

Duration of annual basic leave for police officers serving in academic positions

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Abstract. In Ukraine, a steady trend is observed whereby public authorities violate the guarantees of the rights of academic staff. Providing academic staff with annual basic leave with different durations depending on the type of higher education institution is one such violation. The research aims to substantiate the mandatory extension of the guarantee of the duration of annual basic leave for academic staff to police officers seconded to serve in higher education institutions. The key methods of scientific research are systematic and structural analysis, which were used to study and summarize scientific sources, as well as regulations which determine the status of a police officer seconded to a higher education institution; regulate the duration of annual basic leave for research and teaching staff seconded to higher education institutions with specific conditions of study while remaining in the police service. The position that the content of the rights of a seconded police officer should be determined primarily by the tasks and functions which the employee directly performs at the main place of work is substantiated. It is proved that the provision on the duration of annual basic leave established by the Law of Ukraine “On the National Police” applies to police officers serving in police bodies and units. Concerning police officers seconded to higher education institutions with specific training conditions and appointed to academic positions, the duration of annual basic leave should be set with due regard to state guarantees following the Laws of Ukraine “On Higher Education”, “On Education”, and “On Leaves”. The practical significance of the study is to substantiate the legal grounds for regulating the duration of annual basic leave for police officers seconded to state institutions (organisations)

Keywords: legal status; seconded police officer; retention in the police service; main place of work; research and teaching staff; higher education institution with specific conditions of study

Introduction

The research relevance is determined by the police officer, being in the status of a seconded official to a state institution (organisation) with the retention of service in the police, performing the duties of a research and teaching employee, while being deprived of certain rights of research and teaching employees guaranteed by the latest legislation on higher education, in particular, in the area of granting annual basic paid leave of a longer duration than other categories of employees, including police officers.

It is worth noting the most significant general theoretical studies, which, however, are only indirectly related to the study of the issues of exercising the rights, duties, and social guarantees of a police officer seconded to a state institution at the main place of work. At the foreign level, the issues of social protection of police officers are addressed in the works that most often consider the elements that directly affect the performance of police officers; identify, analyse, and summarise the factors that significantly affect the effectiveness of police duties (Vitkauskas, 2013; Sparrow, 2015). There are Ukrainian studies that analyse the basic labour

rights and obligations of employees and employers, the legal status of a police officer, and labour legal personality (Ieryomenko & Bandura, 2019; Korolchuk, 2020; Yaroshenko, 2022); socio-economic and socio-legal guarantees of professional activity of police officers and police bodies (Kyslytska, 2017; Shvets, 2017; Senchuk, 2018); administrative and legal regulation of social protection of police officers and identification of ways to improve (Buhaichuk, 2019; Marusevych, 2021); problems of legal regulation of labour rights of police officers, their regulation and guarantees (Bortnyk, 2018; Kolomoiets, 2018); police officer's right to leave, the state of its implementation in Ukraine, legal regulation of annual leave, its duration and calculation procedure, problems of legal regulation of types of annual leave for police officers (Chornous, 2017; Kucher & Grin, 2018); foreign and Ukrainian experience of social protection of police officers (Hidenko & Vodopian, 2018; Marusevych, 2020); possibilities of implementing foreign practice of protecting the rights of educators in the legal system of Ukraine and the activities of trade unions as a form of control over the observance of

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social and labour rights of police officers (Lozynska, 2019; Bilous, 2020).

The result of the review of the presented scientific works is the conclusion that there is no fundamental research which would directly address the problematic issues of regulating the legal status of a police officer seconded to a state (interstate) body, institution or organisation related to the exercise of rights, duties, and social guarantees at the main place of work. This is because the subject matter of the study is new and has a purely applied nature, and the problem itself is a consequence of the erroneous application of certain provisions of the police legislation concerning police officers seconded to a state institution (organisation) and remaining in the police service.

