auspices of the cyber police, telegram bots were organized such as the People's Avenger and Telegram, where citizens send information on the movement of enemy military manpower and equipment, identify collaborators and locate marks for missile strikes on our infrastructure. The number of such information assistants is over 150.000 and they have sent millions of messages which are of interest to the police and domestic intelligence and counterintelligence.

During the war, the criminal efforts of fraudsters, who do not shy away from human grief, resort to old proven criminal information schemes related to false promises to exchange or buy property, provide financial services, especially in the case of sending goods and transportation via the Internet and transporting the migrants by one or another vehicle. In countering these cybercrimes, the police are taking strong preventive and deterrent measures to identify and prosecute the criminals.

Undoubtedly, the further activity of the police during the war depends entirely on the level of its legal support. First of all, the problem with the legal uncertainty of additional powers of heads of territorial communities and heads of military administrations, which has been pending in parliament for a long time, is obvious. It is known that the main regulations of the activities of military administrations, which are carried out in accordance with the Decree of the President of Ukraine dated February 24, 2022 No. 68/2022 “On the establishment of military administrations” [23] require careful study and decision-making. However, the constant changes in the military operational situation on the territory of Ukraine require the adoption of public administration decisions in the conditions of war without bureaucratic implementation, especially if it concerns the process of ensuring the continuity and improvement of military administrations. One of the ways out of this problem is to borrow domestic and modern international experience of the local governments practice during the martial law from the past.

Regarding the improvement of police activities during the war, the Verkhovna Rada of Ukraine approved the Law of Ukraine dated March 15, 2022 No. 2123-IX “On amendments to the Laws of Ukraine “On the National Police” and “On the disciplinary statute of the National Police of Ukraine” to improve the police activity during the war, including during the martial law” (hereinafter – the Law).

The peculiarity of this Law is that:

– “... during the martial law the police acts in accordance with the purpose and specifics of activities taking into account the restrictions on the rights and freedoms of citizens, as well as the rights and

legitimate interests of legal entities determined in accordance with the Constitution of Ukraine and the Law of Ukraine “On the legal regime of martial law”;

– a police officer performing official duties in civilian clothes must always carry a special badge, except in cases where its presence prevents the conduct of operational and investigative measures, covert investigative (searching) actions, performing tasks in secrecy, or the implementation of measures to ensure the safety of persons involved in criminal proceedings, as well as special measures to ensure the safety of court and law enforcement officers and their close relatives, or in the exercise of police powers during the martial law;

– in case of performance of official duties by the police officer with the use of personal protective equipment, an identification number or a special badge is placed on them, except for the exercise of police powers during the martial law;

– during the martial law in case of coercion by the police officer under Article 42 of this Law in respect of persons who carry out aggression against Ukraine, and inflict bodily injuries, disabilities, use of firearms, if possible, taking into account events in the relevant territory, the police officer shall inform his/her immediate superior orally or by means of communication, who shall, if necessary, inform the central police authority and the relevant prosecutor... ” (see, in particular: [24]).

In particular, the Law has further expanded the ways of police cooperation with state authorities, local governments, state-owned legal entities, including prisoners of war, escorting and detaining detainees, demining, admission of police officers to conduct special explosives and the International Criminal Police Organization – Interpol. In addition, one of the innovations in the Law expanded the regulations on the specifics of conducting an official investigation by the National Police during the martial law and imposing disciplinary sanctions on them.

Particular attention is paid to such misdemeanours as “... the presence of a police officer in the service under alcohol, drugs and/or other intoxication, as well as leaving the place of service without good reason, which can not be attributed to minor disciplinary offenses” [24].

In order to further optimize the police activity in accordance with the Law of Ukraine dated March 24, 2022 No. 2151-IX “On amendments to certain laws of Ukraine on assignment of Special Police Ranks in martial law” it is determined that “... During the martial law, another special rank may be conferred without setting the terms provided in this Article, ahead of schedule and one step higher than the rank provided in the full-time position, to the police lieutenant colonel, including the head of the National Police of Ukraine, and the special rank of the police colonel – by the Head of the National Police of Ukraine in agreement with the Minister of Internal Affairs of Ukraine”. Also as stated in the Law “... During the martial law, incentives in the form of early assignment of another special rank may be applied to a police officer without complying with the deadlines specified in Part Five of this Article and the first paragraph of this part, up to the police lieutenant colonel including, by the Head of the National Police. Ukraine, and the special rank of the police colonel – by the Head of the National Police of Ukraine in agreement with the Minister of Internal Affairs of Ukraine” [25].

