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НАЦІОНАЛЬНА АКАДЕМІЯ ВНУТРІШНІХ СПРАВ

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Legality of traditional techniques, means and modern technologies of visual surveillance

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■ **Abstract.** From the perspective of law enforcement and other professions, covert visual surveillance can be an effective and necessary tool for performing tasks such as investigating crimes, fighting terrorism, and surveillance of suspicious individuals or groups. The relevance of covert visual surveillance depends on the context and situation. The research aims to assess the established techniques and modern methods of covert visual surveillance, as well as the means used to fulfil its tasks from the legal perspective. The study uses comparative legal, historical, and legal, logical, and legal methods, systemic and structural analysis, as well as methods of logic (analysis, synthesis, induction, deduction, analogy, comparison, and generalisation). The identification of specific techniques and means of covert visual surveillance allowed the author to formulate a legal assessment of the use of each of them in different conditions and by different subjects. Based on the results of the research, the author provides a legal description of various types of surveillance, including specific techniques for placing observers in space concerning various objects: movable and immovable; persons, objects, and certain places. The author assesses the legality of the use of technical means used during surveillance, as well as the means of ensuring its secrecy. The conditions for the legitimacy of the use of specific groups of techniques and means for conducting visual surveillance by various subjects are determined. It is argued that the use by private law entities of mobile surveillance techniques for monitoring a person identified by them is unlawful and will indicate the illegal collection of confidential information about them, committed by a group of persons by prior conspiracy. The practical value of the research lies in the possibility of direct use of its results by representatives of law enforcement agencies and other professions to choose acceptable (lawful) methods and means of conducting covert visual surveillance and avoid the use of unacceptable (unlawful) ones

■ **Keywords:** law enforcement agencies; investigator; operational units; technical means; lawful use; human rights; covert surveillance

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■ Introduction

Covert visual surveillance is often perceived as an elementary measure that can be carried out by anyone without special training. But this conclusion is the result of a superficial perception. Practitioners and scholars who have studied this issue stated that conducting visual surveillance by amateurs usually leads to quick exposure, and preparation requires a long time and special techniques (Hribov *et al.*, 2018). For these reasons, in historical retrospect, several requirements have always been put forward for the personal qualities and professional training of covert observers. At the same time, surveillance was organised following the provisions of secret regulations with the mandatory use of techniques and means developed and tested in practice (Chisnikov *et al.*, 2009). This approach is still relevant today. However, it is now combined with factors that need to be considered in the practical application of this method of cognition. Firstly, it is the general availability of information on visual observation techniques contained in fiction, journalistic and open documentary, and scientific and methodological literature (Horbachova, 2005; Pryhunov *et al.*, 2020; Pryhunov *et al.*, 2022). Secondly, it is the possibility of using modern technologies to perform visual surveillance tasks (Zhang, 2022).

The use of these techniques and means often significantly restricts and violates fundamental human rights, and under certain conditions can be interpreted as signs of a crime. This makes it particularly important to study this topic as a component of the protection of human rights and freedoms, prevention of unjustified interference with personal life, and ensuring that law enforcement agencies and private detectives operate only following the law.

However, modern legal science and practice have not raised the issue of the legality (admissibility) of specific techniques and means of visual surveillance. For example, in recent studies of the research area, scholars assessed the legality of innovative surveillance technologies in the broad sense of the term (including intelligence gathering from social media, digital forensics, covert online investigations, etc. In addition, issues of legal regulation of the system of means of covert detection and secret control of the activities of persons who pose a risk of committing certain types of criminal offences, including terrorist acts (Vavoula, 2023), domestic and

family violence (Vitis, 2023), etc. are being studied. At the same time, there is a lack of scientific attention to the legal analysis of specific techniques and means of covert physical visual surveillance.

The foregoing necessitates the study of the legality of the use of specific techniques, means, and technologies in the course of visual surveillance of a person by authorised entities. In addition, it is also reasonable to determine the legal consequences of the use of these techniques, means, and technologies by entities that do not have the legal authority to conduct covert visual surveillance (journalists, private detectives, employees of security agencies, etc.).

The research aims to determine the legitimacy of the use by various entities of the techniques and methods of covert visual surveillance established in practice and also to provide a legal description of the use of special means and the latest technologies for such surveillance.

■ Materials and Methods

The legislative acts of Ukraine that regulate the social relations covered by the object of study were used in this study. Firstly, these are the laws that regulate the issue of covert visual surveillance of a person by law enforcement agencies (the Criminal Procedure Code of Ukraine¹, the Law of Ukraine “On Operational and Investigative Activities”²), as well as the issue of video recording in public places (the Civil Code of Ukraine³). Secondly, legal acts establish the procedure for collecting, storing, and using information about a person (Laws of Ukraine “On Information”⁴ and “On Personal Data Protection”⁵), as well as providing for liability for interference with personal (private) life (Criminal Code of Ukraine⁶).

The data on traditional methods, means and modern technologies of covert visual surveillance were noted. Such sources have open methodological and educational literature (Pryhunov *et al.*, 2020; Pryhunov *et al.*, 2022). Data on the tactical and psychological features of such surveillance and its modern technologies were obtained from scientific sources (Dahl, 2022; Zhang, 2022; Hu *et al.*, 2023). The study also used the authors’ own experience of conducting covert visual surveillance, as well as the experience of training police officers – specialists in this type of activity, who have been trained at the National Academy of Internal Affairs since 2007 (Hribov *et al.*, 2018).

¹Criminal Procedure Code of Ukraine. (2012, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/4651-17#Text>.

²Law of Ukraine No. 2135-XII “On Operational and Investigative Activities”. (1992, February). Retrieved from <https://zakon.rada.gov.ua/laws/show/2135-12#Text>.

³Civil Code of Ukraine. (2003, January). Retrieved from <https://zakon.rada.gov.ua/laws/show/435-15#Text>.

⁴Law of Ukraine No. 2657-XII “On Information”. (1992, October). Retrieved from <https://zakon.rada.gov.ua/laws/show/2657-12#Text>

⁵Law of Ukraine No. 2297-VI “On the Protection of Personal Data”. (2010, June). Retrieved from <https://zakon.rada.gov.ua/laws/show/2297-17#Text>.

⁶Criminal Procedure Code of Ukraine. (2012, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/4651-17#Text>.

Court decisions that provide a legal assessment of the actions of public and private entities that conducted visual surveillance, found by keywords in the Unified Register of Court Decisions, were used. Among them are the verdict of the Lutsk City District Court of Volyn Region of 17 December 2019 (case No. 161/19355/19)¹; the verdict of the Hosiivskiy District Court of Kyiv of 20 March 2023 (case No. 752/16495/22)²; the decision of the Odesa Court of Appeal of 18 October 2022 (case No. 522/10679/20)³; the verdict of the Kovel City District Court of Volyn Region of 03 February 2022 (case No. 159/4835/19)⁴; the decision of the Prymorskiy District Court of Odesa of 11 December 2018 (case No. 522/1290/14-k)⁵, etc.

Logic (analysis, synthesis, induction, deduction, analogy, comparison) methods were used to study regulations, materials of criminal proceedings, court cases, analytical materials, concepts, and authors' points of view on certain issues related to the subject matter of the study. Systemic and structural methods were used to systematise theoretical knowledge on the practical conduct of covert visual surveillance, as well as determine the system of legal norms that should be applied to assess the legality of traditional methods, means and modern technologies of such surveillance.

Comparative legal method was used to conduct a comprehensive analysis of international law, domestic legislation, and bylaws. Historical and legal approaches were used to study the legal regulation of techniques and methods of covert visual surveillance in historical retrospect.

Logical and legal approaches were used to assess the legality of specific actions of observers in the process of covert visual surveillance.

These methods allowed to determine the legitimacy (legitimacy) of the use of specific techniques and means of covert visual surveillance by the police and other actors (journalists, lawyers, security guards, private detectives, etc.).

■ Results

Assessment of the legality of stationary covert visual surveillance

Stationary surveillance is carried out from places called posts, among which there are open and closed ones, as well as permanent temporary ones (Pryhuvnov *et al.*, 2022). An open position is characterised by the fact that the presence of the person conducting the surveillance is obvious. However, the purpose of this presence must be disguised by certain actions (waiting for transport, drinking drinks, waiting in line, repairing a car, etc.).

A closed position is characterised by the fact that surveillance is carried out from closed positions (from an apartment, or a tinted car) so that the object and its connections cannot be seen by the observer. A permanent position involves observers staying there for a long time – from one day to several weeks. It also involves the use of a legend, such as “trade tent”, “repair of communications”, “installation of equipment”, etc.

A temporary position is located situationally due to the object's movement ceasing in a specific location for a certain period. It is used in both open and closed versions. The closed variant involves observation from a certain publicly accessible room, which excludes direct visual contact between the object and the observer.

Thus, posts are positions from which visual observation of a certain publicly accessible place is conducted. Their main characteristics are location in space relative to this place, the period of observation, and the ability of the object and its connections to be seen by observers. Following these characteristics, posts are divided into the following types: “temporary open”, “temporary closed”, “permanent open”, and “permanent closed”.

In legal terms, stationary surveillance using these types of posts is visual surveillance of a place. An analysis of clause 11 of part 1 of Article 8 of the Law of Ukraine “On Operational and Investigative Activities”⁶ and Article 269 of the Criminal Procedure Code (CPC) of Ukraine⁷ suggests that investigators and prosecutors do not need to seek permission from the investigating judge to conduct visual surveillance of a place. They can conduct such surveillance based on their procedural decision, formalised in a resolution. This approach of the legislator is fully justified. After

¹Verdict of the Lutsk City District Court of the Volyn Region No. 161/19355/19. (2019, December). Retrieved from <https://reyestr.court.gov.ua/Review/86405525>.

²Verdict of the Hosiivskiy District Court of Kyiv No. 752/16495/22. (2023). Retrieved from <https://reyestr.court.gov.ua/Review/109661618>.

³Decision of the Odesa Court of Appeal No. 522/10679/20. (2022, October). Retrieved from <https://reyestr.court.gov.ua/Review/107000463>.

⁴Verdict of the Kovel City and District Court of the Volyn region No. 159/4835/19. (2022, February). Retrieved from <https://reyestr.court.gov.ua/Review/102951854>.

⁵The decision of Primorye District Court of Odesa No. 522/1290/14-k. (2018, December). Retrieved from <https://reyestr.court.gov.ua/Review/78738400>.

⁶Law of Ukraine No. 2135-XII “On Operational and Investigative Activities”. (1992, February). Retrieved from <https://zakon.rada.gov.ua/laws/show/2135-12#Text>.

⁷Criminal Procedure Code of Ukraine. (2012, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/4651-17#n2436>.

all, in this case, there is no question of collecting confidential information about a person, no one's rights are restricted or violated, and there is no interference with private communication.

The aforementioned suggests that covert stationary visual surveillance from temporary and permanent, closed, and open stationary posts can be conducted not only by officials specially authorised by law but also by ordinary citizens, including journalists, representatives of detective agencies, lawyers' assistants, etc. At the same time, the law does not prohibit them from legitimising their presence at closed posts by using certain disguises. They cannot be held liable unless it is proved that the surveillance of a particular place was established specifically to obtain confidential information about a particular person.

Therefore, it is worth noting that surveillance of certain territories, buildings, premises, and objects (if conducted in publicly accessible places) is mainly aimed at identifying certain individuals and further studying their actions. From the moment these persons are identified, surveillance is carried out concerning them. Therefore, when an investigator or prosecutor issues an order for visual surveillance of a place or object, there are no formal legal grounds to monitor the persons who will be identified in this way. Thus, this kind of surveillance makes sense only when a person's presence in a certain place or physical contact with a specific object can be evidence of guilt, as well as to detain a suspect (wanted) person (Hribov *et al.*, 2020).

Almost the same applies to stationary surveillance by private law entities. Surveillance conducted by them at a place before a certain person is detected cannot be considered as the collection of confidential information about a person, restriction of his or her rights and freedoms. After all, only persons can be holders of legal rights and parties to legal relations. Objects and places cannot be considered subjects of such relations. Therefore, visual surveillance of them does not require legislative regulation. When such surveillance is carried out in a specific place and involves an identified person (or a person who can be identified), the actions of the observers may be qualified as interference with privacy. In this case, the use of specially selected posts by observers may be one of the proofs of their guilt.

That is, persons who are not authorised by law to conduct covert surveillance may conduct such surveillance at a place until the person of interest appears there. Thereafter, they must act only openly.

Assessment of the legality of mobile covert visual surveillance on a person

Moving surveillance can be differentiated into two types depending on whether the observers have information about the route of movement and/or the location of the object visited or not.

In the first case (anticipatory surveillance), observers can be positioned in advance on the route of movement and in the places where the object is to be visited (zonal or phased-territorial surveillance), which brings this type of surveillance closer to stationary surveillance. They can go to meet the object to record its actions, stay in a certain place, and contact with certain persons; they can move ahead of the object).

In the second case, observers are positioned behind the object or move alongside it. This type of surveillance is called an escort. Since ancient times, its three main methods of conducting it have been "chain", "along parallel streets", and "fork" (Pryhunov *et al.*, 2022).

"Chain" – observation behind the object, where observers form a column and periodically change places to avoid detection.

"Movement along parallel streets" – observation at a certain distance to the right and left of the object to "intercept" the object in case of a change in direction (except for the opposite direction).

"Fork" is a combination of the previous techniques, where the observers move behind and in parallel with the subject.

All techniques are used both when the object is moving on foot and in a car, considering the peculiarities of road traffic. There are also other techniques such as "network", "box", "square", etc., that are also used to locate observers in space relative to the object in motion (Pryhunov *et al.*, 2022).

The use of these techniques does not in any way affect the legal qualification of the actions of observers who, following the provisions of Article 269 of the CPC of Ukraine¹ or paragraph 11 of part 1 of Article 8 of the Law of Ukraine "On Operational and Investigative Activities"², carry out visual surveillance of a person to fulfil the tasks of criminal proceedings or operational and investigative activities.

If observers, using these techniques, collect confidential information about a person without the permission of the investigating judge, this is evidence of a prior conspiracy, i.e., interference with personal life committed by an organised group.

The same qualification applies to group covert visual surveillance of a person by unauthorised persons (journalists, private detectives, security special-

¹Criminal Procedure Code of Ukraine. (2012, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/4651-17#n2436>.

²Law of Ukraine No. 2135-XII "On Operational and Investigative Activities". (1992, February). Retrieved from <https://zakon.rada.gov.ua/laws/show/2135-12#Text>.

ists). In Ukraine, these categories of persons, despite the needs of their professional activities, are deprived of the right to conduct covert surveillance of a person, and even more so to covertly record actions with technical means.

Thus, part 2 of Article 32 of the Constitution of Ukraine¹ provides that it is not allowed to collect, store, use and disseminate confidential information about a person without his or her consent, except in cases determined by law, and only in the interests of national security, economic welfare and human rights. At the same time, part 1 of Article 11 of the Law of Ukraine “On Information”² provides that information about an individual (personal data) is information or a set of information about an individual who is identified or can be specifically identified. The Law of Ukraine “On Personal Data Protection” contains a similar definition (Article 2(10))³. Therefore, moving visual surveillance of a previously identified person is the collection of confidential information about him or her, and therefore may be conducted only in cases provided for by the Law of Ukraine “On Operational and Investigative Activities”⁴ and the CPC of Ukraine⁵.

Concerning journalists conducting investigations using covert methods (including covert visual surveillance), many developed democratic countries have a similar approach (prohibition of covert video recording). At the same time, scholars in these countries argue that this approach makes it impossible for journalists to do their job effectively, and therefore harms the proper functioning of the democratic system, as it prevents the public from obtaining information about undoubtedly socially important facts, such as political corruption or abuse of power (Alegria, 2019).

As for private detective practice, in developed countries, private detective practice is traditional and regulated in detail by law (in particular, in terms of the list of permitted methods and means). This practice is the subject of scientific research aimed at determining the effectiveness and improvement of this type of activity (Button *et al.*, 2022).

In Ukraine, as in other countries of the world, there is an objective need to provide detective services. Such services are in great demand, which leads to active research on both the tactical issues of such activities (Frantzuz & Novitskiy, 2022) and its organisational and legal aspects (Frantzuz & Nosenko, 2022). Several draft laws on private detective activities have been submitted to the Verkhovna Rada of Ukraine based on the results of research by Ukrainian legal scholars (Kyslyi *et al.*, 2020).

At present, private detectives in Ukraine risk being held criminally liable for interference with privacy for conducting visual surveillance of a person. For example, the Lutsk City District Court of Volyn Region in case No. 161/19355/19 (criminal proceedings No. 22018030000000157)⁶ found a representative of a detective agency guilty of committing criminal offences under Part 1 and Part 2 of Article 182 of the Criminal Code of Ukraine⁷. The latter, for mercenary reasons, received and executed an order for visual surveillance of a person and an audio recording of his conversations. On 2023, the Holosiivskiy District Court of Kyiv (case No. 752/16495/22; criminal proceedings No. 22022101110000493)⁸ brought the founder of the campaign, which, among other things, specialises in providing covert visual surveillance services, to criminal liability under Part 2 of Article 359, Part 1 of Article 361-2, Part 2 of Article 361-2 of the Criminal Code of Ukraine⁹. These decisions should be considered legal and reasonable.

Assessment of the legality of mobile covert visual surveillance on an object

Mobile surveillance of an object (car, suitcase, shipping container, etc.), which is conducted using the above techniques, deserves a separate legal assessment. As in the case of surveillance of a place, actions to monitor the movement of an object cannot be qualified as collecting information about a person. Therefore, clause 11 of part 1 of Article 8 of the Law of Ukraine “On Operational and Investigative Activities”¹⁰ and Article 269 of Ukraine¹¹ do not provide

¹Constitution of Ukraine. (1996, June). Retrieved from <https://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80#Text>.

²Law of Ukraine No. 2657-XII “On Information”. (1992, October). Retrieved from <http://zakon5.rada.gov.ua/laws/show/2657-12>.

³Law of Ukraine No. 2297-VI “On the Protection of Personal Data”. (2010, June). Retrieved from <http://zakon3.rada.gov.ua/laws/show/2297-17>.

⁴Law of Ukraine No. 2135-XII “On Operational and Investigative Activities”. (1992, February). Retrieved from <https://zakon.rada.gov.ua/laws/show/2135-12#Text>.

⁵Criminal Procedure Code of Ukraine. (2012, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/4651-17#n2436>.

⁶Verdict of the Lutsk City District Court of the Volyn Region No. 161/19355/19. (2019, December). Retrieved from <https://reyestr.court.gov.ua/Review/86405525>.

⁷Criminal Code of Ukraine. (2001, April). Retrieved from <http://zakon3.rada.gov.ua/laws/show/2341-14>.

⁸Verdict of the Holosiivskiy District Court of Kyiv No. 752/16495/22. (2023). Retrieved from <https://reyestr.court.gov.ua/Review/10966161>.

⁹Criminal Code of Ukraine. (2001, April). Retrieved from <http://zakon3.rada.gov.ua/laws/show/2341-14>.

¹⁰Law of Ukraine No. 2135-XII “On Operational and Investigative Activities”. (1992, February). Retrieved from <http://zakon3.rada.gov.ua/laws/show/2135-12>.

¹¹Criminal Procedure Code of Ukraine. (2012, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/4651-17#n2436>.

for the need to obtain a ruling from an investigating judge on permission to monitor an object. After all, surveillance is carried out on an object. Naturally, this object may be the property of a certain person, be in his or her possession, use, etc. However, as long as the surveillance is not of the person, but of the objects belonging, there are no grounds to assert that his or her rights are violated or restricted.

This feature is often used by law enforcement officers who formally establish surveillance of a car (as a object), but in fact, monitor its owner (driver). This approach allows for avoiding several voluminous procedural documents required to go through the procedure for obtaining an investigating judge's permission to conduct visual surveillance (and not to be exposed to a possible refusal to grant permission to conduct surveillance). There are no precedents in Ukrainian court practice to expose this approach of investigators and operatives to creating legal grounds for visual surveillance.

This approach can also be used by representatives of other professions (journalists, private detectives) to justify their actions of visual surveillance of a person. After all, when trying to bring them to criminal liability for interference with private life, they may claim that they were not observing a person, but their belongings. At the same time, according to Part 2 of Article 17 of the CPC of Ukraine¹, it will be enough for the observers to make a statement, and the prosecution will have to refute it with appropriate and admissible evidence.

Thus, in the case where the surveillance was carried out not on the car, but on its driver, the prosecution, to prove the guilt of the observers in interference with private life, will have to at least prove that the latter identified the driver of the vehicle. After all, if a person is not identified, the information is not confidential, and therefore its collection is not prohibited by law.

The absence of signs of interference with privacy in the case of surveillance of a car without identifying its owner, possessor, or user is argued in the decisions of Ukrainian courts. In particular, the Odesa Court of Appeal, by its decision of 18.10.2022 in case No. 522/10679/20², dismissed the claim of K.K. Karas for compensation for non-pecuniary damage caused by the illegal collection, storage, use and dissemination of confidential information about an individual.

The plaintiff's position, in this case, was that during the trial of the criminal proceedings, where he had the status of an accused (under Part 1 of Article

140, Part 3 of Article 358 of the Criminal Code of Ukraine³), the Municipal Institution "Centre for Integrated Video Surveillance and Video Analytics of Odesa Centre 077" provided the victims' lawyers with photo materials regarding the movement of the car belonging to him. The photographs recorded the fact of the plaintiff's movement in the said car together with his wife, showing the time, date, and the car's licence plate. Based on the above, K.K. Karas claimed that he had been subjected to illegal visual surveillance, which resulted in unlawful interference with his privacy and the dissemination of his data.

The Court of Appeal, agreeing with the court of first instance, dismissed the claims. As an argument in favour of this, it was noted that the state registration number of a car is not personal data. After all, this number cannot be used to specifically identify the person driving the car or the person who owns it. Such identification requires additional actions and some time. Personal data means only information by which a person is identified or can be identified. A person cannot be considered identifiable if his or her identification requires an unreasonably large amount of time and effort.

Another argument for dismissing the claim, in this case, was that all the video cameras of the Cenr-077 municipal institution were installed only openly and only in public places, and therefore the plaintiff should be considered to have been informed of the video recording. This is fully consistent with the provision of part 1 of Article 307 of the Civil Code of Ukraine⁴, which provides that a person's consent to video recording is deemed to be given if such recording is openly carried out in public places.

Thus, in the case of covert visual surveillance of a particular car (or other object) during which video recording is carried out, the latter argument will be irrelevant. However, covert visual surveillance of a particular object of the material world (without the use of video recording and photography) cannot be considered illegal in itself. Its illegality can only be stated when it is reliably known that the person who has been using this object for a long time is specifically identified by the observers.

In the aforesaid example, the video recording and photographs of the car at the time of their implementation were not in the plaintiff's circle of attention and, quite possibly, were not realised by him.

The use of these and other means used in the process of organising and conducting covert visual surveillance requires a legal assessment. Such means

¹Criminal Procedure Code of Ukraine. (2012, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/4651-17#n2436>.

²Decision of the Odesa Court of Appeal No. 522/10679/20. (2022, October). Retrieved from <https://reyestr.court.gov.ua/Review/107000463>.

³Criminal Code of Ukraine. (2001, April). Retrieved from <http://zakon3.rada.gov.ua/laws/show/2341-14>.

⁴Decision of the Odesa Court of Appeal No. 522/10679/20. (2022, October). Retrieved from <https://reyestr.court.gov.ua/Review/107000463>.

should be divided into technical and covert visual surveillance means (technical means of covert visual surveillance can also be distinguished as a separate mixed group).

Assessment of the legality of the use of visual surveillance equipment

Technical means of visual surveillance should be divided into four categories: photo and video recording equipment; optical means; radio technical means of monitoring the location of the object; technical means of organising visual surveillance.

As for the means of photo and video recording, it has been substantiated above that covert photography and video recording of a specific (identified) person may be carried out only by an investigator or employees of operational units within the framework of criminal proceedings or an operational investigation case and only based on a decision of an investigating judge. In any other cases, covert recording by technical means of a specific (identified) person, which is a sign of violation of privacy, may entail criminal liability for a crime under Article 182 of the Criminal Code of Ukraine. At the same time, the materials of photographing and video recording of the persons under surveillance seized from illegal observers are used by the prosecution to prove the guilt of the latter, such as in criminal proceedings No. 42017030000000371 (case No. 159/4835/19)¹; No. 42013170110000064 (case No. 522/1290/14-k)²; No. 22018030000000157 (case No. 161/19355/19)³, etc.

As already mentioned, photo and video recording equipment can be used by police officers to perform covert visual surveillance tasks in an open forum. Thus, whenever possible, instead of personally monitoring the object (being at a short distance from it and using mobile surveillance techniques and disguises), law enforcement officers observe it through a network of video cameras openly installed in public places. Video recorders and ordinary mobile phones are often used to photograph and record the actions and contacts of the target. Such recording, being open in form, is hidden in content due to the lack of awareness of the object of surveillance. The covert nature of surveillance is also due to its combination with the use of covert surveillance techniques (methods of accompanying an object in motion, setting up observation posts, and the use of individual and group disguises).

The use of video surveillance systems in public places by law enforcement agencies is not only a means of covert surveillance of a person, object, or place but also a highly effective means of detecting, preventing, solving, and investigating criminal offences. However, today in Ukraine there are no legal grounds for direct and timely access to these systems by law enforcement officers. Of course, within the framework of criminal proceedings, an investigator may obtain information from such systems based on a ruling by an investigating judge on temporary access to objects and documents following the procedure provided for in Chapter 15 of the CPC of Ukraine⁴. However, this means obtaining information about events that have already taken place (“after the fact”), while visual surveillance should be conducted “live”. The issue of police access to surveillance systems is not currently regulated by law.

In addition, most of these systems are installed and maintained by local governments (village, town and city councils) and are municipally owned property. In most cases, these systems operate in conjunction with software that allows for the identification of cars by their licence plates, identification of individuals through face recognition, and timely notification of criminal or criminogenic events. The introduction and operation of video surveillance systems in public places are usually justified by these authorities concerning Article 38 of the Law of Ukraine “On Local Self-Government in Ukraine”⁵. However, even though this provision is entitled “Powers to ensure law and order, protection of rights, freedoms and legitimate interests of citizens”, it does not contain any mention of the use of video surveillance systems and artificial intelligence.

Optical means of covert surveillance include binoculars, spyglasses, monoculars, telescopes, and night vision devices. Such devices are not prohibited for civilian use and can be freely purchased in retail. Their use cannot be considered an offence. However, if such use is carried out covertly, it can be evidence of the collection of confidential information about a person without their consent, especially when combined with other factors: covert photography and video recording, the use of visual surveillance posts and techniques for tracking an object in motion, and the use of camouflage.

¹Verdict of the Kovel City and District Court of the Volyn Region No. 159/4835/19. (2022, February). Retrieved from <https://reyestr.court.gov.ua/Review/102951854>.

²The decision of the Primorsky District Court of Odesa No. 522/1290/14-k. (2018, December). Retrieved from <https://reyestr.court.gov.ua/Review/78738400>.

³Verdict of the Lutsk City District Court of the Volyn Region No. 161/19355/19. (2019, December). Retrieved from <https://reyestr.court.gov.ua/Review/86405525>.

⁴Criminal Procedure Code of Ukraine. (2012, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/4651-17#n2436>.

⁵Law of Ukraine No. 2827-IX “On Local Self-Government in Ukraine”. (1997, May). Retrieved from <https://zakon.rada.gov.ua/laws/show/280/97-%D0%B2%D1%80#Text>.

The same applies to the traditional technical means of organising visual surveillance, namely radio communications and vehicles.

Along with radio communications and motor vehicles, there are technical means of visual surveillance, the use of which is not regulated by domestic law in any area of public life. These are unmanned aerial vehicles. If a video camera is installed on them, they turn into a device that can be used to monitor moving objects and take photos and videos of them. In the EU and the US, active research is underway to ensure the covert use of such devices in law enforcement activities (Huang *et al.*, 2020).

As of 2023, the law does not regulate the issue of certification and accounting (registration) of such devices, training and certification of their operators. The lack of legal regulation in this area can lead not only to legal problems (in terms of implementing information obtained by law enforcement officers from the use of drones), but also to serious consequences related to injuries and deaths, and property damage. After all, the actions of an unqualified operator and/or the use of a technically imperfect aircraft may pose a danger to ordinary citizens. Moreover, the inappropriate use of drones may be associated with criminal offences under Article 281 “Violation of the Rules of Air Flight”¹ or Article 282 “Violation of the Rules of Airspace Use” of the Criminal Code of Ukraine².

Radio-technical means of monitoring the location of an object are widely used by both the police and representatives of the criminal world. The most common type of such devices is radio beacons, which are commonly known as “washers”. They are radio-emitting devices that are covertly installed on a vehicle used by a visual surveillance target (Pryhunov *et al.*, 2022). This is an auxiliary tool that allows, if necessary, to temporarily release the object of surveillance from the field of view, as well as to determine its location in case of loss.

For the legal assessment of the use of such equipment, it is important that the “puck” is used only in conjunction with equipment that determines its location by radio signal. The use of such equipment without the knowledge of the owner of the object on which the radio beacon is installed corresponds to a covert investigative (detective) action, which is defined in Ukrainian legislation as establishing the location of radio equipment (radio-electronic means) and is regulated by Article 268 of the CPC of Ukraine³.

Part two of Article 268 of the CPC of Ukraine⁴ provides that this covert investigative (detective) action is carried out only based on a decision of the investigating judge. However, in the course of visual surveillance of a person already authorised by the court, law enforcement officers usually do not obtain any permits to use radio beacons. This is caused by the fact that the results of this activity are never used as evidence in criminal proceedings. They are only needed to perform certain tasks within the organisation of visual surveillance. Therefore, the use of a “puck” in the process of surveillance of a moving object does not entail violations of its rights by police officers who legally conduct visual surveillance of it.

Moreover, part 5 of Article 268 of the CPC of Ukraine⁵ provides that establishing the location of radio equipment (radio-electronic means) at the request of its owner does not require the permission of the investigating judge. Formally, a radio beacon installed in the course of covert visual surveillance on a target’s car is the property of either an operational unit or a specific operative. Therefore, the location of this beacon can be tracked without the investigating judge’s decision, if there is a corresponding application.

The classification of the location of radio equipment (radio-electronic means) as covert investigative (detective) actions conducted based on a ruling of an investigating judge gives grounds to assert that civilians (subjects of private law) cannot use it in everyday life and their professional activities (journalistic, detective, security). At the same time, the use of the relevant equipment cannot be qualified as the collection of confidential information about a person, and, accordingly, as an interference with private life as such equipment only provides information about the location of the object with the radio beacon.

A different legal assessment is required in cases where to facilitate the process of visual surveillance, its organisers gain unauthorised access to the target’s mobile phone and install applications on the device that allow them to track the target’s movements without the target’s knowledge. These can be ordinary child monitoring apps that are openly distributed on the Internet or specially designed spyware.

The mere fact of installing such an application on a mobile phone without the knowledge of its owner (for example, by gaining temporary physical access to such a device) constitutes a criminal offence under Article 361 of the Criminal Code of Ukraine⁶ – unauthorised interference with the operation of

¹Criminal Code of Ukraine. (2001, April). Retrieved from <http://zakon3.rada.gov.ua/laws/show/2341-14>.

²*Ibidem*, 2001.

³Criminal Procedure Code of Ukraine. (2012, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/4651-17#n2436>.

⁴*Ibidem*, 2012.

⁵*Ibidem*, 2012.

⁶Criminal Code of Ukraine. (2001, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/2341-14#Text>.

information (automated), electronic communication, information and communication systems, and electronic communication networks.

Vehicles and other transport, as well as radio communications, are technical means of visual surveillance. Their use (including covert use) by law enforcement agencies is entirely legal, as it is based on the relevant legal provisions. As for private individuals, their use of radio communications (as opposed to vehicles) without the permits required by the Law of Ukraine “On Electronic Communications”¹ and the relevant bylaws will be illegal. However, it should be noted that today the so-called detective agencies successfully use voice chats in Internet messengers to covertly communicate with each other.

Assessment of the legality of the use of covert visual surveillance equipment

As for the means of ensuring the secrecy of visual surveillance, in a broad sense, they should include tactical techniques and role behaviour of observers, as well as material means of disguise. All this is used as a single system.

Scholars and practitioners from EU countries aptly use the term “Chameleonicisation” to describe this system, which is derived from the noun “chameleon”. Their research includes recommendations on the anatomical features, gait, posture, behaviour, and clothing of observers, their position in space concerning the object and other persons and objects around them, changes in appearance and adaptation to the environment, the appearance of surveillance vehicles, etc. These recommendations are based on an in-depth study of the practice of covert visual surveillance by the Norwegian police and are scientifically sound from the perspective of social psychology.

These guidelines are so natural that the rules and techniques described in them are also traditional practices for Ukrainian police officers specialising in visual surveillance. These rules and techniques are informal (unwritten) and are passed down from generation to generation, from mentors to trainees.

Police observers should not stand out in the environment (they should “blend in”). The subject of observation may not notice the police officer several times if the officer looks neutral, appropriate to the situation, the way most people in the area look. The observer needs to change clothes, accessories, gait, posture, and hairstyle over time. After all, the target can remain unnoticed for a limited number of times. Observers should choose a distance to the object that is close to other people: maximum on deserted streets, minimum in crowded places (markets, public

events, train stations, airports, etc.). At a public transport stop, the observer should be located on the side of the object in which the expected transport is expected to move, so that looking in the direction from which it is expected to approach (as well as all passengers), they can keep the object of observation in sight (Dahl, 2022).

The colour of clothes plays an important role in chameleonicisation. Bright, saturated colours mostly attract involuntary attention. Therefore, you should not use such colours when accompanying an object. It is also advisable to avoid irritating combinations of tones: orange with dark blue, red with green, purple with yellow, and not to wear shiny and bright objects. Therefore, it is inappropriate for observers to wear expensive jewellery and other flashy decorations when accompanying the target.

At the same time, if close contact with an object is required, it is good to use brightly coloured clothes and eye-catching items. After all, they distract attention and are the most memorable. Therefore, the observed person, suspecting that the employee who approached the subject followed will try to identify these signs in the future. After contact with the target, the observer changes clothes to another (inconspicuous) one and continues to follow, keeping a safe distance for some time.

The chameleonicisation of observers should be combined with the camouflage of vehicles, for which purpose the replacement of number plates, removable luggage racks, additional and fog lights, lanterns and conventional signs (taxi, disabled, doctor, student) is used, means for applying various signs to the glass and car body, wheel covers of various configurations, air intakes, sun visors, steering wheel braiding, seat covers, headrests, curtains and other interior car equipment (Dahl, 2022)

As already mentioned, these means are called “chameleonicisation” by Western European authors; in the domestic tradition, they are called means of disguise.

The use of these rules and techniques is the subject of psychological science. Their assessment from the standpoint of legality is possible only in conjunction with the main signs of the legality of visual surveillance: conducting by a proper subject, and availability of appropriate official procedural decisions and permits.

If such means were used without appropriate procedures and (or) by improper entities to conduct covert visual surveillance of a person to collect confidential information, such surveillance should be considered unlawful, as well as any methods and means used to achieve its goals.

¹Law of Ukraine No. 1089-IX “On Electronic Communications”. (2020, December). Retrieved from <https://zakon.rada.gov.ua/laws/show/1089-20#Text>.

■ Discussion

An analysis of recent publications in the chosen area of research shows that the attention of scholars is mainly focused on the use of surveillance by law enforcement agencies that is either non-visual or not covert.

Thus, the legal problems of using surveillance are mostly studied in the context of covert police interference in personal life through the control of electronic communications. In particular, D. Murray & P. Fussey (2019), investigated the issue of human rights observance during mass surveillance of such communications by the police. The scholars reasonably conclude that this type of law enforcement activity can only be used to detect and investigate serious and especially serious crimes and should be regulated in detail. A. Abdelhameed (2019) emphasises the need to balance the rights of a suspect or accused in criminal proceedings with the broad possibilities of law enforcement agencies to secretly monitor him/her with the help of modern technologies of interference with private communication. L.M. Bujosa Vadell *et al.* (2021) studied the issues of evaluation and admissibility of evidence obtained as a result of such covert surveillance. A. Atul & K. Tushar (2022) focused on the use of special intelligence programmes to gain access to electronic information systems (including mass and extraterritorial). The researchers emphasise the need to introduce an effective legal mechanism to prevent the arbitrary use of covert cyber surveillance by law enforcement agencies.

The difference between this study and the aforementioned ones is that it deals with the issue of compliance with the legality of visual (physical) surveillance at the level of specific actions of observers. Modern scholars are actively studying the legal problems of open surveillance through networks of video cameras installed in public places with the simultaneous use of artificial intelligence (Bragias *et al.*, 2021; Galic & Gellert, 2021; Montasari, 2023). Research in this area aims to clarify the effectiveness and legitimacy of this approach both in general (Circo & McGarrell, 2021; Jung & Wheeler, 2023) and in certain areas of crime fighting. In particular, this applies to the detection and disclosure of criminal offences related to the illegal possession and use of cold steel and firearms (Abdallah *et al.*, 2023; Boukabous & Azizi, 2023). In addition, the use of video camera networks and the application of artificial intelligence to detect and investigate robberies (de Paula *et al.*, 2022) and other illegal acts committed with the use of physical violence (Vosta & Yow, 2022) are being investigated.

In contrast to these studies, this study focuses on covert surveillance (if video recording and photography are used, this also occurs exclusively covertly). Among other the conditions and circumstances the covert use of special technical means for surveillance and video cameras will be permissible (lawful) were

determined. In addition, the issue of the legality of the use of covert means (disguise, operational cover) is also covered.