The research aims to identify a unified regulatory and legal approach to understanding the state guarantees regarding the duration of annual basic leave for police officers who serve in higher education institutions with specific learning conditions (hereinafter – HEIs) and do not perform police tasks.

Given the topic and purpose of the study, the following methods were used. The sociological method was used to obtain primary information on existing violations in determining the duration of annual basic leave for police officers seconded to higher education institutions to serve in academic positions. The method of systemic and structural analysis was used to study a) the interrelation of Ukrainian legislation in the field of education and leave, its impact on determining the duration of annual basic leave for academic staff of higher education institutions, regardless of departmental subordination and legal status of the employee; b) the legal and regulatory nature of the duration of annual basic leave for academic staff in the status of a police officer seconded to a higher education institution. This method was used to process and summarise the regulations on the legal regulation of the duration of annual basic leave for employees of higher education institutions. Comparative legal, logical, and normative, and legal methods were used in the process of analysing the legal acts regulating the organisational and legal framework for establishing the duration of annual basic leave for a police officer who performs the duties of a research and teaching staff member of an HEI, and in formulating conclusions on the totality of rights and obligations of an employee depending on the position appointed at the main place of work. The structural-functional method (analysis) was used to study the legal framework for establishing the duration of the annual basic leave of a police officer seconded to a higher education institution. The dogmatic method was used to disclose the content of the legal status of an employee seconded to a state institution (organisation) while remaining in the service of the police and to establish the duration of annual basic leave in the legally determined amount, regardless of whether the legal status of a police officer applies to a research and teaching employee. The formal logical method contributed to the formulation of the conclusions of the scientific research.

Determining the duration of leave of a police officer seconded to a state institution through the prism of a hybrid legal status

The legal status of a police officer seconded to a state institution (organisation) while remaining in the police service has not been studied by scholars at all and is not sufficiently regulated in the legal plane, which creates preconditions for

violation of social rights of seconded special subjects who perform duties not related to the implementation of police tasks at their main place of work. Police officers seconded to higher education institutions perform the functional duties of academic staff but are deprived of the opportunity to enjoy all the rights and state guarantees established by the legislation on education, higher education, labour, and leave for academic staff, which makes their position discriminatory concerning other (civilian) academic staff in similar legal relations. Controversial (disputable) legal relations arise concerning the establishment of additional payments for police officers in higher education institutions for academic degrees, academic ranks, allowances for teaching activities, determination of working hours and leave, etc., as a dilemma arises: which provisions of the law should be applied to a police officer at the main place of work acquired as a result of such a secondment while remaining in the police service. Therefore, it is necessary to resolve this dilemma.

The establishment of additional payments for academic degrees, academic rank, and allowances for pedagogical activity for police officers at their main place of work in higher education institutions has already been the subject of research (Konradiuk, 2022; 2023), and the present article analogously considers the issue of regulatory determination of the duration of annual basic leave for a police officer serving in a scientific and pedagogical position in a higher education institution. The duration of police leave is regulated by the Law of Ukraine “On the National Police” (hereinafter – Law No. 580-VIII) (2015). However, an offence is committed against police officers who work at their main place of work in a higher education institution in academic and teaching positions, which should be understood as a misdemeanour consisting of a long and continuous failure of a higher education institution to fulfil its obligations under the legislation on higher education to exercise the right of academic staff to annual basic leave of 56 calendar days. The study focuses on higher education institutions which are under the jurisdiction of the Ministry of Internal Affairs of Ukraine (hereinafter – MIA of Ukraine), where, being appointed to academic and teaching positions, employees continue to serve in the police, but do not perform police tasks or use police powers. Seconded police officers perform the duties of research and teaching staff and use the rights of research and teaching staff to perform their duties but are deprived of certain state guarantees of social security established for research and teaching staff.

