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ORCID ID 0000-0001-6099-4121**DIRECTIONS FOR IMPROVING THE EFFICIENCY AND QUALITY
OF POLICE MANAGEMENT DURING THE LEGAL REGIME
OF MARTIAL LAW IN UKRAINE**

The article examines the legal, theoretical, and practical aspects of managing the National Police during the introduction of martial law in Ukraine. It analyzes theoretical approaches to defining police management and reveals the impact of the legal regime of martial law on police management in Ukraine. The authors researched and analyzed police management practices, considering changes in the legal regulations governing the National Police during martial law. This study aims to enhance police management efficiency and quality, ensuring citizen safety and upholding the rule of law during the legal regime of martial law in Ukraine.

Keywords: legal regulation, legal support, National Police of Ukraine, police authorities, management in police bodies and units, martial law.

The National Police of Ukraine is a complex and widely branched system with a specific purpose, operating procedure, and a need for high-quality and effective management. As a central body of executive power and an independent structural formation, it operates as a single integral system.

Article 1 of the Law of Ukraine «On the National Police» states that the National Police of Ukraine is the central executive body responsible for protecting human rights and freedoms, combating crime, and maintaining public security and order. Similarly, Article 1 of the «Regulations on the National Police» establishes the National Police as the central executive body. The Ministry of Internal Affairs of Ukraine is responsible for implementing state policy in the areas of protecting human rights and freedoms, safeguarding the interests of society and the state, combating crime, and maintaining public safety and order. The Cabinet of Ministers of Ukraine directs and coordinates the activities of the Ministry through the Minister of Internal Affairs [2].

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The management of the National Police of Ukraine is aimed at purposeful and organized influence on social relations, including the development of strategies, tactics and action plans for maintaining public order, combating crime and ensuring the safety of citizens. While on the other hand, this central body of executive power is a management system and has its own subject and object of management. That is, if we consider the National Police of Ukraine as a subject of management, then the object of management are the relations that are formed between individuals and legal entities and police officers in ensuring the protection of human rights and freedoms, interests of society and the state, combating crime, maintaining public security and order, providing services with assistance to persons who for personal, economic, social reasons or due to emergencies need such assistance. In addition, this executive body forms internal system relations characterized by corresponding management systems and subsystems, various management objects such as authorities, units, services, and police. This indicates the peculiarity of the legal status of the National Police of Ukraine, which is characterized by dualistic nature. That is, it performs the functions defined for the central body of executive power, which provides for the exercise of power in the implementation of state policy, but on the flip side, the National Police performs law enforcement functions aimed at ensuring security and law and order. This dual role affects not only the National Police's organizational and legal support, but also its internal structure, functions, and management. It must take into account the needs of both the central government and the law enforcement agency.

It is important to note that under the legal regime of martial law in Ukraine, the powers, competencies, rights, and duties, as well as the procedures for the activities of almost all state institutions, including the National Police, are subject to change due to amendments being made to the legal and regulatory acts governing their activities. The measures aimed at increasing the effectiveness of the police and improving social relations during the period of emergency rule in Ukraine were taken taking into account the limitations on the rights and freedoms of citizens, as well as the rights and legitimate interests of legal entities, as defined by the Constitution of Ukraine and the Law of Ukraine «On the Legal Regime of Martial Law» [3]. At the same time, the police must act within the framework of the law and ensure compliance with the principles of the rule of law, even amidst changes and restrictions. The conditions of martial law in Ukraine require the police department to adapt by optimizing strategies, improving the work of police officers to ensure the safety of the population, increasing personnel training, and effectively managing organs and police units.

Efficiency and trust in the police during the introduction of martial law can be improved by addressing organizational shortcomings in individual police officers, police bodies, and units. This can be achieved through measures such as improving personnel selection and training systems and creating a core of qualified specialists. Individuals with extensive theoretical knowledge and practical skills are capable of safeguarding the rights, freedoms, and interests of both citizens and the state at a highly professional level. However, some managers exhibit shortcomings in properly motivating and stimulating their subordinates, addressing issues, and preventing and resolving conflicts.

