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## Enhancing Human Rights Protections in Ukrainian Law Enforcement: National Compliance with EU Standards

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### Abstract

Ensuring human rights and freedoms is the primary task of national development in Ukraine and the main social values and freedoms that determine the need to ensure the transparent, efficient, and population-oriented functioning of all state institutions that ensure the protection of people's and citizens' rights. The purpose of this research is to identify the state of human rights protection and enforcement in law enforcement activities in EU countries and Ukraine and to outline trends for further improvement in human rights law enforcement activities. The methodological basis of the investigation is the dialectics of worldview and general and specific scientific methods for understanding national phenomena and legal realities. The research finds the promotion and protection of human rights and freedoms are foundational to effective law enforcement activities, requiring alignment with constitutional, legal, and international standards. The modernization of policing principles involves expanding the role of national institutions, fostering accountability, diversity and partnerships, while humanizing police activities to establish trust-based relations with citizens. The research further emphasizes the critical role of implementing these insights into the actual activities of Ukrainian law enforcement agencies for a more meaningful and impactful transformation in ensuring human rights and freedoms. The study is of great scientific and theoretical importance, since scientific achievements in this field define the general direction of its understanding of the state, making it possible to understand and identify new trends in the development of ensuring compliance with human rights and freedoms in the world.

**Keywords:** Law Enforcement Agencies; Police Activity; Human Rights Protection; Human Rights Protection System; International Standards.

### Introduction

Human rights and freedoms are defined as one of the basic concepts of law and at the same time the basic opportunities that a human being exploits for the

development and existence of dignity and freedom.<sup>1</sup> The concept is still used in specific legislation and lists of global standards that define a particular person's social status. People's rights are one of the indispensable characteristics of modern society and the state, and it is an evaluation of its democracy.

Implementation of the constitutional provisions declaring Ukraine a democratic, social, and constitutional state will not be possible without the comprehensive strengthening of law and order guaranteeing citizens' rights and freedoms. Significant changes are taking place in the Ukrainian law enforcement agency system. Its structure is being improved, the legal basis is being updated, the personnel training system is being improved, the material and technical foundation is being strengthened, and the strategic and tactical crime-fighting work is being adjusted. Society and government are not only interested in the results of law enforcement agencies, but also in how those results are achieved. At a time when Ukraine is building the rule of law and civil society, the requirement to use legal methods and means to fight for the observance of law and order remains particularly relevant.

On the way to European integration, Ukraine has undergone many changes that in one way or another affected the system of human rights protection. One of the main such changes was the reform of internal affairs bodies. On November 7, 2015, the Law of Ukraine "On the National Police"<sup>2</sup> entered into force, at the same time, on October 26, 2015, under No. 878, the Cabinet of Ministers approved the Resolution "On Approving the Regulation on the Ministry of Internal Affairs of Ukraine"<sup>3</sup>. For the citizens of Ukraine, these legal documents had a significant impact, as they fundamentally changed the management structure of internal

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<sup>1</sup> Osiejewicz Joanna, *Studies in Politics, Security and Society Global Governance of Oil and Gas Resources in the International Legal Perspective* (Peter Lang Verlag 2020).[26].

<sup>2</sup> Verkhovna Rada of Ukraine : Legislation of Ukraine, 'Law of Ukraine "On the National Police"' (*Verkhovna Rada of Ukraine : Legislation of Ukraine*) <<https://zakon.rada.gov.ua/laws/show/580-19#Text>> accessed 23 May 2023.

<sup>3</sup> Cabinet of Ministers of Ukraine, 'Resolution 'On Approval of the Regulation on the Ministry of Internal Affairs of Ukraine' (*Cabinet of Ministers of Ukraine*) <<https://zakon.rada.gov.ua/laws/show/878-2015-п#Text>> accessed 23 May 2023.

affairs bodies. The above-mentioned documents outlined the legal features of the organization and activities of the National Police of Ukraine, the status of police officers, and their respective services.

According to these laws, the main tasks of the police are as follows: protection of life, health, rights, and freedoms of Ukrainian citizens, foreign citizens, and stateless persons; combating crime; protection of public order and property; ensuring public safety. To perform the assigned tasks, employees of the internal affairs agencies are issued various authorizations.<sup>4</sup> This reformative change was one of the main factors in making Ukraine a democracy of the rule of law and in restoring citizens' confidence in the institutional system of internal affairs. However, experience shows that this system is not ideal, and to achieve an efficient and effective structure, further changes are needed both at the legislative level and in the practical aspect.

One of the main principles of the activities of law enforcement agencies in the performance of tasks prescribed by law is the principle of respect for human rights and freedoms, the content of which is normative provisions, the police ensure compliance with the human rights and freedoms established by the Ukrainian Constitution and laws and the Verkhovna Rada has Ukrainian international treaties that give binding ratification to Ukraine and facilitate its implementation guarantee the performance of its duties; restriction of human rights and freedoms is permitted on the grounds and in the manner prescribed by the Ukrainian Constitution and laws only to the extent necessary for exigent needs and for the performance of police duties ; If the purpose of restricting human rights and freedom measures has been achieved or no further implementation is required, they must be stopped immediately; under no circumstances shall law enforcement officials be prohibited from promoting, perpetrating, abetting or tolerating any form of torture, cruel, inhuman or degrading treatment or punishment.

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<sup>4</sup> Britchenko Igor, [et., al.] 'Areas and Means of Formation of Transport Regional Complexes and Mechanisms for Managing Their Competitiveness in Ukraine' (2020) 29 *Ikonomicheskii Izsledvania*. [72].

At the same time, the report of the United Nations (UN), prepared based on the results of the United Nations Human Rights Monitoring Mission in Ukraine (UNHRM), published on March 11, 2021,<sup>5</sup> highlighted several rights violations people across the country. In particular, it is stated that although the number of cases of torture and ill-treatment related to the conflict has decreased in recent years in the territory controlled by the Ukrainian government, there is still no accountability for torture and ill-treatment, in particular in cases not related to the conflict, primarily those, where police violence took place. The UN Human Rights Mission emphasizes that the government of Ukraine should bring the perpetrators to justice not only for human rights violations related to the armed conflict but also for all other violations. In this context, the report notes that since the end of the 2014 protests, there have still been no prosecutions for the deaths and killings.

