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PROBLEMS OF DEFINING OBJECTS OF POLICE ACTIVITY

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Abstract. *Defining police activity as a specific state-authority activity of the National Police of Ukraine, regulated at the level of legislation, aimed at ensuring public safety and order, protection of human rights and freedoms, as well as the interests of society and the state and combating crime, as well as providing within the limits defined by law, of assistance services to persons who, for personal, economic, social reasons or as a result of emergency situations, need such assistance, the authors come to the conclusion that the objects of its influence are the behavior of subjects of social relations, which are targeted by measures of state coercion. The article analyzes individual aspects, namely public order, public interest, public safety, etc.*

Key words: *police activity, police legal relations, public safety, public order, public interest, public order, public safety, objects of police activity.*

Боксгорн А. В., Волошанівська Т. В. ПРОБЛЕМИ ВИЗНАЧЕННЯ ОБ'ЄКТІВ ДІЯЛЬНОСТІ ПОЛІЦІЇ

Анотація. *Автори визначають поліцейську діяльність як урегульовану на рівні законодавства специфічну державно-владну діяльність Національної поліції України, спрямовану на гарантування публічної безпеки та порядку, охорону прав і свобод людини, а також інтересів суспільства та держави, протидію злочинності, а також надання в межах, визначених законом, послуг із допомоги особам, які з особистих, економічних, соціальних причин або внаслідок надзвичайних ситуацій потребують такої допомоги, і доходять висновку, що об'єктами її впливу виступає поведінка суб'єктів суспільних відносин, на яких спрямовані заходи державного примусу. У статті проаналізовано окремі аспекти, а саме громадський порядок, суспільний інтерес, публічну безпеку тощо.*

Ключові слова: *поліцейська діяльність, поліцейські правовідносини, публічна безпека, публічний порядок, суспільний інтерес, громадський порядок, громадська безпека, об'єкти поліцейської діяльності.*

Actuality of theme. The formation of Ukraine as a democratic state governed by the rule of law quite naturally leads to an increased interest in the problems of the organization and functioning of law enforcement agencies. Ukraine's vector for European integration imposes on our state the obligation to guarantee the full functioning of institutions, the main task of which is to ensure the rule of law, observe and protect the basic rights and freedoms of a person and a citizen, and the events taking place recently in our state are extremely relevant searching for and introducing new approaches to reforming law enforcement agencies of Ukraine. This

issue has gained special relevance in recent years, in the context of the Russian Federation's military aggression. As for law enforcement agencies, domestic legislation is characterized by the uncertainty of their system and functional purpose. Such a situation does not contribute to the further strengthening of reforms, nor to their coordinated activities, primarily in the field of observing human rights and ensuring public order. That is why, in accordance with modern requirements, the creation of an effective system of functioning of law enforcement agencies. The sphere of regulation of police activity is constantly in a state of dynamic transformation

and improvement and to some extent reflects the directions of implementation of the legal policy of the state. The formation of their system is not considered possible without the definition of ascending concepts, one of which is “objects of police activity”.

The **purpose** of the article is to investigate the issue of objects of police activity through the prism of ensuring balance and protection of the rights and freedoms of citizens.

The **object** is a specific sphere of social relations regulated by the norms of police law.

The **subject** is individual objects of police activity, including public interest, public order, public safety, etc.

Presentation of the main research material. Defining police activity as a specific state-authority activity of the National Police of Ukraine, regulated at the level of legislation, aimed at ensuring public safety and order, protection of human rights and freedoms, as well as the interests of society and the state and combating crime, as well as providing within the limits defined by law, of assistance services to persons who, for personal, economic, social reasons or as a result of emergency situations, need such assistance, it can be concluded that the objects of its influence are the behavior of subjects of social relations, which are targeted by measures of state coercion. At the same time, we are talking not only about persons who violate public safety, peace and order, but also about the public (police activity is aimed at ensuring the safety of the general public and the safety of individuals), the individual, his rights, freedoms and duties, and society. his material and spiritual values, needs. The state, its constitutional system, sovereignty and territorial integrity are a separate object that, on the one hand, forms legal relations, and on the other hand, acts as a separate vector of protection. Let's consider some of these aspects in more detail and analyze the individual categories that are relevant to the study of this issue.

Characterizing police activity, it is necessary, in addition to its means, to define the purpose, object and subject of such activity. In the framework of this article, we are interested only in the definition of objects of police activity.