The opinion of K. Buhachuk (2019), argues that the protection of police officers in the social sphere is interconnected with their specific legal status as representatives of the state; the level of authority and prestige of the public service, the effectiveness of the use of police powers to perform police tasks, etc, is noteworthy. The author concludes that such protection should compensate for the specific conditions of service, encourage the performance of duties and discipline police officers. O. Klypa (2020) argues that without a sound financial, economic and legislative basis with an effective mechanism for its implementation, effective social protection of police officers is impossible, therefore, increasing the level of protection of police officers in the social sphere and bringing it closer to the democratic level of the welfare state, there is a need to improve Ukrainian legislation in the social sphere more fully, with the involvement of best foreign practices, by enshrining at the highest

legislative level the following defining social categories of regulation “police officer’s working time”, “police officer’s leave” to eliminate legal gaps and ensure proper administrative and legal regulation.

The concept of “legal status of a subject” implies a position in the legal reality, which is reflected in relations with the state and society; such relations establish a special set of rights and obligations. In essence, there is a hybrid model that combines two statuses: a police officer seconded to a state (interstate) body, institution, organisation, and a research and teaching staff member – each of the statuses is conditioned by a set of inherent professional rights, duties and social guarantees defined by law. The hybrid model (status) gives rise to hybrid rights, obligations, and social guarantees. To achieve legal certainty in solving the problem of the published issue, it is necessary to consider the content of each of these statuses.

An officer of the National Police is a citizen of Ukraine who has taken an oath of allegiance to the state, serves in the bodies and units of the Police and has been awarded a special rank of police (Article 17 of Law No. 580-VIII). Police officers on secondment to state bodies, institutions and organisations serve in the police (Article 59 of Law No. 580-VIII). The tasks of the police are defined in Article 2, and the main and additional powers of the police are defined in Articles 23 and 24 of Law No. 580-VIII. In addition, Article 24 of Law No. 580-VIII stipulates that the police may be entrusted with additional powers only by law.

The relations arising in connection with police service are regulated by Law No. 580-VIII and other police regulations (Article 60 of Law No. 580-VIII). Currently, there is no act regulating the service of a police officer seconded to a state (interstate) body, institution or organisation, but the law stipulates that the time of such a secondment is included in the insurance period (Article 59 of Law No. 580-VIII); a police officer, regardless of position, location and time, enjoys the powers established by Law No. 580-VIII, as well as guarantees of legal and social protection as defined by the said Law and other legal acts (Article 62 of Law No. 580-VIII).

It is impossible to establish to which legislative acts the legislator refers concerning a police officer seconded to a higher education institution with specific training conditions and appointed to a scientific and pedagogical position not related to the use of police powers and performance of police tasks. In addition, according to the established guarantees of professional activity of a police officer (Article 62 of Law No. 580-VIII), the latter cannot perform duties not inherent in the National Police that are not provided for by law. However, this law does not define the duties of police officers seconded to state bodies (institutions). Research and teaching staff are persons who carry out educational and organisational activities in higher education institutions, which are their main place of work (Article 53 of the Law of Ukraine “On Higher Education”, 2014), which is not considered to be police activity.

Research and teaching staff of educational institutions are provided with appropriate conditions for rest (Article 59 of the Law of Ukraine “On Higher Education”, 2014). Research and teaching staff of all forms of ownership of educational institutions have the right to organise recreation established by law; they are subject to the rights defined by law for employees of scientific institutions (Article 57 of the Law of Ukraine “On Higher Education”, 2014); they have the

right to a longer paid leave (Article 54 of the Law of Ukraine “On Education”, 2017).

Considering the content (essence, nature) of both statuses, it is logical to assume that a police officer, being seconded with retention in the police service, acquires rights and duties for the position appointed in a state body or institution and is subject primarily to legislation, which regulates the activities of the state body or institution where the police officer is employed, although, in fact, temporarily in the context of the concept of “secondment” (the law does not specify the period of secondment of a police officer to a state/interstate body, institution or organisation while remaining in the service of the police). There is reason to believe that a seconded police officer partially retains the rights and duties of a police officer, given the provisions of Articles 18 and 62 of Law No. 580-VIII. However, both legislative provisions just mentioned are united by the concept of “position” in the wording “regardless of the position held”.