The management process in the authorities and units of the National Police of Ukraine has been the subject of research by various scholars, including O. Banchuk, V. Bondarenko, S.

Bratel, O. Budarnyi, M. Budzynski, D. Vlasenko, Yu. Hladun, S. Husarov, D. Denysiuk, S. Didenko, O. Diakova, V. Ivantsov, D. Katrych, O. Kobzar, S. Lelet, O. Nosok, O. Padalko, V. Plisko, P. Pohliad, Ya. Posokhov, I. Radomski, V. Rudeniko, O. Salmanova, and I. Chopina. Despite the significant scientific work devoted to various aspects of management in police authorities and units, in particular, scientists analyzed the problems of the formation and development of management in these bodies, determined its essence and system, means of administrative and legal regulation, features of implementation, prospects for its improvement, but today there is a lack of a comprehensive scientific study of police management under the legal regime of martial law in Ukraine. The factors outlined above require a comprehensive examination of the legal basis of police management, as well as the theoretical and practical issues related to managing police authorities and units effectively and efficiently. It is crucial to form and substantiate scientific conclusions and proposals aimed at improving police management, especially under the legal regime of martial law in Ukraine. The purpose of this article is to enhance the security of both citizens and the state in contemporary circumstances.

Disclosing the content of the concept of «police management», first of all, it is necessary to define the concept of «management». Thus, the academic explanatory dictionary of the Ukrainian language gives the following definitions of the concept of «management»: 1) to manage - to perform, to complete some work, business; to give someone a proper look, to satisfy his needs; to put something in order; 2) to manage - to direct the activity, work of someone, something; to be at the head of someone, something; to lead [4, p. 469].

In legal literature, the most common approach to defining the concept of «management of National Police bodies» is «as a type of state that ensures the interaction of systems, units, and services of the National Police as a whole to fulfill their tasks in various spheres: 1) ensuring public security and order; 2) protection of human rights and freedoms, as well as the interests of society and the state; 3) combating crime; 4) provision, within the limits defined by law, of assistance services to persons who, for personal, economic, social reasons or due to emergency situations, need such assistance» [5, p. 10; 6, p. 20].

Management in the National Police of Ukraine refers to a functional type of management, including strategic, tactical and operational management. This integrated process is necessary to ensure effective functioning and policing. In addition, police management also takes into account the interaction with other law enforcement agencies, departments and institutions, as well as the public, in order to ensure security and law and order in the state.

Consequently, the concept of police management involves systematically and purposefully influencing the activities of police bodies to achieve strategic objectives related to ensuring law and order, citizen safety, and public orderliness. This involves planning, coordinating, controlling, analyzing, and optimizing the resources utilized by the National Police to effectively carry out its functions in accordance with current legislation and the needs of society.

Turning to the analysis of legal aspects of the management of the National Police in connection with the introduction of the legal regime of martial law in Ukraine, it is necessary to dwell on the disclosure of the content of legal support of police management, which includes the formation of the necessary legal framework, which should create appropriate conditions for the effective functioning of the police and carefully regulate the distribution

of functions among individual bodies and units. Furthermore, legal support should determine the specifics of police duties. This includes developing and improving legal acts that regulate police activities, defining the functions, rights, and duties of police officers, ensuring their rights and guarantees, and clearly defining procedures and mechanisms for controlling police activities.

The legal regulation mechanism of police management consists of two components: static and dynamic. The static component includes legal norms that regulate the specifics of police management. The remaining components of the legal mechanism for managing police agencies (institutional components, principles, forms and methods, legal relationships, and resource components) constitute the dynamic component. The legal regulation mechanism for managing police agencies is the dynamics that ensure the real functioning of the entire static unity of elements [7, p. 111].

