

ADMINISTRATIVE AND LEGAL REGULATION OF LAW ENFORCEMENT AGENCIES IN ENSURING HUMAN RIGHTS AND NATIONAL SECURITY OF THE STATE

^aOLENA SALMANOVA, ^bANATOLII KOMZIUK,
^cIRYNA KAZANCHUK, ^dOLEKSANDR PRYSYAZHNYUK,
^eYURIY SHOVKUN

^{a,b,c,d,e}*Kharkiv National University of Internal Affairs, Kharkiv, Ukraine*

email: ^asalmanova69@gmail.com, ^bkomzuket@ukr.net,
^cirinakazanchuk@gmail.com, ^dAlexAnatPris@gmail.com,
^eshovkyn2023@gmail.com

Abstract: Human rights enforcement is an indicator of the security and well-being of the state. The state, represented by law enforcement agencies, aims to make all necessary efforts to reduce the risks associated with human rights violations and national security. On behalf of the state, law enforcement authorities are called upon to provide an appropriate level of protection and support both within society and the state itself. Until recently, security in the state and society was maintained exclusively by law enforcement agencies. However, a full-scale war has brought tangible changes to the everyday life of Ukrainian. For this reason, the administrative and legal regulation of law enforcement agencies' activities to ensure the human rights and national security of the state. This article aims to characterize the administrative and legal regulation of law enforcement agencies' activities to ensure the human rights and national security of the state.

Keywords: Management of finances, International project, Cost optimization, Global investments, Financial management, Financial strategy, Strategic financial planning.

1 Introduction

State authorities regulate various spheres of society's life, both in foreign and national policy, welfare issues, creation of favorable conditions for maintaining defense capabilities, as well as scientific and cultural development. They also ensure the security of the state and its citizens. Law enforcement agencies occupy a special place in the system of state authorities since their main duty is to ensure human rights and freedoms, as well as to protect the national security of Ukraine.

2 Literature Review

The issue of administrative and legal regulation of law enforcement agencies' activities on ensuring human rights and national security of the state has received sufficient attention in the scientific community. However, the current changes that are taking place in society and in the very nature of law enforcement activities require an additional review of the specifics of administrative and legal activities of law enforcement agencies for ensuring human rights and national security. R. Y. Shai (2014) reveals the nature and essence of law enforcement activities, as well as the prospects for modernization of such activities within the context of globalization. Dudchenko O. (2019) proposes to consider the law enforcement system as a set of closely interrelated elements that interact and form a certain integrity, and its activities are based on the relevant principles and principles.

The study by O. Svitlychnyy and Yu. Holodnyk (2023) focuses on improving the administrative and legal support of law enforcement agencies. A collective study by M. V. Kovaliv, S. S. Yesimov and Yu. R. Lozynskyi (2018) reveals the peculiarities of legal regulation of law enforcement in Ukraine. This research identifies theoretical, methodological, and practical issues in the field of legal and organizational regulation of law enforcement.

Considering the existing scientific research, the issue of administrative and legal regulation of law enforcement activities related to human rights and national security requires additional analysis and substantiation.

This study *aims* to characterize the peculiarities of administrative and legal regulation of law enforcement agencies' activities for ensuring human rights and national security.

3 Methods

Research methods include the method of legal analysis. This method is based on the study of the legislation that regulates the activities of law enforcement agencies related to human rights and national security. At the same time, this method reveals the peculiarities of ensuring human rights as a defining function of law enforcement agencies. The protection of the state's national interests also falls within the scope of law enforcement agencies. Therefore, it is vital to consider not only the specifics of such activities but also to identify the main areas that should be paid attention to first. The comparison method reveals the specifics of law enforcement agencies' activities while performing their direct obligations. This method is critical when it comes to the activities of domestic law enforcement agencies and law enforcement agencies of other countries since these agencies are known to be in close cooperation. They share everyday experiences, including in matters of human rights and national security.

