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***Ківа Ілля Володимирович,***  
*graduate student of the Interregional Academy of Personnel Management, 03039, Kyiv, Str. Frometivska, 2, tel. : (044) 264-52-54, email: Kiva\_2020@ukr.net, <https://orcid.org/0000-0002-2048-8520>*

***Ківа Ілля Володимирович,***  
*аспірант Міжрегіональної Академії управління персоналом, 03039, м. Київ, вул. Фрометівська, 2, тел.: (044) 264-52-54, email: Kiva\_2020@ukr.net, <https://orcid.org/0000-0002-2048-8520>*

***Ківа Ілля Владимирович,***  
*аспірант Межрегиональной Академии управления персоналом, 03039, г. Киев, ул. Фрометовская, 2, тел. : (044) 264-52-*

*54, email: Kiva\_2020@ukr.net, <https://orcid.org/0000-0002-2048-8520>*

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## **EXPERIENCE OF REALIZATION OF MECHANISMS OF INFLUENCE OF CIVIL SOCIETY ON STATE REGULATION OF LAW ENFORCEMENT ACTIVITY IN MODERN UKRAINE**

**Abstract.** The article identifies the experience of implementing the mechanisms of civil society influence on state regulation of law enforcement in modern Ukraine. It is noted that the interaction of the chain civil society – state agencies – law enforcement agencies has a three-tier structure, as it is carried out at the public (community, population, public initiative), public administration (the role of state agencies as subjects of legislative initiative – creation of laws and bylaws). and the actual legislative level (functioning of the laws of Ukraine “On National Security of Ukraine” and “On operational and investigative activities”).

It is analyzed that the effective use of the principle of separation of powers in Ukraine provides civil protection, the right to freedom in all its manifestations, the economic, social and political balance of social development in Ukraine. The activities of law enforcement agencies, according to this principle, in modern Ukraine are based on the principles of detailed distribution of the foundations

of their activities and functioning, as well as on the guaranteed professionalism of their activities and adherence to the principle of responsibility for their activities, which directly corresponds to the fundamental provisions laid down by the Constitution of Ukraine.

Because of this, we can talk about the existence of state-administrative and political-legislative apparatus in Ukraine, which allow indirectly, indirectly (indirectly) to implement the process of civil society influence on law enforcement agencies through rule-making and legislative regulation.

It has been substantiated that the rule of law and legality as principles enshrined in the Constitution are also directly reflected in the activities of law enforcement agencies and the influence of civil society (as not only a group of people but also the state system of modern Ukraine) on state regulation of law enforcement.

**Keywords:** mechanisms of state influence, activities of law enforcement agencies, civil society, political balance of social development, the principle of separation of powers, the law of Ukraine “On the national security of Ukraine”.

## **ДОСВІД РЕАЛІЗАЦІЇ МЕХАНІЗМІВ ВПЛИВУ ГРОМАДЯНСЬКОГО СУСПІЛЬСТВА НА ДЕРЖАВНЕ РЕГУЛЮВАННЯ ПРАВООХОРОННОЇ ДІЯЛЬНОСТІ У СУЧАСНІЙ УКРАЇНІ**

**Анотація.** Визначено досвід реалізації механізмів впливу громадянського суспільства на державне регулювання правоохоронної діяльності у сучасній Україні. Зазначено, що взаємодія ланцюга громадянське суспільство — державні органи — правоохоронні органи має трирівневу структуру, адже здійснюється на суспільному (громада, населення, суспільна ініціативність), державно-управлінському (роль державних органів як суб’єктів законодавчої ініціативи — створення законів та підзаконних актів) та власне законодавчому рівні (функціонування законів України “Про національну безпеку України” та “Про оперативно-розшукову діяльність”).

Проаналізовано, що ефективне використання принципу розподілу влади в Україні забезпечує громадянську захищеність, право на свободу в усіх її виявах, економіко-соціальний та політичний баланс суспільного розвитку в Україні. Діяльність правоохоронних органів, відповідно до цього принципу, в сучасній Україні базується на принципах детального розподілу основ їх діяльності та функціонування, а також на гарантованій професійності їх діяльності та дотриманні принципу відповідальності за власну діяльність, котрий прямо кореспондує засадничим положенням, що закладені Конституцією України.

