

## IMPROVING THE ACTIVITIES OF THE BODIES OF THE MIA OF UKRAINE IN THE CONTEXT OF THE DEVELOPMENT OF THE SECURITY ENVIRONMENT OF THE STATE

### УДОСКОНАЛЕННЯ ДІЯЛЬНОСТІ ОРГАНІВ МВС УКРАЇНИ В КОНТЕКСТІ РОЗВИТКУ БЕЗПЕКОВОГО СЕРЕДОВИЩА ДЕРЖАВИ

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The purpose of writing a scientific article was to determine directions for improving the activities of the Ministry of Internal Affairs of Ukraine in the context of the development of the state's security environment. To achieve the set goal, the following tasks were implemented: normative legal acts were analyzed, which determine the role of the Ministry of Internal Affairs of Ukraine in the formation of the security environment of the state; directions for improving the development of the state's security environment are defined, taking into account the challenges associated with military aggression; proposed additional powers of the Ministry of Internal Affairs of Ukraine in connection with military aggression on the territory of Ukraine.

During the analysis of normative legal acts, the work noted the nullity of some international treaties that could not work to prevent or eliminate threats to the security of Ukraine, for example, the Budapest Memorandum. Therefore, it was emphasized that, taking into account the challenges associated with military aggression in Ukraine, international legislation in this area also needs a corresponding transformation, for example, the conclusion of the Kyiv Security Treaty and similar ones.

The author defines directions for improving the development of the security environment of the state, taking into account the challenges associated with military aggression: building a strategy for the development of the security environment of Ukraine, taking into account the chosen direction of European integration; improvement of the activities of the Ministry of Internal Affairs of Ukraine should take place within the framework of NATO international standards, and Ukraine should become a strong chain in the world security system; the further development of the security environment in Ukraine must take into account the existence of a real threat of military aggression from the Russian Federation; the priority of the post-war reconstruction of Ukraine during the planning of the further development of the security environment.

A conclusion was made about the need for a comprehensive solution to the issue of improving the activities of the Ministry of Internal Affairs of Ukraine in the context of the development of the state's security environment.

**Key words:** security environment, national stability, martial law, post-war period, European Union, NATO, Ministry of Internal Affairs.

Метою написання наукової статті стало визначення напрямків удосконалення діяльності органів МВС України в контексті розвитку безпекового середовища держави. Для досягнення поставленої мети були реалізовані наступні завдання: проаналізовано нормативно-правові акти, які визначають роль МВС України у формуванні безпекового середовища держави; визначено напрямки удосконалення розвитку безпекового середовища держави з урахуванням викликів, пов'язаних із військовою агресією; запропоновано додаткові повноваження МВС України у зв'язку із військовою агресією на території України.

Під час аналізу нормативно-правових актів в роботі відзначена нікчемність деяких міжнародних договорів, які не змогли спрацювати на випередження або усунення загроз безпеці України, наприклад, Будапештський меморандум. Тому наголошено, що з урахуванням викликів, пов'язаних із військовою агресією в Україні, відповідної трансформації потребує і міжнародне законодавство у цій сфері, наприклад, укладення Київського безпекового договору та подібних йому.

Автор підкреслює, що МВС України входить до єдиної державної системи цивільного захисту та до складу сектору безпеки і оборони, а також є центральним суб'єктом формування державної політики у визначених сферах.

Автор визначає напрямки удосконалення розвитку безпекового середовища держави з урахуванням викликів, пов'язаних із військовою агресією: будівництво стратегії розвитку безпекового середовища України з урахуванням обраного євроінтеграційного напрямку; удосконалення діяльності органів МВС України має відбуватися в рамках міжнародних стандартів НАТО, а Україна має стати міцним ланцюгом в системі світової безпеки; подальший розвиток безпекового середовища в Україні має відбуватися з урахуванням існування реальної загрози військової агресії з боку російської федерації; пріоритет післявоєнного відновлення України під час планування подальшого розвитку безпекового середовища.

Зроблено висновок про необхідність комплексного вирішення питання удосконалення діяльності органів МВС України в контексті розвитку безпекового середовища держави.

**Ключові слова:** безпекове середовище, національна стійкість, військовий стан, післявоєнний період, Європейський Союз, НАТО, Міністерство внутрішніх справ.