Many scientific works, including such scholars as Yu. Vityk,<sup>6</sup> T. Rademacher,<sup>7</sup> K. Gradoń,<sup>8</sup> V.V. Bilichenko,<sup>9</sup> G. A. Flores-Macías and J. Zarkin<sup>10</sup> are devoted to these issues. The research of these authors shows the extent to which the rights and liberties of individuals and citizens are guaranteed in today's reality. However, this issue has not yet been fully resolved and requires further study. Given the above-mentioned factors, we believe that without modern scientific research, it is impossible to adequately and balanced response to threats and challenges regarding human rights and freedoms in Ukraine. Therefore, we believe that problematic

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<sup>5</sup> United Nations, 'The Report Was Prepared Based on the Results of the United Nations Human Rights Monitoring Mission in Ukraine' (*United Nations*) <<https://ukraine.un.org/en/149895-32nd-report-ohchr-human-rights-situation-ukraine-covers-period-1-february-31-july-2021-it>> accessed 23 May 2023.

<sup>6</sup> Yulianna Vityk, 'The Principle of Observing Human Rights in the Activities of the National Police of Ukraine: The State of Scientific Research' (2021) 4 *Entrepreneurship, Economy and Law*. [234].

<sup>7</sup> Timo Rademacher, 'Artificial Intelligence and Law Enforcement' (2020) 1 *Regulating Artificial Intelligence*. [234].

<sup>8</sup> Kacper Gradoń, 'Crime in the Time of the Plague: Fake News Pandemic and the Challenges to Law-Enforcement and Intelligence Community' (2020) 4 *Society Register*. [143].

<sup>9</sup> Valerii Bilichenko, *International Standards for The Protection of Key Human Rights and Freedoms in The Activities of Law Enforcement Agencies of Ukraine* (Helvetica 2020). [51].

<sup>10</sup> Flores-Macías Gustavo and Jessica Zarkin, 'The Militarization of Law Enforcement: Evidence from Latin America' (2021) 19 *Perspectives on Politics*. [528].

theoretical issues arise in understanding police respect for human rights and freedoms guaranteed by the Ukrainian Constitution, laws, and international treaties in their professional activities to eliminate and prevent violations of human rights and freedoms.

We have therefore set ourselves the task of analyzing the current state of protection and ensuring human rights in law enforcement and identifying trends for further improvement of the activities of law enforcement agencies in the field of ensuring respect for human rights. The given task is of great scientific and theoretical importance because scientific achievements in this field formulate the general direction of the state of its understanding, which makes it possible to conceptualize and determine new trends in the development of ensuring the observance of human rights and freedoms in the activities of law enforcement agencies of Ukraine for their further meaningful implementation in practical activities this state law enforcement agency.

The Article use methodological basis of the investigation is the dialectics of worldview and general and specific scientific methods for understanding national phenomena and legal realities. In particular, a dialectical cognitive approach based on the epistemological possibilities of law and dialectical categories provides research on: a) the formation and activities of state law enforcement agencies in the development process and their interaction with civil society institutions, public authorities, and other elements The social law enforcement system; b) the development of the organization and activities of the State law enforcement agencies on a constitutional and legal basis and their interrelationship with other elements of the constitutional and legal mechanism for determining the rights and freedoms of persons and citizens. Formal and logical methods of analysis and synthesis can reveal the meaning of the concepts that make up the subject of the study, classify them, and form intermediate and general conclusions. A systematic approach makes it possible to study Ukrainian law enforcement agencies as a component of the state apparatus, as a component of the social law enforcement system, and as an independent group of state organizations. A structure-function

approach can elucidate the internal structure of constitutional and legal mechanisms for protecting the rights and freedoms of persons and citizens, the organization and operation of law enforcement agencies, and determine the functional purpose of each element of this mechanism. The content of legal regulations governing social relations, within which the organization and functioning of law enforcement bodies of the state and the European Union are carried out, was revealed with the help of a special legal method of cognition.

A number of articles related to the research topic were also analysed, such as «National monitoring of illegal police violence in Ukraine in 2020. Kharkiv Institute of Social Research; Kharkiv human rights group»,<sup>11</sup> «Juridical Analysis of Victims of The Economic Exploitation of Children Under The Age to Realize Legal Protection From Human Rights Aspects: Research Study At The Office of Social and Community Empowerment In Batam City»,<sup>12</sup> «The militarization of law enforcement: Evidence from Latin America»,<sup>13</sup> «Law enforcement and public health: recognition and enhancement of joined-up solutions»,<sup>14</sup> «Artificial intelligence and law enforcement»,<sup>15</sup> «Crime in the time of the plague: Fake news pandemic and the challenges to law-enforcement and intelligence community»,<sup>16</sup> «Police officers’ role orientations: Endorsement of community policing, order maintenance, and traditional law enforcement»,<sup>17</sup> «Dirty data, bad predictions: How civil rights violations impact police data, predictive policing systems, and justice»,<sup>18</sup>

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<sup>11</sup> A Chernousov D Kobzin, and S Shcherban, *National Monitoring of Illegal Police Violence in Ukraine in 2020 ‘Human Rights’* (House, LLC 2020).[14].

<sup>12</sup> Iwoeng Geovani, [*et.,al.*] ‘Juridical Analysis of Victims of the Economic Exploitation of Children under the Age to Realize Legal Protection from Human Rights Aspects: Research Study at the Office of Social and Community Empowerment in Batam City’ (2021) 1 International Journal of Educational Review, Law and Social Sciences.[48].

<sup>13</sup> Gustavo (n 10).

<sup>14</sup> Auke J van Dijk, ‘Law Enforcement and Public Health: Recognition and Enhancement of Joined-up Solutions’ (2019) 393 The Lancet.

<sup>15</sup> Rademacher (n 7).

<sup>16</sup> Gradoń (n 8).

<sup>17</sup> Jacinta Gau and Nicholas Paul, ‘“Police Officers” Role Orientations: Endorsement of Community Policing, Order Maintenance, and Traditional Law Enforcement’ (2019) 42 Policing: An International Journal.[949].

<sup>18</sup> Rashida Richardson,[*et.,al.*] ‘Dirty Data, Bad Predictions: How Civil Rights Violations Impact Police Data, Predictive Policing Systems, and Justice’ (2019) 94 NYUL Review Online.[15].