Law No. 580-VIII defines the organisational and legal framework for the police in Ukraine, the status of police officers, and the procedure for their service. It refers exclusively to positions in police bodies and units, which allow a police officer to perform police tasks. A “position in the police” is defined as a primary element of management of the police (police body), which is vested with the relevant powers that determine its place in the police system, as defined by the staffing table (Melnyk *et al.*, 2017).

The analysis of the tasks and powers of the police enshrined in the legislation on the police allows us to state that scientific and pedagogical activities are neither the first (i.e. tasks) nor the second (i.e. powers) and are not assigned by the Law of Ukraine “On the National Police” (2015) to police officers seconded to higher education institutions, but the latter are guaranteed (for the duration of the secondment) all the benefits for police officers (Article 71 of Law No. 580-VIII). Therefore, a seconded police officer cannot perform the duties of a research and teaching staff member, as this is not directly defined by Law No. 580-VIII but can enjoy the benefits of a police officer during a secondment to a higher education institution.

In addition, a police officer seconded to a higher education institution for a research and teaching position is not a representative of the state, as the officer does not exercise police powers at the main place of work, while obliged to perform the basic duties of a police officer as defined in Article 18 of Law No. 580-VIII, which also obliges a police officer on the territory of the state, regardless of position, to take exhaustive measures to protect people. The legislator means any position in police bodies and units, not in state (interstate) bodies, institutions, or organisations to which a police officer is seconded while remaining in the police service. The duties of a seconded police officer in positions in state (interstate) bodies, institutions and organisations are mostly not related to the performance of police tasks and use of police powers.

The above considerations allow us to directly investigate the subject of scientific research. The granting of annual leave to police officers is an exercise of the right to rest guaranteed by Article 45 of the Constitution of Ukraine (1996), i.e., the right to leave is a state guarantee. All employees have the right to basic leave, while additional leave may be claimed by employees with additional (special) grounds. During the annual leave, employees who do not perform their duties in their positions retain their salary (allowance).

The grounds, duration, and procedure for granting employees leave are set out in the Labour Code of Ukraine (1971), the Law of Ukraine “On Vacations” (1996), etc. The minimum duration of annual basic leave is 24 calendar days. Certain entities have the right to a longer leave, in particular, up to 56 calendar days for pedagogical, scientific, and pedagogical, and scientific employees. The minimum duration of annual basic leave for a police officer is 30 calendar days (Article 93 of Law No. 580-VIII). Thus, the duration of annual basic leave is also a guarantee established by the state, which applies to certain categories of persons depending on the work they perform.

According to clause 12, part 1 of the Law of Ukraine “On the Collection and Accounting of a Single Contribution to Mandatory State Social Insurance” (2010), the main place of work is where an employee works based on an employment contract and is registered in the register of insured persons of the State Register. An HEI is an employer for a seconded police officer (this is not a business trip where a police officer is sent to perform police tasks). An employer is a labour law category that denotes a provider of work with all the rights and obligations that come with it (Melnyk *et al.*, 2017). Labour relations with police officers are considered to be a volitional bilateral relationship between their subjects through mutual obligations and rights in the field of public service (Melnyk *et al.*, 2017). The right to rest is a fundamental labour right (Zhernakov, 2012).

Paragraph 6-1 of Part 1 of Article 1 of the Law of Ukraine “On Higher Education” (2014) defines the essence of a higher education institution with specific learning conditions. Paragraph 4 of Article 13 of the Law of Ukraine “On Higher Education” authorises state bodies, which manage higher education institutions, to establish specific requirements for specific areas (spheres) of activity of such higher education institutions by their acts. It should be noted that this list is exhaustive.