One of the important factors in the organizational and legal support of the police during the war is the concern of government agencies to improve their financial situation. In confirmation of this, the Resolution of the Cabinet of Ministers of Ukraine dated February 28, 2022 No. 168 “Issues of certain payments to military servicemen, privates and officers, police and their families during martial law” “... it is established that for the period of martial law...” <...> “... military servicemen...” <...> “... the police located within the administrative-territorial units on the territory of which assistance is provided under the “eSupport” program, an additional remuneration of UAH 30.000 is paid per month, those who are directly involved in hostilities or ensure the implementation of measures of national security and defence, repulse and deterrence of armed aggression, being directly in the areas during the implementation of these measures (including conscripts) – the amount of this additional remuneration is increased to UAH 100.000 per month in proportion to the time of participation in such actions and activities” (see, in particular: [26]).

Conclusions. Taking into account the activities of the police from the beginning of its creation to the performance of duties during the Russian-Ukrainian war period in 2022, the process of its reform is taking place in a rather difficult political, economic and socio-cultural period of its development. Russia's aggression, which has been going on indefinitely since 2014, does not sufficiently combat the corruption among senior and lower-level public authorities, and the lack of systematic and appropriateness of their activities negatively affects the long-term prospects for new targeted police reform. These factors require a flexible and transparent approach based on international and national practice, involving scientific and practical capacity to the police improvement process. The main principles of the concept of the police reform should correspond to the real state of its resources, broad cooperation between security and defence forces, as well as finding ways to protect the rights and freedoms of citizens, optimizing the administrative and criminal justice system in combating the crime and ensuring the rule of law in the society and the state.

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ПОЛІЦІЯ ДО І В ПЕРІОД РОСІЙСЬКО-УКРАЇНСЬКОЇ ВІЙНИ 2022 РОКУ

Подано теоретико-правову характеристику сутності діяльності поліції у період її реформування та виокремлення окремих позицій щодо її виконання службових обов'язків у загарбницькій російсько-українській війні. Проведено правовий аналіз основних умов та причин, відповідно до яких було загальмовано якісну реорганізацію організаційно-правової сутності поліції.

З'ясовано, що основними причинами щодо невиконання програми удосконалення поліції є те, що реформаторськими ідеями, які були спрямовані на оновлення функціонування патрульної поліції, не було охоплено всієї системи її діяльності, насамперед це стосувалося слідчо-оперативного персоналу райвідділів з їх недостатньою взаємодією з іншими підрозділами поліції та громадськістю, а також незадовільної переатестації поліцейських, зміст основних положень якої було позбавлено законодавчого закріплення, що призводило до їх масового оскарження та опротестування.

Крім вказаних негативних тенденцій, в окремих позиціях поліцією було досягнуто деякі позитивні результати діяльності, спрямовані на реформування окремих спеціальних підрозділів, таких як Патрульна служба поліції особливого призначення, що несе універсальну професійну службу, починаючи від охоронних поліцейських функцій і закінчуючи проведенням штурмових операцій, а також Корпус оперативно-раптові дії, основні завдання якого пов'язані з охороною публічного порядку, евакуацією мирного населення та протидією злочинцям та терористам. Не менш важливим у діяльності поліції є утворення кіберполіції, завдання якої полягає у протидії кіберзлочинам.

Досліджуючи діяльність поліції у режимі воєнного стану, починаючи від перших днів повномасштабної російської агресії 2022 р., доведено, що українські правоохоронці разом із Збройними силами України зухвало дають відсіч злочинному російському нападу, боронячи життя та здоров'я українського населення, відстоюючи територіальну цілісність та незалежність України.

Констатовано, що одним із важливих факторів щодо організаційно-правового забезпечення діяльності поліції в період війни є прояви турботи державних органів щодо їх поліпшення матеріального стану.

Доведено, що основні положення концепції реформи поліції повинні відповідати реальному стану її ресурсного забезпечення, широкої взаємодії між силами безпеки та оборони, а також пошуку напрямів захисту прав та свободи громадян, суспільства й держави.

Ключові слова: поліція, реформа, корупція, російсько-українська війна, кіберполіція, кіберзлочини, воєнний стан.