The normative legal acts regulating the sphere of police management include 1) international legal acts, which are divided into those that define the standards of ensuring human rights and freedoms in the activities of law enforcement bodies, the organization of police activities, and those that enshrine the specifics of interaction between law enforcement bodies of different states in combating crime and ensuring law and order. These documents serve as a legal basis for interaction or international cooperation of law enforcement agencies of Ukraine with law enforcement agencies of other countries [8, p. 189]. International legal acts, the norms of which are aimed at establishing an effective police management process, include: 1) the United Nations Convention against Corruption of October 31, 2003, the Declaration on Police of May 8, 1979, the European Code of Police Ethics of September 19, 2001, the Code of Conduct for Law Enforcement Officials of December 17, 1979, etc.; 2) the Constitution of Ukraine, which enshrines constitutional requirements for protection of rights, freedoms and legitimate interests of citizens, the most general initial foundations of organization and activity of subjects of the state law enforcement function (including police), which are further developed in laws and other regulations; 3) legislative acts, which are divided into laws defining the general basis of the activities of police bodies; laws regulating the legal status of police bodies and units; laws defining the specifics of the management of police authorities. Legislative regulation cannot and should not fully regulate all relations arising during the management of police bodies. Subordinate legal support can be used for local, dynamic and immediate solution of problematic issues; 4) subordinate legal acts, including decrees and orders of the President of Ukraine, decisions and orders of the Cabinet of Ministers of Ukraine, regulatory acts of central executive authorities in the form of orders, instructions and regulations, regulatory acts of local executive authorities and local self-government bodies. The specified normative documents define and specify the activity of each police body or unit and the peculiarities of its management, taking into account its specificity and purpose, its tasks and functions; 5) acts of individual action issued on the basis of specific legal norms (individual regulation). Individual regulation is the regulation of human behaviour by means of acts of application of legal norms, i.e. individual decisions designed for a specific life situation [9, p. 495]. Individual acts are widespread in the practice of public administration, as they are the most consistent with its executive purpose and the most important means of promptly solving current management problems [10, p. 204]. Legal norms are reflected in

individual legal acts, taking into account the specific situation and actual peculiarities of the legal situation. The main requirement for individual acts is their strict compliance with legal acts, which determine all the specifics of the management of police authorities. The main thing in these legal acts is specificity, i.e. with their help solving individual cases and issues concerning specific persons, the emergence of personalised administrative legal relations determined by these legal acts [11]. Examples of acts of individual action are management decisions taken by subjects of the management of police bodies to establish a smooth process of performance of duties assigned to police bodies (for example, orders on appointment and dismissal from a position), measures of disciplinary responsibility against employees of these subjects entities, decisions on the interaction of individual bodies and police units, etc. [7, p. 113].

Enhancing police management in Ukraine requires improving the legal framework by addressing current deficiencies and gaps, establishing standards and procedures, engaging citizens, and enhancing police training and oversight. Considering the aforementioned points, it is believed that enhancing the effectiveness of legal support for police management requires attention to the following aspects: a precise definition of the purpose of legal support for police management; enhancement of the quality of legal acts and streamlining of the legal procedure in the law-making process; improvement of the implementation of legal norms; and elevation of the level of legal culture among all subjects of police management.

The analysis of these factors determines the need for making strategic political and legal decisions to improve the management mechanism of police bodies in the conditions of the legal regime of martial law in Ukraine. Subjective factors include the state and civil society's awareness of the purpose, tasks, principles, and importance of effectively coordinating the management of police bodies in the conditions of the legal regime of martial law. Paragraph 24 of the first part of Article 23 of the Law of Ukraine «On the National Police» states that the police, as assigned, participates in ensuring and implementing measures of the legal regime of martial law in the event of its introduction on the entire territory of Ukraine or in a specific area. Additionally, Article 24 of this law defines the police's supplementary powers and establishes that police bodies and units, in accordance with Ukrainian legislation, participate in territorial defense tasks, ensuring and implementing measures of the legal regime of martial law in the event of its declaration on the entire territory of Ukraine or in a specific area, in the event of a threat to Ukraine's state sovereignty and territorial integrity, as well as in repelling armed aggression against Ukraine [1]. During the period of martial law, a significant number of changes were made to the legal acts regulating the activities of the National Police in order to ensure compliance with the new regulations. In order to optimize police activities during martial law, the Law of Ukraine «On Amendments to the Laws of Ukraine «On the National Police» and «On the Disciplinary Charter of the National Police of Ukraine» [12] stipulates that during the period of military state, which is aimed at ensuring national security and defense, repelling and deterring armed aggression by the Russian Federation and/or other states against Ukraine, certain measures will be taken for a period of time that extends 60 days thereafter: 1) the police may receive free of charge information necessary for the performance of tasks and powers of the police, including in relation to prisoners of war, from various state and local self-government bodies, as well as state-owned legal entities upon written request. The deadline