Only a few studies were devoted to the issues of direct (physical) covert surveillance of a person, object or place by law enforcement officers. Thus, P.Ya. Pryhunov *et al.* (2022) published a training manual, which focused not on detection, but on conducting covert visual surveillance. They outlined in detail the issues of organising mobile and stationary covert visual surveillance (with a detailed description of its tactical techniques, technical means used, and ways to ensure its secrecy). The study of J.Y. Dahl (2022) describes in detail the tactical and psychological features of covert visual surveillance used in the practical activities of the Norwegian police, and B. Loftus (2019), among other things, examined the issue of legal regulation of such surveillance. The analysis of these studies suggests that their authors did not set out to provide a legal assessment of the use of specific techniques and means of covert visual surveillance.

A retrospective analysis of the use of visual surveillance (Chisnikov *et al.*, 2009), analysis of the modern foreign experience of its conduct (Zhang, 2022), and reflection of its content in the methodological scientific literature give grounds to assert that in practice, such types of surveillance as moving (for objects in motion) and stationary (for immovable objects or moving objects in certain areas of the terrain) have always been distinguished and are still distinguished. It is this classification that has become the basis for identifying specific methods of covert visual surveillance and providing a legal assessment of the legality of their use (Horbachova, 2005; Pryhunov *et al.*, 2020; Pryhunov *et al.*, 2022). In addition, an important element for such an assessment is the use of modern technologies and technical means for surveillance.

Currently, there is an intensification of research into the tactical and technical issues of providing covert video surveillance using unmanned aerial vehicles for various purposes (Savkin & Huang 2020; Zhang, 2022; Hu *et al.*, 2023). Researchers consider individual cars and single pedestrians as such targets (Huang *et al.*, 2020). Of course, the results of these studies can also be used in law enforcement, in particular, to conduct covert surveillance of a person, object or place. However, their implementation in police practice also requires a preliminary determination of the conditions for ensuring the legality of the use of unmanned aerial vehicles for covert surveillance of a person.

Thus, the criteria for the admissibility (legality) of using specific traditional techniques, means, as well as modern technologies of covert, direct (physical) visual surveillance, which, among other things, can be carried out with the use of special technical means, were developed in detail. The results obtained

will be useful for law enforcement and intelligence officers, as well as representatives of other professions, to ensure the legality of covert visual surveillance, and prevent unjustified restriction or violation of human rights and fundamental freedoms.

■ Conclusions

This study provides a legal assessment of the techniques, methods and means used during covert visual surveillance, which fully fulfilled the purpose. For the legal assessment of the legality of the use of traditional techniques and means of covert visual surveillance, its natural division into stationary and mobile surveillance is important.

Stationary surveillance is carried out at a certain place or for a person who is in such a place (or is to appear there). Its traditional methods are limited to the selection by observers of certain positions for observation - posts (randomly selected or prepared in advance; open or closed, permanent or temporary; with or without the use of disguises). The organisation of such posts and the conduct of surveillance of a particular place from them can be legitimately carried out both by entities authorised to carry out pre-trial investigation and operational search activities and by any private law entities (private detectives, investigators, lawyers' assistants, ordinary citizens). The only restriction for the latter is that they cannot take covert photos and record videos of persons who are (appear) in such a place.

The use of techniques of moving covert surveillance of a person, in particular, escort ("chain",

"double chain", "fork", "parallel lines") and advance ("stage-zonal", "leading") will be legal only if it is carried out by an investigator or employees of operational units of law enforcement agencies based on a decision of an investigating judge. The use by these entities of the above techniques for surveillance of a moving object will be lawful if they issue a relevant resolution within the framework of an operational investigation case or criminal proceedings. If the above techniques are used by private law entities to monitor an object (car, suitcase, container), their actions are lawful (unless it is proved that the thing was monitored and the persons conducting operations with it were not identified by the observers based on their possession of such a thing).

The assessment of the legality of the use of certain technical means and means of ensuring covert visual surveillance is possible only in conjunction with the main signs of the legality of visual surveillance: conducting it by the proper entity, and availability of relevant official procedural decisions and permits.

Prospects for further scientific research are seen in the formulation of proposals for the legal regulation of the use of unmanned aerial vehicles and for solving the problems of using covert visual surveillance of a person, object, or place.

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None.

■ References

- [1] Abdallah, R., Benbernou, S., Taher, Y., Younas, M., & Haque, R. (2023). A smart video surveillance system for Helping law enforcement agencies in Detecting knife related crimes. In *3rd international conference on deep learning, big data and blockchain* (pp. 65-78). [doi: 10.1007/978-3-031-16035-6_6](https://doi.org/10.1007/978-3-031-16035-6_6).
- [2] Abdelhameed, A. (2019). Modern means of evidence collection and their effects on the accused privacy: The US law. *Journal of Politics and Law*, 12(1), 85-97. [doi: 10.5539/jpl.v12n1p85](https://doi.org/10.5539/jpl.v12n1p85).
- [3] Alegria, A.M. (2019). The use of the hidden camera in the investigative journalism: A certainty and a conundrum. *Revista De Derecho Politico*, 1(104), 87-116. [doi: 10.5944/rdp.104.2019.24310](https://doi.org/10.5944/rdp.104.2019.24310).
- [4] Atul, A., & Tushar, K. (2022). Pegasus project: Re-questioning the legality of the cyber-surveillance mechanism. *Laws*, 11(6), article number 85. [doi: 10.3390/laws11060085](https://doi.org/10.3390/laws11060085).
- [5] Boukabous, M., & Azizi, M. (2023). Image and video-based crime prediction using object detection and deep learning. *Bulletin of Electrical Engineering and Informatics*, 12(3), 1630-1638. [doi: 10.11591/eei.v12i3.5157](https://doi.org/10.11591/eei.v12i3.5157).
- [6] Bragias, A., Hine, K., & Fleet, R. (2021). "Only in our best interest, right?" Public perceptions of police use of facial recognition technology. *Police Practice and Research*, 22(6), 6137-1654. [doi: 10.1080/15614263.2021.1942873](https://doi.org/10.1080/15614263.2021.1942873).
- [7] Bujosa Vadell, L.M., Bustamante Rúa, M.M., & Toro Garzón, L.O. (2021). Digital evidence resulting from secret surveillance: Obtaining, admissibility and assessment in criminal proceedings in Spain and Colombia. *Brazilian Journal of Criminal Procedure Law*, 7(2), article number 1347. [doi: 10.22197/rbdpp.v7i2.482](https://doi.org/10.22197/rbdpp.v7i2.482).
- [8] Button, M., Kapend, R., & Stiernstedt, P. (2023) Investigative private policing beyond the police: An exploratory study. *Policing and Society*, 33(2), 150-169. [doi: 10.1080/10439463.2022.2071894](https://doi.org/10.1080/10439463.2022.2071894).
- [9] Chisnikov, V.M., Protsenko, T.O., & Laptsev, S.H. (2009). *External observation: History and modernity*. In O.N. Yarmysh (Eds.). Kyiv: Lesia.

- [10] Dahl, J. (2022). Chameleonizing: A microsociological study of covert physical surveillance. *European Journal of Criminology*, 19(2), 220-236. doi: [10.1177/1477370819896204](https://doi.org/10.1177/1477370819896204).
- [11] De Paula, D.D., Salvadeo, D.H.P., & De Araujo, D.M.N. (2022). CamNuvem: A robbery dataset for video anomaly detection. *Sensors*, 22(24), article number 10016. doi: [10.3390/s222410016](https://doi.org/10.3390/s222410016).
- [12] Frantzuz, A.Y., & Nosenko, B.O. (2022). Cooperation of subjects of private detective (research) activities with units of the national police. *Legal Bulletin*, 67-72. doi: [10.31732/2708-339X-2022-06-67-72](https://doi.org/10.31732/2708-339X-2022-06-67-72).
- [13] Frantzuz, A.Y., & Novitskyi, V.Yu. (2022). A person as a source of information for a private detective. *Legal Bulletin*, 6, 60-66. doi: [10.31732/2708-339X-2022-06-60-66](https://doi.org/10.31732/2708-339X-2022-06-60-66).
- [14] Fussey, P., & Sandhu, A. (2022). Surveillance arbitration in the era of digital policing. *Theoretical Criminology*, 26(1), 3-22. doi: [10.1177/1362480620967020](https://doi.org/10.1177/1362480620967020).
- [15] Galic, M., & Gellert, R. (2021). Data protection law beyond identifiability? Atmospheric profiles, nudging and the Stratumseind living lab. *Computer Law & Security Review*, 40, article number 105486. doi: [10.1016/j.clsr.2020.105486](https://doi.org/10.1016/j.clsr.2020.105486).
- [16] Horbachova, N.H. (2005). *Educational program of the discipline "Organization of surveillance in security activities" (for bachelors of the specialty "Physical education" specialization "Security activities")*. Kyiv: MAUP.
- [17] Hribov, M., Shevchenko, T., & Petinov, Ya. (2018). Methodology of teaching specialized subjects to future operation officers of law enforcement agencies. *Science and Education*, 4, 144-153. doi: [10.24195/2414-4665-2018-4-20](https://doi.org/10.24195/2414-4665-2018-4-20).
- [18] Hribov, M., Yemets, O., & Rusnak, D. (2020). Visual surveillance of a person, thing or place as a means of countering human trafficking. *Scientific Bulletin of the National Academy of Internal Affairs*, 116(3), 8-21. doi: [10.33270/01201163.8](https://doi.org/10.33270/01201163.8).
- [19] Hu, S., Yuan, X., Ni, W., Wang, X., & Jamalipour, A. (2023). *Visual camouflage and online trajectory planning for unmanned aerial vehicle-based disguised video surveillance: Recent advances and a case study*. Singapore: Institute of Electrical and Electronics Engineers. doi: [10.1109/MVT.2023.3263329](https://doi.org/10.1109/MVT.2023.3263329).
- [20] Huang, H., Savkin, A.V., & Ni, W. (2020). A method for covert video surveillance of a car or a pedestrian by an autonomous aerial drone via trajectory planning. In *6th international conference on control, automation and robotics (ICCAR)* (pp. 446-449). Singapore: Institute of Electrical and Electronics Engineers. doi: [10.1109/ICCAR49639.2020.9108036](https://doi.org/10.1109/ICCAR49639.2020.9108036).
- [21] Kyslyi, A., Pysmenna, K., Kolomoiets, M., Volobuieva, O., & Davydenko, V. (2020). *Educational processes of training, retraining and advanced training of private detectives in Ukraine*. *Political Issues*, 38(66), 421-435.
- [22] Loftus, B. (2019). Normalizing covert surveillance: The subterranean world of policing. *The British Journal of Sociology*, 70(5), 2070-2091. doi: [10.1111/1468-4446.12651](https://doi.org/10.1111/1468-4446.12651).
- [23] Montasari, R. (2023). The application of big data predictive analytics and surveillance technologies in the field of policing. In *Countering cyberterrorism* (pp. 81-114). Heidelberg: Springer. doi: [10.1007/978-3-031-21920-7_5](https://doi.org/10.1007/978-3-031-21920-7_5).
- [24] Murray, D., & Fussey, P. (2019). Bulk surveillance in the digital age: Rethinking the human rights law approach to bulk monitoring of communications data. *Israel Law Review*, 52(1), 31-60. doi: [10.1017/S0021223718000304](https://doi.org/10.1017/S0021223718000304).
- [25] Pryhunov, P.Ya., Tronko, O.V., & Hrinin, S.V. (2022). *Visual detection of possible surveillance by law enforcement officers in the course of professional activity*. Kyiv: Alerta.
- [26] Pryhunov, P.Ya., Tronko, O.V., Sekunov, S.V., & Hrinin, S.V. (2020). *Visual detection by law enforcement officers in the process of professional activity of possible surveillance of them by criminal structures or individual criminal elements*. Kyiv: Interdepartmental Research Center for Combating Organized Crime under the National Security and Defense Council of Ukraine.
- [27] Savkin, A.V., & Huang, H. (2020). Bioinspired bearing only motion camouflage UAV guidance for covert video surveillance of a moving target. *Institute of Electrical and Electronics Engineers Systems Journal*, 15(4), 5379-5382. doi: [10.1109/JSYST.2020.3028577](https://doi.org/10.1109/JSYST.2020.3028577).
- [28] Vavoula, N. (2023). (Covert) surveillance of foreign terrorism fighters via the Schengen information system (SIS): Towards maximum operationalisation of alerts and an enhanced role for Europol. *New Journal of European Criminal Law*, 14(2), 206-230. doi: [10.1177/20322844231178927](https://doi.org/10.1177/20322844231178927).
- [29] Vitis, L. (2023). Surveillant assemblage: Overt, covert, movement and social surveillance in domestic and family violence in Singapore. *Women's Studies International Forum*, 96, article number 102664. doi: [10.1016/j.wsif.2022.102664](https://doi.org/10.1016/j.wsif.2022.102664).
- [30] Vosta, S., & Yow, K.-C. (2022). A CNN-RNN combined structure for real-world violence detection in surveillance cameras. *Applied Sciences*, 12(3), article number 1021. doi: [10.3390/app12031021](https://doi.org/10.3390/app12031021).

- [31] Zhang, J. (2022). A covert surveillance strategy for a solar-powered UAV over suspicious mobile target. In *14th international conference on computer and automation engineering* (pp. 8-12). Brisbane: Institute of Electrical and Electronics Engineers. doi: [10.1109/ICCAE55086.2022.9762450](https://doi.org/10.1109/ICCAE55086.2022.9762450).

Законність традиційних прийомів, засобів і сучасних технологій візуального спостереження

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■ **Анотація.** З позиції правоохоронних органів і представників інших професій приховане візуальне спостереження може бути дієвим і необхідним інструментом для виконання таких завдань, як розслідування злочинів, боротьба з тероризмом, нагляд за підозрілими особами або групами. Актуальність прихованого візуального спостереження залежить від контексту й ситуації. Мета цієї статті – юридично оцінити усталені прийоми та сучасні методи проведення прихованого візуального спостереження, а також засобів, використовуваних для виконання його завдань. У дослідженні використано порівняльно-правовий, історико-правовий, логіко-юридичний методи, системно-структурний аналіз, а також методи логіки (аналіз, синтез, індукцію, дедукцію, аналогію, порівняння та узагальнення). Виокремлення конкретних прийомів і засобів прихованого візуального спостереження дало змогу сформулювати юридичну оцінку застосуванню кожного з них у різних умовах та різними суб'єктами. За результатами здійснених досліджень надано юридичну характеристику різним видам спостереження, серед яких конкретні прийоми розміщення спостерігачів у просторі щодо різних об'єктів: рухомих і нерухомих; осіб, речей та певних місць. Надано оцінку правомірності застосування технічних засобів, які використовують під час спостереження, а також засобів забезпечення його негласності. Визначено умови правомірності застосування конкретних груп прийомів і засобів для проведення візуального спостереження різними суб'єктами. Аргументовано, що застосування суб'єктами приватного права прийомів рухомого спостереження за ідентифікованою ними особою є протиправним і буде свідчити про незаконне збирання конфіденційної інформації про неї, вчинене за попередньою змовою групою осіб. Практична цінність роботи полягає в можливості безпосереднього використання її результатів представниками правоохоронних органів та інших професій для обрання ними допустимих (законних) прийомів і засобів проведення прихованого візуального спостереження та уникнення застосування недопустимих (протиправних)

■ **Ключові слова:** правоохоронні органи; слідчий; оперативні підрозділи; технічні засоби; правомірне застосування; права людини; приховане стеження

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Methodological principles of development of information and analytical support of law enforcement efficiency

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■ **Abstract.** The urgent problems related to the deepening socio-economic crisis, numerous challenges in the field of national security, hostilities and occupation of the territory of Ukraine threaten the security of citizens and demonstrate the necessity to revise the key principles of reforming the modern law enforcement system, in particular in the context of its information and analytical support. In this regard, the purpose of the research is to substantiate the system of relevant indicators, rules, techniques and methods that determine the level of a particular structure, unit or system in general, provided that their potential is effectively developed. The methodological tools are based on dialectical, structural and logical methods, a systematic approach, and a statistical method. It is recommended that, based on reliable information support, an analysis of the effectiveness of law enforcement activities should be conducted focusing on further development of proposals for appropriate preventive measures. To implement these approaches, the author highlights the principles of effective law enforcement and proposes to develop a comprehensive monitoring system for tracking and forecasting the dynamics of offences using modern policy instruments, monitoring, control and response. It is proved that the quality of the law enforcement system is conditioned upon the improvement of its efficiency, provided that high results are achieved at the lowest cost of living and embodied labour. The author defines the effect and efficiency of law enforcement activities and based on these indicators, proposes a methodology for factor analysis of the effect, efficiency, and intensity of law enforcement agencies. The practical value of the work lies in the fact that the conclusions presented in it, due to the prescriptive presentation, will allow developing of an optimal model for making managerial decisions on the implementation of specific tasks facing law enforcement agencies and will guarantee a creative approach to the development of algorithms and measures to improve the level of efficiency in this area

■ **Keywords:** integrated monitoring; management; performance; intensity of activity; factor analysis; forecasting

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■ Introduction

In the current challenging socio-economic situation, the impact of relevant factors necessitates particular attention to the organisation and quality of law enforcement agencies. The deep economic crisis, political instability and the growth of crime in Ukraine place increased demands on the efficiency of law enforcement management. In the context of increased competition and military operations, it is necessary to develop and implement measures to combat crime and reduce its adverse impact on society. It is important to ensure the proper level of organisation and quality of law enforcement agencies work, considering all the adverse effects of the external and internal environment.

Under these conditions, it is necessary to develop a system of effective management of law enforcement agencies that would consider the needs of society, features of socio-economic development, and the specifics of combating modern offences. It should be based on reliable and effective information and analytical support of law enforcement activities. The specific feature of such information and analytical support is that it is based on a digital format. It provides a quantitative description of offences, their trends and patterns. It is based on numbers that are organically linked to qualitative content; indicators that are subject to research and reflect their state (level) or intensity in specific conditions of place and time for a particular object of research.

These circumstances determine the relevance, essence, problems and the necessity of making appropriate management decisions on the prevention of offences and the effectiveness of law enforcement agencies. Information and analytical support combine the principles and methods of working with quantitative characteristics of offences, summarise their quantitative correlations and, based on this, characterise trends and patterns.

The practice has demonstrated the important role of statistical tools as a means of knowledge in the development and use of information and analytical support for assessing the effectiveness of law enforcement management (Varenko, 2014). In addition, this approach is based on the fact that statistics have complete (covering almost all types of human activity), reliable, objective, comparable, and timely information, which is directly proportional to its effectiveness, covers wide systemic time horizons, and is under strict state control, which is provided by the State Statistics Service of Ukraine (n.d.). In addition, it manages a systematic analysis toolkit that has been tested in many areas of activity, which is a “full analytical cycle” of techniques and methods ranging from observation and information collection to in-depth analysis and forecasting. This practice is available for mastering and using both scientists and

specialised professionals, and those who have not received special training, in particular mathematical training, but by the nature of their work have to solve problems related to making effective management decisions in the field of law enforcement.

This problem is in demand among modern researchers. In particular, scholars emphasise that police performance indicators have a direct impact on crime rates, trying to determine this interdependence (Dominguez *et al.*, 2015). M.S. Nebeska (2019) states the urgent need to reorganise and improve the management of police bodies and units by establishing an effective system for assessing the effectiveness of its activities and evaluating the professional performance of its leaders. V. Bohdanovych *et al.* (2020) argue for the need to introduce a system of monitoring information in the security environment, which is currently being implemented in the practical activities of the security and defence sector, capable of identifying both hazards, threats and some other destructive phenomena and factors, and providing algorithms for optimising work in this area.

Considering this issue in more detail (Dominguez *et al.*, 2015), foreign scholars substantiate the logical idea that the relationship between crime, police effectiveness and other variables is inversely related, except for the literacy variable. Therewith, the issues of combining economic analysis and police effectiveness, criminal justice and crime reduction are being considered (Manning *et al.*, 2016), and the possibility of including data on property and violent acts to assess the technical effectiveness of police work is being discussed (Nepomuceno *et al.*, 2022).

The purpose of this research was to develop a system of theoretical knowledge and practical skills for assessing violations to develop and support effective management decisions to ensure law and order and prevent crime.

The objective of the research - to explore the methods of developing an information base, processing, summarising and analysing it to prepare and support effective management decisions and develop preventive measures to prevent offences.

■ Literature Review

Considering the current dramatic changes in the socio-economic society, the war in Ukraine, the presence of economic crisis problems and, as a result, the growing number of offences, the stated issues are becoming increasingly in demand both by the scientific community and society in general. The problem of making effective management decisions on preventing and combating offences, which should be based on reliable and valid information and analytical support, based on a strong methodological framework, is becoming a priority. A diagnosis of

the latest available scientific research has identified several creative approaches to the development and implementation of information and analytical support for the effectiveness of law enforcement. They are of different types and usually depend on the field of activity, purpose and objectives of the research.

Thus, in the capitalist economies of the 21st century, the effectiveness of actions, organisations and national policies has become a guideline for their development, as evidenced by the empirical work of foreign researchers (Jany-Catric, 2016) in various fields of activity. In addition, national policy evaluation is gradually being organised as a set of mechanisms that are designed to evaluate public services. The emphasis is placed on designing and using progressive scientific tools for the development of the professional competence of police officers (Bondarenko *et al.*, 2022) and the implementation and introduction of simulation situational tasks intended to develop police officers' skills.

In addition, it is known that scientific and technological progress, which has spread and is developing in almost all countries of the world, is the driving force that guarantees a constant increase in efficiency in all areas of human activity. In this regard, using advanced technologies is an urgent need for policing in modern conditions. In particular, such technology as Sentry SIS, proposed by foreign scientists (Weir *et al.*, 2020), is an undeniable basis for improving police performance. In this context, there is a natural interest in the works (Kumar & Kumar, 2015) that discuss the issues of police modernisation and the impact of this process on the effectiveness of police activities. An analytical tool for measuring and evaluating efficiency gains is the statistical method of marginal analysis, which has been used to prove that police departments that are constantly modernised, have more modern communication equipment, and are constantly funded for police training, perform much better and with greater efficiency.

Interesting is the proposal of H. Rahimi *et al.* (2017) to apply a dynamic approach, considering epidemiological concepts and complex statistical models, which can significantly improve the effectiveness of law enforcement activities of the State Automobile Inspectorate under study. The author emphasises the need to consider the theory and specific aspects in this area.

The search for the main criteria that characterise the police evaluation system abroad (UK, Canada, Ireland, Poland, Czech Republic, etc.) demonstrates that they are: reduction of crime, protection of citizens' rights and interests by the police, achievement of strategic purposes by police units, economic efficiency, etc. (Serdyuk, 2015), which is a natural process of solving the issue. In continuation of this, using a practical example, Hong Kong scholars demonstrate how

to develop a policing policy with limited resources that allows for greater efficiency using the "unified boundary analysis method" (Wong & Manning, 2022).

In the current context, there is a growing opinion that in the process of studying the criteria for police effectiveness, it is advisable to consider, first of all, such an indicator as public opinion, which makes it advisable to involve the so-called public councils in the work of police agencies, which, among other things, will include representatives of NGOs (Lupalo, 2019), while raising the issue of the professionalism of law enforcement officers themselves, people's trust and cooperation, multidimensional assessment of their performance, and consideration of the final results of their work. Therewith, such an assessment should not underestimate using analytical methods and techniques, in particular those based on statistical methodology, which are often used in departmental assessments. It would be advisable to use them to assess the effectiveness of police work concerning public opinion.

The above analysis of the studies demonstrates the considerable attention and significant achievements of both domestic and foreign scholars and practitioners concerning this issue. Therewith, it seems that certain basic things, strategic approaches and specific mechanisms for its implementation are not yet clearly substantiated. It confirms the necessity and timeliness of this research.

■ Materials and Methods

The subject of information and analytical support is the characterisation of offences and measures as a foundation for developing proposals for combating crime and reducing their adverse and destructive effects. The key components of the methodological tools of the research are the dialectical method, which is used to highlight law enforcement activities from the standpoint of objective factors that characterise the system based on characteristic links and internal contradictions. In addition, using the systemic method allowed determining the place of the proposed issues in the law enforcement management system. The structural and logical method allowed disclosing the structural elements, principles and mechanisms of law enforcement.

These methods helped to determine the methodological foundations for developing information and analytical support for the effectiveness of law enforcement. The latter is based on the principles of applied statistics methodology as a set of principles of scientific research, and based on them, the rules, techniques and algorithms for exploring specific processes and phenomena inherent in the field of law enforcement - accumulation of information, its processing, quantitative analysis of indicators, etc.

The range of tasks that can be performed by methods in management activities is quite wide. It allows searching for the necessary information, analysing it according to specific criteria, and comparing certain data blocks and indicators, which, through practical analysis, will allow identifying the problems of the relevant area of activity and establishing priority areas and algorithms for solving them.

At the stage of making managerial decisions in law enforcement, the most effective is using factor analysis, which considers key indicators of individual management objects, such as volume, structure, dynamics and other performance parameters. The result of the research on the effectiveness of management decisions is presented graphically or in the form of a table, based on which a comparative analysis of the relevant aspects of service activities is performed and compared with potential opportunities.

In the event of uncertainty caused by ambiguity or instability of legislative provisions in the law enforcement sector, risk assessment methods are in demand to allow for an appropriate response to atypical situations and unforeseen circumstances.

Using the modelling method is important for the research since the widespread use of relevant models allows for a comprehensive improvement of the management system based on the principles of meth-

odological foundations for developing information and analytical support for the effectiveness of law enforcement activities. The following types of models are the most popular in practice: descriptive, predictive and normative.

■ Results

Improving the system of economic governance requires effective legal protection of the rights and interests of citizens, government and public organisations. The necessary tasks include recording and analysing violations of the law, assessing the effectiveness of law enforcement agencies and exploring the factors that influence offences. Making appropriate management decisions is important for the prevention of offences and increasing the effectiveness of law enforcement agencies. New requirements for law enforcement management will ensure effective governance and consider changes in socioeconomic development. Diagnostics of the management system become an important component to identify changes and problems that may affect the system (Zakhozhai, 2022).

Management in the fight against crime is a complex activity designed to achieve appropriate positive results through the efficient use of resources and the application of the principles, functions and methods of law enforcement (Fig. 1).

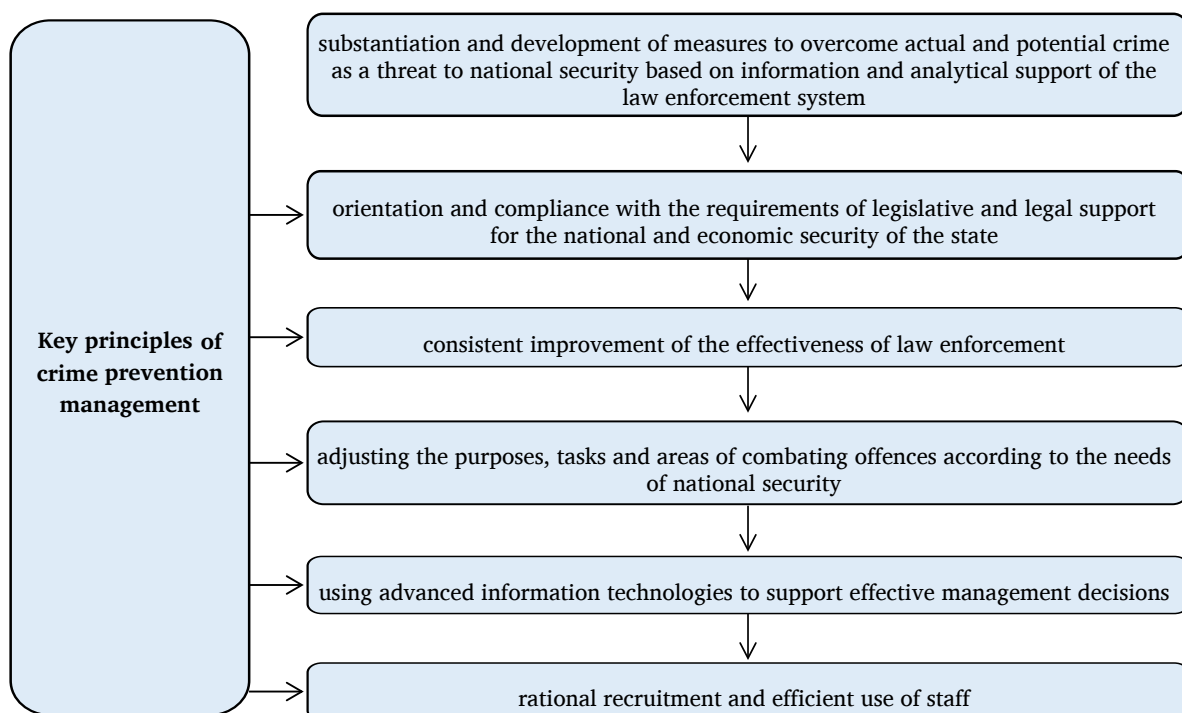


Figure. 1. Key principles of crime prevention management

Source: Provided by the authors

The conceptual development of an effective system for combating crime should be based on the development of comprehensive monitoring, i.e. a

multi-level system for tracking and forecasting the dynamics of crime using modern policy, monitoring, control and response tools.

The implementation of these tasks should be performed by a system of information and analytical support for the interrelationships between law enforcement and socio-economic activities.

The process of developing such a system includes the following components: defining the essence of the problem and tasks of further development; developing a system of analysis indicators; developing information support for analysis; designing methodological support for analysis of development efficiency; designing proposals for substantiating and supporting management decisions based on the results of analysis on the performance of legislative and law enforcement requirements for national and economic security; real-time assessment of the consequences of implementation of management decisions.

The effectiveness of law enforcement agencies depends significantly on the quality of implementation of measures to combat crime according to the legislative and law enforcement support of national security and its components: economic, financial, innovative, social, territorial and law enforcement security.

A scientifically based research should be based on the comprehensive use of analytical methods to identify the mechanism of occurrence and existence of particular offences. For the entire law enforcement system and its components, it is primarily research on the effectiveness of the police, prosecutors, courts and their structural units.

The key to this is to increase efficiency, i.e. to achieve the highest results with the lowest costs of living and embodied labour or to reduce total costs per unit of output. It, in turn, is a prerequisite for dynamic and balanced socio-economic development based on a close link between the level of economic development and the ability to address social needs. It is the reason for the organic link between the effectiveness of the country's socio-economic development and the efficiency of law enforcement agencies. A prerequisite for this is the provision of law enforcement measures.

Justification of managerial decisions to improve the efficiency of law enforcement agencies is based on a set of elements of information and analytical support, which allows defining a modern system of indicators, based on which to analyse the dynamics of development, interrelationships, the level of efficiency of domestic and foreign policy, etc.

An efficiency indicator is usually understood as the ratio of the result of an activity to the resources or costs of obtaining it, and an increase (decrease) in this ratio is considered as an increase (decrease) in the efficiency of the activity. Efficiency is the main characteristic of the functioning and development of the national system (law enforcement, economic, social, etc.) of Ukraine. A system of performance indicators is used to continuously compare costs with

performance. Efficiency should be improved at each stage of the reproduction process - in production, distribution, finance, circulation, consumption and law enforcement.

The development of society in general and its components is driven by two groups of factors: the attraction of additional resources (extensive path) and the increasingly rational use of resources due to technological progress, organisational, economic and other factors (intensive path). In the process of analysing the effectiveness of law enforcement activities, models are used to identify opportunities for relative reduction of certain offences. Notably, unlike in such areas as production, distribution, finance, circulation, etc., where the growth of the "efficiency" indicator is expressed as a positive number, in the research of the "crime" indicator, the growth of efficiency will be expressed as a decreasing number.

The term "effect" (Latin *effectus*) is interpreted as an action, a final result of an activity, a consequence. The effect indicator is determined according to the area of activity examined. When analysing offences, the increase in the effect is expressed as a decreasing number.

In the definition of the cost category, the concepts of "current costs" and "resources" are distinguished. The latter is obtained as a result of using resources. Resources are a generalised indicator of a person's targeted activity, which consists of a set of elements of the vital activity of certain systems that determine their functioning. They include material and technical, financial, labour (human), information and other components. Resources are advance costs, i.e. the amount of such costs advanced before the start of an activity.

The effect can be seen as the result of a feature (*R*), which is established in the interaction of a volumetric or quantitative feature (*Quant*) – resources, costs, etc. and a relative or qualitative feature (*Qual*) – efficiency and its varieties (offences and their types, etc.). In this case, the effectiveness (qualitative attribute) will be determined by the ratio of the effect (resultant attribute) to the volumetric (quantitative attribute).

Hence, the factor analysis of the dynamics of the effective attribute (effect) is performed using the following formulas:

$$\Delta R_{\text{quant}} = (\text{Quant}_1 - \text{Quant}_0) \text{Qual}_0, \quad (1)$$

$$\Delta R_{\text{qual}} = (\text{Qual}_1 - \text{Qual}_0) \text{Quant}_1, \quad (2)$$

$$\Delta R_{\text{overall}} = \Delta R_{\text{quant}} + \Delta R_{\text{qual}} = R_1 - P_0. \quad (3)$$

Factor analysis of the dynamics of the efficiency level is performed using the following formulas:

$$\Delta \text{Qual}_r = \frac{R_1 - R_0}{\text{Quant}_1}, \quad (4)$$

$$\Delta Qual_{quant} = \frac{R_0}{Quant_1} - \frac{R_0}{Quant_0}, \quad (5)$$

$$\Delta Qual_{overall} = Qual_1 - Qual_0 = \Delta Qual_r + \Delta Qual_{quant}. \quad (6)$$

The analysis uses intensive factors, driven by efficiency gains, and extensive factors, related to an increase in resources. The intensification of activities is assessed using the following formulas:

$$\frac{\Delta R_{qual}}{\Delta R} \cdot 100\% \quad (7)$$

$$\frac{\Delta R_{quant}}{\Delta R} \cdot 100\% \quad (8)$$

Here, equation (7) is an indicator of intensification. It demonstrates the share of the effect increase due to intensive factors in the total effect increase.

Consider the above analytical dependence on the example of factor analysis of the dynamics of such a qualitative indicator (efficiency) as the level of detection of corruption offences (Dco), which is calculated by the ratio of the number of detected offences (Nco) to the total number of detected cases of corruption offences (Cco), i.e:

$$Dco = \frac{Nco}{Cco}. \quad (9)$$

Using this relationship, factor analysis is performed according to the following methodology:

- absolute change in detected offences (effect):

$$\Delta Nco = Nco_1 - Nco_0. \quad (10)$$

- due to the dynamics of the qualitative indicator – the level of detection of corruption offences:

$$\Delta Nqiq_{co} = (Dco_1 - Dco_0)Cco_1. \quad (11)$$

- due to the dynamics of the quantitative indicator – overall number of detected cases of corruption offences:

$$\Delta Nqid_{co} = (Cco_1 - Cco_0)Dco_0. \quad (12)$$

- the sum of changes in the factor indicators must satisfy the following equation:

$$\Delta Nqiq_{co} + \Delta Nqid_{co} = Nco_{overall} = Nco_1 - Nco_0. \quad (13)$$

To conduct a factor analysis of the intensity of corruption offences, it is advisable to use the following dependencies:

- the share of change in the number of detected corruption offences due to the dynamics of the qualitative indicator - the level of detection of corruption offences in the overall change in their growth:

$$\frac{\Delta Nqiq_{co}}{\Delta Nco_{overall}} \cdot 100\%. \quad (14)$$

- share of changes in the number of detected corruption offences due to the dynamics of the quantitative indicator – the number of detected offences in the overall change in their growth:

$$\frac{\Delta Nqid_{co}}{\Delta Nco_{overall}} \cdot 100\%. \quad (15)$$

If the calculation is made in percentage terms, the sum of these indicators is 100%, if in coefficients, it is 1.

The absolute change in the average level of disclosure of corruption offences in the reporting period compared to the baseline period, and the factors that develop it, can be determined using the following dependencies:

$$Cco_{overall} = Dco_1 - Dco_0. \quad (16)$$

In addition, it is due to the dynamics of the number of corruption offences detected:

$$\Delta Dco_{Nco} = \frac{Nco_1 - Nco_0}{Cco_1}. \quad (17)$$

Due to the dynamics of the total number of detected cases of corruption offences

$$\Delta Dco_{Cco} = \frac{Nco_0}{Cco_1} - \frac{Nco_0}{Cco_0}. \quad (18)$$

The correctness of the calculation is made using the equation:

$$\Delta Dco_{Nco} + \Delta Dco_{Cco} = \Delta Dco_{overall} = Dco_1 - Dco_0. \quad (19)$$

It is advisable to supplement and deepen such an analysis using the index method, which is based on generally accepted logic and methodology.

The foundation of this method is the concept of an index as a relative indicator that characterises the correlation in time (dynamic index) or in space (regional index) of law enforcement phenomena and processes, different types of criminal offences, etc. The specificity of this method is as follows: in the index, quantitatively incomparable values lead to some general unity, which makes their comparison comparable. Such unity can be, for example, a cost estimate of incomparable elements of a phenomenon, labour costs, etc. To this end, national systems of indicators and “law enforcement and economic barometers” are used at the national level; sectoral systems of indexes-indicators are used at the level of regions and types of activities; systems of indexes-indicators of companies and relevant structures are used at the micro level; the role of “quality indices” based on scoring and other “conditional” assessments is growing.

A particular place is occupied by the index method of analysis in the process of assessing the effectiveness of law enforcement structural policy and combating criminal offences.

An index is a relative indicator that characterises the correlation in time or space of specific offences, or the degree of deviation of an indicator from a certain standard or provision. The research method determines the function that the index performs in a particular analysis (Fig. 2) and the characteristics of comparisons. If the population considered consists

of several groups, it allows defining composite group indices (sub-indices) and a composite index for the population, i.e. a general index. The methodology for constructing indices, their classification and interpretation are described in detail in the literature. Thus, the index method determines the dynamics of average values in absolute terms and as a percentage.