Отже, можна говорити про наявність на теренах України державно-управлінського та політико-законодавчого апаратів, що дають можливість побічно, у непрямий спосіб (пасивно) реалізовувати процес впливу громадянського суспільства на діяльність правоохоронних органів шляхом нормотворчості та законодавчого регулювання.

Обґрунтовано, що верховенство закону та законність як принципи, закладені Конституцією, також знаходять своє пряме відображення у діяльно-

сті правоохоронних органів та впливі громадянського суспільства (у якості не лише групи людей, а й державного устрою сучасної України) на державне регулювання правоохоронної діяльності.

**Ключові слова:** механізми державного впливу, діяльність правоохоронних органів, громадянське суспільство, політичний баланс суспільного розвитку, принцип розподілу влади, Закон України “Про національну безпеку України”.

## **ОПЫТ РЕАЛИЗАЦИИ МЕХАНИЗМОВ ВЛИЯНИЯ ГРАЖДАНСКОГО ОБЩЕСТВА НА ГОСУДАРСТВЕННОЕ РЕГУЛИРОВАНИЕ ПРАВООХРАНИТЕЛЬНОЙ ДЕЯТЕЛЬНОСТИ В СОВРЕМЕННОЙ УКРАИНЕ**

**Аннотация.** Определен опыт реализации механизмов влияния гражданского общества на государственное регулирование правоохранительной деятельности в современной Украине. Отмечено, что взаимодействие цепи гражданское общество — государственные органы — правоохранительные органы имеет трехуровневую структуру, ведь осуществляется на общественном (община, население, общественная инициативность), государственно-управленческом (роль государственных органов как субъектов законодательной инициативы — создание законов и подзаконных актов) и собственно законодательном уровне (функционирование законов Украины “О национальной безопасности Украины” и “Об оперативно-розыскной деятельности”).

Проанализировано, что эффективное использование принципа разделения властей в Украине обеспечивает гражданскую защищенность, право на свободу во всех ее проявлениях, экономико-социальный и политический баланс общественного развития в Украине. Деятельность правоохранительных органов, согласно этому принципу, в современной Украине базируется на принципах детального распределения основ их деятельности и функционирования, а также на гарантированном профессионализме их деятельности и соблюдении принципа ответственности за свою деятельность, который прямо корреспондирует основополагающим положениям, заложенным Конституцией Украины.

Поэтому, можно говорить о наличии на территории Украины государственно-управленческого и политико-законодательного аппаратов, которые дают возможность косвенно, косвенным образом (пассивно) реализовывать процесс влияния гражданского общества на деятельность правоохранительных органов путем нормотворчества и законодательного регулирования.

Обосновано, что верховенство закона и законности как принципы, заложенные Конституцией, также находят свое прямое отражение в деятельности правоохранительных органов и влиянии гражданского общества (в качестве не только группы людей, но и государственного устройства современной Украины) на государственное регулирование правоохранительной деятельности.

**Ключевые слова:** механизмы государственного воздействия, деятельность правоохранительных органов, гражданское общество, политический баланс общественного развития, принцип разделения власти, Закон Украины “О национальной безопасности Украины”.

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**Formulation of the problem.** Civil society, as a social phenomenon, is the engine and driving force of socio-economic, political, legal and governmental transformations. It is worth noting that in modern Ukraine, as a democratic and legal state, a human-centered approach is widespread – this includes respect for rights and freedoms, as well as the right to freely express their views through public communication.

It should be noted that the social preconditions for highlighting the influence of civil society on state regulation of law enforcement in Ukraine is, first of all, the imbalance between efficiency and legality of public administration processes, combined with the growing role of society in power and political transformation. Socio-legal and economic problems tend to branch out quickly: thus, in Ukraine there is a clear precedent for a certain improvement of cooperation between the government and social institutions (including society in general).