for fulfilling the request is three days, extending to ten days in cases of impossibility; 2) during martial law, police officers in civilian clothes may act without a special badge if its presence impedes the conduct of operational and investigative activities. Removed the requirement that personal protective equipment carry a tag number; 3) During martial law, police officers are permitted to use coercive measures, including firearms, against individuals involved in armed aggression against Ukraine, without warning or restrictions; 4) the police are allowed to use various technical devices, including photo and video equipment, devices for detecting various threats, unmanned aerial vehicles, means for checking alcohol intoxication and software for analytical processing of photo and video information (these technical means can be used to record offenses, threat identification and information analysis); 5) police officers have the right to convoy individuals who have been detained on suspicion of committing a crime, arrested, charged or sentenced to imprisonment (these individuals may be held in temporary detention facilities); 6) the police are responsible for providing technical and forensic support for inspecting the scene of the incident and demining of an operational nature. This includes the use of special technical means for detecting, neutralizing, and destroying explosive objects, tools, or means of committing administrative or criminal offenses; 7) in cases permitted by the Criminal Procedure Code of Ukraine, the police may collect biometric data, including fingerprints, from individuals. Thus, law enforcement agencies can put to use biometric data collection techniques to investigate crimes or other offenses; 8) the police fulfill representative functions and obligations for Ukraine with Interpol and Europol. They facilitate interactions between Ukrainian law enforcement and these international organizations, as well as with competent bodies of other states regarding matters within their jurisdiction; 9) during martial law, police officers are not certified, and there is no public oversight of police activities.

Furthermore, the Disciplinary Statute of the National Police of Ukraine has been updated to include a new section that governs official investigations during periods of martial law. This section specifically addresses violations of official discipline based on reports from citizens, officials, other police officers, or the detection of disciplinary misconduct by a police official. The official investigation is carried out in writing and can be conducted by either a disciplinary commission or an authorized individual, such as a Head (for Heads and deputy Heads of the National Police, only a disciplinary commission may conduct the investigation). The investigation must be completed within 15 days, but it may be extended up to 30 days. During an investigation, a police officer may be suspended from duty. If found guilty of a disciplinary offense, the officer may face disciplinary sanctions, including reprimand, demotion, or dismissal from the police service. Within three days, the officer has the right to submit a report to their direct supervisor to review or cancel the disciplinary action. The supervisor must review the report within seven days. Within 15 days of receiving the police officer's order, an individual may file an appeal with the administrative court. Noteworthy are the changes made to the assignment of special police ranks during martial law. Specifically, Article 84 of the Law of Ukraine «On the National Police» was supplemented by part five. During martial law, the Head of the National Police of Ukraine may assign the next special rank without adhering to the deadlines provided in this Article. The assigned rank may be one level higher than the rank provided for by the regular position held, up to and including lieutenant colonel of the Police. The special rank of colonel of the Police may be assigned by

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the Head of the National Police of Ukraine in agreement with the Minister of Internal Affairs of Ukraine [13]. These changes were also reflected in the Disciplinary Statute of the National Police of Ukraine, where part six of Article 10 was supplemented by a second paragraph of the same content.

The analysis of amendments to legal acts regulating the activities of the National Police indicates that the police is a crucial body in maintaining public order and security during martial law. Its responsibilities include protecting citizens and enforcing the law in critical situations. Attention should be paid to paragraph 6 of part 10 of Article 62 of the Law of Ukraine «On the National Police», which states that «police officers shall protect their rights, freedoms, and legitimate interests by all means provided for by law» [1]. We believe that the provision requires clarification depending on whether it pertains to the exercise of police powers or the protection of one's rights, freedoms, and legitimate interests in general. Instead of «by all means provided by law», it should read «by all means not prohibited by law». Therefore, we propose amending paragraph 6 of part 10 of Article 62 of the Law of Ukraine «On National Police» as follows: «6) shall protect the rights, freedoms, and legitimate interests of individuals by all means not prohibited by law».