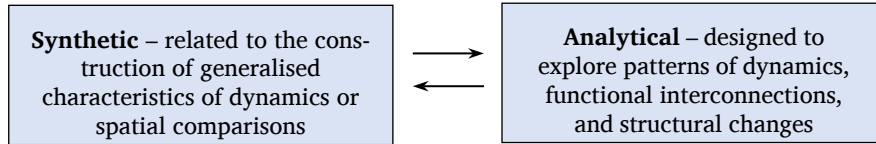


Figure. 2. Indexes functions

Source: proposed by the author based on previous research V.B. Zahozhai (2022)

The index of the average level of detection of corruption offences of variable composition is calculated by the formula:

$$I_d^{v.c.} = \frac{\sum D_{co_1} d_1}{\sum D_{co_0} d_0} = \frac{\bar{D}_{co}}{\bar{D}_{co}}; \Delta_1 = \bar{D}_{co_1} - \bar{D}_{co_0}, \quad (20)$$

where, D_{co_0} , D_{co_1} – the level of disclosure of corruption offences by their individual types in the baseline and reporting periods; d_0 , d_1 – share of types of corruption offences in the total number of corruption offences in the baseline and reporting periods; $\sum D_{co_0} d_0 = \bar{D}_{co}$ – average level of detection of corruption offences in the baseline period; $\sum D_{co_1} d_1 = \bar{D}_{co_1}$ – average level of disclosure of corruption offences in the reporting period.

The result of the index calculation demonstrates how the average level of corruption offences detected in the reporting period has changed compared to the baseline.

The index of the average level of detection of corruption offences of fixed composition is determined by the formula:

$$I_{D_{co}}^{f.c.} = \frac{\sum D_{co_1} d_1}{\sum D_{co_0} d_1}; \Delta_2 = \sum D_{co_1} d_1 - \sum D_{co_0} d_1. \quad (21)$$

This index demonstrates how the average level of detection of corruption or corruption-related offences has changed due to the dynamics of this indicator by its individual types.

The index of the average level of detection of corruption offences of structural changes is calculated by the formula:

$$I_d^{s.ch.} = \frac{\sum D_{co_0} d_1}{\sum D_{co_0} d_0}; \Delta_3 = \sum D_{co} d_1 - \sum D_{co} d_0. \quad (22)$$

The index demonstrates how the average level of detection of corruption offences has changed due to changes in the structure of detected persons suspected of corruption.

The correlation between indexes:

$I_d^{v.c.} = I_{D_{co}}^{f.c.} \times I_d^{s.ch.}$ – index multiplicative model of the average level of detection of corruption offences.

The correlation between absolute values:

$\Delta^1 = \Delta^2 + \Delta^3$ – additive model of detecting corruption offences.

An essential condition for conducting such an analysis is the interpretation of the results obtained and the corresponding development of management decisions to prevent and counteract offences, including their disposal.

The methodological techniques, the methods of analysis, the construction of indicators used in different subsystems of information and analytical support are practically similar, which allows limiting the consideration of their application both to research a particular type of offence and at the territorial, regional and departmental levels. In the first case, this may be an analysis by the focus of offences, their types, severity categories, organisation, areas of human activity, forms and types of offences, motivation, socio-demographic characteristics of perpetrators, etc. In the second case, it is advisable to use this methodology at almost all levels of law enforcement management. Depending on the purpose and tasks, multifactorial index analysis of law enforcement phenomena and processes, using elements of decomposition analysis, etc are used.

■ Discussion

The approaches presented in the research should be used comprehensively depending on the tasks set. Ukrainian scientists have a similar methodological approach (Fomenko, 2021), who propose to calculate the effectiveness of law enforcement agencies using qualitative indicators, but it is doubtful that in the course of such a calculation it is necessary to distinguish them from statistics and quantitative indicators, since, firstly, statistics are based on and operates with values that in themselves reflect the

quantitative and qualitative characteristics of a particular phenomenon or process. Secondly, the indicator of “efficiency” itself is a relative, qualitative indicator, which is a criterion of performance.

Several scholars share the same approach, exploring in detail the essence of such categories as “criterion”, “parameter”, and “indicator” and correctly emphasising that these indicators should be based on strong regulatory and legal support (Kinzburska, 2019). Therewith, the author provides a reasonable expediency of improving the current legislation of Ukraine regarding the system of criteria and indicators for assessing the effectiveness of interaction between civil society institutions and state authorities. Based on the experience of Western European countries and Ukraine and the analysis of public trust in police activities, the author examines the factors that reduce the level of trust in the police and social monitoring as the main form of public control over police activities and suggests appropriate ways to intensify interaction between the police and the public as a form of public control over the activities serving it (Myronyuk & Myronyuk, 2020).

As of 2023, an important problem for both Ukraine and several foreign countries is the fight against corruption in all its manifestations and various fields of activity, especially among professionals who are directly involved in eradicating such acts. And the priority task of solving them is to assess the risks of effective work of the authorised units for the prevention and detection of corruption in the National Police (Han, 2019). It refers to measures designed to establish guarantees of impartial and objective appointment and unlawful dismissal of anti-corruption commissioners “at will” (pressure, unjustified reprimands, etc.). To avoid such adverse cases, several effective measures are proposed for close cooperation with the National Anti-Corruption Bureau.

Security problems are becoming more acute, which directly affect the effectiveness of police work (Milic *et al.*, 2017). For example, the Ministry of Internal Affairs of Serbia is working to identify hotspots of crime on the ground using information from patrol police, analytical approaches and relevant calculations. As a result, constructive proposals are being made to decentralise the analytical department, etc.

In addition, police management scholars (Mrgan *et al.*, 2018) advocate an integrated approach, suggesting a combination of preliminary statistical and strategic SWOT analysis, which results in the recommendation of reasonable constructive proposals for improving performance (professional criterion) and rationality (economic criterion).

In the context of the research, the conclusions of Ukrainian scholars who propose to develop a single standard for assessing the effectiveness of law enforcement agencies, their interaction with communities

and the level of trust in them based on a perfect reporting and control system are valuable (Kubayenko, 2023). Therewith, conceptual approaches to the development of a system of performance evaluation criteria should combine quantitative and qualitative characteristics of indicators that should determine the content of individual priorities for a certain period (Stryzhak, 2021).

The Oxford Police’s proposal to use a comprehensive approach that would cover a multidimensional role in society by using a harm index as a basis for sentencing guidelines is important. This position is justified by the fact that this indicator has significant advantages over other indicators, such as the cost of crime. Testing this approach in such US cities as Philadelphia and Transylvania confirms the feasibility of this proposal (Ratcliffe, 2015).

The works of scientists devoted to the information and time support of global, local and other processes in the security environment are appropriate (Bohdanovych *et al.*, 2020). The proposed methodology must be based on several analytical, logical and other procedures, with the information obtained during the assessment of threats, events, etc. and the conditions under which national interests are implemented over time. Facts and events are compared, considering global and local processes, which improves the quality of information and analytical support of the national security system.

Therewith, the scientific approach to improving the methodology of information and analytical support for law enforcement efficiency necessitates its logical structuring, which is being worked on by both domestic and foreign scholars (Asif *et al.*, 2018). First of all, this means establishing a structured foundation for a system of indicators to assess various aspects of police performance both from a technical standpoint and to make appropriate creative management decisions.

In the current context of police work, one of the main factors affecting the level of efficiency is the consideration of the vulnerability and riskiness of the work of officers (Soltes *et al.*, 2021). To explore this important issue, scientists are conducting quite in-depth research using cluster analysis and subsequent confirmation of the results by linear and logical analysis, which leads to reasonable proposals to reduce the impact of these factors on the overall effectiveness of police work.

Having analysed various studies, it can be concluded that a comprehensive approach to solving the problems of law enforcement effectiveness is appropriate. Scholars suggest paying attention to qualitative indicators, using regulatory and legal support and improving legislation. The analysis of public trust in the police and the fight against corruption are identified as priority tasks. In addition, it is important to develop a unified standard for assessing

the effectiveness of law enforcement agencies. Using harm indexes and analytical approaches is noted as a viable means of influencing police effectiveness. To summarise, a combination of quantitative and qualitative approaches with strong analytics and reporting is key to achieving successful and effective law enforcement.

■ Conclusions

In modern socio-economic society, marked by economic and political instability, and numerous crisis phenomena, there are fundamentally new requirements for the work of law enforcement agencies, which necessitates the search for an optimal model of management designed to ensure high performance. For appropriate managerial decisions to be made to implement these tasks, it is necessary to develop a system of law enforcement management that would be consistent with the intensive type of activity and would facilitate a qualitative update of methods, and scientific and practical approaches to management.

It is determined that under these conditions, the most reliable is the information and analytical support of law enforcement activities based on an integrated approach, based on systematic monitoring of the current situation, proper planning, control of management decisions, consideration of changes in structural transformation and implementation of preventive forecasting to prevent crime. In this regard, it is advisable to use information and analytical management methods that should meet the needs of a socially and law-oriented market economy. It is an objective necessity to consider the trends in informatisation, i.e. the development of appropriate software products and using IT technologies in this area. The research has established that the conceptual development of an effective system for overcoming offences enables comprehensive monitoring.

The essence of information support for police activity is to present it in a digital format, which involves quantitative characterisation of offences, considering their trends and patterns. These are quantitative indicators that are organically linked to the qualitative

content examined and reflect their state (level) or intensity in specific conditions of place and time for a particular object of research. It allows for a proper analysis of the effectiveness of law enforcement activities, and thus, for police officers to acquire the skills of analysts, experts, advisers and consultants of the highest qualification, who can effectively collect, accumulate and analyse information about relevant offences. It ensures that law enforcement agencies perform extraordinary tasks in the functions of their activities. To objectively reflect the multifaceted nature of offences, disclose their inherent characteristics, trends and patterns, information and analytical support widely uses specific techniques and methods and exposes the research logic, calculation methods and relevant analytical capabilities.

The methodology and techniques of information and analytical support for efficiency analysis are reflected in specific procedures for transforming information in the process of substantiating and making managerial decisions on crime suppression. In this sense, the information and analytical support of law enforcement efficiency analysis characterises the technology of substantiating management decisions by appropriate methods. It can be defined as a unity of methodological, organisational and informational aspects, covering the set and classification of tasks examined, the sequence of their solution and methods of substantiation.

The results of this research provide promising ways to explore other aspects of the subject to improve the effectiveness of the policy on the lawful use of resources at the disposal of law enforcement agencies; to increase the productivity of law enforcement agencies in various types of their activities through the analysis and regulation of crises, and to ensure compliance with the standards of their implementation.

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■ Conflict of Interest

None.

■ References

- [1] Asif, M., Shahzad, M., Awan, M.U., & Akdogan, H. (2018). Developing a structured framework for measuring police efficiency. *International Journal of Quality & Reliability Management*, 35(10), 2119-2135. [doi: 10.1108/IJQRM-04-2017-0067](https://doi.org/10.1108/IJQRM-04-2017-0067).
- [2] Bohdanovych, V., Syrotenko, A., Pievtsov, H., Dovhan, O., & Dublian, O. (2020). Method of information and timing support of global, local socio-political and other processes in the contemporary security environment. *Science and Innovation*, 16(2), 94-99. [doi: 10.15407/SCINE16.02.094](https://doi.org/10.15407/SCINE16.02.094).
- [3] Bondarenko, V., Okhrimenko, I., Piaskovskiy, V., Antoshchuk, A., & Marchuk, A. (2022). Scientific tools for forming professional competence of patrol police officers. *International Journal of Evaluation and Research in Education*, 11(2), 687-695. [doi: 10.11591/ijere.v11i2.21987](https://doi.org/10.11591/ijere.v11i2.21987).
- [4] Dominguez, J.P., Sanchez, I.M.G., & Dominguez, L.R. (2015). Relationship between police efficiency and crime rate: A worldwide approach. *European Journal of Law and Economics*, 9(1), 203-223. [doi: 10.1007/s10657-013-9398-8](https://doi.org/10.1007/s10657-013-9398-8).

- [5] Fomenko, A. (2021). About the effectiveness of the criminological activity of the national police of Ukraine. *Scientific Bulletin of the Dnipropetrovsk State University of Internal Affairs*, 4(114), 7-15. doi: [10.31733/2078-3566-2021-4-7-15](https://doi.org/10.31733/2078-3566-2021-4-7-15).
- [6] Han, O.O. (2019). [Critical analysis of the risks of effective activity of authorized units \(persons\) in matters of prevention and detection of corruption in the bodies and institutions of the National Police](#). In *Collection theses on international science and practice conferences to the 25th anniversary of the establishment of the university* (pp. 482-483). Kharkiv: Kharkiv National University of Internal Affairs.
- [7] Jany-Catrice, F. (2016). Evaluating public policies or measuring the performance of public services? In *Logic, argumentation & reasoning* (pp. 123-135). Heidelberg: Springer. doi: [10.1007/978-3-319-44000-2_10](https://doi.org/10.1007/978-3-319-44000-2_10).
- [8] Kinzburska, V.O. (2019). [Regarding the formation of a list of criteria for evaluating the effectiveness of the interaction of state bodies and institutions of civil society](#). *Legal Science*, 11(101), 112-123.
- [9] Kubayenko, A.V. (2023). Informational and analytical support for the assessment of the effectiveness of law enforcement agencies: A view of the problem. *Kyiv Law Journal*, 1, 202-208. doi: [10.32782/klj/2023.1.30](https://doi.org/10.32782/klj/2023.1.30).
- [10] Kumar, S., & Kumar, S. (2015). Does modernization improve performance: Evidence from Indian police. *European Journal of Law and Economics*, 39(1), 57-77. doi: [10.1007/s10657-013-9392-1](https://doi.org/10.1007/s10657-013-9392-1).
- [11] Lupalo, O.A. (2019). Evaluation of the effectiveness of the national police of Ukraine: Administrative and legal aspects. *Legal Regulation of the Economy*, 18, 73-85. doi: [10.33111/lre.2019.18.073](https://doi.org/10.33111/lre.2019.18.073).
- [12] Manning, M., Johnson, S.D., Tilley, N., Wong, G.T.W., & Vorsina, M. (2016). *Economic analysis and efficiency in policing, criminal justice and crime reduction: What works?* Palgrave Pivot: Book Series. doi: [10.1057/9781137588654](https://doi.org/10.1057/9781137588654).
- [13] Milic, N., Popovic, B., & Marinkovic, D. (2017). [Police officer perceptions of crime hot spots and the applicability of analytical support of policing](#). *Journal of Criminalistics and Criminology*, 68(1), 15-30.
- [14] Mrgan, I., Orlovic, A., & Jurkovic, K. (2018). [Organization and functioning of criminal techniques in the police administration of Istria - strategic \(SWOT\) analysis](#). *Policija I Sigurnost-Police and Security*, 27(3), 291-311.
- [15] Myronyuk, S.A., & Myronyuk, R.V. (2020). Public control over the service activities of the police and evaluation of the effectiveness of the provision of social and service services by the police of Western Europe and Ukraine. In *Comparative and Analytical Law* (pp. 372-391). Riga: Publishing House "Baltija Publishing". doi: [10.30525/978-9934-26-033-9-21](https://doi.org/10.30525/978-9934-26-033-9-21).
- [16] Nebeska, M.S. (2019). Evaluation of the effectiveness of the national police of Ukraine. *State and Regions*, 4(66), 92-97. doi: [10.32840/1813-338X-2019-4-16](https://doi.org/10.32840/1813-338X-2019-4-16).
- [17] Nepomuceno, T.C.C., Santiago, K.T.M., Daraió, C., & Costa, A.P.C.S. (2022). Exogenous crimes and the assessment of public safety efficiency and effectiveness. *Annals of Operations Research*, 316(2), 1349-1382. doi: [10.1007/s10479-020-03767-6](https://doi.org/10.1007/s10479-020-03767-6).
- [18] Rahimi, H., Nazari S.S.H., Soori H., Motevalian S.A., Momeni, E., & Azar, A. (2017). Traffic police effectiveness and efficiency evaluations, an overview of methodological considerations. *Archives of Trauma Research*, 6(1), 1-12. doi: [10.5812/atr.36927](https://doi.org/10.5812/atr.36927).
- [19] Ratcliffe, J.H. (2015). Towards an index for harm-focused policing. *Policing (Oxford)*, 9(2), 164-182. doi: [10.1093/police/pau032](https://doi.org/10.1093/police/pau032).
- [20] Serdyuk, A.M. (2015). [Regarding the criteria for the effectiveness of the police of foreign countries](#). *Scientific Bulletin of Kherson State University*, 3-2(2), 155-159.
- [21] Soltes, V., Kubas, J., Velas, A., & Michalík, D. (2021). Occupational safety of municipal police officers: Assessing the vulnerability and riskiness of police officers' work. *International Journal of Environmental Research and Public Health*, 18(11), article number 5605. doi: [10.3390/ijerph18115605](https://doi.org/10.3390/ijerph18115605).
- [22] State statistics service of Ukraine. (n.d.). Retrieved from https://www.ukrstat.gov.ua/operativ/oper_new.html.
- [23] Stryzhak, A.O. (2021). Conceptual approaches to the formation of a system of criteria for evaluating the effectiveness of the patrol police in the field of road safety. *Proceedings. Series: Law*, 11, 113-119. doi: [10.36550/2522-9230-2021-11-113-119](https://doi.org/10.36550/2522-9230-2021-11-113-119).
- [24] Varenko, V.M. (2014). [Information and analytical activity](#). Kyiv: University "Ukraine".
- [25] Weir, K., Norris, A., & Kilili, S. (2020). Technology as a policing enabler-utilizing sentrysis to improve police efficiency and effectiveness. *Policing-A Journal of Policy and Practice*, 14(3), 593-597. doi: [10.1093/police/paz079](https://doi.org/10.1093/police/paz079).
- [26] Wong, G.T.W., & Manning, M. (2022). Enhancing police efficiency in detecting crime in Hong Kong. *Crime Law and Social Change*, 78(3), 321-355. doi: [10.1007/s10611-022-10027-0](https://doi.org/10.1007/s10611-022-10027-0).

- [27] Zahozhai, V.B. (2022). *Informational and analytical provision of law enforcement and socio-economic management (based on methodology and practice of applied statistics)*. Kyiv: National Academy of Internal Affairs. doi: [10.31767/su.1\(100\)2023.01.08](https://doi.org/10.31767/su.1(100)2023.01.08).

Методологічні засади побудови інформаційно-аналітичного забезпечення ефективності правоохоронної діяльності

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■ **Анотація.** Нагальні проблеми, пов'язані з поглибленням соціально-економічної кризи, численними викликами у сфері національної безпеки, веденням бойових дій та окупацією території України, загрожують безпеці громадян і засвідчують потребу в перегляді ключових засад реформування сучасної правоохоронної системи, зокрема в контексті її інформаційно-аналітичного забезпечення. У зв'язку з цим метою дослідження є обґрунтування системи відповідних показників, правил, прийомів і методів, за допомогою яких визначають рівень певної структури, підрозділу або системи загалом за умови ефективного розвитку їх потенціалу. Основу методологічного інструментарію становлять діалектичний, структурно-логічний методи, системний підхід, а також статистичний метод. Рекомендовано на основі достовірного інформаційного забезпечення проводити аналіз ефективності правоохоронної діяльності, орієнтуючись на подальше розроблення пропозицій щодо проведення відповідних профілактичних заходів. З метою реалізації цих підходів висвітлено принципи ефективної правоохоронної діяльності, запропоновано формування комплексного моніторингу з відслідковування та прогнозування динаміки правопорушень з використанням сучасних інструментів політики, спостереження, контролю та реагування. Доведено, що якість роботи правоохоронної системи зумовлена підвищенням її ефективності за умови досягнення високих результатів за найменших витрат живої та уречевленої праці. Сформульовано визначення ефекту й ефективності правоохоронної діяльності, а також на підставі цих показників запропоновано методіку факторного аналізу ефекту, ефективності, інтенсивності роботи правоохоронних органів. Практична цінність роботи полягає в тому, що сформульовані в ній висновки завдяки рецептурному викладу уможливають формування оптимальної моделі прийняття управлінських рішень щодо виконання конкретних завдань, які стоять перед правоохоронними органами, а також гарантуватимуть творчий підхід у розробленні алгоритмів і заходів щодо підвищення рівня ефективності діяльності в цій сфері

■ **Ключові слова:** комплексний моніторинг; управління; ефективність роботи; інтенсивність діяльності; факторний аналіз; прогнозування

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Collaborationism as an object of criminological research

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■ **Abstract.** With the onset of the war initiated by the Russian Federation against Ukraine, collaborationist activity has become a matter of national security for the country. Collaborationist activity, which involves cooperation or assistance to another country or organisation, can have an impact on the national security of a country, including armed or cyber influence, influence on information flows, and citizen safety. The purpose of this study is to identify the dynamics of changes and distinguish collaborationist activity from other types of criminal offences within the context of criminology and criminal law in Ukraine. The research methods used in this study included analysis and synthesis, which were used to identify pertinent issues in society that arise during the process of identifying the criminal activity of collaborators. Methods of historical analysis, specification, and classification are applied. The main methods used in the study were the analysis and synthesis of scientific and theoretical materials and legal norms. Collaborationism in the context of international law is defined. The main acts in the field of international humanitarian law that define the legal status of populations in occupied territories are analysed. Based on key characteristics, various types of criminal activity are identified. The issue of the need to improve criminal law norms, the definition of crime, and the responsibility for collaborationist activity are addressed. The study explored the issue of collaborationism in Ukraine, which emerged as a result of the armed aggression of the Russian Federation. An analysis of the changes made to the Ukrainian Criminal Code regarding the definition of the crime related to collaborationist activity and the responsibility for such actions is conducted. The dynamics of court verdicts over the past year concerning the application of the criminal code provision in real time is summarised. The practical value of this study lies in the fact that identifying current problems and their resolution methods will enhance the effectiveness of law enforcement activities in detecting individuals engaged in collaborationist activity and holding them accountable. This, in turn, will contribute to reducing the level of criminality in this sphere

■ **Keywords:** war crimes; national security; occupation; enemy; high treason

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■ Introduction

For Western Europe, a lawful and internationally recognised practice of prosecuting war criminals is characteristic. The concept of criminal collaboration emerged during World War II. During this period, the term “collaborationism” took on forms of moral and political involvement for those who cooperated with the cruel Nazi regime, thereby committing crimes against their own population. To distinguish between favourable and unfavourable collaborationists, it is necessary to understand the underlying ideas pursued by these individuals.

P. Digereser (2022) explored the issue of collaboration as an undefined concept, which led to political abuse and manipulation, and also formulated the concept of gender collaborationism. Throughout Europe, Germany’s Nazi ideology created various combinations and forms of cooperation with occupiers, ranging from military to economic collaboration. In this sense, it is challenging to differentiate between collaborationism and the ordinary survival of the population during wartime.

S. Kalyvas (2018) investigated two types of collaboration: military and armed collaboration. The author also examined the theoretical underpinnings of the phenomenon, such as indirect rule, civil war, and endogenous dynamics. In the paper by T. Austad (2022), the role of national identity and religious beliefs of the population in the process of combating collaborators was examined, using the example of the Norwegian events during World War II.

Having examined mass killings that occurred during the armed conflict in East Java, G. Leksana (2021) & M. Galvis (2022) analysed the main features of genocide and highlighted collaborationist actions’ peculiarities beyond the context of war. The unstable political situation in the state led to successful collaboration between the population and the military, as it had its intentions during the violence. Civilian populations were driven by motives such as political revenge against communist neighbours or economic attempts to acquire land. These motivations include rewards individuals received from violence, such as obtaining property or employment in the civil service. In the author’s view, the participation of civilians in mass violence leading to genocide in Indonesia in 1965-66 is an expression of collaboration supported by the military.

E. Benmelech & E.F. Klor (2020) conducted an analysis of the phenomenon of foreign fighters joining the Islamic State in Iraq and Syria (ISIS). They investigated the reasons and motivations behind the

collaboration of foreign citizens with ISIS. It was established that the influx of fighters to ISIS is driven not only by economic or political conditions but also has ideological and religious underpinnings. The ethnic homogeneity and the Muslim population’s size provide an impetus for individuals from countries with high levels of economic development and advanced political institutions to join opposition forces or rebels.

The issue of collaboration in Ukraine was addressed by O. Diachok (2017). She elucidated the concept of collaborationist activity since the beginning of Russia’s military invasion and the annexation of Crimea in 2014. The task then arose to prevent individuals responsible for crimes against Ukraine’s national security from assuming state management roles. Analysing national legislation in relation to international human rights instruments, it was found that individuals implicated in criminal collaboration could not be held criminally responsible due to the absence of mechanisms to do so. There is now a need to amend Ukraine’s criminal legislation.

The question of criminal collaboration with an occupying state remains open for society. War crimes, espionage, and high treason always take place during military operations. The problem of this study was the absence of practical application of this concept in modern society, as the notion of occupation is absent in most countries. As a result of the armed aggression of the Russian Federation, Ukraine has become the founder of new norms that take their place in international humanitarian law, which actualises the conduct of this study.

The purpose of the study was to examine new forms of collaborationist activity and methods to combat it in contemporary society. The objective is to identify the signs of collaborationist activity and address the responsibility for such a type of offence.

■ Materials and Methods

For a comprehensive and in-depth study, an analysis of a series of papers published in journals and collections on the subject of collaborationist activity with the enemy during the occupation was conducted. Familiarity with normative acts in the field of international humanitarian law that regulate the legal status of the population during the occupation, such as the IV Geneva Convention on the Laws and Customs of War on Land¹, the IV Geneva Convention for the Protection of Civilian Persons in Time of War², and the European Convention on Human Rights, was

¹IV Convention No. 995_222 “On the Laws and Customs of War on Land and Its Annex: Provisions on the Laws and Customs of War on Land”. (1907, October). Retrieved from https://zakon.rada.gov.ua/laws/show/995_222#Text.

²Convention No. 995_154 “On the Protection of the Civilian Population in Time of War”. (1949, August). Retrieved from https://zakon.rada.gov.ua/laws/show/995_154#Text.

undertaken¹. An analogy was drawn between international acts and the practice of imposing criminal punishment for collaborationist activities during the Second World War period. Using an analysis of changes in criminal legislation over the recent period, particularly regarding defining the elements of the crime of collaborationist activity and legal accountability for such actions, was accomplished.

Employing the method of specification, historical examples from European countries and the East concerning collaborationist activity during wartime and occupation periods were identified. The practices of various countries aimed at holding individuals accountable for treason were explored.

Based on dialectical and systemic methods, historical conclusions were drawn from foreign countries, indicating the need for the global community to address issues of state treason during wartime conflicts, mass killings, and political repressions. The concept of collaborationist activity was isolated from other criminal offences. The impact of propaganda from the aggressor state during war, which can shift the situation from collaborationism to national resistance and the fight for independence in totalitarian regimes, was analysed.

Using analysis and synthesis, general principles of law enforcement activities in Ukraine aimed at preserving state sovereignty within the framework of international humanitarian law based on national legislation were determined.

Through typological analysis, types of collaboration were categorised for criminal justice purposes. Conclusions about the specifics of collaborationist actions and criminal punishment for their commission in individual cases were derived using deduction methods. The importance of defining collaborationist activity as a distinct criminal offence for application in international legal practice was emphasised. Problems at the international level were synthesised using the method of generalisation.

■ Results and Discussion

Despite the fact that collaborationist activity poses a high level of societal danger, such actions are not always identified as criminal acts. This is due to the insufficient readiness of criminal legislation. To address this, it is necessary to identify types of offenses that deliberately harm national security, viewed from the perspective of state treason, while still falling outside

the scope of criminal liability (Antonyuk, 2022). The issue of improving the existing criminal and criminal procedural legislation is particularly relevant in the territory of Ukraine during the introduction of a state of war. In such conditions, society requires new approaches to defining the elements of the crime and streamlining procedural actions. The dynamics of criminal processes demand changes to the current legislation, considering the future development direction of criminal legislation (Balobanova *et al.*, 2022).

To understand the concept of collaborationism, it is necessary to analyse the main features of this phenomenon. The experience of the Chinese in Yokohama during the Second Sino-Japanese War demonstrated how easily the concept of friendship can be manipulated between two nations. The contemplations of the Chinese in Yokohama about friendship during the war highlighted the disconnect between its rhetorical concept and its use by the Japanese government for its own purposes. The consequences of such political manipulations persist in Chinese-Japanese relations to the present day. Diplomatic statements of friendship do not align with the factual distrust and hostility between the Chinese and Japanese people (Hretsa *et al.*, 2022).

In accordance with the foundational acts in the field of international humanitarian law that define the legal status of the population in occupied territories, a territory is recognized as occupied if it is effectively under the control of the enemy's army. The IV Hague Convention² on the Laws and Customs of War on Land proclaims the principle of humanity, which obliges the occupier to ensure the normal livelihood on the occupied territory, a proper humanitarian situation, and adherence to rules of conduct with the civilian population and prisoners of war. This implies that the occupant is obligated to take measures to restore and ensure public order and the safety of the peaceful population. The Geneva Conventions³ regulate the treatment of prisoners of war and civilian populations during armed conflicts. The importance of the humanitarian sphere during armed conflict is difficult to overestimate. An individual who, due to an insurmountable situation, finds themselves in occupied territory is protected by the Convention. Regardless of the location, whether it is a region undergoing armed conflict or occupation and whether it is under the jurisdiction of a conflicting party or an occupying state, individuals are entitled to receive humane treatment.

¹European Convention No. 995_004 "On the Protection of Human Rights and Fundamental Freedoms". (1950, November). Retrieved from https://zakon.rada.gov.ua/laws/show/995_004#Text.

²IV Convention No. 995_222 "On the Laws and Customs of War on Land and Its Annex: Provisions on the Laws and Customs of War on Land". (1907, October). Retrieved from https://zakon.rada.gov.ua/laws/show/995_222#Text.

³Convention No. 995_154 "On the Protection of the Civilian Population in Time of War". (1949, August). Retrieved from https://zakon.rada.gov.ua/laws/show/995_154#Text.

As of 2023, European legislation does not define the elements of a crime related to collaborationist activity. Overall, international humanitarian law establishes responsibility only for individuals who engage in active activities such as espionage, sabotage, and intelligence in favour of an enemy country or its citizens. Based on these norms, support for an occupying authority that is not accompanied by active actions is not considered collaboration with the enemy. There is no direct prohibition on collaboration with the enemy or voluntary involvement of residents of occupied territories in such collaboration. The only limitation for individuals engaging in activity detrimental to state security is that the Convention's protection does not extend to them.

According to Article 6 of the European Convention on Human Rights¹, the occupying authority must ensure effective judicial proceedings in the occupied territory. For this purpose, it is necessary to ensure the operation of non-political courts on this territory, and in case of violations of provisions on criminal liability, transfer the accused to them. The principles

of non-political nature and ensuring a fair procedure and practical realisation of the right to a fair trial are crucial in the activities of judicial bodies in the occupied territory.

Large-scale judicial processes for war crimes took place in Asian countries and were related to state treason. Based on the nationality of the criminals and victims, it was difficult to establish a boundary between forced behaviour to support daily life and collaborationism. This raised doubts about whether such actions could be considered war crimes and led to societal dissatisfaction with judicial verdicts (Lingen & Cribb, 2017).

Contemporary collaborationism encompasses various forms of betrayal of the state, cooperation of the population with occupying authorities and their representatives, and collaboration with the aggressor nation in various aspects of life such as military, economic, political, informational, and others. Through scholarly analysis, several types of collaboration have been identified based on their distinguishing characteristics (Table 1).

Table 1. Types of collaborationism

Type	Characteristic features	Example
Forced collaborationism	Cooperation is not voluntary	A resident of the Burynska United Territorial Community (UTC) in Sumy Oblast, Ukraine, at the end of March 2022, when Russian forces occupied the UTC and established a checkpoint on the route to Oleksandr's workplace, agreed to provide the Russians with "material resources in the form of water and cigarettes". The court issued a verdict considering the fact that the decision on cooperation was made to "avoid checking documents and a simplified crossing of the checkpoint" to get to work ²
Voluntary collaborationism	Cooperation with the aim of harming the state sovereignty and territorial integrity of the country voluntarily	A person who is liable for military service, currently in reserve with the military rank of Senior Sergeant, holding the military position of Weapons Master, and subject to conscription through mobilisation, received a summons to report for military service through mobilisation at their permanent place of residence, and acknowledged this by signing the document "acknowledgment of summons." After that, he left Zaporizhzhia and travelled to Mariupol in Dnipropetrovsk Oblast, and then proceeded to enter the area of the anti-terrorist operation, specifically to the temporarily occupied territory of Donetsk city. There, he joined the ranks of an unlawful armed terrorist group known as the "Vostok" battalion, which was under the control of the self-proclaimed "Donetsk People's Republic" ³

¹European Convention No. 995_004 "On the Protection of Human Rights and Fundamental Freedoms". (1950, November). Retrieved from https://zakon.rada.gov.ua/laws/show/995_004#Text.

²Verdict of the Buryn District Court on Case No. 574/369/22. (2023, January). Retrieved from <https://reyestr.court.gov.ua/Review/107991214>.

³Verdict of the Pavlograd District Court on Case No. 185/3792/15-k. (2015, September). Retrieved from <https://reyestr.court.gov.ua/Review/49532141>.

Table 1, Continued

Type	Characteristic features	Example
Ideological collaborationism	Occurs through ideological beliefs	The pre-trial investigation authorities classify crimes in accordance with Part 1 of Article 111-1 of the Criminal Code of Ukraine regarding individuals who, on their personal page on a social internet network under their nickname, posted publications and personal video materials that led to criminal liability ¹
Military collaborationism	Service in enemy law enforcement agencies, police agencies, punitive structures, intelligence, provision of certain military information	The court imposed punishment on the accused in accordance with the sanction of Article 260 Part 2 of the Criminal Code of Ukraine, in the form of imprisonment at the lowest limit, on an individual who, for monetary compensation, decided to join a military formation of the self-proclaimed so-called “DNR” while possessing firearms or explosive weapons, realising that the armed formation is unlawful ²
Political and administrative		The case was opened against Serhiy Khortiv, the former mayor of Rubizhne city in the Luhansk region. On May 16, 2023, the court found him guilty of collaborationism and sentenced him to 10 years of imprisonment with property confiscation and a ban on holding public office ³
Everyday collaborationism	Cooperation with the occupation authorities	Individuals who received instructions from representatives of the RF armed forces, using an official cargo vehicle, assisted the enemy country’s armed formations in constructing checkpoints, transporting various types of cargo, as well as providing fuel for military equipment. They also provided information about military personnel, representatives of territorial defence in the towns of Hostomel and Irpin, Kyiv region, participants in combat actions, and citizens with active pro-Ukrainian positions. The actions of the accused are classified by the pre-trial investigation authority under Part 4 of Article 1111 of the Criminal Code of Ukraine ⁴
Economic collaborationism	Establishment of friendly relations between occupiers and the local population	Implementing their criminal intent, an individual located at their workplace within the premises of the state institution “Zhytomyr Regional Center for Disease Control and Prevention of the Ministry of Health of Ukraine”, situated at the address: 64 Velyka Berdychivska Street, Room No. 65, in Zhytomyr, intentionally, with the motive of supporting informational influences of the aggressor state to the detriment of Ukraine’s information security and with the aim of disseminating them among an unspecified group of individuals, in the presence of medical personnel of the institution, publicly called for the support of decisions and actions of the aggressor state – the Russian Federation. Thus, the individual is accused of, under the aforementioned circumstances, intentionally and motivated by ideological-political preferences, being aware of the unlawfulness of their actions and being a citizen of Ukraine, publicly calling for the support of decisions and actions of the aggressor state, i.e., committing a criminal offence as stipulated in Part 1 of Article 111-1 of the Criminal Code of Ukraine ⁵

¹Verdict of the Krasnogvardiy District Court on Case No. 204/6874/22. (2022, October). Retrieved from <https://reyestr.court.gov.ua/Review/106339886>.

²Verdict of the Dobropil District Court on Case No. 227/4/15-k. (2015, September). Retrieved from <https://reyestr.court.gov.ua/Review/45297278>.

³Verdict of the Kirov District Court of Kirovohrad No. 185/4425/22. (2023). Retrieved from <https://reyestr.court.gov.ua/Review/110875902>.

⁴Verdict of the Shevchenkiv District Court on Case No. 761/13954/22. (2022). Retrieved from <https://reyestr.court.gov.ua/Review/106554991>.

⁵Verdict of the Korolovsky District Court on Case No. 296/6171/22. (2022, November). Retrieved from <https://reyestr.court.gov.ua/Review/106395178>.

Table 1, Continued

Type	Characteristic features	Example
Cultural and spiritual collaborationism	Propaganda and cultural and ideological work with the population	On May 11, 2023, the Lenin District Court of Kropyvnytskyi found Metropolitan Ioasaf (Petro Hubenia), the former head of the Kirovohrad Diocese of the Ukrainian Orthodox Church of the Moscow Patriarchate (UOC-MP), and Roman Kondratyuk, the secretary of the same diocese, guilty of inciting religious hostility ¹

Source: Summarised by the authors

Based on the fundamental principles of criminal procedural legislation, the object of collaborationist activity is to inflict harm on the sovereignty, territorial integrity, external and internal sovereignty of Ukraine, its defence capability, economic, and information security. The subjective aspect involves the perpetrator’s awareness of the socially dangerous consequences of their actions. Motivations for such activity may include personal gain, revenge, or ideological beliefs of the individual (Yanishevska & Krysko, 2022).

International humanitarian law aims to regulate relations during armed conflicts and establish preventive measures to prevent them. In the context of global experience in combating collaborationist activity, it has been established that the modern system of international legal regulation contains declarative norms that demonstrated their inefficiency during military operations and the occupation of territories. This includes the functions of the United Nations Security Council and the International Committee of the Red Cross. During the Russian Federation’s invasion of Ukraine, they proved ineffective in the conditions of a full-scale military conflict. There is a need to enhance norms in various areas of law, including criminal law, by defining new forms of crimes and their accountability (Kalyvas, 2018).

The attack by the Russian Federation challenged state sovereignty, territorial integrity, and independence of Ukraine. The socio-political situation in Eastern Ukraine during the military operations initiated the emergence of collaborationist activity in that territory and is indicative of treason. This phenomenon required an immediate update of criminal legislation to specifically define this crime as a separate criminal offence. The Ukrainian authorities promptly responded to societal demands by amending the Criminal Code of Ukraine to introduce criminal liability for collaborationist activity, targeting individuals who assist the Russians and collaborate with the occupying administration to the detriment of Ukraine. The new provisions in the Criminal Code align with the principles of international humanitarian law (Bondarenko *et al.*, 2022).