«International standards for the protection of key human rights and freedoms in the activities of law enforcement agencies of Ukraine»,<sup>19</sup> «Administrative and legal status of the National Police of Ukraine: concept and content»,<sup>20</sup> «Doctrine and practice of human rights protection: teaching. manual»,<sup>21</sup> «Management of the bodies of the National Police of Ukraine: a textbook»,<sup>22</sup> «Evaluation of the activity of the National Police of Ukraine using a public opinion poll (national report) »,<sup>23</sup> «The principle of observing human rights in the activities of the National Police of Ukraine: the state of scientific research».<sup>24</sup>

### **The Promotion and Protection of Human Right and Freedom**

On the European continent, priority in the legislative determination of the role and place of law enforcement agencies in modern society belongs to the Council of Europe. The Declaration on the Police, adopted in 1979 by the Parliamentary Assembly of the Council of Europe,<sup>25</sup> emphasizes the important role of the police in creating a peaceful society where order and public tranquility reign, necessary for the full realization of human rights and fundamental freedoms guaranteed by the European Convention on Human Rights<sup>26</sup> and other national and international instruments. The declaration on the police legally established the status and basic principles of police work, and also confirmed the provisions of international UN documents regarding standards in the field of law enforcement.

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<sup>19</sup> Bilichenko (n 9).

<sup>20</sup> Katrych D, 'Administrative and Legal Status of the National Police of Ukraine: Concept and Content' (2016) 36 Scientific Bulletin of the Uzhhorod National University.[85].

<sup>21</sup> Yulia Razmetayeva, *Doctrine and Practice of Human Rights Protection: Teaching* (Manual (FOP Golembovska OO) 2018).[85].

<sup>22</sup> Valerii Sokurenko, *Management of The Bodies of the National Police of Ukraine: A Textbook* (Stylish Typography 2017).[48].

<sup>23</sup> D Kobzin,[et.,al.] *Evaluation of The Activity of the National Police of Ukraine Using a Public Opinion Poll (National Report)* (Kharkiv Institute of Social Research (HISD) 2019).[98].

<sup>24</sup> Vityk (n 6).

<sup>25</sup> Parliamentary Assembly of the Council of Europe, 'Declarations about the Police' (*Parliamentary Assembly of the Council of Europe*) <<https://ips.ligazakon.net/document/view/mu79314>> accessed 23 May 2023.

<sup>26</sup> Council of Europe, 'Convention on the Protection of Human Rights and Fundamental Freedoms' (*zakon.rada.gov.ua*) <[https://zakon.rada.gov.ua/laws/show/995\\_004#Text](https://zakon.rada.gov.ua/laws/show/995_004#Text)> accessed 23 May 2023.

The observance and respect of human rights by the police and other law enforcement agencies are also emphasized in the Code of Conduct for Law Enforcement Officials, adopted by the UN General Assembly in December 1979.<sup>27</sup> In the preamble of the Resolution of the UN General Assembly, which approved the content of the said Code, it is noted that taking into account the direct impact of the activities of officials in support and protection of law and order on the quality of life of individuals, as well as the entire society as a whole, such persons in the performance of their duties officials must be aware of the importance of this task and perform it conscientiously and with dignity following the principles of human rights.<sup>28</sup>

According to Article 1 of the Code, law enforcement officials must always fulfill the duties assigned to them by law, serving society and protecting all people from illegal acts, by the high level of responsibility required by their profession. The term “law enforcement officials” includes all appointed or elected officials who are involved in law enforcement and who are vested with police powers, especially powers of apprehension. In Resolution 1989/62, the Economic and Social Council of the United Nations<sup>29</sup> established guidelines for the implementation of the Code of Law Enforcement Officials. These principles require that the provisions of the code be reflected in national legislation and practice. Every 5 years, the governments of the countries must report to the UN Secretary-General on the progress of this task.<sup>30</sup>

Taking into account the principles outlined in the Code of Conduct for Law Enforcement Officers of the United Nations and the resolution of the Parliamentary Assembly of the Council of Europe on the Declaration on the Police, in September 2001 the Committee of Ministers of the Council of Europe

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<sup>27</sup> UN General Assembly, ‘Code of Conduct for Law Enforcement Officials’ (*zakon.rada.gov.ua*) <[https://zakon.rada.gov.ua/laws/show/995\\_788#Text](https://zakon.rada.gov.ua/laws/show/995_788#Text)> accessed 23 May 2023.

<sup>28</sup> Geovani (n 12).

<sup>29</sup> United Nations Economic and Social Council, ‘Resolution 1989/62’ (*ips.ligazakon.net*) <[https://ips.ligazakon.net/document/view/mu89397?ed=1989\\_05\\_24&an=29](https://ips.ligazakon.net/document/view/mu89397?ed=1989_05_24&an=29)> accessed 23 May 2023.

<sup>30</sup> Rademacher (n 7).



adopted the Recommendations “On the European Code of Police Ethics”,<sup>31</sup> It states that policing is primarily carried out in close contact with the public, and recognizes that most Europol - except for law enforcement - perform social and service functions in society and that the public’s trust in the police correlates with their duties. Its duties are closely related to the attitudes and behavior of the public, especially their respect for human dignity and the fundamental rights and freedoms of the individual, especially in the European Convention on Human Rights. The recommendations emphasize that police conduct their work with respect for the fundamental rights of all people, such as freedom of thought, conscience, religion and expression, peaceful assembly, freedom of movement, and unrestricted use of the personal property. Therefore, the recommendation directly emphasizes the need for police to act to protect people’s property.<sup>32</sup>

### **Requiring Alignment With Constitutional, Legal and International Standards**

In December 1998, “Ten human rights standards for law enforcement agencies” were developed by “Amnesty International”. These standards are based on UN standards for law enforcement and include the following: every person has the right to equal protection of the law, without discrimination on any grounds, especially against violence and threats.; compassion and respect should be shown to all victims of crime, to protect their safety and privacy; non-use of force, except those cases when they are strictly necessary and in the minimum necessary volume; avoiding the use of force against illegal but peaceful assemblies; the same deadly force should be used only where it is unavoidable to save one’s life or the lives of other people; the arrest must be carried out on sufficient grounds and by legal procedures to enable detainees to contact relatives and a lawyer, as well as receive

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<sup>31</sup> Committee of Ministers of the Council of Europe, ‘Recommendations ‘On the European Code of Police Ethics’ <[https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKEwiZkvi9zqH9AhUTgosKHU-SsDLIQFnoECAoQAQ&url=https%3A%2F%2Fhrea.org%2Fwp-content%2Fuploads%2F2021%2F02%2FRecommendation-Rec200110\\_European-Code-of-Police-Ethics\\_Ukrainian](https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKEwiZkvi9zqH9AhUTgosKHU-SsDLIQFnoECAoQAQ&url=https%3A%2F%2Fhrea.org%2Fwp-content%2Fuploads%2F2021%2F02%2FRecommendation-Rec200110_European-Code-of-Police-Ethics_Ukrainian)> accessed 23 May 2023.