4 Research results

Financial management is crucial in managing the finances of international projects since it shapes the company's strategic decisions both at the general level and within individual divisions. Consideration of financial aspects is a necessary element to ensure the success and efficiency of projects operating in a global context. Administrative and legal regulation of the activities of law enforcement agencies constitutes a set of legal instruments applied to ensure legal influence on social relations. The mechanism of this regulation includes administrative and legal means and encompasses regulation within the judicial system, police, prosecution, and other bodies constituting the law enforcement sphere. The application of administrative influence is a key element in the administrative and legal regulation of law enforcement activities (Bratel, 2018, pp. 93-94).

Law enforcement activity is the application of law by specialized agencies aimed at handling legally significant cases, detecting violations, and prosecuting individuals guilty of committing crimes. Additionally, law enforcement is defined as activities involving the application of coercive measures to offenders as defined by law, protecting the rights and lawful interests of people and legal entities (Shai, 2014, p. 15).

Legal regulation is defined as a process conducted by state bodies by applying legal norms and legislative provisions. It is a complex of other instruments that systematize and regulate social relations to legally establish and effectively implement, defend, protect, and restore violated rights (Lazur, 2009). Law enforcement agencies are part of the law enforcement system. According to O. Dudchenko, the law enforcement system is a set of closely related elements that form a certain integrity in interaction with each other. The law enforcement system is based on corresponding principles and principles (Dudchenko, 2019, p. 146).

Komirchyi P. O. notes that the law enforcement system is a social system since it reflects the unity and structuring of normative legal regulation in the law enforcement sphere. The organizational activities of law enforcement agencies are aimed at ensuring legality and maintaining public order in society (Komirchyi, 2020).

According to M. V. Kovaliv, S. S. Yesimov, and Yu. R. Lozynskyi, law enforcement agencies endowed with executive powers occupy a special place in the structure of the law enforcement system. The law enforcement activities of these agencies determine not only the content and structure of the state law enforcement system but also the content of the state law enforcement service (Kovaliv, Yesimov, & Lozynskyi,

2018, p. 297). Yu. Holodnyk emphasizes that law enforcement agencies guarantee the personal protection of citizens' rights, freedoms, and lawful interests. In addition, they are called upon to ensure national security in the state by carrying out assigned tasks.

Article 92 of the Constitution of Ukraine defines that the main tasks of law enforcement agencies stem from the content of regulatory legal acts (Constitution, 1996). The issue of ensuring administrative and legal activities has several problematic aspects, including a set of power-legal, organizational, and other legal forms and methods. These aspects require special attention, considering the specificity of the activities of the law enforcement agencies themselves (Holodnyk, 2023).

V. V. Makarchuk notes that in practically all democratic developed countries, there are new approaches and effective regulatory legal acts that regulate the provision of national security. The relevant regulatory legal acts contain an assessment of the country's security situation. They define tasks, programs, and measures to improve security in the country at the national level (Makarchuk, 2022, p. 220).

O. Voluyko and O. Drucek define law enforcement agencies as state formations whose tasks include control, supervision, pre-trial investigation, protection, and defense of all forms of property, rights, freedoms, and lawful interests of individuals and citizens, as well as other functions defined by the legislation (Voluyko & Drucek, 2020, p. 96).

Law enforcement agencies conduct their activities under the norms defined by the legislation. The professional activities of these agencies are primarily aimed at ensuring the realization of the constitutional rights and freedoms of people. Thus, in a democratic society, people, their rights, and freedoms are regarded as the highest value. However, the realization of human rights and freedoms is only possible with their provision at the state level.

V. V. Kovalenko emphasizes that understanding the content of one's rights and freedoms occurs not only in declarative terms but also in the possibility of material, legal, and other guarantees provided by the state and its agencies for consistent and comprehensive implementation (Kovalenko, 2020, p. 83). It is worth noting that law enforcement agencies carry out their activities guided not only by elements of coercion and punishment but also by such directions as provision and protection. In protecting human rights, law enforcement agencies aim not only to stop law violations but also to protect the violated rights, honor, and dignity of people, protecting their rights and freedoms. Considering this, the activities of law enforcement agencies play a significant role in ensuring the functioning of society. They protect the interests of the state and safeguard human and citizen rights.