**Actuality of theme.** The total reconstruction of the Ukrainian security environment in accordance with the requirements of modern times, taking into account the threats and consequences of the military aggression of the Russian Federation, should be the first step to restore stability in the state, to build it in the near future, and to ensure the survival of the Ukrainian nation as a whole. That is why the improvement of the activities of any subject of ensuring the security environment (including the Ministry of Internal Affairs of Ukraine) is an urgent direction of the work of domestic scientists and their conduct of fundamental scientific research.

**Formulation of the problem.** Since the beginning of the war in Ukraine, the legislation that regulates the activities of the Ministry of Internal Affairs of Ukraine in terms of their competence has not undergone significant changes. However, the analysis of the practical activities of such bodies makes it possible to draw a conclusion about the additional

functions actually performed by them, as well as the existence of a set of regulatory obstacles in the direction of effective performance of the tasks assigned to the bodies of the Ministry of Internal Affairs of Ukraine in accordance with the needs of the operational situation in the state.

**State of problem research.** The fundamental theoretical and legal principles of ensuring public safety and order were laid down in their works by such domestic scientists as V. Averyanov, O. Bandurka, O. Batrachenko, I. Golosnichenko, O. Dovgan, E. Dodin, I. Zozulya, M. Kovaliv, V. Kolpakov, A. Komzyuk, R. Melnyk, Yu. Nebeskyi, O. Ostapenko, V. Fathutdinov and many others.

The monograph of O.O. Reznikova, who at the general level investigated the theoretical component of the security environment, both a scientific category and trends in the development of the phenomenon in Ukraine. However, the modern challenges of social processes in Ukraine require

the determination of priorities for the development of the security environment, taking into account the challenges associated with military aggression. The activities of the Ministry of Internal Affairs of Ukraine in the direction of creating a new security space in Ukraine, taking into account modern trends in the development of statehood and the presence of threats to Ukrainian statehood, public safety and order, immediately require scientific study.

**The purpose of writing a scientific article** is to determine directions for improving the activities of the Ministry of Internal Affairs of Ukraine in the context of the development of the state's security environment. In order to achieve the set goal, we will implement the following tasks: we will analyze the normative and legal acts that determine the role of the Ministry of Internal Affairs of Ukraine in the formation of the security environment of the state; determine directions for improving the development of the state's security environment, taking into account the challenges associated with military aggression; to propose additional powers of the Ministry of Internal Affairs of Ukraine in connection with military aggression on the territory of Ukraine.

Presenting main material. In order to determine the prospects for the development of the activities of the Ministry of Internal Affairs of Ukraine in the development of the security environment in the state, we will analyze the legal acts that determine the role of the Ministry of Internal Affairs of Ukraine in the formation of the security environment of the state.

It is constitutionally determined that the most important functions of the state, the business of the entire Ukrainian people, are the protection of the sovereignty and territorial integrity of Ukraine, ensuring its economic and informational security (Article 17) [1]. In particular, the Constitution of Ukraine assigns functions to ensure state security and protection of the state border of Ukraine to law enforcement agencies [1]. That is, the direct recognition of the bodies of the Ministry of Internal Affairs of Ukraine as a subject of ensuring security in the state gives grounds to consider such bodies as guarantors of national stability, which must meet modern challenges.

International legal acts ratified by Ukraine, as well as treaties concluded by the state, confirm the state's intentions to create a security environment in the international arena: Agreement on Security between the Government of Ukraine and the North Atlantic Treaty Organization [2], Memorandum on Security Guarantees in Connection with Accession of Ukraine to the Treaty on the Non-Proliferation of Nuclear Weapons [3] and others. It is worth noting the worthlessness of some international treaties that could not prevent or eliminate threats to the security of Ukraine, for example, the Budapest Memorandum [3]. Therefore, taking into account the challenges associated with military aggression in Ukraine, international legislation in this area also needs a corresponding transformation, for example, the conclusion of the Kyiv Security Treaty [4] and similar ones, as well as the formation of an effective international mechanism to guarantee the security of Ukraine in the future.

The Ministry of Internal Affairs of Ukraine is part of the unified state system of civil protection, the functioning of which is regulated by the norms of the Code of Civil Protection of Ukraine [5]. It is this normative legal act that defines the general principles of activity of the system of bodies, including the Ministry of Internal Affairs of Ukraine, regarding the protection of the population and other property objects from emergency situations, both in peacetime and during war.