From the systematic analysis of the legal provisions referred to in the above-mentioned articles of the law, it is clear that the legislation provides for the establishment of higher education institutions with specific conditions of education. The peculiarity of their legal status is that the state bodies under whose jurisdiction such institutions are located may establish special requirements for certain areas of activity of the institutions, including the implementation of the duties and rights of academic staff. At the same time, the main legal act in the legislation on higher education that regulates the activities of educational institutions and guarantees proper rest for academic staff of higher education institutions is the Law of Ukraine “On Higher Education” (2014), the Law of Ukraine “On Education” (2017), and not Law No. 580-VIII. It is worth mentioning that the HEIs to which police officers are seconded to serve in academic and teaching positions are under the jurisdiction of the Ministry of Internal Affairs of Ukraine, as stated in the statute of each HEI. Therefore, a police officer appointed to a research and teaching position works at his/her main place of work in an HEI that is under the jurisdiction of the MIA of Ukraine, not the National Police. An HEI does not belong to the bodies or subdivisions of the National Police. At the same time, it should be noted that the National Police has its educational institutions, which are also not properly regulated.

All guarantees defined by the legislation for research and teaching staff apply to research and teaching staff,

including the duration of annual basic leave (extended paid leave) for research and teaching staff. According to part 6 of Article 6 of the Law of Ukraine “On Vacations” (1996) and the Procedure approved by Resolution of the Cabinet of Ministers of Ukraine No. 346 (1997), academic staff are granted an annual basic leave of 56 calendar days. A research and teaching staff member who serves in an HEI in the status of a secondee to a state (interstate) body, institution, or organisation and remains in the service of the police is entitled to an annual basic leave of 56 calendar days. The fact that a research and teaching staff member is also a police officer in the status of seconded to a state (interstate) body, institution or organisation and remains in the service of the Police and is subject to the legal guarantees provided for by Law No. 580-VIII does not negate right to annual basic leave of 56 calendar days, as established by the Law of Ukraine “On Vacations” (1996) and Resolution of the Cabinet of Ministers of Ukraine No. 346 (1997). At the same time, the provisions of Articles 92 and 93 of Law No. 580-VIII apply to all police officers serving in the bodies and units of the National Police. Thus, in the case of academic staff serving in higher education institutions with specific conditions of study, it is the Law of Ukraine “On Vacations” (1996) that is special and should be applied in case of legal competition of norms. Establishing different lengths of annual basic leave for employees appointed to academic positions while remaining in the police service can be considered discriminatory towards a separate category of persons who, while working at their main place of employment in an HEI, are deprived of the right of academic staff to an annual basic leave of 56 days.

It should be added that similar legal relations involving another special subject – military personnel – have long been regulated. Following the Decree of the President of Ukraine “On the Regulations on Military Service in the Armed Forces of Ukraine by Citizens of Ukraine” (2008), leaves of absence for academic staff of higher military educational institutions are granted mainly after the end of the academic year. Leaves of absence for servicemen seconded to state bodies (institutions, organisations) are granted on a general basis.

Similar relations regarding social (labour) guarantees for police officers seconded to state bodies, including the Verkhovna Rada of Ukraine and local self-government bodies, are also regulated. A Member of Parliament, who is a police officer, seconded to the Parliament during the period of parliamentary powers and remains in the service of the police for the period of parliamentary powers, is entitled to an annual paid leave of 45 calendar days during the intersessional period, as enshrined in Article 20 of the Law of Ukraine “On the Status of a People’s Deputy” (1992). A police officer elected to a position in the local council, employed at the main place of service, is seconded to the local council, and remains in the service of the law enforcement agency (Law of Ukraine “On the Status of Deputies of Local Councils”, 2002). Local self-government officials are granted an annual leave of 30 calendar days unless the law provides for a different duration of leave following parts 5 and 6 of Article 21 of the Law of Ukraine “On Service in Local Self-Government Bodies” (2001). To summarise, there are still areas and spheres of public relations in which the legal status of a seconded police officer is sufficiently and unambiguously defined, which is an undoubtedly positive experience worth extending to other areas of public life.