<sup>32</sup> Gustavo (n 10).

the necessary medical assistance; humane treatment of all detainees; not to comply with criminal orders regarding the implementation and concealment of extrajudicial executions or “disappearances”; all violations of these basic standards should be reported to management and the prosecutor’s office.<sup>33</sup>

Separately, the Cabinet of Ministers of the Council of Europe has developed recommendations on the implementation of administrative activities by any administrative bodies, which establish minimum standards for compliance with the rights, freedoms, and interests of individuals. Thus, Recommendation No. R(80)2 of 1980<sup>34</sup> regarding the exercise of discretionary powers by administrative bodies provides standards for the protection of the rights, freedoms, and interests of individuals and legal entities against arbitrariness or any other improper use of discretionary powers. Resolution No. (77) 31<sup>35</sup> established the principles of the procedure for adopting administrative acts in the exercise of discretionary powers. In addition to these recommendations was Recommendation No. R(91)1<sup>36</sup> on administrative sanctions, which applies to administrative acts that provide for the imposition of sanctions on persons in connection with their illegal behavior in the form of whether it is a fine or any other punitive measure of monetary or non-monetary nature.<sup>37</sup>

These standards, together with the provisions of the Convention on the Protection of Human Rights and Fundamental Freedoms as the “core” of the human-centered ideology, determine the limits of the activity of administrative bodies in the exercise of discretionary powers, the orientation of their service to the interests, first of all, of citizens. The function of the police at the current stage of the development of European society is defined by European police officers as helping

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<sup>33</sup> Gradoń (n 8).

<sup>34</sup> Committee of Ministers of the Council of Europe, ‘Recommendation No. R (80)2’ (*zakon.rada.gov.ua*) <[https://zakon.rada.gov.ua/laws/show/994\\_696#Text](https://zakon.rada.gov.ua/laws/show/994_696#Text)> accessed 23 May 2023.

<sup>35</sup> Committee of Ministers of the Council of Europe, ‘Resolution No. (77)31’ (*www.refworld.org*) <<https://www.refworld.org/docid/5a4caf0a4.html>> accessed 23 May 2023.

<sup>36</sup> Committee of Ministers of the Council of Europe, ‘Recommendation No. R (91)1’ <[https://zakon.rada.gov.ua/laws/show/994\\_267#Text](https://zakon.rada.gov.ua/laws/show/994_267#Text)> accessed 23 May 2023.

<sup>37</sup> Dijk (n 14).

to ensure a safe and fair social environment in which the rights and responsibilities of individuals, families, and communities are appropriately balanced. The purpose of the police is to promote safety and reduce the number of incidents of public disturbances; reduce the level of crime and the severity of crimes; promoting the administration of justice in a way that maintains public confidence in the law.<sup>38</sup>

The tasks of the police, taking into account these provisions, are outlined as follows: maintaining/restoring order and reducing the frequency of manifestations of antisocial behavior; increasing the level of public safety; promoting road safety and reducing accidents; destruction of organized and international crime; fight against terrorism; reducing the level of crime by studying and identifying its causes; reduction of the degree of danger of the crimes being committed; ensuring fair treatment of suspects; assistance to victims and witnesses of crimes.<sup>39</sup>

### **Modernisation of Policy Principles**

In a popular form, the content of police activity in a modern democratic society was most successfully explained the American policeman D. Bayley,<sup>40</sup> who, based on the analysis of a wide range of normative prescriptions, singles out the following requirements of society. The priority direction of police work should be to serve both the needs of individual citizens and social groups. This refers to the readiness of the police to effectively respond to the statements of individual citizens, maintain constant contact with them, and inform them about the progress of their cases. It is understood that none of the citizens' applications and complaints will remain unregistered and unconsidered promptly, regardless of whether the applicant has any privileges or, on the contrary, is limited in the exercise of certain rights.

At the same time, police should maintain a high tolerance for vulnerable groups who need more police attention and extra protection of their rights. These

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<sup>38</sup> Richardson (n 18).

<sup>39</sup> Gau (n 17).

<sup>40</sup> David Bayley and Shearing Clifford, 'The New Structure of Policing: Description, Conceptualization and Research Agenda' (2001) 1 National Institute of Justice.[60].

groups often include representatives of ethnic minorities, immigrants and asylum seekers, people with physical or mental disabilities, people with non-traditional sexual orientations, the elderly, and children. The police must constantly monitor the situation regarding the needs of these population groups, develop appropriate programs or action plans to provide additional support, monitor their effectiveness, and be one of the initiators of the social adjustment process for certain population groups throughout the country.

The police should be accountable to the law, not to the government. All police decisions must be driven by the law and backed by the courts, not by the will of the government and political parties. Statements, support, and political statements of advice, support, or protest may of course be considered by police leaders when making management decisions, but only as additional arguments (counter-arguments) to the legal requirements on which they are based on police law. The role and extent of the involvement of police chiefs in the drafting and implementation of legislation should be assessed individually to avoid situations where they may become politically involved.

The police must protect human rights, especially those necessary for free political activity in a democratic society. The police must have procedures and regulations in place to prevent arbitrary arrest and detention and ensure that detainees are protected from torture and ill-treatment. The police must implement procedures and regulations that prevent arbitrary arrests and detentions, and ensure the protection of detainees from torture and ill-treatment. A separate area of activity is the development of an algorithm of actions during the protection of peaceful assemblies to ensure the right of citizens to freedom of speech, expression of views, and beliefs. In police units, special personnel training should be introduced to ensure human rights in the activities of internal affairs bodies. Incidents of violence and physical coercion must be strictly regulated through detailed regulations, most of which are approved and carefully scrutinized by police leadership and other agencies that control police activity.