On March 15, 2022, the Law of Ukraine “On Amendments to Certain Legislative Acts of Ukraine Regarding the Establishment of Criminal Liability for Collaborationist Activity”² came into effect, amending the Criminal Code of Ukraine³ to introduce Article 111-1. This article significantly heightened criminal liability for criminal cooperation with an aggressor state. Starting from that moment, criminal liability for collaborationist activity in Ukraine has been in effect (Table 2).

Table 2. Analysis of Article 111-1 of the Criminal Code of Ukraine

Acts	Punishment
Occupying a position that does not involve performing organisational, administrative, or managerial functions within the authorities established on illegal grounds in occupied territories	Entails prohibiting engagement in certain activities and holding specific positions for a period ranging from ten to fifteen years, with the possibility of property confiscation
Occupying a position in unlawful entities established in occupied territories, which involves performing organisational, managerial, administrative, or economic functions	Provides for imprisonment from 5 to 10 years and a prohibition from holding certain positions or engaging in specific activities for a period of 10 to 15 years, with the possibility of property confiscation
Activities that involve organising and conducting elections, calling for elections, and participating in the election of officials to illegal authorities established in occupied territories	

¹Verdict of the Leninsky District Court on Case No. 405/2078/23. (2023). Retrieved from <https://reyestr.court.gov.ua/Review/110901228>.

²Law of Ukraine No. 2108-IX “On Amendments to Certain Legislative Acts of Ukraine on Establishing Criminal Liability for Collaborative Activities”. (2022, March). Retrieved from <https://zakon.rada.gov.ua/laws/show/2108-20#Text>.

³Criminal Codex of Ukraine No. 2341-III. (2001, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/2341-14#Text>.

Table 2, Continued

Acts	Punishment
Transferring material resources to the armed forces of the aggressor state or the occupying authority	Fines up to 170,000 UAH. Imprisonment from 5 to 10 years + prohibition from holding certain positions and engaging in specific activities for 10 to 15 years with property confiscation
Engaging in economic activities with the occupying authority	
Holding positions in law enforcement or judicial bodies established in the occupied territory	Imprisonment from 12 to 15 years and prohibition from holding certain positions and engaging in specific activities for 10 to 15 years with the possibility of confiscation
Participating in militarised groups or armed formations of the aggressor state established in the occupied territory	
Providing assistance in conducting combat operations against the Armed Forces of Ukraine, territorial defence units, and other volunteer formations	
Activities that involve publicly supporting aggression against Ukraine or denying these facts	Prohibition from holding certain positions and engaging in specific activities for 10 to 15 years
Urging support for the occupying administration, cooperating with it, and endorsing decisions and actions of the enemy state	
Denying the sovereignty of Ukraine over temporarily occupied territory	Prohibition from holding certain positions and engaging in specific activities for 10 to 15 years
Organising and conducting political events in support of the aggressor state and the occupying authority, and active participation in such activities (congresses, gatherings, rallies, marches, demonstrations, conferences, round tables)	Imprisonment from 12 to 15 years and prohibition from holding certain positions and engaging in specific activities for 10 to 15 years with property confiscation
Information activities – creating, collecting, obtaining, storing, using, and disseminating information – in collaboration with the aggressor state or occupying authority and active participation in such activities	
Activities that involve promoting the military aggression of the aggressor state against Ukraine in educational institutions	Correctional labour up to 2 years; arrest up to 6 months; imprisonment up to 3 years; prohibition from holding certain positions and engaging in specific activities for 10 to 15 years
Activities that involve supporting the aggressor country and the occupying authority	
Activities that involve implementing the standards of the aggressor state in the field of education	

Source: Criminal Code of Ukraine¹

In the Ukrainian language, “collaborationism” comes from French “collaboration,” which is defined as conscious, voluntary, and intentional cooperation with the enemy for one’s own interests and to the detriment of one’s own state and its allies. When interpreting this phenomenon, certain distinctions between collaborationism and espionage are made. Before the changes were introduced into the Criminal Code of Ukraine, the concept of “collaborationist activity” was only discussed in legal doctrines and draft laws. Therefore, such dynamic changes can be considered a significant breakthrough not only in the criminal legislation of Ukraine but also beyond.

Analysing the characteristics of actions provided in Articles 111-1 and 114 of the Criminal Code of

Ukraine, certain differences in the description of the criminal elements can be identified. Collaborative activities do not involve committing actions related to the collection and transmission of information that could constitute state secrets to the aggressor state. The concept of espionage involves an actively purposeful collection of information that constitutes state secrets. An analysis was conducted on 70 verdicts rendered during the wartime period up until the end of August 2022. As a result, it was determined that judicial verdicts under Article 111-1 for collaborationist activities, among actions closely resembling it in terms of their characteristics, account for 45%, verdicts for state treason constitute 48%, verdicts under Article 114-2 for unauthorised dissemination

¹Criminal Code of Ukraine No. 2341-III. (2001, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/2341-14#Text>.

As of 2023, the world is actively discussing the extreme danger of Nazism and totalitarianism. If such ideas win, humanity will face ideological decline, humanitarian catastrophe, and post-war repression. In this context, it is vital to define a line between the criminal actions of collaborators that pose a threat to national interests and actions aimed at preserving fundamental humanitarian human rights and preventing the prosecution of innocent people.

V. Voisin (2017) explores the issue of punishing female collaborators in the Soviet state who had sexual relations with an invader. This behaviour causes condemnation from the local population from a moral standpoint. The state utilised this for social-political purges of the population.

Civil War researchers V. Bauer *et al.* (2022) examined the involvement of militants in Pakistan to reduce cooperation with the United States. The analysis results indicated that killing collaborators using drones led to a decrease in espionage as a whole. Defining the concept of a collaborator and their motivation to cooperate with the enemy is the subject of analysis in the book by J. Espindola & L. Payne (2022). The authors delve into whether cooperation is harmful or whether it leads to an increase or decrease in violence, whether it is always evil or if it can be viewed in light of mitigating injustice. The study is based on various types of cooperation in different times, countries, political systems, political and cultural conflicts. S. Bozanich (2022) identified key factors that give rise to collaborationism. According to him, these are violent actions by the aggressor country or occupying totalitarian power. Under the influence of special events, disputes on religious topics and ethnicity arise on an ideological basis. For instance, during the Yugoslav War, there was a threat of genocide against Bosnian Muslims, ethnic Albanians, Croats, and other nations. Amid internal conflict and Nazi occupation, questions arose about mass violence and genocide. The diversity of political, ideological, and cultural perspectives does not provide a clear understanding of the boundary between collaborationism and national liberation resistance or the struggle for independence. The model of European behaviour during the war is characterised by a paradigm between resistance and cooperation with the occupation authorities.

The interconnection principles of the political, social, economic, and military spheres during war with totalitarian regimes and the significance of gender as an analytical category were explored by V. Drapac & G. Pritchard (2015). Currently, historians and jurists agree that the issue of collaborationism is not limited solely to the context of military actions and territorial occupation during wartime. J. Espindola (2023) described manifestations of collaboration beyond the scope of warfare. He investigated this issue

from a philosophical and moral perspective, assessing the risks of cooperation between state authorities and criminals involved in drug-related crimes in Mexico. In exchange for leniency in sentencing and protection from retaliation, these wrongdoers are required to leave their criminal organisation and strike a deal with law enforcement agencies to share information about their activities. The author questions the permissibility of using collaborators in the state justice system.

Based on the general concept of criminal law and specific historical examples, one can conclude that the phenomenon of collaboration occupies a distinct place in criminal legislation. Given that modern hybrid warfare involves a wide spectrum of society, traditional concepts such as treason, espionage, sabotage, and genocide no longer fit neatly within the confines of current jurisprudence. An important point is not only the amendment of Criminal Legislation but also the continued exploration of these processes to prevent the manifestation of genocide, mass violence, and other grave violations of human rights.

■ Conclusions

Collaborationism has been discussed and studied by historians and sociologists in their works; however, the legal practice of holding collaborators criminally responsible is relatively limited. It is based solely on the application of general international acts and has not yet been incorporated into national criminal legislation. This legal gap is rooted in the absence of precedents in world history since the end of World War II. The Nazi regime left a considerable impact on the development of contemporary Europe and its citizens' political and ideological perspectives on societal life. The Nuremberg Trials were centred around war crimes and crimes against humanity in general. The complex historical past and the establishment of Ukrainian statehood in the context of the Russo-Ukrainian war prompted innovations in criminal legislation. However, there is no clear legal stance on regulating the behaviour of Ukrainian citizens residing in occupied territories who collaborate with the enemy or occupying authorities.

The question of treason becomes particularly acute during times of war, regardless of where it occurs, whereas collaborationism is a type of behaviour that must necessarily manifest on occupied territories and is demonstrated during the occupation. Progressive humanity faced a new challenge in the form of Vladimir Putin's imperialistic totalitarian regime. Society, especially the population of Ukraine, proved unprepared for the new threat to humanity that unexpectedly arose from the Russian Federation. Therefore, the introduction of new provisions into the Criminal Code of Ukraine should only mark the beginning of new research in the field of criminal legal issues related to collaborationism.

This matter requires further study, a scientific approach to the issue that will enable bridging gaps in law enforcement activities, particularly in the context of collaborationist activity during military operations, mass killings, other manifestations of genocide, and gaining new theoretical and practical insights. The timely incorporation of changes into criminal legislation to minimise the consequences of collaborationist activity and prevent it in occupied territories is of particular importance.

The scientific originality of this paper lies in identifying new characteristics when defining the elements of the crime of collaborationist activity in the context of hybrid warfare.

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■ Conflict of Interest

None.

■ References

- [1] Antonyuk, N. (2022). A criminal and legal assessment of collaborationism: A change of views in connection with Russia's military aggression against Ukraine. *Access to Justice in Eastern Europe*, 5(3), 137-145. doi: [10.33327/AJEE-18-5.3-n000312](https://doi.org/10.33327/AJEE-18-5.3-n000312).
- [2] Austad, T. (2022). [National youth service. The struggle for children and youth in Norway during the occupation of 1940-1945](#). *Danish Journal of Theology and Church*, 49(2), 101-118.
- [3] Balobanova, D., Hazdayka-Vasylyshyn, I., Shekhavtsov, R., Avramenko, O., & Lashchuk, N. (2022). Dynamics of criminal law and process in conditions of special legal regimes. *Amazonia Investiga Journal*, 11(54), 208-218. doi: [10.34069/AI/2022.54.06.20](https://doi.org/10.34069/AI/2022.54.06.20).
- [4] Bauer, V., Reese, M., & Ruby, K. (2022). Does insurgent selective punishment deter collaboration? Evidence from the drone war in Pakistan. *Journal of Conflict Resolution*, 27(2), 297-326. doi: [10.1177/00220027211041158](https://doi.org/10.1177/00220027211041158).
- [5] Benmelech, E., & Klor, E.F. (2020). What explains the flow of foreign fighters to ISIS? *Terrorism and Political Violence*, 32(7), 1458-1481. doi: [10.1080/09546553.2018.1482214](https://doi.org/10.1080/09546553.2018.1482214).
- [6] Bondarenko, O., Reznik, O., & Utkina, M. (2022). Novelization of the Criminal Code of Ukraine during the 2022 Russian invasion. *Journal of International Legal Communication*, 4(1), 31-38. doi: [10.32612/uw.27201643.2022.1](https://doi.org/10.32612/uw.27201643.2022.1).
- [7] Bozanich, S. (2022). *For king and datherland: Collaboration and genocide in wartime Yugoslavia*. Retrieved from https://www.academia.edu/77281558/For_King_and_Fatherland_Collaboration_and_Genocide_in_Wartime_Yugoslavia.
- [8] Digeser, P. (2022). Collaboration and its political functions. *American Political Science Review*, 116(1), 200-212. doi: [10.1017/S0003055421000745](https://doi.org/10.1017/S0003055421000745).
- [9] Drapac, V., & Pritchard, G. (2015). Beyond resistance and collaboration: Towards a social history of politics in Hitler's empire. *Journal of Social History*, 48(4), 865-891. doi: [10.1093/jsh/shv006](https://doi.org/10.1093/jsh/shv006).
- [10] Diachok, O. (2017). [Regarding the legislative limitation of the legal status of persons who have committed crimes against the foundations of national security of Ukraine](#). *Legal Position*, 2(19), 138-150.
- [11] Espindola, J. (2023). Bargaining with criminals: The morality of witness collaboration in Mexico's "war on drugs". *National Autonomous University of Mexico*, 27(1), 5-22. doi: [10.1177/13624806211072859](https://doi.org/10.1177/13624806211072859).
- [12] Espindola, J., & Payne, L. (2022). *Collaboration in authoritarian and armed conflict settings*. Oxford: British Academy Scholarship Online. doi: [10.5871/bacad/9780197267059.001.0001](https://doi.org/10.5871/bacad/9780197267059.001.0001).
- [13] Galvis, M. (2022). The "allegiance" test: Judicial legislation and interpretation of GCIV. *Journal of Conflict and Security Law*, 27(1), 21-51. doi: [10.1093/jcsl/krab019](https://doi.org/10.1093/jcsl/krab019).
- [14] Han, E. (2013). A true Sino-Japanese amity? Collaborationism and the Yokohama Chinese (1937-1945). *Journal of Asian Studies*, 72(3), 587-609. doi: [10.1017/S0021911813000533](https://doi.org/10.1017/S0021911813000533).
- [15] Hretsa, S., Tykhomyrov, D., Olashyn, M., Rudanetska, O., & Bogoniuk, H. (2022). Transformation of the legal system in a time of war: International, administrative, and criminal aspects. *Cuestiones Politicas*, 40(75), 879-900. doi: [10.46398/cuestpol.4075.53](https://doi.org/10.46398/cuestpol.4075.53).
- [16] Kalyvas, S. (2018). Armed collaboration in Greece, 1941-1944. *European Review of History: Revue Européenne D'histoire*, 15(2), 129-142. doi: [10.1080/13507480801931051](https://doi.org/10.1080/13507480801931051).
- [17] Leksana, G. (2021). Collaboration in mass violence: The case of the Indonesian anti-leftist mass killings in 1965-66 in East Java. *Journal of Genocide*, 23(1), 58-80. doi: [10.1080/14623528.2020.1778612](https://doi.org/10.1080/14623528.2020.1778612).
- [18] Lingen, K., & Cribb, R. (2017). [War crimes trials in Asia: Collaboration and complicity in the aftermath of war](#). *Debating Collaboration and Complicity in War Crimes Trials in Asia, 1945-1986*.
- [19] Myslyvyi, V. (2022). Collaborative activities and espionage: Distinction criteria. *Legal Scientific Electronic Journal*, 12, 370-374. doi: [10.32782/2524-0374/2022-12/87](https://doi.org/10.32782/2524-0374/2022-12/87).

- [20] Ruys, T., & Ferro, L. (2020). [The enemy of my enemy](#). Dutch non-lethal assistance for ‘moderate’ syrian rebels and the multilevel violation of international law. *Netherlands Yearbook of International Law*, 50, 1-33.
- [21] Voisin, V. (2017). The soviet punishment of an All-European crime, “horizontal collaboration”. *Traitors, Collaborators and Deserters in Contemporary European Politics of Memory*, 241-264. [doi: 10.1007/978-3-319-66496-5_10](#).
- [22] Yanishevskaya, K., & Krysko, A. (2022). General theoretical aspects and classification of collaborative activity as a criminal-legal phenomenon. *Bulletin of the National Technical University of Ukraine “Kyiv Polytechnic Institute”*, 4(56), 16-19. [doi: 10.20535/2308-5053.2022.4\(56\).269622](#).

Колабораціонізм як об’єкт кримінологічного дослідження

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■ **Анотація.** З початком війни, яку розгорнула російська федерація проти України, таке явище в суспільстві, як колабораційна діяльність, стало належати до питань національної безпеки країни. Колабораційна діяльність, яка включає співпрацю або допомогу іншій країні або організації, може мати вплив на національну безпеку країни, збройний або кібернетичний вплив, вплив на інформаційні потоки та безпеку громадян. Метою роботи є виявлення динаміки змін і відмежування колабораційної діяльності від інших видів кримінальних правопорушень у контексті кримінології та кримінального права України. Методами наукового дослідження слугували аналіз і синтез, за допомогою яких визначено актуальні проблеми в суспільстві, що виникають у процесі виявлення злочинної діяльності колаборантів. Застосовано методи історичного аналізу, конкретизації та класифікації. Основним методом, використаним у роботі, став метод аналізу та синтезу науково-теоретичних матеріалів і правових норм. Визначено поняття колабораційної діяльності в контексті міжнародного права. Проаналізовано основні акти в галузі міжнародного гуманітарного права, які визначають правове становище населення на окупованих територіях. На підставі основних ознак визначено різновиди злочинної діяльності. Порушено питання щодо необхідності вдосконалення норм кримінального права, регламентації складу злочину та відповідальності за колабораційну діяльність. Досліджено питання колабораціонізму в Україні, що виник унаслідок збройної агресії російської федерації. Здійснено аналіз змін, внесених до кримінального кодексу України щодо визначення складу злочину за колабораційну діяльність і відповідальність за такі дії. Узагальнено динаміку судових вироків за останній рік, щодо застосування норми кримінального кодексу в реальному часі. Практичне значення дослідження полягає в тому, що визначення актуальних проблем і способів їх вирішення дозволить підвищити ефективність правоохоронної діяльності з виявлення осіб, які провадять колабораційну діяльність, та притягнення їх до відповідальності, що дозволить знизити рівень злочинності в цій сфері

■ **Ключові слова:** воєнні злочини; національна безпека; окупація; ворог; державна зрада

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Social-legal foundations of information security of the state, society and individual in Ukraine

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■ **Abstract.** Ukraine is experiencing military aggression due to the full-scale invasion of Russia, which uses information weapons. Therefore, the problem of ensuring a sufficiently high level of information security in Ukraine is relevant. The purpose of the research – to highlight the essence and features of the concept of "information security", and related terms, and to perform a comprehensive analysis of the current regulatory framework on ensuring a reliable level of information security as the basis of national security. To achieve this purpose, the author uses empirical, theoretical and comprehensive methods of scientific research, namely: observation, comparison, abstraction, analysis and synthesis, and comparative-legal, Aristotelian, analogy and deduction methods. The author proves the significance of ensuring information security at the level of each entity as the foundation for the existence of the Ukrainian information society and a means of counteracting the aggressive actions of the Russian Federation. The factors influencing information security are identified, in the context of which the significant role of the culture of protection of society is demonstrated. The significance of ensuring an appropriate level of cybersecurity as a defining element of information defence, the provision of which should be as consistent as possible with the State information policy, is substantiated. The author outlines the potential consequences of failure to maintain a reliable level of information and cybersecurity against the background of a full-scale invasion, namely: the overthrow of the government, collapse of Ukraine's reputation in the international arena, chaotic processes in society and growing discontent, economic crisis and human casualties. The author describes the current state of information security in the country and suggests ways to improve it, in particular by reforming the existing legal regulation, considering the political experience of other countries and scientific achievements, transforming the State information policy with a focus on preventing information offences, international cooperation in the global information space and developing the information culture of the population. These recommendations can be used to eliminate shortcomings in the legal regulation of information security issues and to develop proposals for reforming the national information policy

■ **Keywords:** information; information space; cybersecurity; information warfare; cyber warfare

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■ Introduction

Ukraine is an independent state, whose society is rightly called an information society, i.e. one that establishes, uses, and disseminates information. Thus, a massive Internet audience and a specific networked socio-cultural environment are being developed in Ukraine (Dubov *et al.*, 2010). Every day, almost every Ukrainian produces content, accumulates and processes various data, and establishes new information and a qualitatively new product – knowledge – from “raw” information. Such knowledge becomes a certain asset, as it can be transformed into a valuable resource that will contribute to Ukraine’s economic development.

Modern Ukraine is suffering from a full-scale invasion by the Russian federation. The enemy began its actions back in 2014, initiating a hybrid war against Ukraine, in which it uses both permitted and prohibited means and techniques, including information warfare and cyber warfare technologies (Barna, 2019). Thus, the information security of independent Ukraine is under constant attack and therefore needs to ensure the necessary level of protection, which determines the relevance of the research. Thus, the relevance of this research is quite high, as its results and conclusions will help the Ukrainian authorities, legislators, individual organisations and individuals both to better perceive the risks of information security and to understand how to act to protect the state against a full-scale invasion by an aggressor country and to provide an objective justification for the costs.

Information warfare is a phenomenon that consists of methods and means of presenting information in such a way as to develop a public opinion in a specific social group that is favourable to the organisers of information propaganda. As a result, the victim of information influence should develop a different worldview on an issue than they had before, but necessarily favourable to the attacker; or the corresponding actions are taken to shake the existing opinion, provoke the victim to doubt, etc (Sopilko *et al.*, 2021). It is exactly what the Russian Federation (hereinafter – rf) has been doing for more than nine years to achieve its purposes. Thus, it is necessary to counteract the aggressor country both by military means and in the information environment. To do this, it is directly necessary to ensure an adequate level of protection of national information security, which is possible through the introduction of high-quality regulations.

The outlined issues are in great demand and have become the foundation of scientific research and the achievements of leading domestic and foreign scholars. In particular, P. Loft *et al.* (2022) highlight the importance of risk management and disclose the specifics of ensuring information security at the level of enterprises and institutions. The

researchers emphasise the need to use “maturity models” and security standards in this regard. Such compliance strategies are an important requirement for the activities of many entities, but it is necessary to continue to search for better ways to appropriately protect information security. D.V. Dubov *et al.* (2010) define the information society as a humanitarian category characterised by qualitative transformations in society, shifting the main focus from production to non-production, changes like information flows, etc. In addition, these researchers include the information society itself and each person as an information subject. K. Yeganegi *et al.* (2020) explore using information technology and the role it plays in national security.

I.B. Koterlin (2022) analyses the impact of martial law on information security and the specifics of ensuring the rights and freedoms of citizens in these conditions. The legal and organisational aspects of combating destructive information influence in the state were explored by such scholars as R.F. Chernysh *et al.* (2022).

Despite the wide range of relevant studies, the essence and features of the concept of “information security” and other related terms require detailed analysis and elaboration.

The purpose of this research - to analyse the existing regulatory mechanisms and tools to ensure an adequate level of information security, which is an important element of national security. In addition, the research intends to provide qualitative proposals and recommendations in the context of overcoming the existing shortcomings and gaps in legal regulation and in Ukrainian information policy in general.

■ Literature Review

As of 2023, the number of scientific studies in the field of information security is growing, considering the activity of the aggressor country, the rf, in the framework of the hybrid war against Ukraine and the full-scale invasion. Information security in the sociological context is qualitatively explored in the work of R.I. Prodanyuk (2018). In their research, Y. Yurynets & M. Belkin (2022) focus on this phenomenon in the context of an informational understanding of culture. Studies of this concept as a purpose of an enemy waging information warfare are essential (Sopilko *et al.*, 2021).

An analysis of the available source base demonstrates the existence of different approaches to understanding information security, but there are three that scholars tend to favour. The first is based on computerisation and its goal of protecting information (Loft *et al.*, 2022). The sociological approach is followed by R.I. Prodanyuk (2018), and the legal and political approach by A.V. Svintsytskyi *et al.* (2022),

& I.M. Sopilko *et al.* (2021). Proponents of the latter approach assume that information security is inextricably linked to national and information and psychological security.

R.M. Alguliyev *et al.* (2020), exploring information security as a mandatory component of national security, proceeds from the analysis of its concept of the Republic of Azerbaijan. Thus, in their understanding, the security environment is a set of factors that affect both the sovereignty of the state and the inviolability of its borders, territorial integrity, preservation and maintenance of the welfare of society, and national interests (compliance with which properly ensures the activity and development of the individual). Therewith, scientists emphasise the importance of maintaining an appropriate level of protection of the vital interests of a person, society and the state in general from internal and external challenges and threats.

The aforementioned researcher I.B. Koterlin (2022), in the process of analysing the new Information Security Strategy 2021, comes to the apt conclusion about a clear change of emphasis in identifying threats in the relevant field with the restriction of human and civil rights. Among the relevant restrictions in this aspect, he notes the basic constitutional information rights, the need for which is caused by the inability to provide full protection against enemy arbitrariness.

T. Sozansky *et al.* (2020) emphasise the need to ensure information and cybersecurity as an element of it through public-private partnerships. It can be achieved through the development of such a partnership in the development of legislation and industry standards in the relevant area, and comprehensive state support for research designed to protect against cyberattacks. In addition, it applies to the development and implementation of a programme approach to developing effective cooperation in the exchange of information on cyber risks and incidents between the government and commercial entities and the introduction of a mechanism for state support for innovation in the cyber sphere. National policy must be based on flexible operational cybersecurity strategies.

The analysis of the sources demonstrates that there is a significant amount of work on this issue. However, research in this area should not be completed or stopped, as the developments of academics are no less important than the existing legal and regulatory framework, as they can become the foundation for improving the latter.

■ Materials and Methods

To achieve the purpose of the research, both empirical and theoretical and complex methods were used. The first group, empirical methods, was used at the stage of collecting the necessary data. The method of analysis and synthesis helped to obtain generalised information to reflect the characteristics of the

entirety of information security as a social and legal phenomenon and related categories and for qualitative research of the issues under consideration. In the process of applying the method of comparing different approaches to understanding this concept, the author managed to establish similarities and differences of the phenomena examined, and, therewith, identify what is common to all the objects under comparison and their specific properties. The author also investigates and defines the concept of information security as an integral element of the security of the state in general, and cybersecurity, without which it is difficult to imagine sufficient information security in the modern world. The general doctrinal definition of information security and the official regulatory definition were explored, thereby clearly developing an understanding of the tasks and methods of functioning information security as a systemic entity.

The method of abstraction helped to move away from the insignificant properties and connections of information security and related categories and, therewith, highlight the important things in them for further stages of the research.

Among the complex methods, the author uses the analysis by decomposing the subject of research into components. A comprehensive analysis of information security as the foundation of the national security of the Ukrainian State and its integral part - cybersecurity and some other elements – is performed. The application of the comparative-legal method helped to identify the problematic aspects of law enforcement in the area of information security examined and helped to compare the current regulations in the field of information security in Ukraine at a sufficient level. In addition, the author uses the method of analogy to substantiate the truth of judgments through arguments and arguments based on the research of legal doctrine in the information security field.

The development of the methodological framework of the research was facilitated by using the Aristotelian method and the method of deduction. In addition, grouping methods were used in the course of the research, and therefore several significant recommendations and proposals for improving the existing regulatory framework in the field of information security were developed.

■ Results and Discussion

Every social activity, especially those related to production and management, cannot do without information processing and, accordingly, is conditioned by the problem of information security. Understanding the essence of the latter is particularly important for this research. Every day, the world is changing, the level of multidimensionality of social practices is increasing, and their functioning is directly related to the growing intensity of information processes

in society and the acceleration of data ageing. It is the reason for the intensification of new risks and threats, and the entrenchment of existing ones. The security of individuals, social development, and even the state as a complete system is determined by the presence or absence of information and the increasing rate of its ageing. And it is the increase in the intensity of communications in society that is responsible for this. Thus, information contributes to the intellectualisation of society, and therefore information security has taken a strong position as a category that requires comprehensive protection. Consequently, ensuring a high-quality state of information security at the level of each entity is the way to the existence of an information society in the state.

Security, in general, and information security, in particular, is influenced by technical, social, political, legal and economic factors in their interaction. Therefore, it is the security culture of society that is of particular significance, as it is the only way for it to understand the nature of information threats. This culture is based on a foundation of communication and processes related to the immediate transfer of data.

Cyberspace is an integral structural element of the information environment. The importance of ensuring a sufficient level of cyber defence is that even the slightest defence will establish risks to information security. The appropriate provision of cyberspace defence must be fully consistent with the information security framework and national policy in this area.

As part of this aggressive act of Russia against Ukraine, the enemy resorts to means and methods of conducting both information and cyber warfare. Consequently, cyber and information security is the foundation for preserving and ensuring the national security of the state. Without them, the victim of aggression will face a complete overthrow of the government system, significant damage to its reputation as an international actor, public distrust of the authorities, collapse of the country's economy and, most importantly, human casualties.

Importantly, both the state and its representatives, and every citizen who uses information technology, must work to ensure information security. It means continuously improving the skills of perception and critical evaluation of information, identifying reliable sources and detecting bias. Developing the information culture of the population is one of the ways to protect against destructive information influence.

The priority task is to master information hygiene, namely responding to news and events with prudence and accuracy and complying with digital security rules. It will help society protect itself from manipulation and adverse effects. In addition, every business and institution should ensure data protection to achieve its purposes and preserve its resources, legal status and reputation. Joint efforts of the population

and institutions will help to establish a sustainable and secure information environment for the country.

Informatisation is the foundation for both business and other issues and has generally affected everyday life. Informatisation can be defined as a specific process of increasing the efficiency of data and information used in society using modern information technologies. Therewith, it is the process of transforming a society into an information society, which is particularly characteristic of Ukraine (Judge *et al.*, 2021; Tan *et al.*, 2021).

The relevant processes of informatisation are both good and adverse phenomenon that affects the existence of both individuals and social groups and states as international subjects. This informational influence has become a tool in the hands of aggressive subjects, particularly in the international arena, which is the cause of information wars that the world is facing more and more frequently (Zharovska & Ortynska, 2020). It can be counteracted by ensuring a sufficient level of information security at the national level, which will be discussed below.

The research of problems and tasks in any sphere of relations is based on the consistent development of the basic terminology, identification of structural and operational links between its elements, and determination of the means of defining the categories examined for comprehensive research. Therefore, it seems important, first of all, to conduct a detailed consideration of the fundamental concepts of "danger" and "security" based on different approaches. Notably, information security is an integral part of the national security of the state as a separate sovereign entity, and therefore the categories of danger and security should be assessed in the context of the latter.

The scientist V. Zaplatynskyi (2012) considers the concept examined here as the probability of conditions under which a particular energy, information, resource, etc., individually or together, can have a special impact on the system, resulting in specific consequences. Such consequences are perceived as adverse by the relevant subject at the instinctive, sensory or cognitive level even before the hazard occurs or after its respective adverse effects manifest themselves.

Understanding the concept of insecurity leads to the meaning and understanding of security. The first use of this term dates back to 1190 when it was understood as a state of peace of mind when a person considers himself or herself protected from any danger (Alguliyev *et al.*, 2020). The Merriam-Webster Dictionary (2023) defines security as the absence of danger; freedom from fear or anxiety; measures to protect against espionage or sabotage, crime, etc.; and the state of being able to access what is needed to meet one's basic needs. Security issues and challenges are interdisciplinary. Security should be understood as a complex, multilevel phenomenon.

The previously mentioned notion of national security can be seen as the security and defence of a nation-state, including its citizens, economy and institutions, which is seen as the responsibility of the government. The term “national defence” is used as a synonym (Cai, 2021). Concerning legislation as a source of law, in the context of considering the concept of security, it is necessary to mention, first of all, the provision of paragraph 9 of Article 1 of the Law of Ukraine “On National Security of Ukraine”, according to which national security means protection against real or possible threats and risks to democratic constitutional principles, state sovereignty, territorial integrity of the state, and other national interests of the country¹.

According to some scholars, the risk of a decline in the quality of life of citizens is a real threat to national security (Li & Liu, 2021). Thus, national security should not be defined, as it used to be, purely through military issues and internal and external borders. In this regard, note the classification, according to which national security consists of the following types of security: military, energy, environmental, socio-political, scientific and technical, and information, etc (Alguliyev *et al.*, 2020). Thus, military, economic, social and information security is the foundation for the existence of the overall security of the state.

In addition, the concept of information as the basis of all “information” categories should be considered. This term has long been perceived as related to the social and communication activities of social subjects. In the broadest sense, it is data that has been organised to draw special conclusions according to the tasks and requirements. Therewith, such information should be well structured and processed to ensure the reliability of the data obtained (Bansal, 2020). The terms “data”, “message”, and “knowledge” are closely related to information, although, according to the authors, there are differences between them. Thus, data is some material for processing and further interpretation, and the result of such processes is the emergence of information. In this research, information and data are used interchangeably.

The scientific community qualifies the concept of information security in different ways, mostly focusing on one aspect of this issue and choosing the technical and technological aspects of this concept. The authors are convinced that the real problem for Ukrainian society is to ensure the security of human consciousness as the least protected link in the social system. After all, information in the modern world is an important condition for the progressive

development of humanity in general. Therewith, it can lead to adverse transformations. It is the consciousness of each individual that develops the consciousness of society, which in turn is the basis for ensuring the information security of the entire state.

Having examined the social component of information security, next, consider its essence in the legal aspect. The United States of America is a leading country in the field of information technology, and therefore, much attention is paid to information security. Under the influence of a wide range of legislative and other regulations governing access to information, transfer and processing of relevant data, a qualitative standardisation in this area has been implemented. The main standardisation body in this area is the NIST, i.e. the National Institute of Standards and Technology, which includes the Computer Security Centre, which is represented by specialists from federal services, representatives of the academic sector and the country’s most famous IT companies. According to the third edition of the NIST Interagency Report (NISTIR) No. 7298, the concept of information security includes the protection of information systems and data from unauthorised access and unlawful use, alteration, deletion and similar actions to ensure the confidentiality, integrity and availability of these objects (Paulsen & Byers, 2019). Thus, information security is a specific practice of preventing unauthorised actions with data, and this practice is applied regardless of the form of the information itself, which can be both electronic (i.e. digital) and “physical”.

As for the domestic legal regulation of the relevant sphere, the definition of information security is given in draft law No. 4949 of 28.05.2014, “On the Principles of Information Security of Ukraine”. According to it, InfoSec is “a state of protection of vital interests of a person and citizen, society and the state, which prevents damage due to incompleteness, untimeliness and inaccuracy of disseminated information, violation of the integrity and availability of information, unauthorised circulation of restricted information, and adverse information and psychological impact and intentional causing of adverse effects of information technology”². However, this draft law never became law.

As for the legal regulations enacted in the Ukrainian state, notably, first of all, the Law of Ukraine of 01.09.2007 No. 537-V “On the Basic Principles of Development of the Information Society in Ukraine for 2007-2015”. According to clause 13 of Section III, information security plays an important role in the development of the information society in the

¹Law of Ukraine No. 2469-VIII “On the National Security of Ukraine”. (2018, June). Retrieved from <https://zakon.rada.gov.ua/laws/show/2469-19#Text>.

²Law of Ukraine No. 4949 “On the Principles of Information Security of Ukraine”. (2014, May). Retrieved from <https://ips.ligazakon.net/document/JG3TH00A>.

Ukrainian state, and such security is considered to be the state of protection of vital interests of the three main information subjects – a person as an individual, society and the entire state. It is in this state that the relevant subjects can be protected from harm that may be caused by incomplete, inaccurate information or its untimely provision, from other adverse information impact and undesirable consequences in connection with using information technology, and from unauthorised dissemination or use of data, and, therewith, violation of the so-called “information security triad” (Al Reshan, 2021), which is the integrity, confidentiality and availability of information¹.

In addition, in early 2017, according to Presidential Decree No. 47/2017, the decision of the National Security and Defence Council of Ukraine (hereinafter – NSDC) “On the Doctrine of Information Security of Ukraine” (29.12.2016) came into force². Paragraph 1 of this document states that Russia, which is waging a hybrid war against Ukraine, uses the information sphere as the main arena for confrontation, which involves “the latest information technologies of influence on the minds of citizens designed to incite national and religious hatred, propaganda of aggressive war, change the constitutional order by force or violate the sovereignty and territorial integrity of Ukraine”. The Doctrine of Information Security of Ukraine defines the national interests of Ukraine in the information sphere, identifies potential and real threats to the realisation of such interests, and defines the areas and tasks of national policy in this field. Its main purpose is to help counteract the above-mentioned information influence of the aggressive Russia in the context of the hybrid war that it has started.

The Doctrine does not offer a specific definition of information security. However, it is stated that the fundamental principles on which this legal regulation operates are “observance of human and civil rights and freedoms, respect for the dignity of the individual, protection of their legitimate interests, and the legitimate interests of society and the state, ensuring the sovereignty and territorial integrity of Ukraine”. The above-mentioned national interests of the country in the information sphere, according to clause 3, include the development of the information

society in Ukraine, primarily in terms of its technological infrastructure; protection of compatriots from the aggressive influence of hostile destructive propaganda; promotion of the development of information and communication technologies and information resources, etc³. This document expired on 28.12.2021 based on the NSDC decision of 15.10.2021 “On the Information Security Strategy” (according to Presidential Decree No. 685/2021)⁴.

This law defines information security of Ukraine as an element of the national security of the Ukrainian state and the state of protection of the territorial integrity and democratic constitutional order, and with them – state sovereignty and vital interests of all information subjects – the state itself, its society and every individual citizen. It is in this state that the constitutional rights and freedoms of everyone to information – to use, accumulate, disseminate and access reliable and objective information – will be reliably ensured. Accordingly, an effective system of protection and counteraction to damage caused by adverse information influences, which may include destructive propaganda, etc will function properly⁵.

The Strategy has received rather contradictory opinions. For example, I. Koterlin (2022), a researcher both of the legal regulations and the state of InfoSec in Ukraine in general, believes that the Strategy demonstrates a shift in emphasis from identifying threats and responding to them to narrowing human and civil rights, as there is a strong need to ensure the impact of threats, both existing and possible, in the context of a full-scale invasion. As for specific examples of restrictions on constitutional information rights, the scholar notes the following: the right to secrecy of correspondence, etc. (Article 31 of the Constitution); non-interference with privacy (Article 32); freedom of thought (Article 34); ownership and disposal of property (Article 41).

All relevant approaches to understanding InfoSec can be divided into three groups:

1) the approach from the standpoint of information and communication technologies, i.e., those related to computerisation. Its supporters perform a categorical analysis based on the identification of hazards in the technical sphere. Thus, for them,

¹Verdict of the Leninsky District Court on Case No. 405/2078/23. (2023). Retrieved from <https://reyestr.court.gov.ua/Review/110901228>.