Regulatory justification of state guarantees on the duration of leave for police officers seconded to higher education institutions

The HEI is managed by the Ministry of Internal Affairs of Ukraine. The HEI is not under the jurisdiction of the National Police. First of all, the provisions of the Law of Ukraine “On Higher Education”, the Law of Ukraine “On Education”, etc. apply to higher education institutions. A research and teaching staff member in the status of a police officer who works at the main place of work in an HEI is subject primarily to the guarantees for research and teaching staff established by legislative acts, in particular, the Laws of Ukraine “On Higher Education”, “On Education”, “On Leave”, etc. When justifying the legal position on the specifics of legal regulation of the duration of annual basic leave for a police officer seconded to an HEI, it is also necessary to refer to international law and case law. Ratified international treaties are part of Ukrainian legislation, and the case law of the European Court of Human Rights should be used as a source of law, including in the consideration of cases by Ukrainian courts.

According to the legal position of the European Court in the case of *Yvonne van Duyn v. Home Office* (Judgment of the European Court..., 1974), the principle of legal certainty means that a person can rely on state obligations, even if they are contained in a legislative act that does not have direct automatic effect. The above is related to another principle - the principle of state responsibility, which means that the state cannot violate its obligations to avoid liability. If the state (state body) has agreed on a certain concept, they will be considered to act unlawfully if they deviate from the approved policy, since the latter has given rise to legitimate expectations of legal (natural) persons regarding the public authorities' compliance with such a policy (Judgment of the European Court..., 1974).

The Ukrainian judicial practice has made a significant contribution to the protection of the rights of academic staff from among the so-called special subjects. The legal conclusion set out in the Resolution of the Administrative Court of Cassation of the Supreme Court of Ukraine in Case No. 380/24050/21 (2023) confirmed that concerning academic staff serving in military educational institutions, the Law of Ukraine “On Higher Education” (2014) is special and should be applied in case of competition of legal norms.

Given all the above, which is mostly of a purely applied (practical) nature, it is advisable to support the discussion on general theoretical scientific considerations regarding the expediency of considering the social protection of police officers as a complex concept implemented within the framework of state activities in various fields. The position of scholars is that the content of this category is the interdependent action of all components that purposefully and systematically ensure the exercise of the rights of each police officer. Scientists insist that the activities of public administration entities to protect the rights of police officers in the social sphere should be considered, which makes it possible to distinguish categories of social protection of police officers depending on the criteria and features, which allows to reveal their content and functional features in the context of the selected types of social protection of police officers (Anosienkov & Izbash, 2022). Before summing up the results of the presented scientific research, it is worth considering the opinion of researchers that a feature of social protection of police officers in the field of labour relations is the

possibility of providing favourable conditions for the implementation of labour legislation to protect their health and ensure the necessary rest time for police officers (Antonenko, 2023). In addition, in the context of this study, a scientific conclusion on the structure of the administrative and legal status of a police officer, which should include, in particular, the right to rest, is quite relevant. Moreover, the author of this conclusion substantiates that this element is a primary component of an integral legal entity, which at the same time contains elements of its system and can be defined as a legal phenomenon in its own right (Dmytryk, 2021). In other words, the legal status of a police officer seconded to a state institution is an independent legal phenomenon with its legal nature.

Considering the above, it can be stated that the legal position on the issue under study, as well as the legal basis for its settlement outlined in the article, is fully consistent with theoretical research, general principles of international law, and judicial practice, and may serve as a basis for fundamental research into the legal status of a special subject seconded to a state institution (organisation).

Conclusions

The scientific novelty of the study is that for the first time, the author substantiates the mandatory application of the provisions of general legislation on leave to police officers seconded to higher education institutions for service in academic and teaching positions. The author's contribution is that, as a result of the systematisation and analysis of scientific literature and current legal acts regulating the definition of police officer status and the duration of annual basic leave for certain categories of persons, it is proved that the state guarantees for establishing the duration of annual basic leave for academic staff apply to police officers seconded to higher education institutions to ensure scientific and educational activities. The research provides a theoretical and practical basis for regulating the duration of annual basic leave for police officers seconded to higher education institutions.