However, the meaning of the term «exceptional cases» in Article 76(5) of this Law is unclear regarding the circumstances in which the chief of police may extend a police officer's term of service for up to five years. In legal contexts, exceptional cases may indicate situations for which special rules or exceptions to standard regulations apply. We consider the introduction of martial law in Ukraine to be an exceptional case. Given the current situation, it would be worthwhile to extend the police service period to ensure the presence of experienced police officers. In our opinion, Part 5 of Article 76 of the Law of Ukraine «On the National Police» is in need of clarification. In legal contexts, exceptional cases may indicate situations for which special rules or exceptions to standard regulations apply. We consider the introduction of martial law in Ukraine to be an exceptional case. Given the current situation, it would be worthwhile to extend the police service period to ensure the presence of experienced police officers. In our opinion, Part 5 of Article 76 of the Law of Ukraine «On the National Police» is in need of clarification.

Before discussing the practical aspects of governing the National Police during the introduction of martial law in Ukraine, it is important to note that the system of bodies and units of the National Police should be viewed as both an object and a subject of governance. This is because, as stated in Article 13 of the Law of Ukraine «On the National Police», the police system is comprised of the central police management body and other units; the territorial bodies of the police. The central management body of the police includes organizationally united structural units that ensure the activities of the chief of the police and the fulfillment of tasks assigned to the police. The police system is hierarchical, consisting of superior and subordinate bodies and units. Therefore, it can be concluded that the management apparatus at a higher level acts as both subject and object of management, managing the subordinates while being managed by the higher management structures.

The Head of the National Police is the main subject of management. The principal's responsibilities include the following: 1) executive (exercising leadership and control over the entire police system, ensuring that subordinate bodies and units execute the Constitution of

Ukraine, laws, and by-laws, including those of the Ministry of Internal Affairs); 2) personnel (distributing duties among his deputies, making decisions on encouragement and imposition of sanctions, appointing official investigations against subordinate officials); 3) organizational (the Head has the authority to issue decrees dividing the units of the police apparatus and to submit proposals to the Minister of Internal Affairs on the creation of territorial police bodies) [5, p. 53-54].

The Minister of Internal Affairs of Ukraine is responsible for defining the strategy and policy of the police, regulating its activities and monitoring their implementation. He also approves programs and plans for the work of the police, fulfills obligations under international treaties, determines the terms of information exchange and budget allocation, etc. According to Article 21 of the Law of Ukraine «On the National Police», the Head of the police is responsible for directly managing the police. Additionally, Article 22 of the same law outlines the main responsibilities of the police. The role of the Head of the National Police of Ukraine is crucial in managing the organization's bodies and subdivisions. Their primary responsibility is to achieve the goals of the police body or subdivision they lead, as well as the goals of the higher-level management structures, by performing their assigned functions.

Thus, the legal status of a principal as a subject of management in police bodies and units combines features characteristic of the legal statuses of a law enforcement officer, civil servant and specialist and is distinguished by a set of duties and rights sufficient for the quality performance of functions and tasks assigned to the body or unit, characterized by the presence of an internal hierarchical system, positioning and identification by special rank and relevant elements of uniform and provided through a combination of prescribed service restrictions, guarantees of professional activity and legal liability. The authority of each principal within the National Police of Ukraine depends on their position in the organizational and staff structure, as well as the nature of interaction between management subjects and objects. Their role is primarily to achieve the goals of their respective police unit and higher-level management structures by carrying out assigned functions.

Heads, management apparatuses and officials of the corresponding hierarchical levels of the management system of the National Police of Ukraine, who are subjects of management in police bodies and units, exercise their authority in certified management positions of police officers. Concurrently, it should be remembered that police officers who do not occupy leading positions and act as objects of management in the National Police of Ukraine can also be identified with the subjects of management. This is due to the following reasons: firstly, the implementation of their professional functional responsibilities is based on a clear subordination of the lowest position above; secondly, the current system of special ranks of senior police officers (junior, middle, senior) provides a mechanism of subordination directly through special ranks; thirdly, when interacting with citizens as a law enforcement officer, it is important to note that the lawful demands of a police officer are binding due to the authority vested in all police officers under current legislation. In our opinion, the foregoing indicates that police officers perform their functional duties on behalf of the National Police of Ukraine and, therefore, act as a subject of management in the police.