The Ministry of Internal Affairs of Ukraine is also part of the security and defense sector in accordance with the Law of Ukraine "On National Security of Ukraine" [6]. The activities of the National Police of Ukraine, the National Guard of Ukraine, the State Border Guard Service of Ukraine, the State Emergency Service of Ukraine and the State Migration Service of Ukraine are directed and coordinated by the Cabinet of Ministers of Ukraine through the Minister

of Internal Affairs of Ukraine. That is, such a Minister is designated as a coordinating entity in the field of national security for the bodies that are part of the Ministry. The level of security in the state depends on the coordinated interaction, including all the bodies of the Ministry, both at the state and local levels. The shortcomings of such interaction could be observed on the ground at the beginning of the invasion of the Russian Federation on the territory of Ukraine.

Directly, the priorities of the national interests of Ukraine and the provision of national security, the goals and main directions of state policy in the field of national security are determined by the Decree of the President of Ukraine "On the decision of the National Security and Defense Council of Ukraine dated September 14, 2020 "On the National Security Strategy of Ukraine" No. 392/2020 [ 7]. At the same time, the Ministry of Internal Affairs of Ukraine is the central subject of the formation of state policy in the areas of: ensuring the protection of human rights and freedoms, the interests of society and the state, combating crime, maintaining public safety and order, as well as providing police services; protection of the state border and protection of sovereign rights of Ukraine in its exclusive (maritime) economic zone; civil protection, protection of the population and territories from emergency situations and their prevention, liquidation of emergency situations, rescue work, fire extinguishing, fire and man-made safety, activities of emergency and rescue services, as well as hydrometeorological activities; migration (immigration and emigration), including combating illegal (illegal) migration, citizenship, registration of natural persons, refugees and other legally defined categories of migrants (Resolution of the Cabinet of Ministers of Ukraine "On Approval of the Regulation on the Ministry of Internal Affairs of Ukraine" dated October 28, 2015 No. 878 [8]).

In the Decree of the President of Ukraine "On the decision of the National Security and Defense Council of Ukraine dated August 20, 2021, "On the introduction of the national system of stability" No. 479/2021, the introduction of the national system of stability is classified as one of the main areas of foreign and domestic political activity of the state to ensure its national interests and security [ 9]. However, the challenges of 2022 encourage the improvement of the created system of national stability, taking into account the needs of the state at the current stage of development, including by improving the activities of national security entities.

The conducted analysis of normative legal acts indicates the loss of relevance of some provisions of domestic and international legislation, as well as the need to form an updated national security system and carry out transformations of the competence of law enforcement agencies.

Taking into account the norms of domestic legislation, as well as the current operational situation in the state, we can determine the following directions for improving the development of the state's security environment, taking into account the challenges associated with military aggression:

1. in 2022, Ukraine became a candidate for membership of the European Union [10], therefore, the further strategy for the development of the security environment of Ukraine should be built taking into account the chosen direction (level of protection of human rights in the state, conditions of detention of detainees, delivered, arrested, etc.). At the same time, it is worth noting that the reform of law enforcement agencies is one of the seven conditions for joining the European Union in the near future [11]. That is why the improvement of the activities of the Ministry of Internal Affairs of Ukraine, taking into account the challenges of modern times, related to the war, should be built on European principles.

2. On September 30, 2022, the President of Ukraine, Volodymyr Zelenskyi, signed an application for Ukraine's accession to NATO in an accelerated manner [12], which is a continuation of Ukraine's long-term course aimed at Euro-Atlantic integration. However, the obligations that Ukraine

will take on as a member or candidate for NATO membership encourage the rapid development of the state's modern security environment. That is, the improvement of the activities of the Ministry of Internal Affairs of Ukraine should take place within the framework of NATO international standards, and Ukraine should become a strong chain in the world security system;

3. the Ukrainian-Russian war radically changed the foundations of the security environment in the state, and therefore its further development must take into account the existence of a real threat of military aggression from the Russian Federation. In the future, the security system of Ukraine must constantly take into account the possibility of a military threat from the Russian Federation or another country in the world. Accordingly, the bodies of the Ministry of Internal Affairs of Ukraine should already take into account possible military attacks in their activities, as well as additionally draw up and work out action plans in the event of emergency situations of a military nature;

4. when planning the further development of the security environment, the post-war reconstruction of Ukraine should be taken into account as a priority, including in the activities of the Ministry of Internal Affairs of Ukraine and its structural bodies, for example, increasing the level of crime related to the illegal circulation of firearms. The post-war recovery of Ukraine in the field of law enforcement is predicted to have problems with a decrease in the general standard of living of the population of Ukraine, which is the basis for crime, and, accordingly, problems with an increase in the level of crime, the fight against collaborators, Gauleiters, the occurrence of specific offenses related to war crimes on the territory of Ukraine, etc. In addition, the preventive function of the Ministry of Internal Affairs of Ukraine may change its focus on preventing accidents involving explosive materials or objects, etc.