The object of police activity in the narrow sense is the behavior of the subjects of social relations, which are targeted by state coercion measures. In a broad aspect, the object of police activity includes normatively regulated social relations, which include legal relations aimed at the implementation of constitutional political rights and freedoms by subjects, as well as legal relations that restore the specified rights and freedoms in the event of their violation [4, p. 39–40].

Thus, the object of police activity is a specific sphere of social relations regulated by the norms of police law. It is police legal relations that testify to the transformation of duty into an act of concrete behavior. In this legal relationship, the rules and principles of police law are reflected in the behavior of citizens, activities of organizations, state bodies and officials. Police legal relations are a type of administrative-legal (management) relations.

Police legal relations are two-way communication. If the norm of police law grants one subject of legal relations a certain subjective right, then it imposes a legal obligation on another subject. This duty corresponds to the subjective right of another subject, and conversely, to each legal duty corresponds the subjective right of another subject. In police legal relations, as in any other, the authorized person is always opposed by the obligee, for example, a citizen, organization, enterprise, state body, etc. These rights and duties form unity in police legal relations [5, p. 173–180]. In addition, summarizing the above-mentioned approaches to understanding law enforcement activity, it is possible to define its objects as one of the elements of its content. Accordingly, the following are the objects of law enforcement in the modern state: 1) inalienable (natural) human rights and freedoms and human rights in the positivist sense (subjective law and legitimate interests); 2) the foundations of the constitutional order, including the foundations of the social and state order, defined by constitutional norms, and the foundations of local self-government; 3) the regime of legality in society; 4) law and order as a state of social relations; 5) issues of personal, social and state security; 6) the state of legal awareness and legal

culture in society [2, p. 1–20]. In turn, law enforcement activity according to the subject-object criterion consists of the following areas: crime prevention, protection of public order, public safety and property, operational search and intelligence activities, control and supervision activities, pre-trial investigation in criminal cases and administrative proceedings, justice, execution of judgments, decisions, decisions and resolutions of courts, resolutions of investigative bodies and prosecutors, provision of legal aid [7, p. 69–72]. Each of these directions aims to achieve specific results, namely: 1) elimination of violations of the norms of the Constitution of Ukraine; 2) fair consideration of civil and criminal cases, cases of administrative offenses; 3) detection and elimination of violations of the law by means of prosecutorial response; 4) disclosure of crimes and exposure of persons guilty of their commission; 5) preparation of materials for consideration of specific cases in court; 6) provision of qualified legal assistance to all those who need it, especially to those persons facing criminal liability, as well as provision of other legal services; 7) creation of conditions for the normal operation of courts and other bodies [6].

Police legal relations are social relations in the sphere of police activity regulated by the norms of police law. It is police legal relations that testify to the transformation of duty into an act of concrete behavior. In this legal relationship, the rules and principles of police law are reflected in the behavior of citizens, activities of organizations, state bodies and officials.

Police legal relations are a type of management relations that have their own characteristics. But such legal relations also have common features inherent in all other legal relations. Police legal relations are two-way communication. If the norm of police law grants one subject of legal relations a certain subjective right, then it imposes a legal obligation on another subject. This duty corresponds to the subjective right of another subject and, conversely, to each legal duty corresponds the subjective right of another subject. In police legal relations, as in any other, the authorized person is always opposed by the obligee, for

example, a citizen, organization, enterprise, state body, etc. These rights and duties form unity in police legal relations. It is because of the unity of power and the corresponding duties that the parties (persons) have that they are connected to each other and act as subjects of police legal relations.

Police legal relations are an important component of police activity. They arise on the basis of the provisions of police law and determine the relationship between subjects of police activity. The peculiarity of police legal relations is that they regulate specific interactions and behavior of subjects related to the performance of police functions.

The basic principles and rules of police law are revealed in police legal relations, and the transformation of duty into specific actions and behavior of subjects is reflected. This legal relationship arises between different parties, where one party has a subjective right and the other has a legal obligation. Each duty corresponds to a corresponding subjective right, and this interaction creates unity in police legal relations.

For example, a police authority has the power to apply coercive measures (law), and a citizen has a duty to obey the lawful demands of the police authority. This two-way communication is the basis of police legal relations. It is because of this connection that subjects of police legal relations act as authorized persons who carry out measures of state coercion and persons who are obliged to fulfill the requirements established by law.