When considering the concept of «management efficiency», it is important to note that there is currently no clear definition or interpretation in either scientific literature or

management practice. This concept is often equated with «management effectiveness» by scholars. However, as noted in DSTU ISO 9000:2015, «effectiveness (English: effectiveness) is the degree of realization of planned activities and achievement of planned results», while «efficiency (Latin: efficiency - efficient, creative) is the ratio between the achieved result and the used resources» [14, p. 15]. Based on this, it can be argued that although effectiveness is close in meaning to the targeted approach in the sense of efficiency, these concepts are not identical.

The efficiency of management is the measure of achieving an organization or system's goals and objectives using available resources. This concept includes developing and implementing optimal strategies, controlling task performance, rational resource use, and continuously analyzing and improving processes to ensure better results. Considering the above, police management efficiency can be defined as the degree to which the National Police accomplishes its strategic and operational objectives by utilizing available resources rationally. This includes the optimal structuring of police authorities and units, a high level of professionalism and competence of police officers, supporting public confidence, and effective management of resources according to the strategic objectives of ensuring public safety and order in the state. Police management aims to balance efficiency and quality. Efficiency is achieved through results-oriented practices, while quality is ensured by optimizing management processes and systems. On the opposite side, police management quality describes the efficiency of using management systems and methods to ensure optimal and sustainable improvement, including efficient strategic planning, control and evaluation systems, and providing a high level of professionalism among police officers. Both of these aspects are critical to the effective functioning of the National Police during martial law.

In the context of introducing the legal regime of martial law in Ukraine, effective and quality police management becomes a highly important task for ensuring the safety of citizens and the rule of law in the state. With this in mind, attention should be focused on measures aimed at targeted improvement of police management, namely: 1) ensuring quick and efficient allocation of resources, including personnel, equipment, and finances, to increase the readiness of the police to respond to potential threats under martial law; 2) developing and improving crisis management plans, developing scenarios for the actions of police bodies and units under martial law; 3) strengthening coordination and cooperation between the police and other law enforcement and security sector agencies in terms of information exchange and joint operations; 4) introducing and improving video surveillance systems, data analytics, electronic databases, and the use of advanced technologies such as artificial intelligence, which will improve the police's ability to detect and respond to potential threats in real time under martial law; 5) improving cybersecurity measures to protect the vital information resources of the National Police under martial law, as well as implementing mechanisms for rapid response and intelligence operations will maximize policing effectiveness; 6) ensuring systematic training and professional development of police officers to implement the most effective strategies for managing martial law; 7) establishing a system of psychological monitoring and support for police officers to effectively manage stressful situations that may arise under martial law; 8) adopting effective monitoring and reporting mechanisms to identify and eliminate corrupt practices in the police; 9) strengthening mechanisms for feedback and

active participation of the public in police decision-making processes, in particular, creating platforms for exchange of views and initiatives that will promote mutual understanding and increase the level of trust in police officers; Expanding international cooperation will facilitate the sharing of information, resources, and capabilities that are essential for effective management and control of the situation during martial law in Ukraine.