Police operations must be transparent. Police units should be fully open to all forms of external scrutiny, including public scrutiny. Basic police statistics (staffing,

gender balance, budget size, etc.) should be made available to the public and requests from citizens and organizations for limited information should be considered within a reasonable time and responded to with fully justified denials where appropriate. Police There should be a post for a special official or a separate unit responsible for liaison with the public and international organizations. The public should also have easy access to information related to the planning of the police work as a whole, the implementation of the planned activities, and the results of the work.<sup>41</sup>

The enlargement of the European Union at the expense of the countries of Central and Eastern Europe has placed on governments, especially in Ukraine, the task of reforming law enforcement agencies into professional, depoliticized, and effective institutions based on the principles of the rule of law, a market economy and the influence of culture, religion, and Tolerance of racial groups. Therefore, by the principles of modern policing, the list of tasks of these internal state agencies was expanded to include the following provisions: establishing effective public control; democratic and effective social accountability; partnerships; the professionalism of the staff, reducing their numbers, fostering work ethic; Increase workforce diversity to better reflect the racial and gender makeup of the population; liaise with other state police forces.

### **Critical Role of Implementing These Insights Into the Actual Activities of Ukrainian Law**

According to the Law of Ukraine “On the National Police” of July 2, 2015, the Ukrainian National Police is a central executive body that serves society by ensuring the protection of human rights and freedoms, combating crime, and maintaining public order and public safety. The activities of the National Police are governed by The Cabinet and are directed and coordinated through the Minister of Home Affairs. The main tasks of the National Police include: protecting and protecting human rights and freedoms and the interests of society and the state; combating crime;

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<sup>41</sup> Oleg M Yaroshenko,[*et.,al.*], ‘Features of Remote Work in Ukraine and the European Union: Comparative Legal Aspect’ (2021) 7 Hasanuddin Law Review.[138].

ensuring observance of public safety and order; Assistance services are provided to persons of this type of assistance.

The National Police performs the duties assigned to it in the manner and within the limits of the powers defined by the Constitution and laws of Ukraine. Protection of the rights and freedoms of a person and citizen, the interests of society and the state is a priority in the activities of this law enforcement body. Given this, the guarantee of human rights should prevail in the relations between the state and the citizen, all the functions performed by the country should be aimed at protecting the interests of the person, ensuring and protecting his rights, freedoms, and legitimate interests. Thus, police activities must ensure the appropriate level: of law and order, and guarantee human rights, freedoms, and interests of society and the state in general.<sup>42</sup>

When law enforcement officials take specific steps that empower them, it is important to understand that human rights are an imperative form because by enshrining the legal norms that dictate the possible options for police conduct, human rights become formally defined rules, coercive fit All, guaranteed by appropriate security mechanisms and protection procedures. At the same time, the principles of legality and the protection of the rights and freedoms of individuals and citizens apply to the State Police. This principle states that the police can only operate within the scope of its powers and in the manner prescribed by the Ukrainian constitution and laws. Police officers are prohibited from enforcing criminal or illegal orders and orders. This principle is the main criterion by which democracies respect human and civil rights and freedoms.

The principle of legality of the police in the course of performing official duties can be considered from two aspects: 1) the police conduct and protect citizens' lives, health, rights and freedoms, property, natural environment, and social and national interests from illegal interference; 2) prevent the state from Police agencies and officials break the law in the performance of tasks entrusted to them by the state.

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<sup>42</sup> Bilichenko (n 9).

Given the above, two directions of human rights protection can be defined: the first is carried out by administrative-legal means of ensuring legality, which include the implementation of the norms of administrative law, and the second - is with criminal-legal means, which involves the implementation of the norms of criminal and criminal-procedural law.

Prevention of violations of the law in the process of performing the duties assigned to police officers is implemented by the following main means: internal control, public control, supervision of the prosecutor's office, judicial control, and citizens' appeals. The following ways of ensuring legality are distinguished: 1) control; 2) supervision; 3) addressing state bodies with statements, proposals, and complaints regarding legality. The practice has shown that the use of the above-mentioned methods is a special guarantee to ensure legality within the national scope. It is appropriate to consider these measures to ensure the legality of the official activities of the police authorities. The most important way to ensure legality is control. The core of this method is to check the implementation of the decisions of the higher authorities and to check the activities of the controlled police forces. Equally important is the prosecutor's oversight of compliance with the law by institutions conducting investigative activities, investigations, and pre-trial investigations.<sup>43</sup>

Another way to ensure legality in the professional activities of the police is to appeal to citizens (to make statements or petitions to state authorities, local governments, civic associations, companies, institutions, organizations, mass media, and officials to realize and protect their legal and personal rights or to complain about their violations), which is regulated by the Law of Ukraine "On Appeals of Citizens".<sup>44</sup> According to the State Police Law, the police on the territory of Ukraine, regardless of their position, location, and time, can protect private persons or endanger public security if statements or notifications of events are made to them,

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<sup>43</sup> D (n 20).

<sup>44</sup> Verkhovna Rada of Ukraine, 'The Law of Ukraine 'On Appeals of Citizens' (*zakon.rada.gov.ua*) <<https://zakon.rada.gov.ua/laws/show/393/96-вп#Text>> accessed 23 May 2023.

or after the direct discovery of these events, must take appropriate measures to rescue persons, assist persons in distress and notify the nearest police authority.

It should be noted that the reform of the law enforcement system has had a positive impact on the process of citizens seeking help from state agencies. In particular, people began to make informed statements more frequently about the facts of lawlessness and bureaucracy, violations of property, and their honor and dignity.

Having analyzed the main tasks of the police, it can be pointed out that ensuring human rights and freedoms belongs to the priority areas and is a strategic goal of the National Police of Ukraine. However, the activities of the police regarding the protection of human rights need to be improved and “equalized” to international standards for the humanization of law enforcement activities, within the limits of which these rights will be ensured. Legitimacy in police bodies has certain features determined by the place of these bodies in the system of state functioning, as well as the tasks and functions assigned to them. The very concept of legality in police bodies should be defined as the way these bodies work, as a result of which strict compliance with the requirements of the Constitution, laws, and other regulatory legal acts is carried out in all areas of activity.