**Analysis of recent research and publications.** I should note that the study of the role and significance of law enforcement agencies in the formation of a modern model of civil society were: V. Bilokopytov, I. Zhukova, V. Kovalchuk, L. Melnyk, M. Mesyuk, E. Romanenko and. etc.

Taking into account a number of scientific studies on the impact of civil

society on state regulation of law enforcement, it will be appropriate to consider the mechanisms of influence of civil society on state regulation of law enforcement agencies in Ukraine declared in modern legislation.

**The purpose of the article** is to substantiate the experience of implementing the mechanisms of civil society influence on state regulation of law enforcement activities in modern Ukraine.

**Presentation of the main material.** In modern Ukraine, the issues of improving and systematizing the state and administrative processes of regulating law enforcement in Ukraine is inextricably linked with the legislative and regulatory separation of approaches to understanding the specifics of the functioning of law enforcement agencies. At the same time, the characteristic of the interaction of the chain civil society – state agencies – law enforcement agencies has a three-level structure, because it is carried out on the public (community, population, public initiative), state-administrative (the role of state agencies as subjects of legislative initiative – the creation of laws and bylaws) and the actual legislative level (the functioning of the laws of Ukraine “On the National Security of Ukraine” and “On Operational Search Activities”).

I would also like to note that the Law of Ukraine “On National Security

of Ukraine” defines law enforcement agencies as security forces that, in accordance with the Constitution and Ukrainian legislation, ensure the safety and security of state security interests of Ukraine. Thus, at the same time, the legislator focused on the role of the state, government and political system in regulating law enforcement in modern Ukraine. However, the latter is a logical continuation of public activism and initiative: as we know, the Constitution of Ukraine proclaims a number of rights of citizens, which are often not taken into account by law enforcement officials in the performance of professional duties [1].

It is important to note that the interaction of civil society with the state and the further influence of the latter on the regulation of law enforcement is a matter of public administration efficiency and openness of government institutions of the state of Ukraine. Therefore, procedurally and ideologically, the process of humane, democratic and civil control over the activities of the state and its legislative initiatives will be considered an example of an effective, direct mechanism for influencing the state law enforcement apparatus. The connection between the state and law enforcement agencies is logical – because the structural and functional apparatus of public administration provides for the role of law enforcement agencies as intermediaries that implement state directives [2, p. 26–27].

At the same time, the functions and tasks of civil society include purely democratic activities to prevent and prevent antisocial, anti-civil activities of the state, which violates the rights,

freedoms and interests of ordinary citizens.

The government and the government, communicating with civic initiative groups, lay the foundations for the practical implementation of legal, social and humane principles of public administration, based on the Constitution of Ukraine – at the same time, in terms of cultivating the legitimacy of socio-political activity in modern Ukraine. on the protection of human rights and fundamental freedoms, the International Covenant on Civil and Political Rights, etc.

At the same time, it can be stated that the mechanisms of the influence of civil society on the state regulation of law enforcement in Ukraine have their substantive origins. These include, in particular, the need for state control over the democracy of law enforcement agencies, the concept of preventing violations of the rights, freedoms and interests of citizens (both legal and constitutional), control and audit activities in the prevention of corruption in law enforcement agencies and authorities. Thus, public activity and cooperation with the government on the effective law-making process in the field of law enforcement are important for the protection and protection of the Constitution of Ukraine, which guarantees respect for human beings and the functioning of all civil society institutions [3, p. 53–55].

I would like to note that the sphere of activity of law enforcement agencies in Ukraine is a rather secret branch of state-administrative transformations. This, in fact, can be defined as one of the obstacles to public activity and its communication with the authorities in

matters of lawmaking. However, the community and its right to freedom of speech, thought and expression, in particular political views and beliefs, are a logical continuation of each other.

Socio-political, democratic and public control over the activities of the state in the field of regulation of the competence of law enforcement agencies are regulated in the directives of the United Nations, the Council of Europe and the European Union. The latter, we recall, are part of national legislation in the case of ratification and approval of their binding force by the Verkhovna Rada of Ukraine (as stated in Article 8 of the Basic Law – the Constitution of Ukraine) [4].