REFERENCES

1. Pro Natsionalnu politsiiu. "About the National Police": Law of Ukraine dated July 2, 2015 No. 580-VIII (with amendments) // Database «Legislation of Ukraine» / Verkhovna Rada of Ukraine. URL: <https://zakon.rada.gov.ua/laws/show/580-19#Text>. (Date of Application: 10.11.2023) [in Ukrainian].
2. Pro zatverdzhennia Polozhennia pro Natsionalnu politsiiu. "On the approval of the Regulations on the National Police": Resolution of the Cabinet of Ministers of Ukraine dated October 28, 2015 No. 877 (with amendments) // Database «Legislation of Ukraine» / Verkhovna Rada of Ukraine. URL: <https://zakon.rada.gov.ua/laws/show/877-2015-%D0%BF#n16>. (Date of Application: 10.11.2023) [in Ukrainian].
3. Pro pravovyi rezhym voiennoho stanu. "On the legal regime of martial law": Law of Ukraine dated May 12, 2015 No. 389-VIII (with amendments) // Database «Legislation of Ukraine» / Verkhovna Rada of Ukraine. URL: <https://zakon.rada.gov.ua/laws/show/389-19#Text>. (Date of Application: 10.11.2023) [in Ukrainian].
4. Slovyk ukrainskoi movy. "Dictionary of the Ukrainian language": in 11 volumes. Vol. 10. Kyiv, 1979. 469 p. [in Ukrainian].
5. Osnovy upravlinnia v Natsionalnii politsii. "Fundamentals of management in the National Police": training manual / I.S. Kravchenko. Dnipro: Publisher K.O. Bila, 2020. 212 p. [in Ukrainian].
6. Upravlinnia orhanamy Natsionalnoi politsii Ukrainy. "Management of the bodies of the National Police of Ukraine": textbook / by gen. ed. Doctor of Juridical Sciences, Associate Professor V.V. Sokurenko; [O.M. Bandurka, O.I. Bezpalov, O.V. Dzhafarov etc.; prev. V.V. Sokurenko]; Ministry of Internal Affairs of Ukraine, Kharkiv National University of Internal Affairs. Kharkiv: Stalna Typohrafiia, 2017. 580 p. [in Ukrainian].
7. *Bezpalova, O.I.* (2017). Pravove zabezpechennia upravlinnia orhanamy politsii Ukrainy. "Legal support for the management of police bodies of Ukraine". *Pidpriemnytstvo, Hospodarstvo i Pravo*. No. 9. P. 111-115 [in Ukrainian].
8. *Smyrnov, M.I.* (2004). Sutnist i pravova pryroda mizhnarodnoho spivrobotnytstva derzhav u sferi kryminalnoho protsesu. "The essence and legal nature of international cooperation of states in the field of criminal proceedings". *Problems of jurisprudence and law enforcement activity: Collection of scientific works*. Donetsk. No. 1. P. 187-196 [in Ukrainian].
9. *Skakun, O.F.* (2001). Teoriia derzhavy i prava. "Theory of the state and law": [textbook]. Kharkiv: Konsum. 704 p. [in Ukrainian].
10. *Neuhodnikov, A.A.* (2009). Spetsyfika pravovykh aktiv individualnoi dii. "The specifics of individual legal acts". *Aktualni Problemy Derzhavy i Prava*. Iss. 45. P. 204-207 [in Ukrainian].
11. Administratyvne pravo Ukrainy. "Administrative law of Ukraine": Academic course: [textbook]: in 2 vol. / edited by V.B. Averianov. Kyiv: Yurudychna Dumka. Vol. 1: General Part. 2004. 584 p. [in Ukrainian].
12. Pro vnesennia zmin do zakoniv Ukrainy «Pro Natsionalnu politsiiu» ta «Pro Dystsyplinarnyi statut Natsionalnoi politsii Ukrainy» z metoiu optymizatsii diialnosti politsii, u tomu chysli pid chas dii voyennoho stanu. "On making changes to the laws of Ukraine 'On the National Police' and 'On the Disciplinary Statute of the National Police of Ukraine' in order to optimize police activities, including during martial law": Law of Ukraine dated March 15, 2022 No. 2123-IX // Database «Legislation of Ukraine» / Verkhovna Rada of Ukraine. URL: <https://zakon.rada.gov.ua/laws/show/2123-20#n6>. (Date of Application: 10.11.2023) [in Ukrainian].

13. Pro vnesennia zmin do deiakykh zakoniv Ukrainy shchodo prysvoiennia spetsialnykh zvan politsii pid chas dii voiennoho stanu. "On amending some laws of Ukraine regarding the assignment of special police ranks during martial law": Law of Ukraine dated March 24, 2022 No. 2151-IX // Database «Legislation of Ukraine» / Verkhovna Rada of Ukraine. URL: <https://zakon.rada.gov.ua/laws/show/2151-20#Text>. (Date of Application: 10.11.2023) [in Ukrainian].