It is not a shame to state that, along with the fact that police officers ensure and protect the rights and freedoms of a person and a citizen provided for by the Constitution of Ukraine, they are at the same time potential violators of these rights and freedoms, because they are empowered to apply coercive measures. In this case, it is quite a difficult task to maintain a parity relationship that would not cause criticism and complaints.<sup>45</sup> In our opinion, it is necessary to mention the principle enshrined in Art. 29 of the General Declaration of Human Rights:<sup>46</sup> Every individual should be subject only to the limitations prescribed by law in the exercise of his rights and freedoms, only to ensure due recognition and respect for the rights and

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<sup>45</sup> Sokurenko (n 22).

<sup>46</sup> UN General Assembly, ‘General Declaration of Human Rights’ ([zakon.rada.gov.ua](http://zakon.rada.gov.ua)) <[https://zakon.rada.gov.ua/laws/show/995\\_015#Text](https://zakon.rada.gov.ua/laws/show/995_015#Text)> accessed 23 May 2023.



freedoms of others, and to ensure the just requirements of morality, public order and the common good - into a democratic society.

Violations of individual and civil rights and freedoms in police activities may vary, but they are characterized in the same way - as crimes against persons, abuse of power, abuse of public power, etc. Administrative investigations and, in some cases, criminal proceedings against the police. Among the most dangerous violations of the personal rights of a person is the unlawful use of physical or mental violence against him, in particular torture, which means any act that intentionally causes severe pain or suffering, physical or moral, to any person, from whom he or a third party obtains information or admissions, to punish them or a third party for an act which they or a third party has committed or is suspected of committing. In the activities of police officers, the facts of brutal treatment of citizens not only take place but are a fairly common phenomenon.

Violation of law and discipline may be the result of a police officer's deliberate failure to perform official duties, disdain for the rights and legitimate interests of citizens, intemperance, inability to navigate and act in a difficult environment, etc. With broad powers, individual law enforcement officers in their actions do not avoid brutal violence, which is the deliberate and illegal use of force by police officers who knowingly exceed the powers granted to them. Like criminals who carefully plan their crimes, brutal police officers usually resort to precautionary measures and their criminal activities remain undetected.<sup>47</sup> There are also cases of excessive force being used either as a result of the police officer being unfit or negligent or when they are unable to deal with the situation in which they find themselves without using excessive or reckless force.

Pressure or threat of violence against a detainee or any other person can be identified as a violation of human rights by police officers and such illegal actions

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<sup>47</sup> Commissioner of the Verkhovna Rada of Ukraine on Human Rights, 'Special Report of the Commissioner of the Verkhovna Rada of Ukraine on Human Rights "The State of Implementation of the National Preventive Mechanism in 2020" < > Accessed On .' (*ombudsman.gov.ua*) <<https://ombudsman.gov.ua/ua/page/secretariat/docs/presentations/&page=6>> accessed 23 May 2023.

occur when the officer conducting the interrogation fails to obtain the necessary information in a legal way.<sup>48</sup>

The problem of torture is one of the most difficult. There is a persistent idea that any, sometimes brutal, methods are acceptable for the sake of eradicating crime.<sup>49</sup> Based on the suspect's recognition of his guilt, the formation of the main evidence base on his involvement in the commission of the crime is based. Therefore, despite the declarations of commitment to the ideas of human rights, both the legislator and the courts are reluctant to change the established practice and legislation.<sup>50</sup> This, on the one hand, does not sufficiently effectively prevent the use of torture, and on the other hand, creates favorable conditions for a high degree of latency of this crime. The last circumstance makes it possible to present the problem as insignificant both in the eyes of Ukrainian society and in the eyes of the international public and international institutions. Unfortunately, often ill-treatment and the use of torture go unpunished or, even worse, are accepted as the norm.

According to the data of the Kharkiv Institute of Social Research regarding the total estimated number of victims of illegal physical violence in the police of Ukraine in the period 2004–2020, despite the following estimated number of victims in 2004 – 1,026,616 people and 1,319,500 people during the years 2004–2009, which are 2.73% and 3.50%, respectively, the number of victims is increasing over the years. Thus, in 2015, the corresponding indicator was A similar situation typical for the estimated number of victims of beatings and bodily injuries during police detention in the period 2004–2020. Thus, during the years 2004–2009, this indicator was 604,433 persons and gradually decreased with each year However, as of 2020, the indicator increased almost to the previous period and amounted to 559,140 people. Regarding the use of unlawful violence during investigations, the estimated number of victims doubled to 419,355 cases. The

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<sup>48</sup> Kobzin (n 23).

<sup>49</sup> Mykhailo Kuzheliev and Igor Britchenko, 'Theoretical and Methodological Aspects of Formation of Corporate Control System in Ukraine' (2016) 25 *Ikonomicheski Izsledvania*. [26].

<sup>50</sup> Rian Saputra, [*et., al.*] 'The Court Online Content Moderation: A Constitutional Framework' (2022) 2 *Journal of Human Rights, Culture and Legal System*. [146].

number of victims of psychological violence by the police increased significantly during 2004-2020.<sup>51</sup>

The results of monitoring visits of the national preventive mechanism by employees of the Secretariat of the Human Rights Commissioner of the Verkhovna Rada of Ukraine also testify to violations of human rights and freedoms by the police during detention and stay in territorial police bodies. During monitoring visits, facts of excessive use of force by police officers during the detention of citizens continue to be revealed.

Another type of violation of human rights by police officers is the fabrication of evidence, which is related to oral statements that were never given by the detained person during interrogation, or physical evidence that was planted on the person during the detention or in the premises where the detention was carried out. Search. We believe that cases of police violations of the rights and freedoms of individuals and citizens are shameful manifestations of police activity that damage the credibility of the entire law enforcement system, reduce public trust in the police force, and undermine our country's international authority to position itself An authority that actively seeks to combat crime and corruption manifestations.