An important aspect of police legal relations is ensuring balance and protection of the rights and freedoms of citizens. Law enforcement agencies must act within the law and ensure justice, taking into account the rights and interests of the subjects of police relations. Interaction between the subjects of police legal relations is subject to the norms of police law, which regulate the activities of police bodies and the rights of citizens.

Thus, police legal relations are specific administrative relations arising on the basis of police law and regulating the behavior of subjects of police activity. This legal relationship reflects the relationship between

authorized persons and persons subject to police control, and is an important element of ensuring law and order and internal security in society.

First of all, it is worth turning to the definition of “public safety and order”. Ensuring public security and order is of great importance for the state, and therefore it is one of the priority tasks of the National Police of Ukraine. However, in the conditions of the tense political, economic and social situation caused by military aggression on the part of the Russian Federation, this problem is not being solved effectively enough. One of the reasons for this situation is the lack of a single categorical apparatus in the field of law enforcement at the legislative level, in particular, the lack of a single definition of public safety and order. Regarding the determination of the legal nature of the categories “public safety” and “public order” through the prism of Art. 1 of the Law of Ukraine “On the National Police” [3] differ.

In explanatory dictionaries, the term “public” is defined as follows: 1) which takes place in the presence of the public, people; 2) intended for wide visit, use; public. In turn, order is: a) a state when somewhere is cleanly cleaned, all things are in their places; cleanliness, order; b) the state when everything is done, it is done as it should be, in accordance with certain requirements, rules; orderliness, order; c) state, social system, organization; d) a certain sequence, sequence of something [1].

The most established point of view is the definition of public order as a state of orderliness of social relations, which are in the sphere of ensuring the rights and freedoms of a person and a citizen, during which state authorities, local self-government bodies and each separately defined person must adhere to generally accepted norms of normal coexistence.

The concept of “public safety” is broader in meaning than “public order”. Some scholars use the term “public security” in relation to the definition of “state security”. It is appropriate to define public safety as a set of social relations related to the prevention or elimination of threats to the life and health of persons and their property, which may arise as a result of people’s actions or the manifestation of negative properties of sources of increased danger.

In the context of the definition of objects of police activity, one should refer to the category “public interest”. The unstable, constantly changing nature of the social structure of Ukraine makes it extremely difficult even to describe the interests of various social groups, not to mention their conceptual understanding and explanation. At the same time, bearing in mind the prospect of stabilizing the social structure of society, the work to clarify the content and nature of group interests in Ukraine is extremely important both for creating a basis for their theoretical understanding and for practical political management in relation to the tendency of the formation of the country’s social structure. From the standpoint of political and social theory in general, in order to understand and explain the phenomenon of group interests, it is important to have a clear idea of the content and correlation of those concepts that are instrumentalized in the study of the raised problem, primarily such as “interest” and “need”, interest “national” and “state”, about the types of interests and their hierarchical status, about subjects-carriers of group interest (groups by interest) and about their representatives.

It is difficult to disagree with the fact that the classical approach to defining the national interest is based on the paradigm of the nation-state, the desired component of which is civil society. It is the community of citizens that is called upon to formulate both the aggregate and the hierarchy of national interests. But if so, then with the underdevelopment of civil society, an adequate system of national interests is impossible: if there is no nation, then there can be no national interests. Such a conclusion leads to a dead end, because it means that many states in their foreign policy defend a national interest that is not actually present, is not realized, and is not agreed upon by convention.

Objects of police activity to which the attention of the police is directed while ensuring public order and security.

Citizens and public places:

Citizens: The role of citizens in policing, their rights and responsibilities.

Public places: Ensuring safety in public squares, streets, parks, transport and other places.

Private property and commercial objects:

Private property: Protection of owners of private houses, apartments, cars, etc.

Commercial facilities: Providing security in shops, restaurants, banks, hotels and other commercial establishments.

Institutions and organizations:

Schools and educational institutions: Protection of students, teaching staff and property of educational institutions.

Medical institutions: Ensuring security in hospitals, polyclinics, dispensaries and other medical institutions.

Social service institutions: Protection of persons in social institutions, for example, orphanages, homeless shelters, etc.

Vehicles:

Automobiles: Road safety, accident response, motor vehicle crimes and offences.

Public transport: Ensuring the safety of passengers in buses, trams, metro and other types of public transport.