As rightly noted by O. M. Muzychuk, law enforcement agencies should be divided into two main groups:

- Law enforcement agencies, including internal affairs agencies, prosecutor's offices, the Security Service of Ukraine (SBU), customs, and tax services, among others;
- Law enforcement bodies endowed with appropriate powers. These agencies are specifically created to ensure public order, protect the rights and freedoms of individuals from various criminal encroachments, and ensure the national security of the state (Muzychuk, 2017, p. 28).

The bodies of the national police of Ukraine are part of the law enforcement system that ensures the constitutional rights and freedoms of people, as well as exercises other powers defined by the Law of Ukraine 'On the National Police' (Law No. 580-VIII, 2024). G. V. Muliar, studying the activities of law enforcement agencies under martial law, emphasizes that the national police, under martial law, carries out the following activities:

- Enhanced public order protection regime in the state and security provision;
- Fighting against sabotage and reconnaissance groups;
- Ensuring the protection of strategically important objects, objects of critical infrastructure;
- Interaction with subjects of the TRO [Territorial Defense Forces];
- Supporting the activities of the military administration, other state authorities, their interaction, and cooperation (Muliar, 2023, p. 131).

According to V. H. Fatkhutdinov, the duties of the police in conditions of martial law include interaction with certain non-state entities that, together with the police, ensure the protection of human rights and national security (Fatkhutdinov, 2018, p. 175). While performing their professional duties, police authorities interact with the public. As S. V. Medvedenko notes, this is a socially necessary and coordinated step, as close cooperation can yield effective results (Medvedenko, 2020, p. 54).

It is worth emphasizing that various directions of activity determine the role of law enforcement agencies in ensuring human rights, namely:

- Ensuring the protection of human rights and freedoms as defined by the Constitution of Ukraine;
- Protecting the rights of individuals, their lives and health, and rights and freedoms regardless of age, gender, national or religious affiliation;
- Providing conditions for individuals to exercise their rights and legitimate interests;
- Avoiding limitations and other human rights violations and freedoms in their activities.

The administrative and legal regulation of the activities of law enforcement agencies in the field of ensuring human rights and national security of the state is carried out following legislative acts that affect the organization and coordination of their work. They aim to protect the violated rights of citizens and ensure security at the national level. For the implementation of law enforcement activities in the field of ensuring human rights, law enforcement agencies are guided by the Constitution of Ukraine, laws, and subordinate legislative acts. Such activities mustn't violate human rights and freedoms or affect national security.

Ensuring national security in the state is provided per the Law of Ukraine "On National Security of Ukraine." Adopted on July 21, 2018, the aforementioned legislative act regulates the activities of state bodies in the field of ensuring national security and defense, creates conditions for integrating policies and features of the activities of state authorities and other bodies, performing functions related to national security and defense. It defines the system of control and coordination of security and defense forces, as well as introduces a comprehensive approach to security and defense planning. This law introduces civilian control over authorities and forms the security and defense sector.

The national interests of Ukraine include:

- Democratic sovereignty and territorial integrity of the state;
- Development of the national economy and civil society;
- Integration of Ukraine into the economic, political, legal, and security space (Law 2469-VIII, 2024).

According to Article 12 of Law 2469-VIII, the security and defense sector in Ukraine consists of:

- Security forces, which include not only law enforcement agencies but also intelligence, state authorities of special purpose endowed with law enforcement functions, civil defense authorities;
- Armed Forces of Ukraine and other military formations;
- Defense industry complex;

- Civic associations and citizens actively involved in defending the state's security (Law 2469-VIII, 2024).

The problem of ensuring national security is one of the leading and most complex phenomena of social and political life. In modern society, the activities of law enforcement agencies are somewhat complicated by various situations and challenges. However, no matter what, a democratic society must be protected both from lawlessness within the country and from the influence of external factors that threaten not only the lives and health of citizens and the violation of their rights but also affect national security overall.

The cooperation of the police and other law enforcement agencies, first and foremost, must be aimed at results. This result is reinforced by the implementation of legislative initiatives in the field of security and defense, as well as in the field of societal protection. The events of full-scale intrusion have shown that it is necessary to act in a coordinated manner and towards results. Since the moment of full-scale intrusion, the police have remained open to the problems that have arisen in law enforcement activities. By working for results, they joined forces with other organizations to show that they have not only the full support of the public. Along with other structures, they continue to record the consequences of horrific crimes against human rights and violations of Ukrainian national security.