Violations of human and civil rights and freedoms by the police and improper performance of professional duties are due to high work intensity, insufficient social and economic security, legal non-existence of the possibility of part-time work, etc. Occupational risks can sometimes end up in loss of life and health for employees of internal affairs agencies, the constant overloads in the service at one time were compensated by increased financial support and social guarantees, now the majority of police officers (primarily in the regions) replenish the socially vulnerable strata.

Also, the reason for the irresponsible attitude of law enforcement officers to the protection of human rights and freedoms is sometimes the very specifics of law enforcement activity, and sometimes it is connected with the insufficient level of their professional, moral, and psychological qualities, their lack of necessary

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<sup>51</sup> D Kobzin (n 11).

confidence in the importance and responsibility of their social role. The negative influence that a law enforcement officer feels in communication with the criminal environment sometimes becomes an obstacle to fulfilling the duties of ensuring the rights and freedoms of the people whom he swore to serve honestly.

Thus, the factors that affect the violation of human and citizen rights and freedoms in law enforcement, including police, activities:<sup>52</sup>

- 1) doctrinal factor – lack of a unified concept at the national level for representatives of various law enforcement agencies and services regarding deontological standards of legal activity, single moral and ethical norms that must be brought to the attention of every employee of a law enforcement agency;
- 2) legislative factor - lack of proper regulatory definition of basic ethical norms, deontological principles: detailed regulation of the process of moral and ethical interaction of the police with the population, determination of priorities, the establishment of standards of police officer behavior, etc.;
- 3) personal factor - determined by the level of legal culture, legal awareness of the police officer, his psychophysiological condition, aesthetic taste, etc.;
- 4) the factor of security of the police officer himself - the feeling of the state of protection of the police officer by the state against the biased assessment of his actions, the presence of appropriate legal guarantees, etc;<sup>53</sup>
- 5) socio-psychological factors – constant contact with criminals and immoral elements, conflict of work, satisfaction or dissatisfaction with work, the prestige of police activity;
- 6) evaluative factor – the effectiveness of the activity of a particular police unit is determined by the established statistical indicators of work, when a comparison is made with similar periods of the previous year and a perceived deterioration or improvement in the activity of the police is determined.

Singapore has undergone a remarkable transformation in its law enforcement system, transitioning from an ineffective and corrupt system to a highly organized and efficient one. This shift was necessary due to external threats and challenges faced by the country, which compelled them to adopt stringent measures to uphold the rule of law. The severity of Singapore’s criminal policies can be attributed to various factors, such as its geographical location in the “golden triangle,” the potential influence of organized crime from China and Japan due to migration

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<sup>52</sup> Vityk (n 6).

<sup>53</sup> Olha O Zolotar, *[et.,al.]* ‘Prospects and Current Status of Defence Information Security in Ukraine’ (2022) 8 Hasanuddin Law Review.[25].

patterns, the historical drug routes passing through the country, its small yet densely populated size, and the need to counter these challenges effectively.

Unlike legal systems in Anglo-Saxon and Romano-Germanic countries, law enforcement in Muslim-law nations is closely intertwined with Sharia law. This means that criminal prosecutions adhere to rules and interpretations derived from religious sources like the Koran, Sunnah, qiyas (interpretations of the Koran and Sunnah), ijma (consensus of Muslim jurists), and URF (customary law). Furthermore, customary law in these countries retains certain practices considered criminal in other parts of the world, such as the concept of blood revenge. However, quick and unwarranted acts of vigilantism are not condoned by Muslim legislation. In cases of murder, for example, the court decides whether the victim's relatives have the right to choose between forgiveness, a fine, or the death penalty as legal sanctions.<sup>54</sup>

Regarding privacy rights in Singapore, the Constitution does not explicitly address them. Instead, remedies against privacy infringements are provided through statutory or common law. Several laws regulate the protection, access, and processing of personal data while also criminalizing unauthorized data access. However, government agencies are exempt from these data protection requirements and can intercept communications or monitor individuals if deemed necessary for national interests, investigations, or legal proceedings.

In general, the Singaporean government respects the privacy of individuals and their homes. The police typically require a warrant from a court to conduct a search, but they can proceed without one if they determine it necessary to preserve evidence or if discretionary powers granted by laws like the ISA (Internal Security Act) and CLA (Criminal Law Act) allow it. Law enforcement agencies possess broad authority to search electronic devices without a court order, even during detentions. Privacy International stated in 2020 that Singapore maintains a well-established, centrally managed technological surveillance system. Intelligence-

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<sup>54</sup> Tom Baum and Nguyen Thi Than Hai, 'Hospitality, Tourism, Human Rights and The Impact of COVID-19' (2020) 32 *International Journal of Contemporary Hospitality Management*. [2402].

gathering and surveillance networks, operated by agencies like the Department of Homeland Security and the Corrupt Practices Investigation Bureau, possess sophisticated capabilities to monitor confidential digital communications such as telephone calls, emails, and text messages.<sup>55</sup>

In September, Singapore's parliament passed legislative amendments expanding the scope of crimes for which the police can collect and retain the DNA of arrestees. Alongside serious offenses like murder, rape, robbery, theft, and sexual assault, the amended laws include crimes like voluntary bodily harm, drunken driving, disorderly conduct, obstruction of public servants, and obscenity. The collected DNA can be utilized for criminal investigations, forensic comparisons, legal proceedings, and identification purposes. The amendments also removed previous requirements for the immediate deletion of DNA data if a suspect was acquitted, released, or if the case was settled out of court. Under the revised legislation, individuals whose data was previously expected to be automatically deleted will now need to apply for deletion, which the police can reject on grounds of national security or ongoing investigations. Some lawmakers have expressed concerns about the impact on citizens' privacy rights and data protection.<sup>56</sup>

The causes and conditions that we have identified that lead to the violation of the rights and freedoms of individuals and citizens during the activities of the Ukrainian police allow us to develop proposals to address these issues and point to promising ways of solving such problems. In the professional activity of a police officer, it is necessary to break the stereotypes of thinking and behavior, often in advance of an aggressive attitude towards persons who have committed crimes, as well as strong redoubts of "circular bail" and upholding the "honor of the uniform" at any cost, even in the case of an obvious crime committed by a colleague - an employee law enforcement agency.<sup>57</sup>

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<sup>55</sup> Neo Ric, 'The Securitisation of Fake News in Singapore' (2020) 57 *International Politics*. [734].