The professional activity of a police officer is directly related to the performance of police tasks using the professional powers of a police officer defined by special legislation. Without such powers, it is impossible to perform police tasks lawfully. However, the powers of a police officer, as well as the tasks of the police, do not include legal relations related to scientific and pedagogical activities, which by their nature do not affect the performance of police tasks. Scientific and pedagogical activity and police activity are completely different areas of social relations, which, in the context of the study, have a common feature, a special subject - a police officer who is purposefully seconded to a higher education institution to engage in scientific and pedagogical activity, but remains in the police service, which allows him to enjoy police benefits. The legislation does not provide for the possibility of feedback – secondment of a research and teaching staff member (not a police officer) to police bodies and units to perform police tasks using the powers of a police officer. Therefore, the seconded police officer performs the duties of a research and teaching staff member at the higher education institution, which is considered a main place of work during the entire period of the secondment. The acquired academic position, as well as the duties of the academic staff member, are not related to the performance of police tasks and the use of police powers. A

seconded police officer appointed to a research and teaching position, along with duties, must acquire the relevant rights of a research and teaching employee, in particular the right to annual basic leave of 56 days.

The study has achieved the goal and solved the tasks of the presented scientific research at the scientific and practical level. In the future, it is necessary to discuss the motivational part of the study and its conclusions. It remains to be initiated by the Ministry of Internal Affairs of Ukraine, as the state body in charge of higher education institutions, to develop a regulatory act that will define the specifics of the

rights and obligations of academic staff (police officers), as well as further amendments to Law No. 580-VIII, in particular Article 71, to objective legislative regulation, adhering to the principles of the rule of law and legal certainty, as published in the presented and previous studies of the issues.

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Conflict of interest

None.

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Тривалість щорічної основної відпустки поліцейського, який проходить службу на науково-педагогічній посаді

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Анотація. В Україні спостерігається стійка тенденція, за якої суб'єктами владних повноважень порушують гарантії прав науково-педагогічних працівників. Установлення науково-педагогічним працівникам залежно від виду закладу вищої освіти різних за тривалістю щорічних основних відпусток – одне з таких порушень. Мета дослідження – обґрунтувати обов'язковість розповсюдження гарантії щодо тривалості щорічної основної відпустки для науково-педагогічних працівників щодо поліцейських, відряджених для проходження служби в заклади вищої освіти. Ключові методи наукової розвідки – системний та структурний аналіз, які дали змогу вивчити та узагальнити наукові джерела, нормативно-правові акти, що визначають статус поліцейського, відрядженого до закладу вищої освіти; урегульовують тривалість щорічної основної відпустки для науково-педагогічних працівників, відряджених до закладів вищої освіти із специфічними умовами навчання із залишенням на службі в поліції. У статті обґрунтовано позицію, що зміст прав відрядженого поліцейського повинен визначатися насамперед завданнями та функціями, які безпосередньо виконує працівник на посаді за основним місцем роботи. Доведено, що положення про тривалість щорічної основної відпустки, установлена в Законі України “Про Національну поліцію”, розповсюджується стосовно поліцейських, які проходять службу в органах та підрозділах поліції. Щодо поліцейських, відряджених до закладів вищої освіти зі специфічними умовами навчання і призначених на науково-педагогічні посади, тривалість щорічної основної відпустки повинна встановлюватися з урахуванням державних гарантій відповідно до Законів України “Про вищу освіту”, “Про освіту”, “Про відпустки”. Практичне значення дослідження полягає в обґрунтуванні правових підстав для врегулювання тривалості щорічної основної відпустки поліцейських, відряджених до державних установ (організацій)

Ключові слова: правовий статус; відряджений поліцейський; залишення на службі в поліції; основне місце роботи; науково-педагогічний працівник; заклад вищої освіти зі специфічними умовами навчання