I should note that the effectiveness of public communication with society has a complex and complex public administration structure. Thus, in the context of state and public regulation of law enforcement through social dialogue between government and citizens, it is important to declare and generate the principles of civil society [5].

As noted earlier, in the regulation of the basics of the legislator, the state of Ukraine, in relation to communication with citizens – and, consequently, ensuring the rights, freedoms and interests of citizens by building legislative mechanisms to protect against law enforcement, the hierarchy of regulations plays an important role. acts that include national sources (Constitution of Ukraine, laws of Ukraine “On National Security” and “On operational and investigative activities”) and international legal sources, consent to the mandatory use of which is given by the Verkhovna Rada of Ukraine in accordance with Article 8 of the Basic

Law: and which, accordingly, are part of national legislation (Convention for the Protection of Human Rights and Fundamental Freedoms, the International Covenant on Civil and Political Rights, directives of the United Nations, the Council of Europe and the European Union).

In fact, it is the structural and specific features of the interaction between government and society that are reflected and can be assessed through the prism of social dialogue. Thus, in Ukraine, the concept of social dialogue in the field of state regulation of law enforcement is reflected by the problem of society and its solution by finding consensual solutions. The activities of law enforcement agencies and their assessment by the community are a signal to the authorities to eliminate, or prevent, further government crisis, or level public discontent.

At the same time, it should be noted that the government in Ukraine, as in a state with a strong approach to the common good and the legal regime, has a tendency to create public foundations for an integrative society. This is manifested, in particular, in building a socio-political approach to civic communication, cooperation and communication, because power is not only the apparatus of public administration, but also acts in the interests, on behalf of and in accordance with legal requirements (needs) social character.

In fact, public administration in modern Ukraine, being at the stage of progressive development, acquires the characteristics of a socio-political institution of communication with the public. This is a positive factor, because the effective, functional and effective

interaction of the chain of public – state institutions – law enforcement agencies is possible under the socio-legal nature of public administration mechanisms.

Of course, civil society has a legislative basis on which the stylistics of its functioning in the legal field is based. In modern Ukraine, therefore, a similar legal act is the law of Ukraine “On Public Associations”, the purpose of which is the total regulation of the legal framework of public organizations in Ukraine, the structure and specifics of their formation, creation and registration [6, p. 335–340].

In this context, I should note that any civic initiative in relation to the state must be legally formalized (as a public association or public organization); to act in the legal field (in accordance with the norms of the national legislation of Ukraine and international legal acts, the binding nature of which has been approved by the Verkhovna Rada of Ukraine); to defend the legal, constitutional rights, freedoms and interests of man and citizen through a socially integrated, democratic dialogue with the authorities to address the issue of law enforcement and legal regulation of law enforcement in modern Ukraine, in general.

The process of control over the activities of law enforcement agencies by society is the basis of the political, economic and social structure of the state of Ukraine. An important aspect in the cooperation and coexistence of law enforcement agencies and civil society is compliance with the Constitution of Ukraine: law enforcement agencies rely on the need to recognize man, his life and health as the highest social

value, while noting and cultivating the obligation to comply and realization of human rights and freedoms.

The inadmissibility of the violation of human rights and freedoms, in turn, gives rise to another constitutional principle: the provision of sovereignty and power, which, as defined in the Constitution of Ukraine, belong to the people. He carries it out directly – which, in fact, gives rise to his ability to use constitutional and legal immunity and legal rights to defend their own interests in interaction with law enforcement agencies [7].

I must note that the usurpation of any of the branches of government in Ukraine is not allowed. This, again, is an important norm of the Constitution of Ukraine in light of the interaction of the public and law enforcement agencies (as well as further social influence on them), because it regulates the division of power into legislative, executive and judicial branches: for democracy – a sign of power. state transparency and implementation in the state-power structure of law enforcement, agencies of common law principles, the use of which is associated with a democratic legal regime.

The rule of law, which is one of the fundamental principles of the Constitution of Ukraine and the Law of Ukraine “On the National Police” of 02.07.2015 № 580-VII consolidates the trend towards democracy and enables the public to cooperate with law enforcement agencies, thus influencing their legislative, public administration and socio-political statuses. Such principles of law, symbolizing democracy and humanism as the style of the state regime, create an opportunity for citi-



zens to freely, unconditionally, openly and at their own discretion to express their own opinion.