<sup>56</sup> Dijk (n 14).

<sup>57</sup> Yevheniia Polishchuk[*et.al.*], 'European Smart Specialization for Ukrainian Regional Development: Path from Creation to Implementation' (2019) 17 *Problems and Perspectives in Management*. [381].

### **Meaningful and Impactful Transformation**

The next proposal is to increase the attention of the leadership of the Ministry of Internal Affairs of Ukraine to the activities of the internal security, monitoring, and inspection services from personnel in the aspect of preventive work aimed at preventing the occurrence of causes and conditions that contribute to the violation of human and citizen rights and freedoms by a police officer. After all, these services use various forms of control, including inspections, planned and unannounced inspections, and comprehensive tests, during which deficiencies are detected and practical assistance is provided. Control functions are implemented by both public and private methods by current legislation. We hope that shortly, the internal security service of the Ministry of Internal Affairs will become a structure whose activity will be dominated by the protection of police officers from illegal encroachments, and social conflicts, and control and punitive functions will come second.

In addition, the issue of the employees of the Ministry of Internal Affairs of Ukraine, including the police, ensuring the rights and freedoms of individuals and citizens, determining the means of moral and ethical communication with the population, setting moral standards for police activity itself requires their conceptual understanding, its doctrinal definitions and norms consolidate. A positive example of this type of activity is the foreign experience of countries such as Luxembourg, the Netherlands, Germany, Ireland, the USA, France, etc., where codes of deontological behavior of police officers have been adopted at the legislative level.

No less important, in our opinion, is the proposal to increase the “professionalism” of the modern police officer, moving away from the stereotype that a police officer is a highly specialized specialist. On the contrary, to establish partnership relations with the population, a police officer must be a spiritually and intellectually developed individual, have a high level of legal culture, an appropriate level of education, relevant official knowledge, skills, and abilities, be guided by professional values, have an appropriate psychological setting and constantly improve the level of their skills. Staffing, including selection, training, and placement, is urgent in this aspect. The mechanism and methodology of selecting candidates

for police service on a competitive basis according to international standards of the police system need improvement, and this concerns both the selection of candidates for service in specific services and units and the staffing of educational institutions of the Ministry of Internal Affairs of Ukraine with applicants.<sup>58</sup>

The proposal to create a positive image of police activity, primarily through mass media, by establishing effective and constructive interaction, information exchange, highlighting positive examples of official activity, etc., was and remains relevant at all times. It is necessary to relieve the police of dependence on statistical indicators of the state of crime. A qualitatively new system of criteria for evaluating the effectiveness of activities and control organization is necessary. Such evaluation criteria, in our opinion, can be workload, labor intensity, quality of activity and compliance with legality, etc.

### **Conclusion**

Therefore, human rights and freedoms are necessary prerequisites for the content of law enforcement activities, and professional law enforcement activities can't ignore the principles of respect for human rights and freedoms guaranteed by the Constitution, laws, and international treaties of Ukraine. The effectiveness of internal affairs institutions is essential to safeguarding the rights and freedoms of citizens, social development, and the emergence of a modern democratic state based on the rule of law, as well as the observance and achievement of its social goals, the realization of the rights and freedoms of individuals and citizens.

After analyzing the main tasks of the police, it can be noted that ensuring human rights and freedoms is one of the priority areas and strategic goals of the Ukrainian National Police. However, police activities to protect human rights need to be improved and “aligned” with international standards for the human nature of law enforcement that guarantees these rights. The legitimacy of police agencies has certain characteristics that depend on their status within the state's operating system

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<sup>58</sup> Bilichenko (n 9).



and the tasks and functions assigned to them. The concept of legitimacy of police agencies should be defined as the operation of these agencies so that in all spheres of activity they strictly comply with the requirements of the Constitution, laws, and other regulatory provisions.

Therefore, the specific activities of the Ministry of Internal Affairs of Ukraine to ensure the rights and freedoms of individuals and citizens depend on the means and methods of this activity, and the reasons and conditions that give rise to their violation in professional activity largely depend on the level of socio-economic and political development of the country, professionalism employees themselves, established and regulated deontological standards, etc. In this regard, the mentioned question will always be relevant in Ukrainian society, because dynamic changes in the development of social phenomena and processes require the use and introduction of new methods, means, and measures to ensure human rights by employees of the Ministry of Internal Affairs of Ukraine in their daily activities, which is not always possible quickly and efficiently. Therefore, it is necessary to apply the elements of strategic planning and forecasting of the department's work, in particular, in the direction of ensuring human rights.

Summing up, it should be noted that the current state of human rights enforcement by the police indicates the presence of systemic problems in the relevant area that require urgent solutions. Violation of human rights causes irreparable damage to the authority of police authorities, undermines the level of trust in them, causes systematic criticism from human rights organizations, and affects the general state of human rights compliance and the state of crime in particular. That is why it is worth actualizing the relevant problem and taking active and purposeful measures to develop a comprehensive system of measures to prevent and prevent violations of human rights, to eliminate the causes and conditions that give rise to them. If the relevant phenomenon is not investigated, the consequences of human rights violations can become devastating.

Therefore, following the principles of modern policing, the list of tasks of these national institutions has been expanded to include the following provisions:

establishing effective public control; democratic and effective social accountability systems; partnerships; the professionalism of the workforce, reducing their numbers and fostering a work ethic; increasing workforce diversity to better reflect the racial and gender makeup of the population; ties to other state police forces. It is also important to humanize police activities, improve the authority of citizens, establish police-civilian relations based on mutual trust, and improve the forms, methods, and means of safeguarding human rights and freedoms.

The practical significance of the research results of the thesis. The theoretical and practical importance of the dissertation research lies in the fact that the conclusions and recommendations presented therein can be used: in scientific research activities - for further scientific research of Ukrainian law enforcement agencies, constitutional and legal regulations of their organizations, and activities; in the field of legislation - improvement of constitutional legislation on the formation and functioning of these state institutions, updating of the legal framework in this field; in law enforcement - increasing the efficiency of law enforcement and law enforcement activities of Ukrainian state institutions; in the educational process - in the development of literature on teaching and pedagogical methods middle.

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