²Decree of the President of Ukraine No. 47/2017 “On the Decision of the National Security and Defense Council of Ukraine of December 29, 2016 “On the Information Security Doctrine of Ukraine”, (2021, February). Retrieved from <https://zakon.rada.gov.ua/laws/show/47/2017#Text>.

³Decree of the President of Ukraine No. 47/2017 “On the Decision of the National Security and Defense Council of Ukraine of December 29, 2016 “On the Information Security Doctrine of Ukraine”, (2021, February). Retrieved from <https://zakon.rada.gov.ua/laws/show/47/2017#Text>.

⁴Decree of the President of Ukraine No. 685/2021 “On the Decision of the National Security and Defense Council of Ukraine of October 15, 2021 “On Information Security Strategy”. (2021, December). Retrieved from <https://zakon.rada.gov.ua/laws/show/685/2021#Text>.

⁵Decree of the President of Ukraine No. 685/2021 “On the Decision of the National Security and Defense Council of Ukraine of October 15, 2021 “On Information Security Strategy”. (2021, December). Retrieved from <https://zakon.rada.gov.ua/laws/show/685/2021#Text>.

information security is the immediate protection of information and the relevant infrastructure from accidental or intentional actions that harm information consumers, its confidentiality, integrity and availability. Accordingly, for this approach, the main purpose of information security is to reduce the number of losses due to the above-mentioned adverse activities (Loft *et al.*, 2022);

2) sociological approach. The concept considered by the proponents of this approach is seen as a component of cultural and social security (Prodanyuk, 2018);

3) legal and legal-political understanding. In this case, information security is inextricably linked to national and state security, and information and psychological security. Representatives of this scientific thought understand the concept examined as a state of security of objects, which allows achieving proper functioning of the system regardless of internal or external information influences. This approach has a subdivision of information security depending on the subject of information interaction - an individual (person, personality), the state and society (social group) (Alguliyev *et al.*, 2020; Sopilko *et al.*, 2021; Svintsytskiy *et al.*, 2022).

Separately, in terms of information security, the significance of ensuring a decent level of cyber security (cybersecurity) should be noted. As mentioned above, most of the economic, commercial, cultural, social and governmental activities are conducted in cyberspace, where states at all levels and individuals, and governmental and non-governmental institutions, organisations and agencies interact (Aghajani & Ghadimi, 2018). Most of the resources of world powers go to support such a space, and accordingly, a significant part of people's income and wealth is either derived from it or has a huge impact on it (Amir & Givargis, 2020).

In general, cyberspace – a set of interconnected information systems and users who interact with such systems in a specific period (Ottis & Lorents, 2010). V. Filinovych (2022) defines cyberspace as a specific area in the information environment, the structure of which is composed of interdependent networks of information systems infrastructure, including computer systems, the World Wide Web, etc. Accordingly, cyberspace is an important structural element of the information environment. Different parts of the daily life of society members are intertwined with this space, and therefore, the slightest instability, insecurity and risks in this space will directly affect various aspects of citizens' lives (Li *et al.*, 2020).

The previous paragraph emphasises the significance of ensuring a robust level of cybersecurity. It

is important due to the daily interaction with computers, gadgets and the Internet, and the possibility of cybercrime should not be ignored. Cybersecurity can be defined as the state of security in cyberspace and the ability to prevent cyberattacks in such space. Ensuring data security in cyberspace should be qualitatively aligned with the basics of information security of higher-level systems (Filinovych & Hu, 2021).

During the hybrid war waged by Russia against independent Ukraine, the enemy country resorts to both information warfare and cyber warfare. Thus, the information security of the state, and cyber security, is the foundation of the country's national security. The consequences of information and cyber warfare can include the complete overthrow of the government system, which will directly pose a catastrophic threat to national security, and the destruction or significant damage to the state's image in the international arena with a corresponding deterioration in the country's political and economic relations. Internal chaos will reign in the country, trust in the government will decline, the national economy will be damaged, and human casualties are possible (Khan *et al.*, 2020; Furnell & Shah, 2020) as the security of the population is fully dependent on a reliable level of national security (and its structural elements).

In addition, in the context of national security, notably, according to the Decree of the President of Ukraine No. 392/2020 of September 14, 2020, the National Security Strategy of Ukraine was introduced. In particular, among the priorities for ensuring the latter, the document declares the improvement of the national cybersecurity system as the foundation for effectively countering threats in the existing security environment. Among the internal policy areas, the legal regulations points to ensuring national interests and security in combination with obtaining complete, reliable, preventive information on the current situation in Ukraine and the world¹.

In addition, it is important to emphasise that information security, as the foundation of national security, is an element of international security. The development and promotion of interstate cooperation in the global information space are important both for the Ukrainian state and other countries, as this is the only way to identify potential threats to both information and cyberspace in a timely and high-quality manner. Thus, the authors agree with this recommendation and, comparing it with the results obtained, highlight the following key points.

D.V. Dubov *et al.* (2010) described the sensitivity of Ukrainians to the information society and the existence of a special networked socio-cultural

¹Decree of the President of Ukraine No. 392/2020 "On the Decision of the National Security and Defense Council of Ukraine dated September 14, 2020 "On the National Security Strategy of Ukraine". (2020, September). Retrieved from <https://www.president.gov.ua/documents/3922020-35037>.

environment in Ukraine. It, accordingly, involves the constant processing of information that accompanies any social activity. Therefore, problems in the field of information security will pose problems in such an environment. Accordingly, the security of every citizen, social group and state, in general, depends on information provision and the rate of data obsolescence.

Thus, the opinion of P. Loft *et al.* (2022) on the significance of managing information security risks at the organisational level through using “maturity models” and security standards should be supported. Concerning understanding the essence of information security, the authors are most inclined to the legal and political approach proposed by A.V. Svintytskyi *et al.* (2022), regarding its connection with national and information and psychological security. However, in conjunction with this approach, the authors support the approach of R.I. Prodanyuk (2018) to understand information security as a component of cultural and social security. Accordingly, the security culture of society, through which society understands the content of information threats, is a crucial factor in the development of high-quality information security. Nevertheless, it is influenced to varying degrees by technical, social, political and other factors. The authors of the research support the thesis of G. Aghajani & N. Ghadimi (2018) about the importance of ensuring an appropriate level of cybersecurity since most socio-economic and other activities are conducted in cyberspace. Thus, ensuring a sufficient level of both information and cybersecurity is important, especially in the context of Russia’s war against Ukraine, as they are the foundation for ensuring national security.

State authorities dealing with information and cybersecurity should implement public-private partnerships as a tool for ensuring this and adapt the acquired knowledge to modern conditions, and establish mechanisms for cooperation and partnership in the relevant areas (Sozanskyi *et al.*, 2020).

To overcome security challenges, the relevant security services – police, military, etc. – must use modern devices to collect information. It includes the installation of high-quality video surveillance systems and timely communications that allow for the rapid exchange of data on threats and incidents (Yeganegi *et al.*, 2020).

Equally significant is cooperation both in the information and cyber spheres and in other legal areas, such as the exposure and punishment of criminals. In this context, active negotiations are underway to establish a special international tribunal for the war waged by Russia against independent Ukraine, which is possible through the involvement of the UN International Court of Justice (Lanza, 2022). It is reasonable to assert that Ukraine needs to demonstrate its national and political maturity to declare itself to

the world, therefore, a constant and high-quality dialogue between political elites and civil society is a must (Kravchenko, 2022).

Thus, information security is protection against enemy interference, in particular against information weapons used by the aggressor country to kill Ukrainians and destroy Ukraine.

■ Conclusions

Ukraine needs to ensure an appropriate level of information security, as it faces constant challenges and threats of information warfare and information terrorism. Russia actively uses such methods and techniques, which pose a threat to the national security and stability of the country. Relevant authorities are developing and implementing effective legislation in the field of information and cyber security based on positive international experience. Therewith, it should be considered that information security should not be a one-time object of protection; its protection is a permanent process of continuous maintenance.

It is determined that one of the most vulnerable aspects of Ukraine’s national security is information security and cybersecurity as its integral element. The research identifies the need to ensure an appropriate level of information security, since the intensity of information processes in Ukrainian society is constantly growing, which leads to rapid data obsolescence and an increase in risks, both new and existing. In addition, it is proved that information security is influenced both by political and legal factors and by technical, economic and other factors, which necessitates an appropriate level and culture of security in society as an entity that understands the content of information threats. Cybersecurity is an important element of information security, and therefore requires no less protection, especially in the context of a full-scale invasion, when the enemy actively uses information and cyber warfare.

It is substantiated that the current legal regulation of the relevant area requires a qualitative transformation, considering the experience of the leading countries of the world and the scientific developments of representatives of academic circles. The national policy in the information sphere should be reviewed and reformed to prevent further information offences. A particular role should be given to interstate cooperation in the global information space, which is beneficial both for Ukraine and other countries. Public-private partnerships should be developed, which is an effective tool for achieving this purpose.

It is promising to identify the best ways to develop a national system of legal regulation of information security, considering the experience of leading countries, and to define their comprehensive tools that could consider all risks in this area in advance, and potential opportunities for improvement in this area.

The scientific originality of this research lies in the presentation of the relevant results, including the established options for the development of a national system of legal regulation of information security based on the experience of the leading world powers, which will contribute to a better understanding of possible challenges and risks in the relevant area, and, accordingly, will

provide opportunities for their qualitative and rapid overcoming.

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■ Conflict of Interest

None.

■ References

- [1] Aghajani, G., & Ghadimi, N. (2018). Multi-objective energy management in a micro-grid. *Energy Reports*, 4, 218-225. doi: 10.1016/j.egy.2017.10.002.
- [2] Al Reshan, M.S. (2021). IoT-based application of information security triad. *International Journal of Interactive Mobile Technologies*, 15(24), 61-76. doi: 10.3991/ijim.v15i24.27333.
- [3] Alguliyev, R.M., Imamverdiyev, Y.N., Mahmudov, R.S., & Aliguliyev, R.M. (2020). Information security as a national security component. *Information Security Journal: A Global Perspective*, 30(1), 1-18. doi: 10.1080/19393555.2020.1795323.
- [4] Amir, M., & Givargis, T. (2020). Pareto optimal design space exploration of cyber-physical systems. *Internet of Things*, 12, article number 100308. doi: 10.1016/j.iot.2020.100308.
- [5] Bansal, S. (2020). *What is the difference between data and information?* Retrieved from <https://www.analytixlabs.co.in/blog/difference-between-data-and-information/>.
- [6] Barna, O.S. (2019). Information space of Ukraine as a factor of social consolidation in the conditions of hybrid war. *State and Law. Legal and Political Sciences*, 86, 365-376. doi: 10.33663/1563-3349-2019-86-365.
- [7] Cai, T. (2021). The significance of STEM education for national security. In *Intelligence and Law Enforcement in the 21st Century* (pp. 188-204). Hershey: IGI Global. doi: 10.4018/978-1-7998-7904-6.ch010.
- [8] Chernysh, R.F., Ihnatiuk, M.V., & Zaritskyi, O.Y. (2022). Counteracting destructive information influence in Ukraine: Legal and organizational aspects. *Juridical Scientific and Electronic Journal*, 1, 213-216. doi: 10.32782/2524-0374/2022-1/54.
- [9] Dubov, D.V., Ozhevan, O.A., & Hnatiuk, S.L. (2010). *Information society in Ukraine: Global challenges and national opportunities*. Kyiv: NISD.
- [10] Filinovich, V. (2022). The place of cyberspace in the information environment and legal support for their functioning. In *Human rights in the era of digital transformations* (pp. 106-109). Kyiv: National Aviation University.
- [11] Filinovich, V., & Hu, Z. (2021). Aviation and the cybersecurity threats. In *Proceedings of the international conference on business, accounting, management, banking, economic security and legal regulation research (BAMBEL 2021)* (pp. 120-126). doi: 10.2991/aebmr.k.210826.021.
- [12] Furnell, S., & Shah, J.N. (2020). Home working and cyber security – An outbreak of unpreparedness? *Computer Fraud & Security*, 8, 6-12. doi: 10.1016/s1361-3723(20)30084-1.
- [13] Judge, M.A., Manzoor, A., Maple, C., Rodrigues, J.J.P.C., & Islam, S.U. (2021). Price-based demand response for household load management with interval uncertainty. *Energy Reports*, 7, 8493-8504. doi: 10.1016/j.egy.2021.02.064.
- [14] Khan, S.K., Shiwakoti, N., Stasinopoulos, P., & Chen, Y. (2020). Cyber-attacks in the next-generation cars, mitigation techniques, anticipated readiness and future directions. *Accident Analysis & Prevention*, 148, article number 105837. doi: 10.1016/j.aap.2020.105837.
- [15] Koterlin, I.B. (2022). Information security in the conditions of martial law in the aspect of ensuring informational rights and freedoms. *Actual Problems of Domestic Jurisprudence*, 1, 150-155. doi: 10.32782/392257.
- [16] Kravchenko, V. (2022). The Russian war against Ukraine: Cyclic history vs fatal geography. *Journal of Ukrainian Studies*, 9(1), 201-208. doi: 10.21226/ewjus711.
- [17] Lanza, G. (2022). The fundamental role of international (criminal) law in the war in Ukraine. *Orbis*, 66(3), 424-435. doi: 10.1016/j.orbis.2022.05.010.
- [18] Li, N., Tsigkanos, C., Jin, Z., Hu, Z., & Ghezzi, C. (2020). Early validation of cyber-physical space systems via multi-concerns integration. *Journal of Systems and Software*, 170, article number 110742. doi: 10.1016/j.jss.2020.110742.
- [19] Li, Y., & Liu, Q. (2021). A comprehensive review study of cyber-attacks and cyber security; Emerging trends and recent developments. *Energy Reports*, 7, 8176-8186. doi: 10.1016/j.egy.2021.08.126.

- [20] Loft, P., He, Y., Yevseyeva, I., & Wagner, I. (2022). CAESAR8: An agile enterprise architecture approach to managing information security risks. *Computers & Security*, 112(C), article number 102877. doi: [10.1016/j.cose.2022.102877](https://doi.org/10.1016/j.cose.2022.102877).
- [21] Merriam-Webster dictionary. (2023). Retrieved from <https://www.merriam-webster.com/dictionary/security>.
- [22] Ottis, R., & Lorents, P. (2010). Cyberspace: Definition and Implications. In *Proceedings of the 5th international conference on information warfare and security* (pp. 267-270). Dayton: Academic Publishing Limited.
- [23] Paulsen, C., & Byers, R. (2019). *Glossary of key information security terms*. Gaithersburg: National Institute of Standards and Technology. doi: [10.6028/NIST.IR.7298r3](https://doi.org/10.6028/NIST.IR.7298r3).
- [24] Prodanyuk, R.I. (2018). Information security in a sociological context: Before the problem statement. *Scientific and Theoretical Almanac "Grania"*, 21(4), 84-90. doi: [10.15421/171861](https://doi.org/10.15421/171861).
- [25] Sopilko, I., Svintsytskyi, A., Krasovska, Y., Padalka, A., & Lyseiuk, A. (2021). Information wars as a threat to the information security of Ukraine. *Conflict Resolution Quarterly*, 39(3), 333-347. doi: [10.1002/crq.21331](https://doi.org/10.1002/crq.21331).
- [26] Sozansky, T., Krasnytskyi, I., Lutsyk, V., Yaremko, G., & Tuz, N. (2020). [International practice of legal support of cyber security of the country](https://doi.org/10.1088/1742-6596/1530/1/012112). *Journal of Legal, Ethical and Regulatory Issues*, 23(2), 1-8.
- [27] Svintsytskyi, A.V., Semeniuk, O.H., Ufimtseva, O.S., Irkha, Y.B., & Suslin, S.V. (2022). Countering fake information as a guarantee of state information security. *Security Journal*, 1-16. doi: [10.1057/s41284-022-00347-0](https://doi.org/10.1057/s41284-022-00347-0).
- [28] Tan, S., Xie, P., Guerrero, J.M., Vasquez, J.C., Li, Y., & Guo, X. (2021). Attack detection design for dc microgrid using eigenvalue assignment approach. *Energy Reports*, 7(1), 469-476. doi: [10.1016/j.egy.2021.01.045](https://doi.org/10.1016/j.egy.2021.01.045).
- [29] Yeganegi, K., Arbabi, Z., & Hussein, I.A. (2020). The role of information technology in national security. *Journal of Physics: Conference Series*, 1530, article number 012112. doi: [10.1088/1742-6596/1530/1/012112](https://doi.org/10.1088/1742-6596/1530/1/012112).
- [30] Yuyrinets, Y., & Belkin, M. (2022). Informational understanding of culture in the context of information security of Ukraine. In *V International youth scientific legal forum* (pp. 132-134). Ternopil: Vector. doi: [10.33270/02201901.96](https://doi.org/10.33270/02201901.96).
- [31] Zaplatynskyi, V. (2012). [The new concept of the most general term «danger»](https://doi.org/10.1088/1742-6596/1530/1/012112). In *International scientific conference security, extremism, terrorism* (pp. 267-277). Bratislava: Institute of Fire Engineering and Expertise of the Ministry of Internal Affairs of the Slovak Republic.
- [32] Zharovska, I., & Ortynska, N. (2020). The information war as a modern globalization phenomenon. *Bulletin of the Lviv Polytechnic National University. Series: "Legal Sciences"*, 7(26), 26-61. doi: [10.23939/law2020.26.056](https://doi.org/10.23939/law2020.26.056).

Соціально-правові основи інформаційної безпеки держави, суспільства й особи в Україні

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■ **Анотація.** Україна зазнає військової агресії у зв'язку із повномасштабним вторгненням Росії, яка використовує також інформаційну зброю. Тому актуальною є проблема забезпечення достатньо високого рівня інформаційної безпеки в Україні. Мета дослідження – висвітлити суть й особливості поняття «інформаційна безпека», пов'язаних із нею термінів, здійснити всебічний аналіз чинного нормативно-правового масиву з питань забезпечення надійного рівня інформаційної безпеки як основи національної безпеки. Задля досягнення поставленої мети використано емпіричні, теоретичні та комплексні методи наукового дослідження, а саме: спостереження, порівняння, абстрагування, аналізу та синтезу, а також порівняльно-правовий, формально-логічний, методи аналогії та дедукції. Доведено важливість забезпечення інформаційної безпеки на рівні кожного окремого суб'єкта як підґрунтя для існування українського інформаційного суспільства та засобу протидії агресивним діям Російської Федерації. Визначено чинники впливу на інформаційну безпеку, у контексті чого засвідчено значущу роль культури захисту суспільства. Обґрунтовано важливість забезпечення достатнього рівня кібербезпеки як визначального елемента інформаційної оборони, надання якого має бути максимально узгодженим із державною інформаційною політикою. Окреслено потенційні наслідки недотримання надійного рівня інформаційної та кібербезпеки на фоні повномасштабного вторгнення, а саме: повалення влади, крах репутації України на міжнародній арені, хаотичні процеси в суспільстві та зростання рівня його невдоволення, економічна криза та людські жертви. Схарактеризовано наявний стан забезпеченості інформаційної безпеки в країні та запропоновано шляхи його вдосконалення, зокрема шляхом реформування наявного правового регулювання, з огляду на політичний досвід інших країн і наукові здобутки, трансформацію державної інформаційної політики з фокусом на попередженні вчинення інформаційних правопорушень, міжнародне співробітництво в глобальному інформаційному просторі та розвиток інформаційної культури населення. Надані рекомендації можна застосовувати для усунення недоліків у правовому регулюванні пов'язаних з інформаційною безпекою питань, а також для формування пропозицій з реформування державної інформаційної політики

■ **Ключові слова:** інформація; інформаційний простір; кібербезпека; інформаційна війна; кібервійна

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Energy security principles: Legal nature, classification and modernisation

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■ **Abstract.** The research relevance is predetermined by the need to study the key fundamentals of the energy security system at the international and national levels. Among the urgent issues caused by the challenges and threats of modern life, primarily due to the full-scale invasion and aggression of Russia against Ukraine, the provision of energy security, principles, legal, organisational, and other foundations, implementation mechanisms, and corresponding guarantees are singled out. The purpose of the research is to carry out a general theoretical comprehensive analysis of the principles of ensuring energy security, their typology, and justification of the need for modernisation. The research uses a complex of scientific methods: epistemological, phenomenological, statistical, modeling and forecasting, formal-legal, comparative-legal, historical-legal, etc., as well as an anthropological approach. The study comprehensively highlights the essence and features of the principles of ensuring energy security, taking into account the interdisciplinary, cross-industry nature of the process of ensuring energy security. Based on available doctrinal and regulatory legal sources, the concept and legal essence of the principles of law, and principles of ensuring energy security were analysed; the author's vision of the criteria for the classification of the latter is substantiated, their varieties, the legislative basis of regulation and implementation, problems on this path and directions for their solution are considered. The terminological uncertainty, a certain non-systematic and inconsistency of the state energy policy of Ukraine, its organizational and legal foundations, and implementation mechanisms were noted. Therefore, the practical significance of the publication lies in the typology of the principles of ensuring energy security, the demarcation of the principles of energy policy of Ukraine, the principles of implementation of state policy in the sphere of energy security, the main fundamental principles of the strategy of cooperation in the energy sphere, etc. It is natural to modernise the existing principles of ensuring energy security, increase their efficiency, and strengthen the energy independence of the Ukrainian state, primarily in the conditions of the legal regime of martial law and post-war peacebuilding, cooperation in the field of energy and energy efficiency

■ **Keywords:** constitutional and legal framework; typology; European standards; legislative regulation

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■ Introduction

Various spheres of modern life depend on energy resources and the proper functioning of energy infrastructure, as well as effective energy policy, energy security and sustainable development. The diversity of energy sources, the development of technologies and relevant energy facilities facilitate the life of a person, a territorial community and other communities, society, states, and the global community, which are getting used to this progress and contributing to modernisation.

Military threats, in particular, Russia's military aggression against Ukraine, attracts special attention, which prompts modern researchers, government officials, energy and other experts, as well as the public, to pay attention to the state and guarantees of energy security.

The authors believe that the list of issues requiring in-depth study and resolution is not exhaustive, and this study aims to outline the key fundamentals, in particular the principles underlying energy security.

This is confirmed by the doctrinal achievements of foreign researchers. For example, the authors emphasised the importance of analysing energy security and the energy system (Hughes, 2012), a systematic approach to energy security assessment and strategy (Kharazishvili, 2019), and a multifaceted approach to analysing the security of critical energy infrastructure in the modern era (Ducaru, 2017). It is necessary to agree with the need to disclose the multifaceted aspects of the principles of interconnection between the spheres of energy and ecology, climate and environment, and the relevant principles of their provision and impact (Mete, 2020).

At the same time, multi-vector issues of energy security of individual states are being addressed, and even more often in recent years, the energy security of the European Union (EU), the North Atlantic Treaty Organisation (NATO) and the World Trade Organisation (WTO). For example, it is worth mentioning here the studies on energy indicators for analysing sustainability and stability in individual countries (Kemmler & Spreng, 2007), energy security in the era of hybrid wars (Dupuy *et al.*, 2021), etc. Given the experience of Poland's integration into the EU, the ongoing process of adapting energy, environmental and other sectoral national legislation to EU legislation, the experience of this country in energy security issues is important in the context of EU environmental initiatives (Khorishko, 2021). In turn, several foreign researchers reveal the peculiarities of the supranational nature in this area, in particular, legal and institutional obstacles to the EU's foreign energy policy (Vooren, 2011), measures in the EU energy sector and the impact on WTO law (Tilman, 2018), rethinking energy security management and policy in the European Union (Prontera, 2020), that

is, along with the study of the principles of energy security, state policy, the issues of international and supranational security, relevant types of energy policy, as well as the development and adoption, implementation of standards in this area, systematic approaches to threat prevention, etc. are conceptualised. The most active efforts are those of European researchers in these areas, and it should be noted that Ukrainian scientists have been paying more attention to the stated issues in recent years.

The research aims to conceptualise the principles of energy security, their typology and justify the need for modernisation. To achieve this, the following tasks are set:

- clarify the legal nature of the principles of energy security and reveal approaches to their classification;
- describe the state of legislative regulation of the principles of energy security in Ukraine and the European Union;
- propose, based on positive experience in this area, ways to improve legal regulation and implementation of energy security principles.

■ Literature Review

It should be noted that there is considerable scientific interest in the issues of principles of law, legal regulation, legal support, etc. In particular, we are talking about legal theorists, representatives of international law, constitutional law, administrative law, etc.

Issues related to energy security are interdisciplinary and interdisciplinary in nature, so representatives of various branches of modern science are studying them. In particular, Y. Vashchenko (2015; 2018) considers state regulation in the energy sector as a set of legal, economic, and technical means, and distinguishes between a broad understanding of energy security and human energy security, the right to access to modern energy services. These categories are based on the relevant principles, general and specific principles.

The scientific position of R.O. Kotsyuba (2017) substantiates the concept of declarative-constitutional regulation of nuclear safety policy based on international legal acts in the field of nuclear safety guarantees implemented in national legislation and insufficiently reflected in the Constitution of Ukraine as guarantees of nuclear safety of the person and the people. The article identifies the constitutional and legal foundations of nuclear safety policy, which, along with the relevant guarantees, are constituted as systemic factors in the formation of declarative and constitutional elements of the legal system, in particular, in the formation of complex branches of law (energy law, nuclear law, radioecological law, radiation safety law, etc.) and relevant interdisciplinary institutions.

O. Muza (2023) highlights the peculiarities of administrative and legal regulation and the principles of ensuring Ukraine's energy security and energy supply in one of the latest studies. The author focuses on one of the most important objects of national security – energy security, its organisational and legal framework for ensuring it under martial law, which includes general and temporary provisions of legal regulation and institutional and legal mechanisms for the protection of critical infrastructure.

S.S. Bilotsky (2015) analysed international legal norms in the field of environmental energy at the universal, regional, and national levels, as well as within international organisations. He substantiated the role of the concept of sustainable development in shaping the ecological view of energy within the framework of international law and international relations; studied the concept of environmentally oriented energy from the point of view of international law, defined its basic principles; clarified the principles of international legal regulation of renewable energy sources, bioenergy, peculiarities of institutional mechanisms and implementation of international legal responsibility in this area. M. Chipko (2017) also identifies the principles of international legal regulation of cooperation between States on the use of renewable energy, an adaptation of Ukraine's national legislation to international legal standards for the introduction and use of such energy sources, to improve the effectiveness of legislation and its implementation in this area. The researcher emphasises that a coordinated system of global energy trade governance will contribute to the controllability and predictability of energy flows, and the adoption of bona fide non-discriminatory measures within the WTO will ensure the expansion of the use of renewable energy sources.

The fundamental postulates of the energy sector in general, energy security, and human rights in this area, in particular, have become the subject of attention in theoretical and practical terms. The level of security and competence in the energy sector is studied (Georgiadou *et al.*, 2023); energy security and resilience after/during crises (Liu *et al.*, 2023); attacks on energy infrastructure aimed at democratic institutions (Lordan-Perret *et al.*, 2019). As noted by Y. Khazishvili *et al.* (2021) note that systemic and strategic approaches to assessing energy security, ensuring the security of sustainable development, tools, and strategic scenarios for implementing energy security in the context of geopolitical instability are important.

The ongoing pressure in the energy sector from Russia, the destruction of critical infrastructure, along with targeted European integration processes, and the implementation of international and European standards in national legislation, are properly reflected in scientific works and contribute to constructive

scientific discourse in domestic and foreign publications (Prontera, 2020; Dupuy *et al.*, 2021; Khorishko, 2021). For example, K.V. Smirnova & O.V. Sviatun (2020) focus on the coordination mechanism for the implementation of the EU-Ukraine Association Agreement. Other researchers focus on the guarantees of state sovereignty and energy independence in the energy sector (Huhta, 2021; Ostudimov, 2022). The principles of responsibility and consequences for the destruction of energy infrastructure and energy security are also relevant (Shcherbyna *et al.*, 2022).

At the same time, such a category as the principles of ensuring energy security in today's conditions remains poorly researched, with scientific work being mostly fragmentary.

■ Materials and Methods

The methodological basis of the study is formed by several scientific and special methods of scientific knowledge, in particular, the method of system analysis, phenomenological, hermeneutical, and anthropological, as well as methods of analysis, synthesis, generalisation, statistical, modelling and forecasting. With the help of formal legal, comparative legal, historical, and legal, structural, and functional methods, the method of legal semiotics and other special legal methods, the author analyses the principles of studying legal categories and phenomena in their development and the process of their changes.

It should be noted that it is worth distinguishing the general scientific method of analysis, including the method of quantitative and qualitative analysis. The general philosophical or universal method of cognition was used at all stages of the cognitive process. The method of analysis was used to reveal the inherent characteristics and study certain features of the principles of energy security. This allowed to establish the differences between the principles of law, legal principles, sectoral and intersectoral principles, principles of regulation and implementation, principles of energy policy of Ukraine, principles of energy policy of the European Union, and principles of energy security.

The general criteria and approaches to the typology of energy security principles are recorded using the generalisation method, which allowed them to be classified, in particular, by the area of application (international legal, European principles, principles of energy security in Ukraine), as well as by the subject composition, in the implementation of EU legislation in the national legislation of Ukraine, etc.

The deduction method was used to qualify the characteristic features of the principles of energy security and also contributed to emphasising the interconnection, correlation, and distinction of such categories as “principles”, “principles”, and “foundations” in the context of this study. The comparative legal

method of cognition was used to compare and identify differences in the legislative regulation of the principles of energy security in the legislation of Ukraine and the legislation of the European Union and certain foreign countries.

The anthropological method allowed was used to highlight the human factor in the process of formation, implementation, and development of this phenomenon, as well as the real and potential consequences of the impact of people and communities, states and communities on the environment, energy resources and sustainable energy development. Furthermore, it is necessary to focus on the consequences of such interaction, which leads to the disclosure of the anthropological nature of the security of energy supply, energy consumption, etc.

■ Results

There is a diversity of views in scientific works on understanding the phenomenon of principle, with ambiguous approaches to its interpretation (Kotsyuba, 2017). Along with principles, there are sometimes such single-order categories as “foundations”, “basics”, “origins”, “key ideas”, etc. that are often identified. At the same time, the etymology of the principle itself is determined by its origin – from the French “*principe*”, from the Latin “*principium*” – beginning, basis. In the authors’ opinion, to reveal its nature and definition, one should refer to encyclopaedic and dictionary publications.

Thus, in this case, several approaches to understanding this phenomenon were highlighted:

1) the starting point of any theory, doctrine, science, worldview, or political organisation;

2) a key explanation, a feature underlying the creation or implementation of something (general scientific approach)

3) the original principle – the basis of a certain set of facts, theory, science (philosophical approach)

4) defining principles, initial ideas that are characterised by universality, general significance, and higher imperative and reflect the essential postulates of theory, doctrine, science, and system of national and international law (legal approach) (Kolba & Buimistera, 2012; Belyakov, 2021).

Most often, at the conceptual level, this concept is revealed in their works mainly by legal theorists and constitutional scholars, municipalists, administrators, international lawyers, etc. This can be explained primarily by the fact that principles are fundamental ideas that are characterised by a high level of concentration of legal positions and form the basis for the creation and implementation of legal norms to regulate legal relations. For a long time, the principles themselves have been concentrated as ideas, and their essential and dominant feature – generalisation, rising above specificity – is seen especially in

the principles of law. Principles are translated into rules, contributing to their orderly and proper implementation. They concentrate on the result of the development of law, they embody the inextricable link between the past, present, and future.

Sometimes, the principles of law are defined as the starting ideas of its existence, which reflect the most important trends and patterns, the foundations of a certain type of state and law, are of the same order as the essence of law and constitute its main features, and are distinguished by their universality, binding nature, and general significance. This is the approach of M. Kozyubra (2017), who defines the problem of principles of law as one of the most complex, controversial, and ideological and methodological issues in general theoretical jurisprudence. Based on the scope of the relevant principles of law, the author proposes to classify them, on the one hand, as universal (universal human), civilisational, legal family, national principles (often referred to as general principles of law), and on the other hand, as sectoral, inter-sectoral, principles of law and principles of legal institutions. Given the above, it is the latter categories that are important because they are aimed at studying the principles of energy security, its regulation and implementation.

Thus, in the context of identifying the principles of energy security, we should focus on sectoral and cross-sectoral principles, as well as the principles of individual legal institutions. However, given the clear uncertainty of the place of energy law in the system of branches of law in Ukraine, the gradation or hierarchy of legal principles for regulating and ensuring energy security remains controversial.

The distinction between the principles of the law of different degrees of generality (hierarchical levels) leads to the problem of their correlation. It should be emphasised that these are principles of law relating to the energy sector and other related areas of social relations regulated by national law, sometimes by supranational and international law. Therefore, the most universal or general principles (general civilisation, integration) common to national systems of law are implemented within these systems, and less often – in the system of international law. At the same time, the principle of supranational generality may vary in the process of implementation, depending on the national system of law of a particular state (Nuclear industries security..., 2013; Lear, 2018).

Universal principles of law are interpreted as universal normative principles regulated in positive law, created by humanity as a global system, objectively determined by the interests and needs, the level of development of human civilisation, accumulating its best achievements in the legal sphere, determine the essence and direction of legal regulation, and are suitable for any system of law (Fuley, 2021).

Along with the classification of legal principles by the degree of generality (universal, civilisational, national), there is a tendency to distinguish principles according to the hierarchy in the system of law - general (related to the entire system of law), constitutional and legal (due to the special role and importance of constitutional law in national systems of law), sectoral, institutional. Such types can be considered relatively independent, but, for example, the sectoral principle may have the nature of a civilisation principle, i.e., in terms of the degree of generality, it may go beyond the national system of law (Kozyubra, 2017; Yakovyuk *et al.*, 2022).

General principles of law influence institutional and sectoral principles, which overlap and interact. Institutional principles concretise general principles in relevant areas, such as energy. General principles are further elaborated in sector-specific principles for institutions and relations in a particular sector. Some sectoral principles may arise directly from the general principles, while others may be specific to certain sectors. When studying the system of energy security principles, it is important to consider these aspects and possible links between them.

Y. Klyuchkovskiy (2018) believes that the category of “principle” in the scientific context belongs to the categories of scientific methodology, a kind of “meta-science”. and therefore, can hardly be exhaustively defined within a particular science, in particular, the sciences that study law. Being one of the most general categories, the principle cannot be defined through other categories of the relevant science, which are inevitably less general. Thus, it should be noted that the understanding of principles as “guiding ideas” is multifaceted and broad and is not limited to general principles of law; in fact, it is *mutatis mutandis* transferred to sectoral and institutional principles of law.

According to representatives of the positivist approach, principles are the result of the generalisation of legal norms that arise in the course of the development of legal customs and legislative activity of state authorities. In other words, they are derived inductively from positive law, mainly created by the state. Such a “state-centric” position is reasonably denied in the current legal reality. Scholars point to the predominantly natural law origin of such ideas: the law is based on natural ideas, and the principles underlying law form it, determine the essence, and focus of the relevant rules (Kharitonova & Grigoryeva, 2020). In general, the state does not create fundamental principles of law but regulates them in legal acts. In this way, they differ significantly from

ordinary rules of law, the formation and emergence of which often take place with the active assistance of the state. It follows that the key issue of the role of principles in legal regulation is one of those that are the subject of discussion, primarily between jus natural and positivists.

The above description of legal principles is fully applicable to sectoral and cross-sectoral principles of energy law and energy security. They express certain socio-political, socio-economic, and other related values and ideals recognised by a democratic society, driven by the needs and interests of a particular state, territorial communities and population. At the same time, globalisation and integration trends demonstrate that the world community, individual international organisations, and supranational entities have intensified their lawmaking efforts to define the principles of energy security.

Thus, the EU founding treaties set out the basic principles of law that are used to formulate the common policy of the member states in any area. The key principles of the EU’s energy policy, including those aimed at ensuring energy security, are as follows:

- the principle of freedom of movement of goods, services, persons and capital, which is driven by the objectives of the EU’s single internal market;
- the principle of non-discrimination, which primarily concerns the EU common market, the prohibition to include discriminatory conditions in contracts, ensuring “third-party access”, and guarantees of fair competition;
- the principle of transparency in the internal market, providing for the possibility for consumers to obtain information on the dynamics of energy prices, as well as EU supervision of energy supplies and transit;
- the principle of environmental protection, reflecting the need for preventive measures in
- the principle of social factor consideration in energy policy, which leads to attention to the level of unemployment in the energy sector depending on market conditions, guarantees of security of employees in the energy sector¹.

The European Commission (hereinafter referred to as the EC) focuses on promoting the implementation of the EU’s strategic goal of transforming Europe into a highly efficient energy community and low-carbon economy, which can become a catalyst for a “new industrial revolution”. This goal and the corresponding measures reflected in the EC’s documents and actions determine the essence of the European Energy Policy. The defined criteria and priorities demonstrate a combination of socio-economic,

¹Consolidated version of the treaty establishing the European atomic energy community. (2010, March). Retrieved from <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:084:0001:0112:EN:PDF>.

political, technical, and other factors that influence the constitution of the energy policy framework. Several measures are envisaged in the formation of international energy policy concerning the EU's interests¹. In particular, the EU member states are called upon to initiate the development and implementation of mechanisms in international agreements aimed at implementing the principles of the Energy Charter Treaty. Another key principle is that cooperation in the energy sector with the EU's neighbouring countries is the basis of European security and stability policy.

Accordingly, the EU is called upon to create a multi-vector network of neighbouring states, cooperation with which will be based on the principles and rules of the EU energy policy:

- Strengthening the EU's relations with supplier countries based on partnership, taking into account the principles of transparency, reciprocity and predictability.