Criminal objects:

Residential premises: Protection of residential buildings, apartments from thefts, intrusions and other crimes.

Commercial facilities: Ensuring security in banks, jewelry stores, warehouses of valuables and other places of storage of valuables.

Industrial facilities: Protection of industrial enterprises against theft, vandalism, sabotage and other crimes.

Computer and cyber objects:

Computer systems: Investigating cybercrimes, protecting against hacker attacks, identity theft and other cyber threats.

Information resources: Protection of important information, fight against abuse, distribution of illegal content and other cyber violations.

Natural objects:

National parks and reserves: Ensuring the protection of nature reserves, preventing illegal extraction of resources, poaching and other environmental crimes.

Water resources: Monitoring compliance with safety rules on water bodies, investigating cases of sabotage, prohibited landfills, and other violations.

Vulnerable population groups:

Children and young people: Protecting children from violence, abuse, disappearance and exploitation.

Women and persons with special needs: Protection from domestic violence, discrimination, gender-based and social crimes.

Seniors: Ensuring safety and protection from fraud, robbery, violence and other crimes.

Terrorist threats and extremism:

Prevention of terrorist acts: Responding to suspicious activity, gathering information, cooperation with intelligence services.

Countering extremism: Detecting and preventing radicalization, the spread of terrorist ideas and propaganda.

Law and order and public order:

Ensuring compliance with law and order in society.

Preventive measures aimed at preventing violations of law and order and crimes.

Criminal investigation:

Carrying out investigative actions and collecting evidence in criminal cases.

Identifying the guilty persons and bringing them to justice.

Public security

Protection of citizens from violence, criminal activity and security threats.

Ensuring safety in places of mass gathering of people.

Road safety:

Ensuring road safety, prevention of traffic accidents and violations of traffic rules.

Control of speed, alcohol intoxication and other traffic violations.

Control over the circulation of drugs and weapons:

Detection, suppression and investigation of crimes related to drugs and illegal arms trafficking.

Protecting society from the dangers associated with drug abuse and illegal weapons equipment.

The behavior of subjects of social relations, which are the object of police activity, may include the following aspects:

Crimes and Offenses: Police officers investigate and stop crimes, identify offenders and ensure their prosecution. The object is the behavior of persons who commit crimes or violate the law.

Public order: The purpose of police officers is to ensure public order and prevent disturbances of peace, security and harmony in society. The object may be the behavior of individuals

that violates public order, creates a threat to public safety, or causes inconvenience to other people.

Terrorism and crimes against state security: Police officers deal with countering terrorist threats and crimes against state security. The object is the behavior of individuals or groups who commit acts of terrorism or attempt to harm the state and its interests.

Violation of human rights: Police officers ensure the protection of the rights and freedoms of citizens and oppose any form of discrimination, violence, bullying and other violations of human rights. The object is the behavior of individuals that violates the rights and dignity of others.

Illegal trafficking of drugs and weapons: The police are engaged in the fight against illegal trafficking of drugs and illegal trade in weapons. The object is the activity of persons engaged in the illegal production, sale or use of drugs, as well as the illegal acquisition, possession or trade of weapons.

Objects of police activity can also be:

Economic crimes: Police officers investigate and combat economic crimes such as fraud, corruption, money laundering and other crimes that cause damage to the economy and society.

Cybercrimes: With the development of technology, new types of crimes related to

computers, networks and the Internet have appeared. Police officers investigate and combat cybercrime, such as Internet fraud, hacking, identity theft, and other computer-based crimes.

Violence and crimes against the person: Police officers protect citizens from physical violence, assaults, sexual crimes and other crimes against the person. They investigate these crimes and ensure that the guilty are punished.

Special operations: In some cases, police officers are involved in special operations, such as uncovering organized crime groups, fighting terrorism, investigating complex criminal cases, etc. These operations require special preparation and coordination of actions.

Conclusions. The object of any activity is what it is aimed at in order to realize the goal. Depending on the specific type of activity, its object can be nature, products of human activity, property, system of social relations, person, etc. To the objects of police activity, scientists include the behavior of subjects of social relations, on which state coercion measures are aimed, persons who violate public safety, peace and order, and the safety of the general public and the safety of individual persons, the personality, and its rights are also subject to police protection. , freedoms and duties; society, its material and spiritual values; the state, its constitutional system, sovereignty and territorial integrity of the state.

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