Taking into account the above, in our opinion, additional powers of the Ministry of Internal Affairs of Ukraine in connection with military aggression on the territory of Ukraine may be as follows:

1. full-time introduction of a video surveillance system in Ukraine (not only on highways, but also throughout the territory of populated areas of Ukraine). Large-scale video surveillance for the needs of the Ministry of Internal Affairs of Ukraine is a requirement of the modern world. Thanks to this measure, the activities of the units of the Ministry of Internal Affairs of Ukraine will be more efficient and effective. In addition, there will be an opportunity to prevent offenses in an online format, thanks to the interaction of the video surveillance operator and, for example, police officers on patrol;

2. improvement of the system of protection of the state border of Ukraine involves directing greater efforts to its protection, taking into account the precedents of its violation in 2022. It is also worth emphasizing the introduction of the visa regime with the Russian Federation from July 1, 2022 [13] and the resolution of the issue of the visa regime with Belarus in the near future [14; 15], which will require the introduction of additional authorization and control powers for the bodies of the Ministry of Internal Affairs of Ukraine;

3. improving the activities of the National Police of Ukraine, taking into account the increase in the number of firearms on the territory of Ukraine (legal and illegal);

4. expanding the competence of the National Police regarding the use of firearms, taking into account the needs of the security environment in the state. This issue has been repeatedly raised in public and legislative circles, but a consensus has not yet been reached, and the principle of proportionality of the presumption of the rightness of the police

officer has not been additionally introduced into the legislation of Ukraine. However, taking into account the increase in the circulation of weapons in Ukraine, as well as the trend towards the legalization of firearms in the state, for the effective provision of national security, the review of the police officer's powers regarding the use of firearms seems to be a priority;

5. expansion of the competence of the National Police regarding the use of a police measure - breaking into a person's home or other property in connection with the commission of a crime related to the use and use of firearms. Such a proposal to expand the powers of the policeman is due to the state of war and the existence of real threats to the national security of the state;

6. taking into account internal emigration processes in Ukraine during preventive registration of persons who have been placed under administrative supervision by the court. The creation of a single system of persons subject to administrative supervision, the application of stricter measures to control the movement of such persons will ensure an increase in the effectiveness of the preventive function of the National Police;

7. bringing the places of detention of detained and arrested persons up to international standards, increasing the number of such places. This provision for improving the powers of the Ministry of Internal Affairs of Ukraine is conditioned by Ukraine's European integration aspirations. A high level of protection of human rights and freedoms, even those to which coercive measures are applied, is a sign of a democratic society. Improving this area of activity of the Ministry of Internal Affairs of Ukraine will contribute to the fulfillment of one of the main requirements that the European Union puts forward to Ukraine – with the aim of obtaining the status of a member of this organization by our state;

8. expanding the competence of the National Police to detain persons in places of active combat, in front-line zones. A real threat with a high degree of danger creates the conditions under which police officers must act decisively, taking care of their personal safety and the safety of others;

9. improvement of the forms and methods of cyber police activity in the direction of stopping war crimes, crimes related to the circulation of firearms, crimes related to collaboration, etc. New circumstances require new forms and methods of overcoming crime, which is what the modern police structure should be oriented towards;

10. disabling cyberthreats of a military nature in the activities of the National Police. The development of modern technologies in the activities of the National Police is a promising direction in the activities of the National Police and the Ministry of Internal Affairs of Ukraine, because digital information exchange is an integral part of a modern person, including a criminal;

11. development and approval at the normative level of operational plans in the event of a recurrence of military aggression on the territory of Ukraine, interaction between the bodies of the Ministry of Internal Affairs of Ukraine, as well as with military formations, both at the national and local levels.

**Conclusions.** Summing up, it is necessary to emphasize the need for a comprehensive solution to the issue of improving the activities of the Ministry of Internal Affairs of Ukraine in the context of the development of the state's security environment. When developing a unified strategy for the development of the Ministry of Internal Affairs of Ukraine, it is necessary to take into account the forecasts of the near and distant future, as well as the possibilities and real state of the modern bodies of the department. Development is necessary and it must take place during the creation of a security environment in the state in order to be fully effective.

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