- developing relations with major energy consumers, in particular within the framework of the IEA, in the G8 format and intensifying bilateral cooperation;

- developing effective financial instruments and mechanisms, using the resources of the European Investment Bank and the European Bank for Reconstruction and Development (hereinafter referred to as the EBRD), launching the European Neighbourhood Policy Investment Fund, and strengthening the EU's energy security;

- Establishing conditions for investing in international projects following established legal procedures, coordinating and representing interests in international projects;

- support for non-proliferation of nuclear technologies by strengthening cooperation with the International Atomic Energy Agency (hereinafter – IAEA), etc. (Outcomes of the..., 2002; Energy experts share... 2017; Dupuy *et al.*, 2021).

Thus, the expansion of relations in the energy sector, the formation of a qualitatively new regional energy market involving neighbouring states, including Ukraine, and cooperation within the framework of the EU Treaty became evident. The 2005 Memorandum² of Understanding between Ukraine and the EU on Energy Cooperation, which provided for the implementation of roadmaps in the following areas: nuclear safety, enhancing the security of energy

supply and hydrocarbon transit, integration of electricity and natural gas markets, coal mining and coal industry, energy efficiency, and renewable energy sources, is worth highlighting here. It is the basis for the 2016 Memorandum³ of Understanding the Strategic Energy Partnership between Ukraine and the EU together with the European Atomic Energy Community, which enshrines the fundamental principles of the cooperation strategy between the parties in recent years.

An important aspect is the Agreement between the Government of Ukraine and the European Atomic Energy Community on Scientific and Technological Cooperation and Associate Participation of Ukraine in the Euratom Research and Training Programme (2014-2018), ratified in 2016. Ukraine's acquisition of the status of an associate member of this programme, given the recognised competence of Ukraine's scientific institutions and know-how in the field of nuclear energy, has provided an opportunity to expand mutually beneficial cooperation between Ukraine and the EU. The Ukrainian state shares the goals and principles of the Energy Union, enshrined in the EC's Framework Strategy for a Sustainable Energy Union with a long-term climate change policy. They provide for the provision of energy to consumers (households, businesses, etc.) in a secure, safe, stable, competitive, and affordable manner. To this end, the parties agreed to cooperate more closely to implement the principles set out in the Energy Union Strategy, thereby underlining the beginning of the creation of a new legal framework for cooperation in the energy sector (Communication from the..., 2014). The fulfilment of international obligations is a progressive integration into the EU and a prerequisite for Ukraine's strategic development in this direction. The Association Agreement envisages urgent reforms in the energy sector, in particular, in Sections IV "Trade and Trade-Related Matters" and V "Economic and Sectoral Cooperation" of Chapter 11 "Energy Trade-Related Matters"⁴. Here, attention is focused on the principles of energy price regulation, avoidance of dual pricing, along with the prohibition of customs duties, quantitative restrictions on imports and exports of energy products, and cooperation in the energy sector. There are also references to annexes that include a list and timeline for the implementation of EU legislation. According to this part of the Association Agreement, more than 300 EU regulations and

¹Association Agreement No. 1678-VII "Between Ukraine, on the One Hand, and the European Union, the European Atomic Energy Community and Their Member States, on the Other Hand". (2014, September). Retrieved from https://zakon.rada.gov.ua/laws/show/984_011#Text.

²Memorandum between Ukraine and the European Union No. 994_694 "On Cooperation in the Energy Sector". (2016, November). Retrieved from http://zakon5.rada.gov.ua/laws/show/994_694.

³Memorandum No. 984_003-16 "Of Understanding on the Strategic Energy Partnership Between Ukraine and the European Union Jointly with the European Atomic Energy Community". (2016, November). Retrieved from https://zakon.rada.gov.ua/laws/show/984_003-16#Text.

⁴Association Agreement No. 1678-VII "Between Ukraine, on the One Hand, and the European Union, the European Atomic Energy Community and Their Member States, on the Other Hand". (2014, September). Retrieved from https://zakon.rada.gov.ua/laws/show/984_011#Text.

directives, and various EU *acquis* acts, including the most important ones in the field of energy and energy efficiency, need to be implemented and enforced.

According to V. Lear (2018), the following main principles of Ukraine's energy policy are constituted when implementing the provisions of EU legislation into the national legislation of Ukraine:

- the principle of systemic approach and emergence aimed at ensuring the balance of interests of society, the state, and business at different levels of the territorial and sectoral hierarchy of energy sector management;
- the principle of equivalence – equivalent, proportional and non-discriminatory development of energy sector sectors or sub-sectors, regional and local energy supply systems;
- the principle of subsidiarity – the optimal balance of decentralisation and centralisation of energy supply systems;
- the principle of diversity of energy sources – wide and free development of renewable and non-traditional energy sources;
- openness/closure principle – free access of third parties to power grids and, at the same time, limited access to high-risk energy facilities;
- the principle of segmentation is the delineation of markets by individual types of energy production, distribution and transmission activities;
- the principle of transparency, which guarantees the transparent provision of information to consumers on the dynamics of energy prices, the quality of energy services received, and public monitoring of energy flows;
- the principle of energy consumer sovereignty – ensuring real opportunities for consumers to become full-fledged subjects of energy markets by influencing the price level through demand;
- the principle of adaptability of energy systems – adjusting energy development indicators depending on the situation in energy markets;
- the principle of environmental friendliness – monitoring the state of the environment, reflecting the necessary environmental protection measures in the implementation of energy projects;
- the principle of social responsibility – the social needs of producers and consumers in energy policy, ensuring the safety and social protection of employees in the sector.

A noteworthy strategic document provides for an analysis of threats to energy security, their criticality, defines priorities for ensuring energy security and

tasks aimed at preventing situations that could potentially pose threats to Ukraine's energy security. This refers to the Energy Security Strategy approved by the Cabinet of Ministers of Ukraine on 4 August 2021, No. 907-p.,¹ which aims to regulate the target model of the energy security system as a component of national security, as well as the directions of its implementation. In other words, it provides for the implementation of a system of governance and management in the energy sector based on the principles of the functioning of EU energy markets, in particular:

- sustainable development of the national economy, ensuring the availability of modern energy sources for all categories of consumers;
- transparent state and legal regulation, stability of energy policy and consistency of management decisions;
- liberalisation, competition and prevention of monopoly in the energy markets, guarantees of free access to markets and networks;
- state interference in the activities of business entities and market pricing mechanisms only in the manner and within the framework established by law;
- innovative technological development of the energy sector combined with guarantees of energy security, environmental protection and low-carbon economic development;
- preventing energy poverty and social protection of vulnerable consumers without distorting the competitiveness of energy markets;
- ensuring energy security through solidarity cooperation of all energy market players and the development of public-private partnerships².

Thus, along with probable forecast scenarios of changes in the energy sector and their impact on Ukraine's strategic choices shortly ("no change", "unfriendly influence", and "positive transformation" scenarios), considering internal and external threats to energy security, based on the scenario forecasting methodology, the Energy Security Strategy implements the principles and principles of functioning of the EU energy markets.

Furthermore, it should be noted that it was developed to balance the economic, social and environmental dimensions of Ukraine's sustainable development, and the strategic goals for energy security and the tasks to achieve them are consistent with the Sustainable Development Goals set out in the relevant Presidential Decree of 2019 No. 722³.

Thus, the identification of numerous such principles leads to the conceptualisation of their typology,

¹Order of the Cabinet of Ministers of Ukraine No. 907-p "On the Approval of the Energy Security Strategy". (2021, August). Retrieved from <https://zakon.rada.gov.ua/laws/show/907-2021-%D1%80#Text>.

²Ibidem, 2021.

³Decree of the President of Ukraine No. 722/2019 "On the Sustainable Development Goals of Ukraine for the period up to 2030". (2019, September). Retrieved from <https://zakon.rada.gov.ua/laws/show/722/2019#Text>.

disclosure of approaches and criteria for their classification.

As such, it is possible to distinguish them by the area of distribution:

- international legal principles of energy security;
- European principles of energy security;
- principles of energy security in Ukraine (under national legislation).

Each of these groups is quite extensive and diverse both in terms of the authorised subjects of their establishment and implementation and in terms of subject and object and other features and criteria. At the same time, general and special principles of energy security need to be distinguished. This tendency is especially evident in the context of the adoption and implementation of obligations under individual agreements.

A general analysis of the principles of energy security in Ukraine shows that they are not enshrined in the constitution. At the same time, the safety of energy, especially nuclear energy, should become an important legal principle of legislative support for activities in this area and the protection of human rights in this regard. As such, the scientific opinion of R.O. Kotsyuba (2017) on the definition and justification of the constitutional and legal framework of nuclear safety policy is relevant. In her opinion, this is a system of constitutional principles and provisions on establishing and guaranteeing the human right to a safe environment protected from the harmful effects of nuclear energy, ionising and radiation.

At the same time, it is necessary to highlight certain problems on the way to defining, qualifying, regulating, and implementing the principles of ensuring the energy security of Ukraine. Thus, the regulation of the state of energy security of Ukraine and the basic principles of state policy in the field of its ensuring is carried out mainly at the level of by-laws, namely decrees of the President of Ukraine¹, orders of the Cabinet of Ministers of Ukraine (hereinafter – CMU),^{2,3} etc.

Energy security is defined as one of the most important components of national security, a condition for ensuring the sustainable development of the

state. It implies achieving a state of technically reliable, stable, cost-effective, and environmentally safe energy supply to the economy and social sphere of the state. However, these legal acts do not detail the principles of ensuring Ukraine's energy security.

It is logical to summarise the legislative practice of Ukraine, in particular, several legislative initiatives in this area have been developed and registered. Thus, the purpose of Draft Law No. 8609 of 13.07.2018 "On the Principles of State Policy in the Field of Energy Security of Ukraine" is to regulate the basic principles of state policy aimed at ensuring the energy security of Ukraine and national interests in the energy sector. Thus, Article 4 sets out the principles of implementation of the state policy in the field of energy security:

- fully meeting the needs of end consumers (citizens, households, and business entities) with fuel and energy resources;
- Ukraine's independence in determining its foreign and domestic energy security policy;
- building partnerships with countries supplying the above resources on a mutually accessible and beneficial basis;
- sufficiency and timeliness of energy security measures;
- delineation of competence and interaction of government agencies in the process of ensuring energy security;
- decentralisation of energy supply to end consumers;
- Reducing the negative impact of the fuel and energy sector on the environment⁴.

The law further defines the powers of entities in the field of energy security, priorities and directions of state policy, and control in this area. It should be noted that many of its provisions detail the Energy Strategy of Ukraine until 2035 "Security, Energy Efficiency, Competitiveness". In addition, other draft laws of Ukraine have been registered: No. 2496⁵ dated 26.11.2019; No. 2582⁶ dated 12.12.2019; No. 5436-1⁷ dated 11.05.2021, etc. However, here, too, the subjects of legislative initiative ignore the

¹The Decision of the National Security and Defense Council of Ukraine No. 504/2014 "On the State of Energy Security of Ukraine and the Main Principles of State Policy in the Sphere of its Provision". (2005, December). Retrieved from <https://zakon.rada.gov.ua/laws/show/1863/2005#Text>.

²Order of the Cabinet of Ministers of Ukraine No. 605-p "On the Approval of the Energy Strategy of Ukraine for the Period Until 2035 "Safety, Energy Efficiency, Competitiveness". (2017, August). Retrieved from <https://zakon.rada.gov.ua/laws/show/605-2017-%D1%80#Text>.

³Order of the Cabinet of Ministers of Ukraine No. 907-p "On the Approval of the Energy Security Strategy". (2021, August). Retrieved from <https://zakon.rada.gov.ua/laws/show/907-2021-%D1%80#Text>.

⁴Law of Ukraine No. 8609 "On the Principles of State Policy in the Field of Energy Security of Ukraine". (2018, July). Retrieved from <http://w1.c1.rada.gov.ua/>.

⁵Law of Ukraine No. 2496 "On Ensuring Energy Security and Flexibility of the Energy System, Real Competition, Decarbonization of the Economy, Reduction of Electricity Consumption Prices (Regarding Energy Storage Systems)". (2019, November). Retrieved from http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=67477.

⁶Draft Law of Ukraine No. 2582 "On Amendments to the Law "On the Electricity Market" (Regarding Energy Security, Energy System Balancing and Energy Storage System)". (2019, December). Retrieved from http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=67624.

⁷Draft Law of Ukraine No. 5436-1 "On Amendments to Some Laws of Ukraine Regarding the Development of Energy Storage Systems". (2021, May). Retrieved from http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=71870.

relevant general and special principles of ensuring Ukraine's energy security. Therefore, it would be advisable to regulate such principles at the legislative level. This is especially relevant in the implementation of the Association Agreement¹, the UN Sustainable Development Goals and the relevant Presidential Decree of 2019².

The National Report "Sustainable Development Goals: Ukraine" sets certain targets for key indicators, including those related to energy security (National baseline report..., 2017). However, the effectiveness and efficiency of their achievement depend on the coherence of principles, goals, objectives and mechanisms for their implementation. This task is mainly entrusted to central executive authorities, which, due to the lack of systemic research and analytical materials, are guided by departmental approaches to solving the problem rather than substantiating strategic decisions.

At the same time, the concept of sustainable development, which is gradually being conceptualised as a global paradigm, is defined by the UN as the main direction of human civilisation, which involves the integration and balance of various components (economic, environmental, social, institutional, innovative and technological) for the welfare of humans without harming future generations, including in terms of energy supply and availability. Sometimes, sustainable development is generally interpreted as an integrated principle of international law that may already have the character of *jus cogens*, and the obligations arising from it are already *erga omnes* (Bilot-sky, 2015; Tkachenko *et al.*, 2020; Kaminska, 2022).

Thus, there is a significant legal framework at the international and national levels that regulates basic and special principles for ensuring energy security as one of the most important components of national security and, at the same time, conditions for ensuring sustainable development of the state and the world community. The author notes numerous approaches to their classification, as well as problems of implementation.

■ Discussion

It is possible to note in the scientific literature an infrequent, but still present evolution of doctrinal sources in the context of energy security, certain types of energy in Ukraine and foreign countries. The authors agree with T. Kharitonova & H. Grigoryeva (2020), who note the trends in the development of scientific thought on the legal regulation of alternative energy in Ukraine, namely the following aspects:

1) methodological – lack of scientific and methodological research;

2) terminology – certain limitations, inconsistencies, different approaches to interpretation;

3) substantive – fragmentation, focus on harmonisation with EU legislation, comparative studies, including non-legal studies, aimed at proving the need and feasibility of transition to alternative energy.

Despite all the contradictions and inconsistencies in the ways to overcome the crisis, there is no reasonable alternative to the paradigm of sustainable energy development. At the same time, the principles of ensuring Ukraine's energy security need to be regulated by law, based on the three priorities of energy policy, namely:

- constant development;
- competitiveness;
- energy supply reliability.

This is the basis for planning prospects in the energy sector, consolidated by the governments of European countries. According to the authors, at the current stage of Ukraine's state-building, the focus should be on the sustainable development of the energy sector, which, of course, is associated with the development of unconventional and renewable energy sources, their distribution on the market, intensification of energy efficiency and energy saving policies, prevention, and elimination of the negative effects of climate change. All this should be reflected in the system of principles for ensuring Ukraine's energy security.

Another important aspect is that the latter category is broader than the category of principles of law, legal principles, etc., given the complex nature of Ukraine's energy policy, energy security and the field of energy law, implementation of norms and principles of international energy law and European energy law.

Turning to the consideration of energy security principles as sectoral or cross-sectoral principles, we note that the degree of their generality may have various aspects. On the one hand, these are principles of a narrower meaning than general ones. On the other hand, in many areas of legal regulation, globalisation processes give rise to the unification of approaches to the regulation of certain areas in national legal systems, forming "supranational" subsystems (branches, institutions) of law. Under these circumstances, the relevant sectoral or even inter-sectoral principles primarily acquire supranational, international, and cross-border character and content.

Some scholars argue that the principles are usually mainly declarative or fragmentary in nature, and for their proper observance in national legal systems, it is important to create legal mechanisms to

¹Association Agreement No. 1678-VII "Between Ukraine, on the One Hand, and the European Union, the European Atomic Energy Community and Their Member States, on the Other Hand". (2014, September). Retrieved from https://zakon.rada.gov.ua/laws/show/984_011#Text.

²Decree of the President of Ukraine No. 722/2019 "On the Sustainable Development Goals of Ukraine for the Period up to 2030". (2019, September). Retrieved from <https://zakon.rada.gov.ua/laws/show/722/2019#Text>.

ensure the implementation of the declared principles (Kozyubra, 2017; Fuley, 2021). The EU has followed a similar procedure, specifying the nature and content of the Union's values, procedures and mechanisms for their implementation and protection, and increasing liability for their violation.

Continuing research in this area, it should be noted that, given the multifaceted interpretation of the categories of "principles" and "sustainable development" and the expansion of their components, the concept of sustainable energy development is appropriate (Kaminska & Demidenko, 2023). This phenomenon has already become the subject of legal regulation at the national, regional, supranational, and universal levels. Therefore, it is important to pay attention not only to the general legal framework for sustainable energy development but also to the relevant practical and applied aspects, institutional and other implementation mechanisms, etc.

The scientific interest is shown by economists, representatives of public administration science, etc., primarily by such researchers as M. Taifouris & M. Martín (2023) and others. In particular, among the significant problems of energy security, S.P. Zavorodnya (2021) highlights the problem of energy poverty. To identify and counteract this negative phenomenon, the Third and Fourth EU Energy Packages identify several measures that the EU Member States implement, taking into account the intensity of certain factors of energy poverty (low energy efficiency, high energy costs among household incomes; limited access to alternative energy; mismatch between household energy needs and energy availability for the population due to social or medical reasons); low awareness of energy consumer support programmes and energy saving measures at home.

It should be noted that energy security has been one of the challenges in the period of hybrid wars since the beginning of the twentieth century and up to the present day in the early twenty-first century, as well as one of the main strategic factors in military thinking, targeted disinformation, and cyberattacks. Its threats can potentially affect the sovereignty of states, state strategies and policies of many countries, international organisations, and international and regional legal order.

With Ukraine gaining EU candidate status and developing realistic scenarios for post-war reconstruction, there is a lack of theoretical and methodological developments, comparative studies, etc. Thus, it is necessary to concentrate the efforts of scientists and experts on various aspects of energy security. A solid basis for this, of course, is the existing work of domestic and foreign scholars on the principles, namely, the key fundamental ideas, concepts, theories, methodology, and organisational and functional principles in this area.

■ Conclusions

Thus, it should be noted that in modern legal science, scholars often resort to studying the issues of principles, principles of law, principles of legal regulation, provision, and implementation of state and legal phenomena. This is most typical for the theory of state and law, constitutional, administrative, information and other branches of law and legislation. At the same time, energy security – one of the most important objects of national and international security – is marked by the lack of conceptual comprehensive studies, including its fundamental principles.

Based on the analysis of existing doctrinal and regulatory sources, international legal acts, as well as bylaws at the national level, it can be argued that regulation is somewhat fragmented and inconsistent. This also applies to the implementation of the principles of energy security, the lack of unified approaches to understanding their essence, nature, essential features, mechanisms of implementation, their role and importance, etc. In particular, the Energy Security Strategy of Ukraine, the Energy Strategy of Ukraine until 2035 "Security, Energy Efficiency, Competitiveness", the Sustainable Development Goals of Ukraine until 2030 and other acts contain such categories as the principles of energy policy of Ukraine, principles of implementation of the state policy in the field of energy security, main fundamental principles of the strategy of cooperation in the energy sector, etc. Such inconsistency and terminological uncertainty, the ambiguity of object and subject composition and related factors have largely led to the unsystematic and inconsistent state energy policy of Ukraine and its organisational and legal framework.

The main principles, criteria and indicators in the field of energy security, regulated in international and supranational acts, multilateral and bilateral agreements (the Energy Charter Treaty, the Treaty establishing the Energy Community, the Memorandum of Understanding between Ukraine and the European Union on cooperation in the energy sector, the Association Agreement between Ukraine and the EU), seem to be more clear, which allows for a certain typology of energy security principles. Their system is quite extensive and diverse in terms of spatial, temporal, subjective and other features and criteria. Both individual principles in this area and mechanisms for their implementation require further in-depth research, especially in the context of intensifying the process of harmonisation with EU legislation and the fulfilment of Ukraine's international obligations. In other words, it is obvious that the existing principles of energy security need to be modernised and their effectiveness improved, as well as the mechanisms of state policy in the field of energy

and energy efficiency, sustainable development, restoration of energy infrastructure and strengthening of the energy independence of the Ukrainian state, especially in the context of the legal regime of martial law and post-war peacebuilding.

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■ Conflict of Interest

None.

■ References

- [1] Belyakov, K.I. (Ed.). (2020). *Encyclopedia of socio-humanitarian informatics*. Odesa: "Helvetyka" Publishing House.
- [2] Bilotsky, S. (2015). [International legal regulation of environmentally oriented energy and Ukrainian practice](#). *Journal on Environmental Law Policy and Development*, 108(1), 197-205.
- [3] Chipko, M. (2017). [International legal regulation of cooperation between states in the field of renewable energy use](#) (Dissertation, National University "Odesa Law Academy", Odesa, Ukraine).
- [4] Communication from the commission to the European parliament and the council. (2014). Retrieved from <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52014DC0330&>.
- [5] Ducaru, S.D. (2017). The security of critical energy infrastructure in the age of multiple attack vectors: NATO's multi-faceted approach. *Europolity-Continuity and Change in European Governance*. 11(1), 5-20. doi: 10.25019/europolity.2017.11.1.01.
- [6] Dupuy, A., Nussbaum, D., Butrimas, V., & Granitsas, A. (2021). *Energy security in the age of hybrid wars*. Retrieved from <https://www.nato.int/docu/review/articles/2021/01/13/energy-security-in-the-era-of-hybrid-warfare/index.html>.
- [7] Energy experts share best practices on loss reduction and revenue protection in Ethiopia. (2017). Retrieved from <https://www.worldenergy.org/news-views/entry/energy-experts-share-best-practices-on-loss-reduction-and-revenue-protection-in-ethiopia>.
- [8] Fuley, T. (2021). [Legitimate expectations and the principle of legal certainty in the practice of the ECtHR](#). *The Word of the National School of Judges of Ukraine*, 5, 24-35.
- [9] Georgiadou, A., Michalitsi-Psarrour, A., & Askounis, D. (2023). A security awareness and competency evaluation in the energy sector. *Computers and Security*, 129, article number 103199. doi: 10.1016/j.cose.2023.103199.
- [10] Hughes, L. (2012). A generic framework for the description and analysis of energy security in an energy system. *Energy Policy*, 42, 221-231. doi: 10.1016/j.enpol.2011.11.079.
- [11] Huhta, K. (2021). The scope of state sovereignty under article 194(2) TFEU and the evolution of EU competences in the energy sector. *International & Comparative Law Quarterly*, 70(4), 991-1010. doi: 10.1017/S0020589321000269.
- [12] Kaminska, N. (2022). Modern paradigm of constitutional values and their significance under the conditions of the martial state. *Philosophical and methodological problems of law*, 24(2), 86-95. doi: 10.33270/02222402.86.
- [13] Kaminska, N., & Demidenko, V. (2023). Sustainable energy development: International, constitutional-legal and doctrine principles. *International Law*, 3, 133-140. doi: 10.32782/EP.2023.3.17.
- [14] Kemmler, A., & Spreng, D. (2007). Energy indicators for tracking sustainability in developing countries. *Energy Policy*, 35(4), 2466-2480. doi: 10.1016/j.enpol.2006.09.006.
- [15] Kharazishvili, Y., Kwilinski, A., Sukhodolia, O., Dzwigol, H., Bobro, D., & Kotowicz, J. (2021). The systemic approach for estimating and strategizing energy security: The case of Ukraine. *Energies*, 14(8), article number 2126. doi: 10.3390/en14082126.
- [16] Kharazishvili, Yu.M. (2019). [System security of sustainable development: Assessment toolkit, reserves and strategic implementation scenarios](#). Kyiv: National Academy of Sciences of Ukraine.
- [17] Kharitonova, T., & Grigoryeva, H. (2020). The doctrine of legal regulation of alternative energy in Ukraine: Modern development trends. *Knowledge, Education, Law, Management*, 3(31), 237-245. doi: 10.51647/kelm.2020.3.2.42.
- [18] Khorishko, L. (2021). Poland's energy security in the context of eu environmental initiatives. *Baltic Journal of Economic Studies*, 7(4), 226-230. doi: 10.30525/2256-0742/2021-7-4-226-230.
- [19] Klyuchkovskiy, Y. (2018). *Principles of electoral law: Doctrinal understanding, status and prospects of legislative implementation in Ukraine*. Kyiv: Vaite.
- [20] Kolba, O., & Buimistera, A. (Eds.). (2012). *Conflictology. Dictionary*. Kyiv, Pereyaslav-Khmelnyskiy: KSV Publishing House.
- [21] Kotsyuba, R.O. (2017). [Constitutional and legal regulation of the principles of nuclear safety of Ukraine](#). *National Law Journal: Theory and Practice*, 1, 27-31.

- [22] Kozyubra, M. (2017). Principles of law: Methodological approaches to understanding the nature and classification in the conditions of modern globalization transformations. *Ius Humani Journal*, 11(2), 142-164; doi: [10.31207/ih.v11i2.312](https://doi.org/10.31207/ih.v11i2.312).
- [23] Lear, V. (2018). [Formation of the energy policy of Ukraine in accordance with the global paradigm of sustainable development](#). *Herald of Mykolaiv. National University Named V.O. Sukhomlynskyi. Series: Economy and Management of the National Economy*, 21, 172-178.
- [24] Liu, J.L., Fu, J., Wong, S.S., & Bashir, S. (2023). Energy security and sustainability for the European Union after/during the Ukraine crisis: A perspective. *Energy and Fuels*, 37(5), 3315-3327. doi: [10.1021/acs.energyfuels.2c02556](https://doi.org/10.1021/acs.energyfuels.2c02556).
- [25] Lordan-Perret, R., Wright, A., Burgherr, P., Spada, M., & Rosner, R. (2019). Attacks on energy infrastructure targeting democratic institutions. *Energy Policy*, 132, 915-927. doi: [10.1016/j.enpol.2019.06.025](https://doi.org/10.1016/j.enpol.2019.06.025).
- [26] Mete, G. (2020). [Energy transitions and the future of gas in the EU, Energy, Climate and the Environment](#). London: Palgrave Macmillan.
- [27] Muza, O. (2023). Organizational and legal principles of ensuring energy security of Ukraine under martial law. *Scientific Bulletin of the Dnipropetrovsk State University of Internal Affairs*, 1, 60-66. doi: [10.31733/2078-3566-2023-1-60-66](https://doi.org/10.31733/2078-3566-2023-1-60-66).
- [28] National baseline report "Sustainable Development Goals: Ukraine". (2017). Retrieved from <https://ukraine.un.org/en/49413-2017-national-baseline-report-%C2%ABsustainable-development-goals-ukraine%C2%BB>.
- [29] Nuclear industries security (amendment) regulations. (2013). Retrieved from <http://www.legislation.gov.uk/ukxi/2013/190/made>.
- [30] Ostudimov, B. (2022). Ensuring energy independence of the state and constitutional human rights (problems of research methodology). *Philosophical and Methodological Problems of Law*, 2(24), 70-79. doi: [10.33270/02222402.70](https://doi.org/10.33270/02222402.70).
- [31] Outcomes of the World summit on sustainable development and implications for follow-up. (2002). Retrieved from https://apps.who.int/gb/ebwha/pdf_files/EB111/eeb11131.pdf.
- [32] Prontera, A. (2020). Beyond the regulatory state: Rethinking energy security governance and politics in the European Union. *Comparative European Politics*, 18(3), 330-362. doi: [10.1057/s41295-019-00188-z](https://doi.org/10.1057/s41295-019-00188-z).
- [33] Shcherbyna, V., Sotskyi, A., Teliychuk, V., Koval, Y., & Karpovskyi, S. (2022). International legal regime of the territory of Crimea after the Russian annexation. *Cuestiones Políticas*, 40(73), 495-505. doi: [10.46398/cuestpol.4073.27](https://doi.org/10.46398/cuestpol.4073.27).
- [34] Smirnova, K.V., & Sviatun, O.V. (2020). EU-Ukraine association agreement implementation coordination mechanism. *Actual Problems of International Relations*, 1(142), 50-61. doi: [10.17721/apmv.2020.142.1.50-61](https://doi.org/10.17721/apmv.2020.142.1.50-61).
- [35] Taifouris, M., & Martín, M. (2023). Towards energy security by promoting circular economy: A holistic approach. *Applied Energy*, 333, article number 120544. doi: [10.1016/j.apenergy.2022.120544](https://doi.org/10.1016/j.apenergy.2022.120544).
- [36] Tilman, M.D. (2018). [Ownership unbundling and related measures in EU energy sector. Foundations, the impact of WTO law and investment protection](#). Cham: Springer.
- [37] Tkachenko, N., Kurmaiev, P., Seliverstova, L., & Pozhydaeva, M. (2019). [Features of financing NATO's armed forces](#). *Amazonia Investiga*, 9(26), 117-124.
- [38] Vashchenko, Y. (2015). [State regulation in the energy sector of Ukraine: Administrative and legal aspects](#) (Dissertation, National University named after Taras Shevchenko, Kyiv, Ukraine).
- [39] Vashchenko, Y. (2018). Legal challenges of the decisions of energy regulatory authorities in certain EU member states. *Administrative Law and Process*, 3(22), 90-101. doi: [10.17721/2227-796X.2018.3.07](https://doi.org/10.17721/2227-796X.2018.3.07).
- [40] Vooren, B.V. (2011). [EU external energy policy after Lisbon](#). Copenhagen: Centre for European and Comparative Legal Studies.
- [41] Yakovyuk, I., Yefremova, K., & Novikov, E. (2022). Energy security in conditions of geopolitical instability. *Law and Innovation*, 4(40), 37-44. doi: [10.37772/2518-1718-2022-4\(40\)-6](https://doi.org/10.37772/2518-1718-2022-4(40)-6).
- [42] Zavgorodnya, S.P. (2021). [European experience of combating energy poverty](#). Retrieved from <https://niss.gov.ua/sites/default/files/2021-06/az.pdf>.

Принципи забезпечення енергетичної безпеки: правова природа, класифікація та модернізація

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■ **Анотація.** Актуальність статті зумовлена необхідністю дослідження ключових основоположних засад системи забезпечення енергетичної безпеки на міжнародному й національному рівнях. З-поміж невідкладних питань, спричинених викликами й загрозами сучасного життя, передусім через повномасштабне вторгнення, агресію росії проти України, виокремлено забезпечення енергетичної безпеки, принципи, правові, організаційні й інші засади, механізми реалізації та відповідні гарантії. Метою статті є здійснення загальнотеоретичного комплексного аналізу принципів забезпечення енергетичної безпеки, їх типології та обґрунтування необхідності модернізації. У статті використано комплекс наукових методів: гносеологічний, феноменологічний, статистичний, моделювання і прогнозування, формально-юридичний, порівняльно-правовий, історико-правовий тощо, а також антропологічний підхід. У дослідженні комплексно висвітлено сутність й особливості принципів забезпечення енергетичної безпеки, урахувавши міждисциплінарний, міжгалузевий характер процесу забезпечення енергетичної безпеки. На підставі наявних доктринальних і нормативно-правових джерел проаналізовано поняття та правову сутність принципів права, принципів забезпечення енергетичної безпеки; обґрунтовано авторське бачення критеріїв класифікації останніх, розглянуто їх різновиди, законодавчу основу регулювання та реалізації, проблеми на цьому шляху й напрями їх розв'язання. Констатовано термінологічну невизначеність, певну несистемність і непослідовність державної енергетичної політики України, її організаційно-правових засад, механізмів реалізації. Тому практична значущість публікації полягає в типологізації принципів забезпечення енергетичної безпеки, розмежуванні принципів енергетичної політики України, принципів реалізації державної політики у сфері забезпечення енергетичної безпеки, головних фундаментальних принципів стратегії співпраці в енергетичній сфері тощо. Закономірною є модернізація наявних принципів забезпечення енергетичної безпеки, підвищення їх ефективності, зміцнення енергетичної незалежності Української держави, передусім в умовах дії правового режиму воєнного стану та повоєнного миробудівництва, співробітництва у сфері енергетики й енергоефективності

■ **Ключові слова:** конституційно-правові засади; типологія; європейські стандарти; законодавче регулювання

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Prerequisites for the effectiveness of interrogation of victims of robbery attacks on citizens' homes with the use of weapons

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■ **Abstract.** Currently, the problem of violations of property rights involving the seizure of other people's property and breaking into people's homes with weapons is becoming more acute. Poor investigation of these cases causes a public outcry. Victims are the ones who have the best information about the incident, so it is important to study the prerequisites for interrogating the injured party. The research aims to build a structure of consistently logical, generalised questions for interrogating victims of robberies involving the use of weapons. The methods used are analytical, generalisation, analogy, and synthesis. The general, guiding questions for the interrogation of victims during the investigation of robberies involving weapons are formulated in the study. Such questions are formulated considering the victim's condition after a robbery attack on a home using weapons, as well as the results of studying the peculiarities of committing these crimes, establishing, and summarising their circumstances. These aspects allow the investigator to obtain holistic, logically connected information about the crime to build a system of evidence. The general, orientation questions for interrogating victims during the investigation of robbery attacks on citizens' homes with the use of weapons are systematised, divided into types, grouped and summarised, so that it is more convenient for investigators to study and use them during the investigation of such criminal offences for a more effective reproduction of the sequence and integrity of the event, as well as for obtaining complete and reliable testimony during the interrogation of the victim. The author identifies the consequences of using incorrectly formulated questions to the victim by the investigator during interrogation, and the danger of using questions which are not prepared for the relevant criminal offence is clarified. The practical value of the work lies in the fact that the results of scientific research will contribute to the improvement of interrogation of a victim of robbery with weapons

■ **Keywords:** victim; threats; robbery; stress; property

■ Suggested Citation:

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■ Introduction

Since the beginning of the Russian full-scale invasion, violent and mercenary crimes against property involving weapons have increased. A large number of them remain unsolved. During the war, many crimes against property were not officially registered due to the active life position of citizens who detained people for committing looting; an increase in the degree of latency of such torts caused by the difficulty of their registration due to the complexity of registration and further investigation in the occupied territory, as confirmed by information from the media (hereinafter – the media) (Vozniuk, 2022).

The aggressiveness and boldness of criminal offences are increasing. Criminals commit qualified crimes against property because it provides quick and significant benefits, which complicates the timely clarification of the circumstances of the crime and prosecution (Bohatykov, 2021). A distinctive feature of robberies is their group nature, which encourages offenders to act more sophisticatedly and thoughtfully using modern firearms and cold steel, the latest tools, and technical means of committing a criminal offence (Burak *et al.*, 2019).

Armed robberies against citizens' homes, which involve the infliction of moral violence and bodily harm, have particular consequences for victims. A victim of such an attack is under the influence of severe nervous tension caused by stress and, due to negative memories, has difficulty recalling the circumstances of the incident, which makes it impossible for investigators to obtain a complete picture of the incident and complete information.

Scientists considered related issues of relevance.

V.O. Huseieva (2019) states that interrogation is one of the most difficult investigative actions, but also one of the most common. Fear has the most negative impact on the perception of a crime. This is because the feeling of fear impairs memory and depresses the victim's psyche, as well as intellectual activity, will and critical attitude to everything that happens to this person, moral self-control is impaired, which prevents an adequate assessment of the circumstances of the crime.

O.S. Korobka (2020) proposes to standardise tactical risks and investigative situations to facilitate interrogation by the investigator in the event of a conflict situation. Special attention is paid to the investigator and psychological state as the main participant in the proceedings. It is important to keep the initiative throughout the interrogation.

V. Baraniak (2021) notes that the success of a crime investigation depends on the investigator's ability to construct the interrogation of the victim tactically correctly, considering psychological characteristics. The information obtained from the victim at the initial stage of the investigation is the starting

point in solving the crime, the investigator needs to obtain as much information as possible from the person against whom the criminal act was committed.

O.M. Mirkovets (2021) notes tactical interrogation techniques aimed at activating the memory of the interrogated person in the reconstruction of a criminal event: 1) using the type of memory (figurative, emotional) that is better developed in a person; 2) encouraging the victim to restore the perception of the event in his/her memory; 3) offering to recount the sequence of crimes with the subsequent alternation of their episodes, etc.

Thus, the whole issue of the existing problem of the peculiarities of effective interrogation of victims of a robbery attack on a citizen's home with the use of weapons has not been considered by scholars until now. Only certain aspects of this issue have been the subject of research, and the importance of this study has been underestimated.

The research aims to study the facts of criminal offences, identify, accumulate, analyse their features, and build a consistent logical structure of questions to assist the victim in recreating the specifics of such an attack, and, if possible, recreate a holistic picture of the event.

The research goal is to develop indicative questions for interrogating victims and effectively investigating robberies involving weapons; study the peculiarities of robberies involving weapons from 2018 to 23.

■ Materials and Methods

The study was conducted using a set of scientific and cognitive methods of induction, deduction, analysis, and synthesis. The study is based on a systemic and structural approach and the dialectical method of scientific cognition of the peculiarities of interrogating victims of robberies involving weapons.

Using the method of induction, analysis and generalisation, the author studied individual facts of such criminal offences, and identified and analysed their features, based on which indicative general questions for victims were constructed. The deduction method was used in the transition from knowledge of the general patterns of property crimes to their specific, violent, and mercenary manifestation with the use of weapons and breaking. Using the method of deduction from the knowledge of the general patterns of this type of criminal attack, the author formulated and arranged consistent and logical questions to help the victim, which will allow him to recall and reproduce the specifics of such a separate attack. The method of analysis was used to combine the questions to the victim into semantic groups and to reconstruct the relationships of their elements. The method of synthesis and analysis was used to combine best practices and knowledge about the

effectiveness of interrogating victims in the investigation of criminal offences.

The use of the formal-logical and systemic-structural methods made it possible to accumulate, classify and structure questions for interviewing and interrogating victims after a robbery attack on a citizen's home with the use of weapons. In studying this issue, the research of Ukrainian and foreign researchers on this issue was used, as well as special literature and official data from law enforcement agencies of Ukraine. The comparative legal method made it possible to analyse and compare this research paper with the research papers that have already been written by other scholars, both domestic and foreign.