5 Discussion

According to the Constitution of Ukraine, people, their lives, health, honor, dignity, and safety are recognized as the highest social value (Constitution of Ukraine, 1996). Research on the administrative and legal regulation of law enforcement agencies' activities in ensuring human rights and national security requires the following measures:

- An improvement of the normative-legal base;
- An update on the current legislation regarding defining the system of law enforcement agencies and regulating their activities (Svitlychnyy & Holodnyk, 2023, p. 566).

Currently, in Ukraine, there are many issues mainly associated with the imperfection of the administrative and legal regulation of law enforcement mechanisms for preventing and stopping violations of law and order, carrying out other types of law enforcement activities aimed at protecting the rights and freedoms of individuals (Tanko, 2020, p. 47). The activities of law enforcement agencies, including the police and other subjects of the security and defense sector of Ukraine, still need to be regulated in the provisions of domestic legislation (Nikitin, 2022, p. 135).

Since law enforcement activities are an element of national security, the main purpose of such activities is primarily directed at their social purpose and place in the system of national security as a whole. The functional purpose of law enforcement agencies lies in the following measures:

- Defining the directions of activity and specific competencies, as well as acquiring special powers to protect human rights;
- Ensuring state and national security;
- Protection of the rights and freedoms of individuals and citizens.

Active cooperation between national law enforcement agencies and law enforcement agencies of European countries yields noticeable results. As correctly noted by V.F. Het, the defining feature of reforming the security and defense sector of any country lies in the functional ability to organize a common security space with other states (Het, 2017, pp. 107-108).

The law enforcement function of competent state bodies is defined as the protection of the rights and freedoms of individuals, society, and the state in general from external and internal threats. This function aims to ensure the security of the

individual, society, and the state. The main condition for ensuring the law enforcement function is an effective policy of law enforcement agencies. They must fulfill the duties entrusted to them for the state and for the benefit of the state (Kuchеровskyi, 2022, p. 26).

As noted by V. Omelchuk, the level of recognition, guarantee, and provision of human rights and freedoms indicates the democratic level of society, as it is achieved through the effective use of all available instruments of legal regulation, including administrative-legal influence. Realizing human rights in a tense military-political situation in Ukraine is particularly important (Omelchuk, 2018).

In modern society, the National Police, by performing a wide range of tasks, must ensure legality and order in the state and protect citizens, their rights, and legitimate interests, using a system of various forms of management and administrative-legal means (Kryzhna, 2019, p. 147).

The state should ensure dignified protection and security for its citizens at the legislative level. The state can be called a legal one only when it can recognize the existence of fundamental rights and freedoms for its citizens and ensure an opportunity to implement them in practice (Hromovenko, Tytska, 2021, p. 122).

6 Conclusions

We can conclude that the issue of administrative and legal regulation of law enforcement authorities' activities on ensuring human rights and national security of the state is extremely important in the modern society. The interaction of law enforcement agencies, including the police, bears productive results. Cooperation of law enforcement agencies with the security sector, the Armed Forces of Ukraine, and civil society organizations helps to respond in a timely manner to illegal actions that may affect not only society but also the national security of the state. The challenges posed by the full-scale invasion have not destroyed public confidence in law enforcement but rather strengthened it.

The studies by Ukrainian scholars have shown that even in such difficult conditions as these, law enforcement agencies are a vital force capable of taking any action to protect the security of people and the state. Law enforcement agencies must use all their skills and abilities to carry out their professional duties successfully. In this way, they not only gain the support of citizens but also contribute to ensuring the security and stability of the state, especially under martial law. It is noted that current circumstances are difficult for law enforcement bodies. They face new challenges and aspects that still need to be fully considered.

The police managed to stabilize the situation in the field of public security and establish a dialogue with the population, particularly in the areas of active hostilities. In addition to their regular professional duties, law enforcement officers were actively involved in ensuring public safety, delivering humanitarian goods, coordinating evacuations, providing first aid, and other essential aspects of their operations.

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Primary Paper Section: A

Secondary Paper Section: AE