In matters of cooperation between citizens and law enforcement agencies, the norms of the Constitution of Ukraine (as well as their observance by law enforcement agencies) play a fundamental role – because, as norms of direct action, they contribute to a more flexible public administration approach to determining the status of law enforcement agencies [8, p. 4].

I note that the Law of Ukraine “On National Security of Ukraine” from 21.06.2018 № 2469-VIII, at the same time, is another social regulator of legality and legal legality in the activities of law enforcement agencies in modern Ukraine. In fact, this normative legal act regulates the mandatory nature of not only legal, but also open and socially oriented activities of law enforcement agencies: at the same time, emphasis is placed on the effectiveness of their operation and solving specific, profile problems of protection and enforcement of Ukraine. and prevention of violation of legal rights, freedoms and interests of citizens.

In the context of the influence of civil society on law enforcement agencies, we must note, based on the principles enshrined not only in the Constitution of Ukraine but also in a specific normative act, the Law of Ukraine “On National Security of Ukraine” of 21.06.2018 № 2469-VIII, law enforcement in Ukraine carried out in accordance with the human-centric approach, because its specificity involves providing decent and safe living conditions, supporting the idea of civil society and ensuring its democratic principles,

constitutional order and the concept of general social welfare.

Another principle that should be taken into account when studying the impact of civil society on law enforcement agencies is the principle of responsibility of the state and its officials to citizens, which, again, is enshrined in the Basic Law – the Constitution of Ukraine. Therefore, such a basic provision, being a norm of direct action, having a declarative character and an imperative direction, is obligatory in any state structures. These include, in particular, law enforcement and law enforcement agencies in general.

Thus, civil society is a stable unit, which, being the main socio-state mechanism and force of social change, creates the foundations for harmonized, implemented and relatively codified legislation, which aims to respect the fundamental rights and freedoms of man and citizen [9, p. 85–86].

I note that the effective use of the principle of separation of powers in Ukraine provides civil protection, the right to freedom in all its manifestations, economic, social and political balance of social development in Ukraine. The activity of law enforcement agencies in accordance with this principle in modern Ukraine is based on the principles of detailed distribution of the basics of their activities and functioning, as well as on guaranteed professionalism of their activities and compliance with the principle of responsibility for their own activities.

Because of this, it can be argued that there are state-administrative and political-legislative apparatus in Ukraine, which allow indirectly, indirectly (passively) to implement the process of ci-



vil society influence on law enforcement agencies through rule-making and legislative regulation.

It is necessary to emphasize that the Constitution of Ukraine, as the Basic Law of the state, acts for law enforcement agencies, both as a binding and prohibitive conceptual and categorical mechanism. Executive agencies, which include law enforcement agencies, are guided in their daily activities by the Constitution of Ukraine, laws of Ukraine and international regulations, which are part of national legislation and relate to the impact of civil society on law enforcement and its state regulation.

**Conclusions.** Thus, we can highlight that the legislative basis of mechanisms of civil society influence on state regulation of law enforcement, in modern Ukraine, directs, coordinates the activities of law enforcement agencies and declares the basic ideas of coexistence of civil society and law enforcement agencies, through the following chain-strategic links:

- The Constitution of Ukraine;
- Laws of Ukraine “On National Security of Ukraine” and “On operational and investigative activities”;
- International legal acts, such as the Convention for the Protection of Human Rights and Fundamental Freedoms, the International Covenant on Civil and Political Rights, the directives of the United Nations, the Council of Europe and the European Union.

In general, the activities of law enforcement agencies are, in fact, subject to control and audit by the public. Again, this human and civil right in modern Ukraine corresponds to the principle of democracy. Democracy as

a socio-political current and public administration ideology is reflected in the absolute right of citizens to control the activities of government (in particular, we are talking about law enforcement agencies as executive agencies); the latter, in turn, respond to such audits by citizens transparent, effective and legal from a legal point of view, activities [10, p. 352–353; 11].

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