The formal legal method is used to examine the content of the provisions of the articles of the Legislation of Ukraine on the established concepts of victim, testimony, and interrogation. The normative basis of the work is: The Constitution of Ukraine¹, the Code of Criminal Procedure², and the Criminal Code of Ukraine³.

■ Results

The primary investigative (detective) actions during the investigation of crimes (inspection of the scene, interrogation of witnesses, victims (if possible), search, etc.) are of great importance for the results of the investigation. They determine the outcome of the investigation. The main task of these investigative (detective) actions is to collect and analyse evidential information, which, in turn, is reflected in the investigative picture (Larkin *et al.*, 2020).

Before the interrogation, it is appropriate to talk to the victim, applicant, and witness to clarify all possible circumstances to draw up a plan of interrogation. Testimony is the provision of information, during interrogation, in oral or written form, by the interrogated person about the known circumstances of a criminal offence that are of significant importance for the criminal proceedings in question⁴. Based on their legislative definition, the features of testimony as a procedural source of evidence are as follows: 1) testimony is information obtained during interrogation (orally or in writing) (a feature relating to the procedural form of testimony); 2) testimony may be given by a suspect, accused, witness, victim, expert (a feature relating to the subject matter of testimony); 3) logical and consistent information received, which is the essence of testimony reflect-

ing important circumstances for criminal proceedings. The information obtained without the above features is of no value in criminal proceedings and is not considered evidence (Miles *et al.*, 2022; Turkot *et al.*, 2022).

Under Article 55(1) of the Criminal Procedure Code of Ukraine (CPC)⁵, a victim in criminal proceedings may be an individual who has suffered moral, physical or property damage as a result of a criminal offence, or a legal entity that has suffered property damage as a result of a criminal offence. According to Article 55(6) of the CPC of Ukraine⁶, after a person who was in a state that made it impossible for the victim to file a relevant application, acquires the ability to exercise procedural rights, the victim may apply for involvement in the proceedings as a victim⁷. When robberies are committed against people's homes with the use of weapons, not only property damage is caused, but also, unfortunately, physical and, of course, moral damage. The criminal offence committed may have peculiar consequences for the victim due to bodily harm, short-term dizziness, or temporary loss of consciousness, such as fear, fright, and excitement. It should be understood that the victim's perception of the robbery depends on their emotional state and psychological characteristics. Therefore, during the interview, it is necessary to consider the state of the victims, who may be in a nervous state, which may prevent them from correctly stating the facts and circumstances of the events. The investigator should establish information during interrogation by asking pre-determined accumulated and selected questions following such a criminal offence regarding the time of the robbery (what day; in the daytime or at night; the hour of commission; duration of the criminal offence), the method of the attack (how the attackers entered the premises; from which side and where they came from; how and in which direction the attackers fled), the characteristics of the physical and mental attackers.

Appearance features: the number of attackers; their similarities and differences; approximate height; weight; age; gender; nationality; the presence of a left-handed person among the attackers; gait; lameness; habits; skills; whether there was an organiser of certain actions among the attackers; whether there could be a person known to the victim; what in the behaviour or habits of the attackers was familiar; resembled someone; was strange; what kind of

¹A Constitution of Ukraine. (2020, January). Retrieved from <https://zakon.rada.gov.ua/laws/show/254к/96-вр#Text>.

²Criminal Procedure Code of Ukraine. (2012, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/4651-17#Text>.

³Criminal Code of Ukraine. (2001, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/2341-14#Text>.

⁴Criminal Procedure Code of Ukraine. (2012, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/4651-17#Text>.

⁵Ibidem, 2012.

⁶Ibidem, 2012.

⁷Ibidem, 2012.

clothes and shoes they wore and whether they were the same on all of them; what differences there were.

Peculiarities of their psychological characteristics: the presence of parasitic words; use of sayings; proverbs; repetition of jokes; nervousness; irritabili-

ty; measuredness; timbre of voice high low; rough; calm; extortion by shouting or in a measured, calm voice, etc.; how the perpetrators called each other; what they talked about with each other and with the victim (Fig. 1).

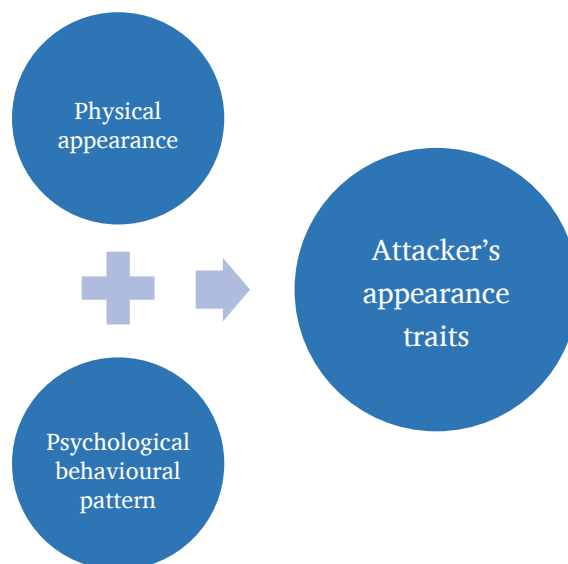


Figure. 1. Characteristic features of criminals who commit a robbery in the homes of citizens with the use of weapons

Source: developed by the author

The means of committing a criminal offence are the means of breaking (lock picks, crowbars, files, metal saws, welding machines, key picking, etc.), and the means of binding victims (tape, ropes, construction tightening belts, etc.). The means of disguising the appearance are also relevant in terms of their colour, the appearance of wear and tear, shape, model, quality and approximate cost (masks in the form of stockings,

scarves, balaclavas, hats, gloves, shoes, fake beards, moustaches, wigs, glasses, etc.), means of communication (disposable mobile phones, smartphones, walkie-talkies, baby monitors, etc.) and means of transport of arrival at the scene of the robbery of a person's home with weapons and departure from the scene (whether they saw cars, motorcycles, etc. vehicles or possibly heard a characteristic rumble) (Fig. 2).

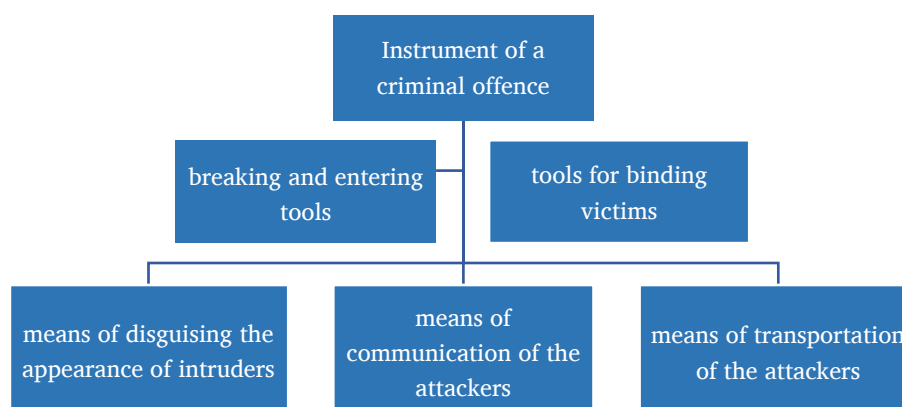


Figure. 2. A weapon used to commit a robbery of a citizen's home using a weapon

Source: developed by the author

Threats or violence on the part of perpetrators are psychological (threats to use physical violence against the victim or another family member of children, wife, husband, threats to destroy property, etc.) and physical

(using physical force, binding, striking the body with hands and/or feet or other objects, as well as using weapons, with the corresponding consequences of physical injuries to the victim's limbs, torso, head) (Fig. 3).



Figure. 3. Nature of the threats and violence from the perpetrators

Source: developed by the author

Weapons used to commit a criminal offence can be cold steel (finials, hunting knives, dirks, military knives, daggers, styluses, nunchakus, and other improvised weapons), firearms (hunting rifles, rifles, pistols, sawed-off shotguns, etc.) and

other special features, such as the way the group of attackers acted (Fig. 4). If the victims resisted, it is important to identify possible marks left on the body or clothing of the attackers, or on objects used to resist (Fig. 5).

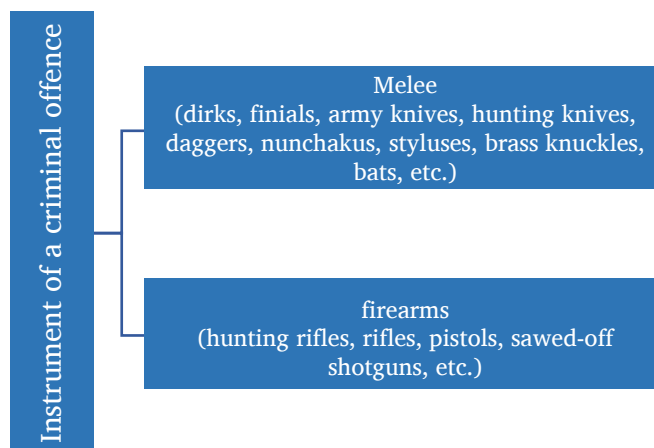


Figure. 4. Weapons used to commit a robbery of a citizen’s home using a weapon

Source: developed by the author

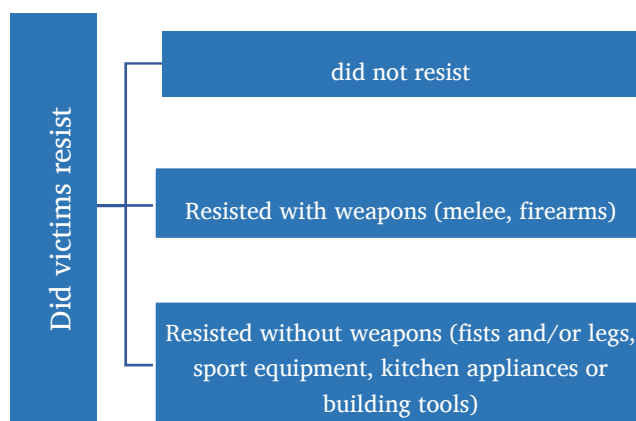


Figure. 5. Types of resistance of victims to a robbery of a dwelling with the use of weapons

Source: developed by the author

After the offence has been committed, it is important to identify the traces and objects left by the perpetrators. If victims or witnesses have seen and can recall the perpetrators’ physical features, then

subjective portraits of the perpetrators can be drawn up. It is advisable for victims and witnesses, if possible, to examine photo albums of persons of operational interest; the municipal authorities are guided

by the appearance of the suspects and by the features of material assets that were illegally seized from the victims. Traces, objects, and information obtained are checked and registered. Other operational and investigative measures are taken.

It is not uncommon for victims to misperceive the crime committed and report inaccurate information about the number of perpetrators, the number of weapons used, etc. due to their nervous state, physical injuries caused during the attack, accompanied by memory loss. A victim of a robbery committed with a weapon may be in shock and have strong negative memories, which may result in minimal testimony. Therefore, in addition to establishing the above-mentioned information for the investigation of such criminal offences, it is advisable to conduct additional interrogations of victims in 2-3 days, whose condition may stabilise to a healthy level during this time.

During the interrogation of victims, it is advisable to clarify the special features and functionality of the material assets seized by the attackers. It is also advisable for the investigator to identify persons who can confirm the presence of precious metal products, their quantity, as well as the amount of money, types of currency and other material assets. It is important to establish whether the victim has photos and videos, or other documents of such valuable items seized by the attackers and attach them to the criminal proceedings for use in investigative (search) actions.

It is advisable to record the interrogation with the use of technical means, since if none of the participants in the procedural action insists on entering the testimony into the relevant protocol, such text may not be entered there, provided that the interrogation was recorded with the use of technical means. In this case, the protocol shall state that the testimony was recorded on the data medium attached to it (Article 104(2) of the CPC)¹.

A tactically correct interrogation of the victim will allow to plan the further pre-trial investigation process correctly and to outline the plan and procedure for conducting certain investigative (search) actions to find important evidence and its carriers.

■ Discussion

As a general rule, as noted by domestic scholars, it is advisable to interrogate the victim as early as possible. As they note, before the victim is questioned, it is usually possible to conduct only an inspection of the scene and an examination of the victim (Kovalenko, 2016).

Since the victim has more information about the circumstances of the incident than other participants (except the accused), the investigation often begins with the interrogation of the victim. Before the

interrogation, it is advisable to establish the victim's social and psychological characteristics, way of thinking, level of intelligence, temperament, lifestyle, and upbringing to speak to them in a "clear language". After all, as noted in scientific sources, the ability to interrogate is a defining indicator of professionalism in the work of an investigator (Kobets, 2022). A well-prepared and tactically correctly organised interrogation is important, primarily because the testimony of the interrogated persons is often interrelated and forms a logically connected and coherent system of evidence, as well as consolidates and explains the evidence that the investigator already had at the initial stage of the investigation.

Researchers M. Larkin *et al.* (2020) believe that immediately after the crime, the victim is in a state of severe mental stress, and it is this state that in some cases contributes to the blocking of some of the information important to the case. It is only after state passes that this important information begins to "surface". They propose to solve such issues by using specialised knowledge in consultation with a specialist in psychological knowledge, which will help in questioning the victim and correctly solving the tasks of solving and investigating crimes.

This point of view is shared by V.O. Huseieva (2019), A.V. Kovalska (2020) & V. Baraniak (2021) that interrogation usually begins with establishing psychological contact. This means developing a person's disposition to communicate so that it can produce an effective result.

O.I. Kudermina & L.V. Lenska (2018) in their research emphasised that victims are usually characterised by increased emotionality. As a rule, the fact of seizure of property and the use of violence causes the victim to feel confused, anxious, indignant, and depressed, which contributes to the fact that the victim may exaggerate the severity of the attack that was committed. In their conclusions, the researchers emphasise that the best tactical technique, in this case, is a free narrative, which means that the victim, without detailing and clarifying questions, as well as without time limits, but in detail tells everything he knows about the crime in a logical sequence and chronological order. L. Mohilevskiy *et al.* (2022) follow the methodology of repeated, additional, and simultaneous interrogations of previously interrogated persons.

Considering the statements made in I. Tataryn *et al.* (2021) that regardless of whether the investigator has doubts about the objectivity of the testimony of the interrogated person, it is necessary to detail this testimony, since asking detailed and controlling questions to clarify and verify the circumstances of the criminal offence is extremely important. During

¹Criminal Procedure Code of Ukraine. (2023). Retrieved from <https://zakon.rada.gov.ua/laws/show/4651-17#Text>.

the interrogation, the investigator should obtain as much evidential “express information” as possible as soon as possible, which is necessary for the organisation of the investigation, including in “hot pursuit”.

Based on the opinion of I.V. Zahorodnii (2018), who noted that the urgent interrogation of the victim is explained, first of all, by the fact that it is necessary to exclude the possibility of unlawful influence on the victim by the perpetrator, his relatives, accomplices, friends and other persons who could change the victim’s position and persuade him to give false testimony or to refuse to give any testimony. Indeed, referring to O.D. Chernovskyi (2018), it is worth emphasising that the outcome of interrogation directly depends on the person’s state of mind: their willingness to speak in general and to tell the truth in particular.

N.J. Gordon & W.L. Fleisher (2019) emphasise that interrogation should be well thought out and systematic, as this helps the investigator refrain from making sudden mistakes. Moreover, systematicity helps the interrogated person to calm down and provide information most understandably.

It is worth noting that the victim may also be a minor or a juvenile. The interrogation of such persons has its unique features, which, in particular, were highlighted by M. Nykonenko (2020), V.V. Hiruk (2020), O. Melnik & M. Popovich (2022). They especially emphasise the importance of the psychological state of the interrogated minor or juvenile for effective interrogation.

B.C. Feld (2020) also emphasises that the investigator should be careful when asking questions, especially if the person being questioned is a minor. Inappropriate questions and excessive persistence by the investigator may lead to distorted information from the victim.

I.S. Black & L.J. Fennelly (2021), in turn, highlighted the risks of interrogation. They concluded that the investigator should carefully prepare for the interrogation and consider all possible risks to be able to avoid them. Nevertheless, although most scholars consider the emotional state of the victim to be a disadvantage and an obstacle in criminal proceedings, C. Hogan *et al.* (2022) believe that the emotional state of the victim reflects the impact of the crime on the victim. They argue that this emotional state of the victim or family has the right to influence the judgement against the offender.

A separate type of interrogation, cross-examination, also deserves special attention. As pointed out in their study by O.I. Harasymiv & O.V. Riashko (2021), with one unsuccessful question during cross-examination, the investigator can destroy all past efforts.

The consequences of investigative mistakes during interrogation are also emphasised by O.V. Fedorchuk (2020), and the urgency of interrogation is noted by Yu. Chaplynska (2018). She believes that

excessive delay in interrogation can lead to changes in testimony. It should also be noted that to maximise the establishment of the necessary information during interrogation, the investigator may use various types of tactics, some of which were described by W.D. Woody & K.D. Forrest (2020). In particular, they considered three deceptive tactics.

But at the same time, it should be remembered that if a person is hysterical, injured or intoxicated, it is better to stop the interrogation (John *et al.*, 2023). It is worth agreeing with this because if a person is in such a state, their perception of reality can be significantly distorted.

Given the previous scientific views on the expediency of re-interrogating the victim after two to three days to obtain more meaningful information, it is worth considering that the value of information obtained during the interrogation of the victim lies, among other things, in its freshness and timeliness. Without delay, it is necessary to obtain as complete a statement as possible from the victim, which will increase the chances of apprehending the attackers as soon as possible and will also make it possible to preserve the true information that the victim may omit or not recall due to his or her illness or natural forgetfulness. It is also worth noting that to maximise the establishment of the necessary information during the initial interrogation of a victim of a robbery of a citizen’s home with the use of weapons, it makes sense to use predefined, structured, tentatively generalised questions following the criminal offence.

■ Conclusions

The victim’s testimony is unique, as its value lies in the scope and content of the actual circumstances of the criminal attack (regarding time, peculiarities of the appearance and behaviour of the attackers, the use of weapons, tools and methods of committing the attack, etc.), which are known only to the victims and the attackers. Assumptions and opinions expressed by the victim during the interrogation are an integral part of the testimony that must be recorded in the interrogation report, and it is clear that in the process of proving them, they are subject to verification by comparing them with other evidence available in the criminal proceedings.

It is determined that to obtain reliable full testimony in the relevant proceedings during the interrogation by the investigator, it is necessary to formulate questions to both the victim and the witnesses. Since incorrectly formulated questions can lead to distorted information and can influence the interrogated person and misunderstandings.

As a result of the study, generalised indicative questions for interviewing and interrogating a victim of a robbery with a weapon were formed, classified, and logically constructed. Such an indicative set of

questions for the victim will allow the investigator to establish the truth of the information that the interviewee may not remember due to his emotionally disturbing, stressful state, accompanied by a misperception of the circumstances of the event; inconsistent presentation of facts; omission of some features of the attack: providing incomplete information about the criminal offence; providing incomplete characteristics of the attackers, their number, availability and variety of weapons and other tools of the robbery, etc.

Therefore, it is necessary to assist the victim during the interrogation and facilitate a true, complete statement of the circumstances of the event, using prepared, generalised, structured questions focused on the criminal offence in question. The results of the study can be assimilated into victim interviews in the investigation of other criminal offences of a violent nature.

Scientific novelty: considering the condition of the victim after the crime, the possibility of obtaining holistic information about the crime event by the investigator to build a system of evidence, general, orientating questions for questioning victims in the investigation of robberies with weapons are formed.

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■ Conflict of Interest

None.

■ References

- [1] Baraniak, V. (2021). Peculiarities of interrogation of a victim of fraud. *Journal of the Lviv Polytechnic National University. Series: Legal Sciences*, 4(32), 108-112. doi: [10.23939/law2021.32.108](https://doi.org/10.23939/law2021.32.108).
- [2] Black, I.S., & Fennelly, L.J. (2021). Fraud investigations. In *Investigations and the art of the interview* (pp. 191-202). Oxford: Butterworth-Heinemann. doi: [10.1016/B978-0-12-822192-1.00022-2](https://doi.org/10.1016/B978-0-12-822192-1.00022-2).
- [3] Bohatykov, O.V. (2021). Actual issues of combating illegal possession of vehicles by organized groups. *Scientific Journal of the National Academy of Internal Affairs*, 4(121), 31-35. doi: [10.33270/01211214.31](https://doi.org/10.33270/01211214.31).
- [4] Burak, M.V., Bryskovska, O.M., & Horbach, R.S. (2019). *Combating robberies by units of the National Police of Ukraine*. Kyiv: NAVS.
- [5] Chaplynska, Yu. (2018). Simultaneous interrogation of two early interrogated persons: Organizational aspect. *Scientific Bulletin of the Dnipropetrovsk State University of Internal Affairs*, 2, 41-45. doi: [10.31733/2078-3566-2018-2-41-45](https://doi.org/10.31733/2078-3566-2018-2-41-45).
- [6] Chernovskyi, O.D. (2018). Interrogation as a way of establishing the truth in criminal proceedings. *Law of Ukrainian*, 4, 223-232. doi: [10.33498/louu-2018-04-223](https://doi.org/10.33498/louu-2018-04-223).
- [7] Fedorchuk, O.V. (2020). Interrogation of the suspect, victim and witnesses during the investigation of pickpocketing: Some tactical features of conducting. *Juridical Science*, 2, 5(107), 158-167. doi: [10.32844/2222-5374-2020-107-5-2.20](https://doi.org/10.32844/2222-5374-2020-107-5-2.20).
- [8] Feld, B.C. (2012). Police interrogation: On the Record. In *Kids, cops, and confessions* (pp. 103-140). New York: NYU Press. doi: [10.18574/nyu/9780814727775.003.0004](https://doi.org/10.18574/nyu/9780814727775.003.0004).
- [9] Gordon, N.G., & Fleisher, W.L. (2019). *Effective interviewing and interrogation techniques*. Cambridge: Academic Press. doi: [10.1016/C2009-0-62838-5](https://doi.org/10.1016/C2009-0-62838-5).
- [10] Harasymiv, O.I., & Riashko, O.V. (2021). Cross-examination in court proceedings. In *Innovative views in European fundamental scientific-practical legal studies* (pp. 176-179) Riga: "Baltija Publishing". doi: [10.30525/978-9934-26-179-4.45](https://doi.org/10.30525/978-9934-26-179-4.45).
- [11] Hiruk, V.V. (2021). Interrogation of juvenile victims of violent crimes: Tactical features and procedural principles. *Juridical Science*, 2(104), 361-366. doi: [10.32844/2222-5374-2020-104-2.40](https://doi.org/10.32844/2222-5374-2020-104-2.40).
- [12] Hogan, C., Dartnell, W., & Daftary-Kapur, T. (2022). Victim impact statements. *Psychology in the Real World*. doi: [10.4324/9780367198459-REPRW149-1](https://doi.org/10.4324/9780367198459-REPRW149-1).
- [13] Huseieva, V.O. (2019). Features of the tactics of questioning the victim and the witness during the investigation of attacks on the life of a law enforcement officer. *Judicial and Investigative Practice in Ukraine*, 9, 34-40. doi: [10.32999/ksu2663-2713/2019-9-5](https://doi.org/10.32999/ksu2663-2713/2019-9-5).
- [14] Kobets, S.V. (2022). Peculiarities of witness and victim interrogation during the investigation of threats or violence against a law enforcement officer. *Analytical and Comparative Jurisprudence*, 3, 232-237. doi: [10.24144/2788-6018.2022.03.42](https://doi.org/10.24144/2788-6018.2022.03.42).
- [15] Korobka, O.S. (2020). Interrogation in a conflict investigative situation. *Legal Scientific Electronic Journal*, 2, 382-385. doi: [10.32782/2524-0374/2020-2/99](https://doi.org/10.32782/2524-0374/2020-2/99).
- [16] Kovalenko, A.V. (2016). [Peculiarities of interrogation of the victim of attacks on the journalist's life and health](https://doi.org/10.32782/2524-0374/2020-2/99). *Actual Problems of Domestic Jurisprudence*, 6(1), 121-124.

- [17] Kovalska, M. (2020). Tactics of questioning the victim during the investigation of banditry. *Enterprise, Economy and Law*, 3, 296-299. doi: [10.32849/2663-5313/2020.3.49](https://doi.org/10.32849/2663-5313/2020.3.49).
- [18] Kudermyna, O.I., & Lenska, L.V. (2018). [Interrogation of the victim during the pre-trial investigation of robberies: Psychological principles](#). *Scientific Journal of the National Academy of Internal Affairs*, 1(106), 244-254.
- [19] Larkin, M., Biryukova, A., Makarenko, T., Ivanova, N., & Fedchyniak, A. (2020). Typical mistakes during investigation of crimes committed by youth informal groups members. *Cuestiones Políticas*, 38, 396-405. doi: [10.46398/cuestpol.38e.26](https://doi.org/10.46398/cuestpol.38e.26).
- [20] Melnik, O., & Popovich, M. (2022). Is psychotherapy possible during the interrogation of a minor victim? *Knowledge, Education, Law, Management*, 1(45), 188-192. doi: [10.51647/kelm.2022.1.28](https://doi.org/10.51647/kelm.2022.1.28).
- [21] Miles, J.G., Richardson, D.B., & Scudellari, A.E. (2022). *The law officer's Pocket Manual, 2023 Edition*. New York: Routledge. doi: [10.4324/9781003372561](https://doi.org/10.4324/9781003372561).
- [22] Mirkovets, O.M. (2021). Peculiarities of interrogation in criminal proceedings on robbery. *Legal Novels*, 13(2), 87-94. doi: [10.32847/ln.2021.13.2.12](https://doi.org/10.32847/ln.2021.13.2.12).
- [23] Mohilevskiy, L., Husieva, V., Perlin, S., Chycha, R., & Shynkarenko, I. (2022). Determinants and methods of diagnosing criminal proceedings participants false testimony in Ukraine. *Amazonia Investiga*, 11(51), 71-79. doi: [10.34069/AI/2022.51.03.7](https://doi.org/10.34069/AI/2022.51.03.7).
- [24] Nykonenko, M. (2020). Interrogation of a minor or a minor at the stage of pre-trial investigation. *Legal Herald*, 3, 218-225. doi: [10.32837/yuv.v0i3.1944](https://doi.org/10.32837/yuv.v0i3.1944).
- [25] Tataryn, I., Komissarchuk, Y., Dmytryk, Y., Maistrenko, M., & Rymarchuk, O. (2021). Features of detection and obtaining evidence of war crimes committed in the context of international armed conflict. *Uestionos Políticas*, 39(69), 74-90. doi: [10.46398/cuestpol.3969.04](https://doi.org/10.46398/cuestpol.3969.04).
- [26] Turkot, M., Ponomarenko, A., Ilerusalymov, I., Peretyatko, S., & Shulha, O. (2022). Organizational and procedural aspects of obtaining testimony during a court interrogation. *Cuestiones Políticas*, 40(72), 330-352. doi: [10.46398/cuestpol.4072.18](https://doi.org/10.46398/cuestpol.4072.18).
- [27] Vozniuk, A.A. (2022). Martial law and state of emergency as circumstances affecting the qualification of a criminal offense or the imposition of punishment. *Legal Scientific Electronic Journal*, 6, 308-317. doi: [10.32782/2524-0374/2022-6/69](https://doi.org/10.32782/2524-0374/2022-6/69).
- [28] Woody, W.D., & Forrest, K.D. (2020). Introduction. In *Understanding police interrogation*. New York: University Press. doi: [10.18574/nyu/9781479860371.003.0001](https://doi.org/10.18574/nyu/9781479860371.003.0001).
- [29] Zahorodnii, I.V. (2018). [Investigating crimes involving bodily injury](#) (Doctoral dissertation, National University "Odesa Law Academy", Odesa, Ukraine).

Передумови результативності допиту потерпілих від розбійних нападів на помешкання громадян із застосуванням зброї

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■ **Анотація.** Нині загострюється проблема порушення права власності щодо заволодіння чужим майном з проникненням до житла осіб з використанням зброї. Неякісне їх розслідування викликає суспільний резонанс. Потерпілі найкраще володіють інформацією щодо події, тому актуальним є дослідження передумов допиту потерпілої сторони. Мета – вибудувати конструкцію послідовно логічних, узагальнених запитань для допиту потерпілих від розбійних нападів на помешкання громадян з використанням зброї. Використано наукові методи: аналітичний, узагальнення, аналогії, синтезу. В статті сформовані загальні, орієнтуючі запитання для допиту потерпілих під час розслідування розбійних нападів на помешкання громадян з використанням зброї. Такі питання сформульовано з урахуванням стану потерпілого після вчиненого розбійного нападу на його помешкання з використанням зброї, а також результатів вивчення особливостей учинення цих злочинів, встановлення та узагальнення їх обставин. Вказані аспекти уможливають отримання слідчим цілісної, логічно пов'язаної інформації про подію злочину для побудови системи доказів. Загальні, орієнтуючі запитання для допиту потерпілих під час розслідування розбійних нападів на помешкання громадян з використанням зброї систематизовано, розподілено на види, згруповано й узагальнено, щоб слідчим було зручніше їх вивчати та використовувати під час розслідування таких кримінальних правопорушень для більш ефективного відтворення послідовності й цілісності події, а також для отримання повних і достовірних свідчень під час проведення допиту потерпілого. Визначено наслідки використання слідчим неправильно сформульованих запитань до потерпілого під час допиту, з'ясовано небезпечність використання не підготовлених до відповідного кримінального правопорушення запитань. Практична цінність роботи полягає в тому, що результати наукової розвідки сприятимуть удосконаленню допиту потерпілого від учинення розбійних нападів на помешкання з використанням зброї

■ **Ключові слова:** жертва; погрози; розбій; стрес; майно

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Peculiarities of the patrol police unit head's job to ensure public safety and order during military operations

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■ **Abstract.** The rapid, full-scale invasion of Ukraine by Russia has left the country's defence and security forces, such as the Armed Forces of Ukraine, the National Police of Ukraine, and the National Guard of Ukraine, in a state of focus, resilience, and need for clear leadership. Leaders have a key role to play in preventing staff from becoming deadadapted and disoriented. They must ensure that the effort organisation is structured in such a way that positive results are achieved, and losses are minimised. The research aims to study the views and opinions of scholars and practitioners on the state of the managerial and organisational potential of heads of patrol police units whose main task is to ensure public safety and order. The study used scientific and empirical methods, in particular, the synergistic approach, graphical, comparison, analysis and synthesis, and questionnaires, based on which reasonable conclusions were drawn. Following the results obtained: the conclusion regarding gaps in the procedure for interaction between patrol police officers and some law enforcement agencies and the lack of special training for actions in extreme conditions were deducted. It is established that patrol police officers are guided by a sense of national patriotism, which is formed through persuasion, moral support, and the example of their superiors. The areas of cyber hygiene, first aid training and handling explosive devices are lacking. The analysis of the reports of the heads of the services showed a positive trend in reducing the number of offences and deaths on the country's roads. The practical value of this study is that it is in demand, as it reveals the actual problematic issues of the professional competence of a patrol police officer who is involved every day in ensuring public safety and order in different regions of the country with atypical levels of threats and dangers. It is the basis for further scientific study and solution of problematic aspects of patrol police service in the context of martial law and active hostilities by the aggressor country

■ **Keywords:** law enforcement agencies; police officer; management; leadership capacity; martial law; regulations

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■ Introduction

The relevance of the period of reforming Ukraine's law enforcement system to the standards of the European Union is determined by the need to increase the effectiveness and trust in law enforcement agencies. The new patrol police, established in 2015, was intended to ensure a high level of police professionalism, corruption integrity and respect for citizens' rights.

This period of reform was controversial and required a great deal of effort to bring about change in the system. The creation of new patrol police officers and units across the country was supposed to transform the way law enforcement was carried out into a more transparent, democratic, and community-oriented approach.

The relevance is determined by the fact that law enforcement reforms were an important step for Ukraine in ensuring the rule of law, fighting corruption, ensuring the safety of citizens, and attracting foreign investment. The transition to European Union standards has enabled Ukraine to establish partnerships with European countries and become more attractive to tourists and businesses¹.

In the course of the newly created unit's work, issues arose that required study. One of the main ones was the issue of defining the principles of their activities. D. Dronik (2023), S. Chyryk (2018) & R. Molchanov (2018) in their studies established and characterised the administrative and legal basis for effective professional activity of patrol officers. In addition, domestic scholars have tried to establish the professional competencies of a patrol officer as a subject of social relations who prevents various types of offences (Lytvyn, 2019; Maiorov, 2020).

Foreign scholars study the experience of the police, which are called upon to ensure safety on the streets of cities and towns in typical and atypical situations following the peculiarities of the crime situation in the region. C. Koper *et al.* (2022) revealed the peculiarities of police interaction with the local population in "hot spots". The main goal was to accumulate police interaction with the population in the procession of evacuation or detention of criminals. J. Kringen *et al.* (2020), through an experiment, managed to prove the effectiveness of the creation and practical operation of foot patrols in the city. It was proved that the statistics of detection of offences have changed for the better due to the development of the territory where the vehicle cannot move while ensuring public safety in a certain area.

During the global pandemic and the full-scale invasion of Ukraine by the aggressor country, patrol police units continue to work and successfully perform

their duties thanks to the properly strategic leadership planning. In peacetime, the functionality of a public safety and order unit is clear and requires control by the leadership. At the same time, foreign scholars are working on problematic issues of leadership and the organisational and managerial activities of a police chief. C. Filstad & T. Karp (2021) studied leadership in the police as a professional practice. During the period of the violent war, new requirements and tasks were imposed on the patrol police, which required strategic leadership management. S. Ponomarov (2018), M.V. Kocherov (2019) & V.V. Bezeha (2020) tried to establish the legal status of the patrol police within the National Police of Ukraine as a security and defence sector entity to further establish the order of subordination and interaction.

Increased patrolling of the streets of cities and towns; detection of sabotage and reconnaissance groups; prompt and urgent response to any incidents in emergency and extreme conditions (for example, during air raids and the threat of a missile attack); assistance in the dismantling of destroyed buildings and rubble; rescue and search operations; organisation of checkpoints; business trips to work in the de-occupied territories – this is only a part of the work that patrol police are involved in every day. In such conditions, there is an urgent need for high-quality professional psychological training that will allow them to remain stress-resistant and professional while performing their duties (Bondarenko, 2019; Lytvyn *et al.*, 2020; Pomytkina, 2021).

The research aims to analyse the peculiarities and main problematic aspects of the activities of police chiefs in ensuring public security and order during the Russian-Ukrainian war.

■ Literature Review

Some scholars have already attempted to outline some general powers of the patrol police leadership and to identify priority areas of their work during martial law. V. Bondarenko *et al.* (2021) attempted to carry out a combined analysis of the managerial competence of the head. They determined that the manager should be ready to dive deeply into the problems of the unit and look for the most appropriate approaches to solving them in any atypical conditions. V. Pchelin (2022) suggested that universal managers who specialise in everything should be replaced by specialised managers. D. Afonin & A. Bokshorn (2022) analysed the study of the problems of interaction between police and paramilitary structures to jointly ensure public safety and order under martial law.

¹Law of Ukraine No. 580-VIII "On the National Police". (2015, July). Retrieved from <https://zakon.rada.gov.ua/laws/show/580-19#Text>.

M. Kovaliv & V. Ivaha (2016) revealed the peculiarities of planning and organising the police in martial law. They describe what forces and means should be involved in ensuring public safety and order; the availability of the necessary reserve; and the procedure for interaction between different police and paramilitary structures. For example, in 2020, the leadership of the patrol police of the Luhansk region developed an updated schedule of the next shift of patrol police crews according to the “2 day/2 night/2 weekend” scheme, considering the principles of time management, to relieve and optimise service activities during peak hours (Kobzin & Chernousov, 2020).

V. Kovbasa *et al.* (2022) outline the problematic issues that arise when the police ensure the internal security of the state. The authors consider the regulatory framework for additional powers vested in police officers. They emphasise that there is a need for a clear delineation of police powers from military powers during the period of martial law.

Therefore, future professional training of patrol police officers to ensure public safety and order should be based on mastering tactics of action in conditions of disinformation or complete lack of information, uncontrollable operational situation, and problems of interaction with other law enforcement agencies.

T. Shevchenko & V. Yevtushok (2021) analysed the regulatory framework and problematic issues of interaction between units of the National Police of Ukraine (NPU) and paramilitary structures in the course of maintaining public order. According to the Order of the Ministry of Internal Affairs of Ukraine (MIA) No. 773¹, the procedure for joint measures to ensure public safety and order is established. The authors make proposals for the development of departmental orders that would allow units to familiarise themselves with each other's equipment and peculiarities of actions in atypical situations.

I. Radvanskyi & I. Yevtushenko (2021) attempted to establish the procedure for the National Police of Ukraine in the process of ensuring public security and order with paramilitary structures involved in the service. They established the hierarchy of subordination, the procedure for mutual information on the operational situation, etc.

During the armed aggression of 2022, S. Albul *et al.* (2022) developed guidelines that contain information on the rules for the installation, and arrangement of stationary and portable checkpoints; on the organisation of service on the territory of the checkpoint; on the procedure for checking citizens and vehicles in a difficult situation. It is important to note

that not only police and military officers are involved in checkpoints, but also local defence officers, who do not always have previous experience of service in paramilitary structures and interaction with them needs to be established.

Modern science does not yet have a unified algorithm of actions and thoroughly described peculiarities of the work of a manager under martial law, the procedure for interaction between the heads of various police units and paramilitary structures during martial law, because in the course of practical activity, many issues arise that require an individual approach to their solution. All of this determined the research relevance and requires theoretical elaboration.

■ Materials and Methods

The main methodological basis of the study was a set of theoretical, empirical, special methods and research techniques on the subject matter under consideration – the peculiarities of the activities of the head of patrol police units under martial law. A synergistic approach was used to study the regulatory support for the activities of the patrol police chief and the scientific achievements of scholars who have considered the managerial status and peculiarities of interaction between law enforcement agencies in atypical situations. This approach allowed for a comprehensive study of the status of the chief and the peculiarities of his subordination to military administrations during martial law.