14. DSTU ISO 9000:2015. Systemy upravlinnia yakistu. "Quality management systems. Basic provisions and glossary of terms". URL: https://dnaop.com/html/62656/doc%D0%94%D0%A1%D0%A2%D0%A3_ISO_9000_2015. (Date of Application: 10.11.2023) [in Ukrainian].

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НАПРЯМИ ПОКРАЩАННЯ ЕФЕКТИВНОСТІ ТА ЯКОСТІ УПРАВЛІННЯ ПОЛІЦІЄЮ В УМОВАХ ПРАВОВОГО РЕЖИМУ ВОЄННОГО СТАНУ В УКРАЇНІ

У статті висвітлюються особливості управління Національною поліцією України в умовах воєнного стану і обґрунтовуються пропозиції щодо його покращання з метою забезпечення безпеки громадян і держави. Наголошується на дуалістичній природі правового статусу поліції, яка виконує функції як центрального органу виконавчої влади, так і правоохоронного органу, що визначає її роль у реалізації державної політики у сфері правопорядку. Розкриваються дві сторони управління в Національній поліції: з одного боку, це організаційно-діяльнісний вплив на суспільні відносини, з іншого – управлінська система зі своїми суб'єктами і об'єктами управління. Наголошується, що управління в поліції в умовах правового режиму воєнного стану потребує адаптації стратегій та підвищення ефективності роботи поліції для забезпечення безпеки громадян. Зазначається, що це правове забезпечення має створювати відповідні умови для ефективного функціонування поліції та ретельно регламентувати розподіл функцій між

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її органами та підрозділами. Підкреслюється важливість правового забезпечення, яке включає формування необхідної правової бази, визначення функцій, прав та обов'язків працівників поліції, забезпечення їхніх прав і гарантій, а також чітке визначення процедур і механізмів контролю за діяльністю поліції. Проведено аналіз внесених змін до нормативно-правових актів, які регулюють діяльність Національної поліції, враховують специфіку дії поліції під час воєнного стану і стосуються питань взаємодії органів і підрозділів поліції з державними органами, органами місцевого самоврядування, юридичними особами державної форми власності, у тому числі щодо військовополонених, забезпечення конвоювання та утримання затриманих осіб, розмінування та допуску поліцейських до проведення спеціальних вибухотехнічних робіт, а також використання технічних приладів. Акцентується увага на окремі положення нормативно-правових актів, які потребують уточнення та доповнення, обґрунтовуються відповідні пропозиції щодо покращання управління поліцією в умовах воєнного стану, такі як реагування на недоліки в організації служби, покращання системи добору та підготовки персоналу, створення професійного кадрового ядра.

Ефективність управління в поліції в умовах воєнного стану в Україні визначається як ступінь досягнення поставлених перед поліцією стратегічних та оперативних цілей за допомогою раціонального використання доступних ресурсів, підкреслюється її роль як суб'єкта та об'єкта управління, висвітлюється ієрархічна структура взаємовідносин між вищими та нижчими рівнями управління.

Зроблено висновок, що ефективність управління поліцією орієнтована на досягнення конкретних результатів, тоді як якість управління поліцією покликана забезпечувати ефективність через оптимізацію процесів та систем управління. Якість управління поліцією описує ефективність використання систем і методів управлінського процесу для забезпечення оптимальності та сталого вдосконалення, що включає в себе ефективне стратегічне планування, системи контролю та оцінки, а також надання високого рівня професіоналізму поліцейських. Обидва аспекти є важливими для забезпечення ефективного функціонування Національної поліції. Наголошується, що в умовах воєнного стану ключові заходи включають швидкий розподіл ресурсів, розробку кризових планів, координацію, використання передових технологій, підготовку поліцейських, системи моніторингу, залучення громадськості та міжнародну співпрацю.

Ключові слова: правове регулювання, правове забезпечення, Національна поліція України, органи поліції, управління в органах та підрозділах поліції, воєнний стан.

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