The method of comparison was used to compare the level of effectiveness in peacetime and during hostilities, and the graphical method was used to visualise this data in the form of graphs/tables/diagrams. The analysis and synthesis were used to conclude the problematic aspects of the organisation of public security and order maintenance by subordinate personnel.

The survey method was used to establish the quality of the managerial potential of those who organised the service activities of their supervised units and the main barriers that complicated them. The survey involved 10 heads of patrol police units from different cities and regions of the country, who agreed to process and interpret the results in 2021-2022. Two surveys were conducted under the condition of complete anonymity by respondents filling out a printed questionnaire at their place of service. The questionnaires contained both closed and open-ended questions. The study complies with the principles of the Helsinki Declaration, given that the survey is considered participatory research.

¹Order of the Ministry of Internal Affairs of Ukraine No. 773 “On the Approval of the Procedure for Organizing the Interaction of the National Guard of Ukraine and the National Police During the Provision (Protection) of Public Safety and Order”. (2016, August). Retrieved from <https://zakon.rada.gov.ua/laws/show/z1223-16#Text>.

Structuring methods were used to structure the study following the generally accepted logic. Therefore, the study consists of the following elements: an analysis of the regulatory determinants of the activities of the chief and patrol police units in wartime indicates the lack of official instructions on interaction in the performance of tasks related to ensuring public safety and order; study of scientific developments in recent years describing the problematic aspects of the chief's professional competence in work; determination of the position of practitioners who are directly involved in organisational and managerial activities; interpretation of the survey; provision of author's recommendations on the issues under consideration.

■ Results and Discussion

According to the Law of Ukraine "On the National Police"¹, one of the tasks of the national police is to ensure public safety and order. The activities of the patrol police are directly related to this preventive function. The Order of the National Police of Ukraine "On Approval of the Regulation on the Department of Patrol Police" of 06.11.2015 No. 73² confirms this by stating that the Department of Patrol Police should implement a policy that guarantees the protection of the rights and freedoms of citizens. In general,

the concept of "public safety and order" can be understood as the overall protection of the rights and freedoms of the country's population. The police are called upon to ensure the equal exercise of citizens' rights and expression of their will. The legislator has moved away from the outdated terms "public safety" and "public order" and introduced a new concept that covers all aspects of law enforcement.

On 24 February 2022, the entire national security system went into martial law. The National Police of Ukraine was one of the first to take up defence and protection. The patrol police, which had been carrying out typical tasks (detecting and stopping illegal activities, ensuring traffic control, providing administrative services and police protection), began to perform additional tasks: intensive protection of important facilities; monitoring citizens' compliance with curfews; rescue of people affected by active hostilities; search for sabotage groups, protection from looting, etc. (Nielson *et al.*, 2022).

Despite the additional functions, the patrol police continue to show positive results in their work. Analysing the management's reporting documentation in recent years, a downward trend in the number of traffic accidents, administrative offences, etc. can be traced (Fig. 1).

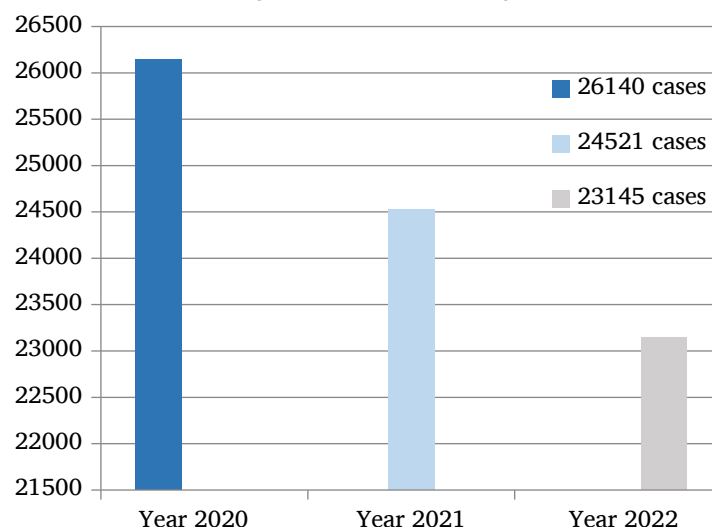


Figure 1. Comparative graph of the number of road accidents with victims in 2020-2022

Source: Developed based on the annual reports of the heads of the NPU and the head of the Patrol Police Department (PPD)³

In the annual reports of the Head of the National Police of Ukraine⁴, it was also noted that the down-

ward trend is also evident in the number of people killed in road accidents (Fig. 2).

¹Law of Ukraine No. 580-VIII "On the National Police". (2015, July). Retrieved from <https://zakon.rada.gov.ua/laws/show/580-19#Text>.

²Order of the National Police of Ukraine No. 73 "On the Approval of the Regulation on the Patrol Police Department". (2015, November). Retrieved from <https://www.npu.gov.ua/acts/pro-zatverdzhennya-polozhennya-pro-departament-patrolnoyi-sluzhbi-zi-zminami>.

³Report on the results of the work of the National Police of Ukraine in 2021. (2021). Retrieved from https://media-www.npu.gov.ua/npu-pre-prod/sites/1/Docs/Dialnist/Richni_zvity/Zvit_NPU_2021_.pdf.

⁴Report on the results of the work of the National Police of Ukraine in 2022. (2022). Retrieved from <https://cutt.ly/lwyfF3Kn>.

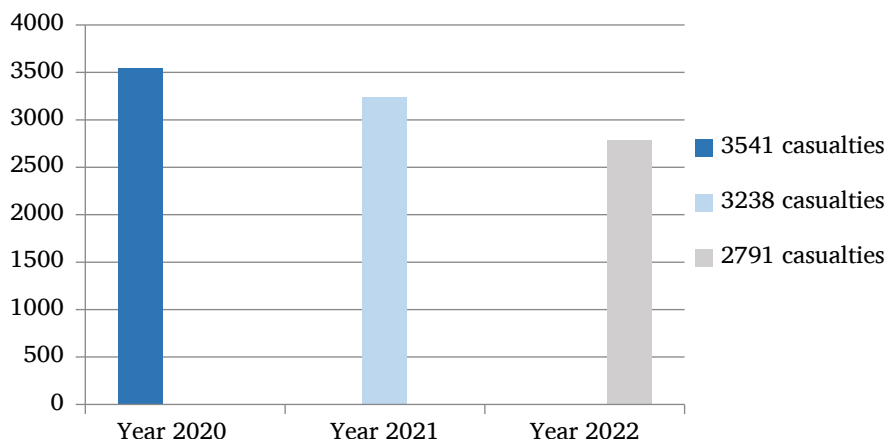


Figure. 2. Comparative graph of the number of people killed in road accidents in 2020-2022

Source: Developed based on the annual reports of the heads of the NPU and the PPP manager^{1, 2, 3}

Based on the aforementioned data and mathematical calculations, the number of road accidents with victims in 2021 decreased by 6.2% compared to 2020. The number of accidents of this type in 2021 and 2022 also decreased by 5.6%. Comparing the statistics for 2020 and 2022, the overall decrease was -11.8%.

On a positive note, the percentage of people killed in road accidents has also changed. The number of fatalities in 2021 decreased by 8.5% compared to 2020; in 2022, the percentage was 13.8%. The comparative percentage in 2020 and 2022 was 21.2% (Fig. 3).

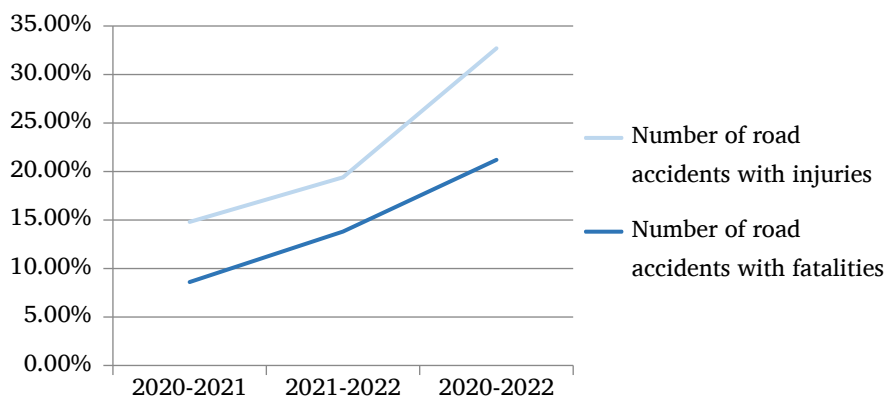


Figure. 3. Percentage analysis of mortality reduction in the period 2020-2022

Source: Developed based on the annual reports of the heads of the NPU and the PPP¹⁰

Martial law requires police to cooperate with paramilitary structures to ensure public safety and order not only on the roads. The main military group with which the patrol police cooperate is the National Guard of Ukraine. The Order of the Ministry of

Internal Affairs “On Approval of the Procedure for Organising Cooperation between the National Guard of Ukraine and the National Police of Ukraine in Ensuring (Protecting) Public (Public) Safety and Order” of 10.08.2016 No. 773¹¹ stipulates that these units

¹Report on the results of the work of the National Police of Ukraine in 2020. (2020). Retrieved from https://media-www.npu.gov.ua/npu-pre-prod/sites/1/Docs/Dialnist/Richni_zvity/zvit-npu-za-2020-rik_com.pdf.

²Report on the results of the work of the National Police of Ukraine in 2021. (2021). Retrieved from https://media-www.npu.gov.ua/npu-pre-prod/sites/1/Docs/Dialnist/Richni_zvity/Zvit_NPU_2021_.pdf.

³Report on the results of the work of the National Police of Ukraine in 2022. (2022). Retrieved from <https://cutt.ly/lwyff3Kn>.

⁴Report on the results of the work of the National Police of Ukraine in 2020. (2020). Retrieved from https://media-www.npu.gov.ua/npu-pre-prod/sites/1/Docs/Dialnist/Richni_zvity/zvit-npu-za-2020-rik_com.pdf.

⁵Order of the Ministry of Internal Affairs of Ukraine No. 773 “On the Approval of the Procedure for Organizing the Interaction of the National Guard of Ukraine and the National Police During the Provision (Protection) of Public (Public) Safety and Order”. (2016, August). Retrieved from <https://zakon.rada.gov.ua/laws/show/z1223-16#Text>.

are involved in joint activities aimed at stabilising the operational situation and ensuring public safety and order in any conditions. The Order of the Ministry of Internal Affairs “On Approval of the Regulation on the Functional Subsystem for Ensuring the Protection of Public (Public) Order and Road Safety of the Unified State Civil Protection System” of 04.10.2019 No. 835¹ establishes a separate procedure for ensuring public safety in the unified civil protection system. Patrol police need to check the legality of the operation of certain vehicles. Together with other units, they are involved in organising special regimes for vehicles to enter designated areas, evacuating the population, conducting rescue operations, etc. At the official request of military administrations, patrol police officers escorted more than 18,000 special vehicles² evacuating adults and children from areas with a tense combat situation.

In the first days of the full-scale invasion, volunteering territorial local defence units also joined the fight against the aggressor. Following the Law of Ukraine “On the Principles of National Resistance”³, patrol police officers began protecting important infrastructure facilities, restricting the movement of the population in areas of certain defensive actions, and taking measures to ensure security in cities and villages and combat operations.

To streamline their activities, the Resolution of the Cabinet of Ministers of Ukraine (CMU) “On the Introduction and Implementation of Certain Measures of the Legal Regime of Martial Law” of 08 July 2020 No. 573⁴ regulated the issues of official activities during the curfew. Provided that a person violates the established rules of conduct, patrol officers have the right to carry out a special check (checking documents and, in case of reasonable grounds, checking belongings or cars) (Chyshko & Ivantsov, 2017). Patrol officers can also restrict access to certain areas and remove people from them. This raises several issues that complicate the work of patrol police officers and their interaction with other civil

defence agencies and services.

The continuous interaction of the patrol police with other security and defence forces also complicates their management. So far, there has been no regulatory act developed that would regulate the relationship and subordination of personnel with the migration or border guard services during joint activities.

Based on the above statements, an anonymous survey was conducted among the heads of various patrol police units on the existing problematic aspects of managing subordinate personnel during martial law. When interpreting the results of the survey, the managing officers emphasised (10 people - 100%) that the start of a full-scale invasion was not unexpected for the personnel and that they were all ready to start defending themselves.

The respondents noted that during the performance of their duties, patrol officers needed: personal protective equipment (4 persons – 40%); rest schedules (3 persons – 30%); psychological support for their activities (3 persons – 30%). Patrol officers continue to protect infrastructure facilities (thermal power plants, hydroelectric power plants, distribution stations), which are often targeted by the aggressor. That is why there is a need to obtain high-quality helmets, bulletproof vests, and armoured vehicles and to build special protective structures that would protect life and health. At the beginning of the aggressor country’s invasion, the patrol officers were under considerable stress as they worked around the clock without proper rest. There was a catastrophic lack of time to recuperate, which sometimes led to difficult situations in their work. The tense situation, assistance in searching for missing persons, searching for, and retrieving the bodies of tortured civilians, ensuring public safety during burials, and a direct threat to the life and health of police officers - all this had a somewhat negative impact on the morale of the personnel, which required psychological support from the management and relevant psychological services (Fig. 4).

¹Order of the Ministry of Internal Affairs of Ukraine No. 835 “On the Approval of the Regulation on the Functional Subsystem of Public Order Protection and Road Traffic Safety Organization of the Unified State System of Civil Protection”. (2019, October). Retrieved from <https://zakon.rada.gov.ua/laws/show/z1199-19#Text>.

²Report on the results of the work of the National Police of Ukraine in 2022. (2022). Retrieved from <https://cutt.ly/lwyfF3Kn>.

³Law of Ukraine No. 1702-IX “On the Foundations of National Resistance”. (2021, July). Retrieved from <https://zakon.rada.gov.ua/laws/show/1702-20#Text>.

⁴Resolution of the Cabinet of Ministers of Ukraine No. 573 “On the Issue of the Introduction and Implementation of Some Measures of the Legal Regime of Martial Law”. (2020, July). Retrieved from <https://zakon.rada.gov.ua/laws/show/573-2020-%D0%BF#Text>.

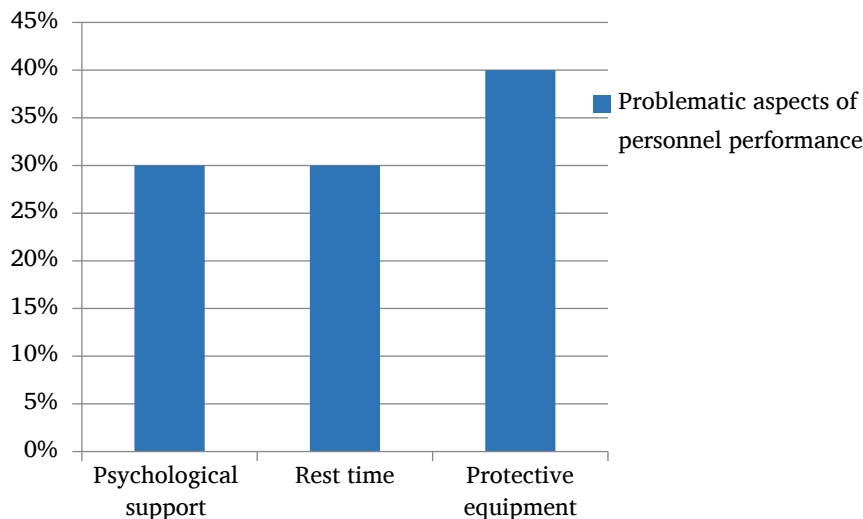


Figure. 4. Percentage analysis of existing problems in the work of the patrol police

Source: Compiled by the author based on the empiric study

Another problematic aspect that should be addressed in further training of personnel is the availability of relevant knowledge, skills, and abilities. Ye. Romanenko (2021) points out that knowledge and skills are essential components of a police officer's professional competence. They must think analytically, act in a coordinated manner and be able to take responsibility. Patrol officers, before being recruited to the National Police of Ukraine, undergo appropriate training to acquire knowledge of tactics in atypical situations, legal support for their activities, etc. The level of knowledge gained during initial training or studying at a higher education institution (HEI) can only be assessed after a police officer takes up duties.

The interviewed managers noted that knowledge in the areas of cyber hygiene (5 out of 50%), first aid (2 out of 20%), and explosives protection (3 out of 30%) is somewhat insufficient. V. Bilichenko (2021) describes another problem related to the lack of ability to assess risk levels and predict the development of events in the course of performing their duties. Under such conditions, a patrol policeman quickly moves from implementing a preventive measure to applying a coercive measure that may entail liability. Therefore, it should be assumed that another urgent need is to develop a plan for tactical and special training of patrol police officers to act in extreme conditions, modified to the current realities (Fig. 5).

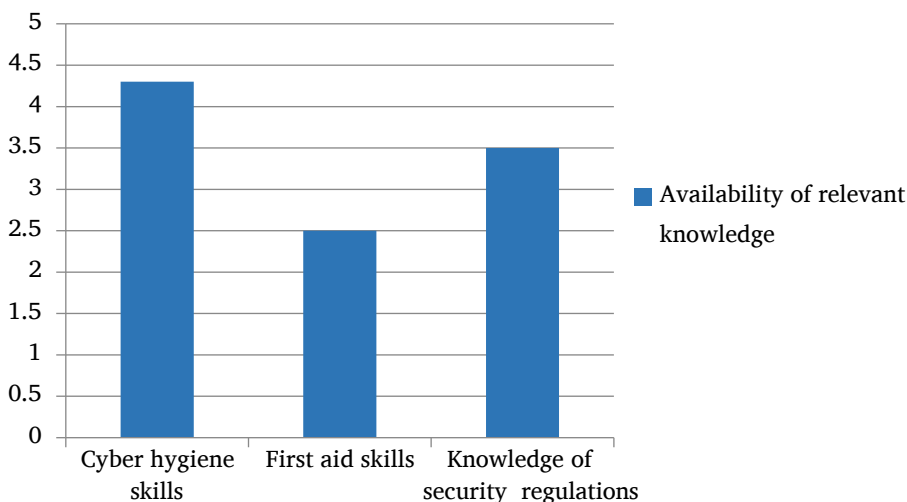


Figure. 5. Percentage analysis of the knowledge required in the performance of official duties by patrol police

Source: Compiled by the author based on the empiric study

The expanded powers allow police officers to check the personal belongings of citizens in case of certain legal grounds. The procedure for checking documents of persons, inspecting belongings, vehicles, luggage and cargo, office premises and housing of citizens during the implementation of martial law measures, approved by the CMU Resolution No. 1456¹ of 29.12.2021, allows for checks at checkpoints, but the legality of checking phone data has not yet been settled. Therefore, discussions and conflicts arise. The diversity of tasks, the dynamism of the service, and extremely atypical situations can affect the stress resistance of police officers themselves. In cases where qualified assistance is needed, a patrol officer may become confused and cause more damage than before. A modern training programme should include more practical exercises to work out typical situations in which a law enforcement officer may find himself or herself. They should learn the procedure for first aid: from autogenous breathing to tourniquet application. Clear and coordinated actions by a patrol officer can save many lives. Given

the fact that most of Ukraine has been experiencing active hostilities, many explosive devices remain in the open. The caches of such items can be quite shocking (children's toys, washing machines, etc.), so it is necessary to provide patrol officers with additional training on the rules for handling and securing such items until the arrival of the relevant specialists.

The patrol police of all regions, like all structural units of the NPU, continue to demonstrate their professionalism to the world. During the survey, respondents were asked several questions about motivating factors and methods of influencing staff. They answered that national identification was the motivation for them. Whereas before 2022, the answers varied and were in favour of material rewards, now the main motivation is patriotism (10% – 100%). The main methods used by managers in the process of managing and organising the work of their subordinates are training (2 persons – 20%); persuasion (3 persons – 30%); moral motivation in the form of awards and certificates (3 persons – 30%); material motivation (2 persons – 20%) (Fig. 6).

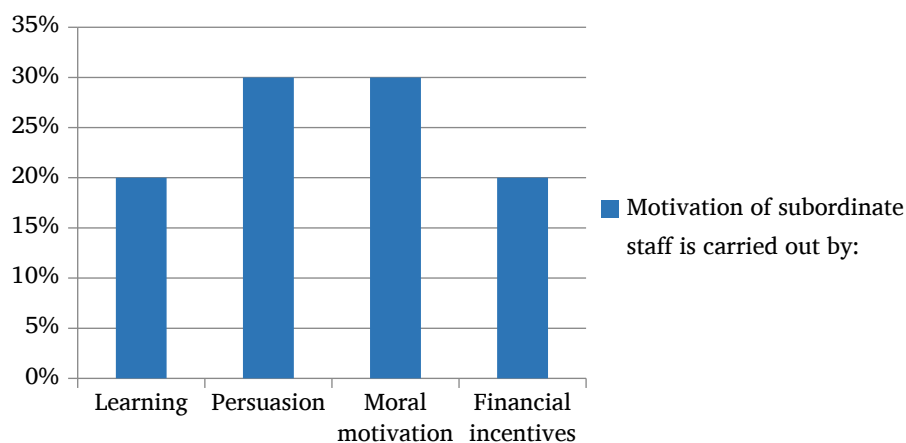


Figure 6. Percentage analysis of typical motivational factors of service in the patrol police

Source: Compiled by the author based on the empiric study

It is worth noting that during the period of full-scale invasion, the patrol police remain a powerful multifunctional unit that continues to work for the benefit of the citizens of the country. Road deaths have decreased by almost -8% over the past three years. The number of road accidents decreased by almost -12% (Dyadyuk, 2023).

Based on previous studies by other scholars, the motivational aspects of service in the patrol police have changed somewhat since the introduction of

martial law. For example, V. Lytvyn (2019) found through a survey that those wishing to join the patrol police are guided by the motives of achieving success and material well-being (37% of respondents voted). V. Dotsenko (2021) found that patrol officers are motivated by high salaries (71% of respondents), but they need to structure their work (65.7%). Only a high level of awareness contributes to coordination. Comfort, diversity, and creativity in the needs during martial law are not observed. O. Ulianov *et al.* (2021)

¹Resolution of the Cabinet of Ministers of Ukraine No. 1456 "On the Approval of the Procedure for Checking Documents of Persons, Inspecting Things, Vehicles, Luggage and Cargo, Official Premises and Citizens' Housing During the Provision of Measures of the Legal Regime of Martial Law". (2021, December). Retrieved from <https://ips.ligazakon.net/document/kp211456?an=1>.

consider the police as an entity of the security and defence sector and note that the current legislation should be amended to establish the status of each unit, including the patrol police, and their functionality to prevent further duplication.

V. Synenkyi (2022) studied the peculiarities of using unspecified means while performing official duties under martial law. He emphasised that armed aggression created a state of confusion and maladjustment for some time. Therefore, the next training of patrol police officers should be based on mastering tactics of action in conditions of disinformation or complete lack of information, uncontrollable operational situation, and problems of interaction with other law enforcement agencies.

N.M. Bakayanova *et al.* (2020) investigated the problems of reducing the intensity of police response to calls. In addition, they drew attention to the importance of patrol police officers responding to calls on mental health and domestic violence. Military operations on the territory of Ukraine leave an inevitable mark on the human psyche. The changes are irreversible, so the studies of foreign researchers are timely and relevant to the topic of the research article.

It is common that in 2019, scientist A.Ye. Kryshchenko (2019) has already tried to define the role and place of the head of a territorial body in the National Police system in ensuring public safety and order. He, similarly, to this study, also found that the head only educates the personnel by personal example.

At the same time, new aspects emerge for further research: modernisation of methods and ways of working with unit personnel; improvement of professional training to enhance their competence; modernisation of programmes for training management to work in emergency conditions. The survey respondents indicated that police officers faced the problem of a lack of professional knowledge. This opinion is confirmed by V.M. Bilyk (2018), who believes that the lack of sufficient professional knowledge and the inability to implement certain theoretical norms in practice has led to the mass dismissal of patrol police officers (20% of the personnel). Therefore, the next training of patrol police officers should consider the problematic aspects and consider the recommendations of the management of the personnel who work directly with them.

The results of this study show that patrol officers are driven more by intrinsic motivation, which is manifested in national identification and patriotism (100% of respondents). The surveyed managers (60 per cent of respondents) indicate that material incentives are inferior to persuasion and moral motivation. The personal example and accessible training provided by supervisors is a more effective motivational factors for further service in the patrol police and a role model.

■ Conclusions

During the period of martial law, the tasks of the patrol police have changed significantly and have become wider. This situation requires daily planning and forecasting of further actions of the personnel by the management to achieve certain success and work for the benefit of society.

The martial law in Ukraine provides for the joint interaction of law enforcement officers with other law enforcement agencies or paramilitary units to ensure the public peace of the civilian population. During this time, the police must also cooperate with other law enforcement agencies or paramilitary units to ensure the public peace of the civilian population. This interaction is not always clearly regulated and, from time to time, leads to misunderstandings and conflicts. Therefore, the problem remains and requires thorough study.

It has been established that clear and professional management of the head can organise the operation of the entire team and obtain positive results. The empirical research has led to the conclusion that there is a need to adjust professional training programmes that should prepare police officers to work in active hostilities (evacuation of the population; escorting vehicles, search and rescue operations).

The analysis also revealed that respondents to the survey noted that their motivation to serve in law enforcement agencies is no longer based on the opportunity to receive material benefits, as it used to be, but rather on patriotism and national identification. This contributes to the formation of not a collective, but a real team working for the common good.

It should be noted that managers have taught their employees how to motivate them to work properly. The method of coercion or blackmail is long gone. Managers use persuasion, leading by example and training. Staff are motivated not only by extra pay for a special period but also by receiving intangible benefits: orders, medals, certificates, letters of appreciation, etc. That is why it is worth reviewing the system of incentives adopted and specified in the Disciplinary Statute.

In general, the activity of the patrol police during the period of active repulsion of the armed aggression of the terrorist state deserves a positive assessment. A large part of the job is taken over by the management. However, despite all the positive aspects of management, scholars need to thoroughly study the issue of subordination of the national police to military administrations and the issue of interaction with bodies and units whose cooperation is aimed at ensuring public order. In addition, the system of training for the leadership of patrol police units should be reviewed. Further research should focus on ways to improve the organisational and managerial activities of the National Police, in particular

the patrol police. Further development of recommendations for the functioning of the management in the field of organising the provision of public security and order by personnel in the de-occupied territories of the country is becoming relevant.

For the first time, the study recommends developing proposals for further training of patrol police officers for service in atypical conditions, the order of subordination in case of interaction with paramilitary

structures, the procedure for encouraging personnel to serve and professional and psychological support of the activities of the unit's management.

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■ Conflict of Interest

None.

■ References

- [1] Afonin, D., & Bokshorn, A. (2022). Peculiarities of ensuring public safety and order by the national police of the country under martial law. *South Ukrainian Legal Journal*, 1-2, 224-230. doi: [10.32850/sulj.2022.1-2.39](https://doi.org/10.32850/sulj.2022.1-2.39).
- [2] Albul, S., Kuznichenko, S., & Yuldashev, V. (2022). *Organization and tactics of service at checkpoints by units of the National Police of Ukraine*. Odesa: ODUVS.
- [3] Bakayanova, N.M., Kubayenko, A.V., & Svida, O.H. (2020). *Organization of the activities of the national police of Ukraine and operational units*. Odesa: "Feniks".
- [4] Bezeha, V.V. (2020). Characteristics of the administrative and legal status of the National Police as a subject of the security and defence sector. *Entrepreneurship, Economy and Law*, 3, 121-127. doi: [10.32849/2663-5313/2020.3.20](https://doi.org/10.32849/2663-5313/2020.3.20).
- [5] Bilichenko, V. (2021). Theoretical features of the application of police measures during the professional activity of patrol police officers and further development of recommendations for improving fire training of police officers. *Legal Scientific Electronic Journal*, 5, 131-132. doi: [10.32782/2524-0374/2021-5/30](https://doi.org/10.32782/2524-0374/2021-5/30).
- [6] Bilyk, V.M. (2018). *Directions for improving patrol police activity at the current stage of reforming the national police of Ukraine*. In *Modern problems of legal, economic and social development of the state: Theses of add: International scientific and practical conference* (pp. 24-26). Kharkiv: Kharkiv National University of Internal Affairs.
- [7] Bondarenko, V. (2019). *Theoretical and methodological foundations of professional training of future patrol police officers* (Doctoral thesis, Chernihiv Collegium National University named after T.G. Shevchenko, Chernihiv, Ukraine).
- [8] Bondarenko, V., Bykova, H., & Rusanivskyi, S. (2021). Managerial competence of a modern manager in the field of law enforcement. *Pedagogical Innovations: Ideas, Realities, Perspectives*, 2(27), 7-11. doi: [10.32405/2413-4139-2021-2\(27\)-7-14](https://doi.org/10.32405/2413-4139-2021-2(27)-7-14).
- [9] Chyryk, S. (2018). *Principles of administrative activity of the patrol police* (Doctoral thesis, National Law University named after Ya. Mudroho, Kharkiv, Ukraine).
- [10] Chyshko, K., & Ivantsov, O. (2017). *Problems of surface inspection as a police measure*. In *The first international scientific conference on law and political sciences: Proceedings of the conference* (pp. 51-55). Vienna: East West Association for Advanced Studies and Higher Education GmbH.
- [11] Dotsenko, V. (2021). *Motivation of the professional activity of police officers in the conditions of the pandemic*. In V.V. Sokurenko, D.V. Shvets, O.M. Bandurka et al. (Eds.), *Kharkiv National University of Internal Affairs: 20 years in the status of national: Materials of the international scientific and practical conference* (pp. 219-221). Kharkiv: Kharkiv National University of Internal Affairs.
- [12] Dronik, D. (2023). *Administrative and legal principles of patrol police activity in Ukraine* (Doctoral dissertation, Donetsk State University of Internal Affairs, Kropyvnytskyi, Ukraine).
- [13] Dyadyuk, J. (2023). *War and mortality on the roads: Figures*. Retrieved from <https://cedem.org.ua/analytics/viyna-i-smertnist-na-dorogah/>.
- [14] Filstad, C., & Karp, T. (2021). Police leadership as a professional practice. *Policing and Society. An International Journal of Research and Policy*, 31, 767-783. doi: [10.1080/10439463.2020.1777996](https://doi.org/10.1080/10439463.2020.1777996).
- [15] Kobzin, D., & Chernousov, A. (2020). *Assessment of the institutional capacity of the patrol police department in the Luhansk region*. Kharkiv, Kharkiv Institute of Social Research.
- [16] Kocherov, M.V. (2019). *Regarding the content of the administrative and legal status of the National Police of Ukraine as a subject of ensuring reforms*. *State and Regions*, 1, 169-174.
- [17] Koper, C.S., Tailor, B.G., Liu, W., & Xiaoyun, W. (2022). Police activities and community views of police in crimehot spots. *Justice Quarterly*, 39(7), 1400-1427. doi: [10.1080/07418825.2022.2111325](https://doi.org/10.1080/07418825.2022.2111325).
- [18] Kovaliv, M., & Ivaha, V. (2016). *Activities of internal affairs bodies under martial law*. *Bulletin of the Lviv Polytechnic National University*, 837, 65-70.

- [19] Kovbasa, V., Kusko, R., & Drozd, T. (2022). Activities of the national police under martial law: certain problematic issues. *Legal Scientific Electronic Journal*, 6, 53-59. doi: [10.32782/2524-0374/2022-6/57](https://doi.org/10.32782/2524-0374/2022-6/57).
- [20] Kringen, J.A., Sedelmaier, Ch.M., & Dlugolenski, E. (2020). Foot patrol: The impact of continuity, outreach, and traditional policing activities. *Policing: A Journal of Policy and Practice*, 14(1), 218-227. doi: [10.1093/police/pay006](https://doi.org/10.1093/police/pay006).
- [21] Kryshchenko, A.Ye. (2019). *Administrative and legal status of the head of the territorial body of the National Police in the field of ensuring public safety and order* (Doctoral dissertation, National Academy of Internal Affairs, Kyiv, Ukraine).
- [22] Lytvyn, V. (2019). *Psychological and legal principles of improving the professional activity of patrol police officers* (Doctoral dissertation, National Academy of Internal Affairs, Kyiv, Ukraine).
- [23] Lytvyn, V., Panchenko, O., Danilyan, O., Arbeláez-Campillo, D.F., Rojas-Bahamón, J., Halych, M., & Rybyk, L. (2020). Readings of fear and social control in sociocritical and postmodern theory. *Political Issues*, 38, 23-42. doi: [10.46398/cuestpol.38e.01](https://doi.org/10.46398/cuestpol.38e.01).
- [24] Maiorov, V. (2020). National police of Ukraine and properties of its administrative and legal status. *Legal Scientific Electronic Journal*, 2, 90-92. doi: [10.32782/2524-0374/2020-2/22](https://doi.org/10.32782/2524-0374/2020-2/22).
- [25] Molchanov, R. (2023). *Administrative-jurisdictional activity of the patrol police in the field of road traffic safety* (Doctoral dissertation, Dnipro State University of Internal Affairs, Ukraine).
- [26] Nielson, K.R., Zhang, Y., & Ingram, J.R. (2022). The impact of COVID-19 on police officer activities. *Journal of Criminal Justice*, 82, 2-8. doi: [10.1016/j.jcrimjus.2022.101943](https://doi.org/10.1016/j.jcrimjus.2022.101943).
- [27] Pchelina, V. (2022). *Peculiarities of the normative and legal regulation of the structure of the National police of Ukraine under martial law*. In *Training of law enforcement officers in the system of the Ministry of Internal Affairs of Ukraine under martial law*. (pp. 109-112). Kharkiv: KhNUVS.
- [28] Pomytkina, L. (2021). Peculiarities of psychological preparation of patrol police for activities in difficult situations of the coronavirus pandemic. *Scientific Perspectives*, 4(10), 416. doi: [10.52058/2708-7530-2021-4\(10\)-390-403](https://doi.org/10.52058/2708-7530-2021-4(10)-390-403).
- [29] Ponomarov, S. (2018). *General characteristics of the administrative legal status of subjects of the security and defense sector*. *Scientific notes of Volodymyr Vinnichenko Central Ukrainian State Pedagogical University*, 5, 67-71.
- [30] Radvanskyi, I., & Yevtushenko, I. (2021). *Peculiarities of the organization of interaction of parts and units of the National Guard of Ukraine, the National police of Ukraine and other law enforcement agencies in the field of public order protection and public safety*. *Honor and Law*, 2(77), 52-57.
- [31] Romanenko, Ye. (2021). Theoretical aspects of the professional competence of police officers of the tactical-operational response unit. *Law and Security*, 2(81), 79-84. doi: [10.32631/pb.2021.2.10](https://doi.org/10.32631/pb.2021.2.10).
- [32] Shevchenko, T., & Yevtushok, V. (2021). *Problems of organization of interaction of units of NPU and NANSU when involving in the protection of public order*. *Training of law enforcement officers in the system of the Ministry of Internal Affairs of Ukraine under martial law*. Kharkiv: KhNUVS.
- [33] Synenkyi, M. (2022). The use of improvised means by the police in the state of necessary defense or extreme necessity in the conditions of martial law. *Scientific Notes of the Lviv University of Business and Law*, 32, 242-248. doi: [10.5281/zenodo.6683990](https://doi.org/10.5281/zenodo.6683990).
- [34] Ulianov, O., Nikolaiev, O., & Bakhchevan, Ye. (2021). Implementation of the Scandinavian model of ensuring public safety and order during mass events in the activities of the National police of Ukraine. *Ukrainian Policing: Theory, Legislation, Practice*, 1, 123-131. doi: [10.32366/2709-9261-2021-1-1-123-131](https://doi.org/10.32366/2709-9261-2021-1-1-123-131).

Особливості роботи керівника підрозділу патрульної поліції із забезпечення публічної безпеки та порядку в період бойових дій

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■ **Анотація.** Стрімке повномасштабне вторгнення російських військових угруповань на територію України викликало в таких силах оборони та захисту країни, як Збройні Сили України, Національна поліція України, Національна гвардія України, стан зібраності, стійкості та потребу в чіткому управлінні. Керівники мають ключову роль у запобіганні дезадаптації та дезорієнтації персоналу. Вони повинні забезпечити організацію роботи таким чином, щоб досягалися позитивні результати і мінімізувалися втрати. Метою статті є вивчення поглядів і думок науковців та позицій практичних працівників щодо стану управлінсько-організаційного потенціалу керівників підрозділів патрульної поліції, основним завданням якої є забезпечення публічної безпеки та порядку. Під час проведення дослідження використано комплекс наукових та емпіричних методів, зокрема синергетичного підходу, графічний, порівняння, аналізу й синтезу та анкетування, на основі яких було отримано обґрунтовані висновки. Відповідно до отриманих результатів, сформульовано висновок стосовно прогалин у порядку взаємодії патрульних поліцейських з деякими правоохоронними органами та відсутності спеціальної підготовки до дій в екстремальних умовах. Встановлено, що в роботі патрульні керуються почуттям національного патріотизму, який формується завдяки переконанню, моральній підтримці та власного прикладу керівників. Вбачається певна недостатність знань у галузях кібергігієни, домедичної підготовки та роботи з вибухонебезпечними предметами. Аналіз звітних актів керівників служб засвідчив позитивну динаміку щодо зменшення кількості правопорушень і смертності на автошляхах країни. Практична цінність цього дослідження полягає в тому, що воно є затребуваним, адже розкриває актуальні проблемні питання професійної компетенції поліцейської патрульної поліції, який кожного дня залучається до забезпечення публічної безпеки та порядку в різних регіонах країни з нетиповими рівнями загроз і небезпек. Воно є основою для подальшого наукового вивчення та вирішення проблемних аспектів службової діяльності патрульної поліції в умовах воєнного стану та активних бойових дій з боку країни-агресора

■ **Ключові слова:** правоохоронні органи; поліцейський; управління; керівний потенціал; воєнний стан; нормативно-правові акти

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