

JOURNAL OF LAW AND POLITICAL SCIENCES

(JLPS)

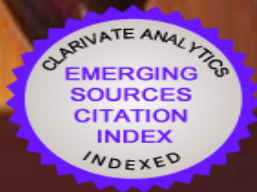
Scientific and Academy Journal

Print ISSN 2222-7288

Online ISSN 2518-5551

IMPACT FACTOR VALUE OF 1.846

Vol. (35) Twelfth year- issue (4) Sept.-2022



ESCI

EBSCO

**SCIENTIFIC ASSOCIATION FOR RESEARCH AND STRATEGIC
STUDIES**

AALBORG ACADEMY OF SCIENCES – DENMARK

Vol. (35), issue 4- 2022 P. ISSN 2222-7288 E. ISSN 2518-5551



JOURNAL OF LAW AND POLITICAL SCIENCES

SCIENTIFIC AND ACADEMY JOURNAL

Print ISSN 2222-7288

Online ISSN 2518-5551

IMPACT FACTOR VALUE OF 1.846

VOL. (35) TWELFTH YEAR– ISSUE (4) SEPTEMBER. -2022

**FOUR ISSUES ARE PUBLISHED IN THE YEAR IN ENGLISH
LANGUAGE**

**SCIENTIFIC ASSOCIATION FOR RESEARCH AND
STRATEGIC STUDIES**

**FACULTY OF LAW - ACADEMY OF THE AALBORG –
DENMARK**

<http://journal-law.com/>

journallaw1@yahoo.co

(16)

MODERNIZATION OF THE LAW ENFORCEMENT SYSTEM AT THE CURRENT STAGE OF DIGITAL TRANSFORMATION

ANDRII KUBAIENKO [First Author]

<https://orcid.org/0000-0002-6648-9764>

*Department of Judicial, Law Enforcement Authorities and Advocacy,
National University “Odessa Law Academy”, Odessa, Ukraine*

IVAN OKHRIMENKO [Corresponding Author]

<https://orcid.org/0000-0002-8813-5107>

*Department of Legal Psychology, National Academy of Internal Affairs,
Kyiv, Ukraine- ivango-07@ukr.net*

OLENA KRYZHANOVSKA

<https://orcid.org/0000-0002-3423-6682>

*Department of Police Administrative Activity, Odessa State University of
Internal Affairs, Odessa, Ukraine*

Abstract

Political and economic disagreements of the last decade have caused the need to reform various institutions in the world, including the system of law enforcement agencies. From here, it follows that the problems of modern understanding of the law enforcement system and its reformation in the conditions of digitization and development of the information society gain relevance.

The aim of the article is to determine modern approaches to the modernization of the law enforcement system in the conditions of digital

transformation and the need to approach European and world standards. Attention was paid to the interrelationship of digitalization processes with the level of effectiveness of law enforcement activities. The need for changes in the law enforcement system with mandatory consideration of the following positions was also substantiated: a) society's expectations in the sphere of ensuring law and order as well as legality; b) national traditions and peculiarities, including those related to the construction of the law enforcement system; c) positive experience of states in terms of law enforcement and observance of human rights and freedoms; d) the need to set real tasks before law enforcement agencies that correspond to their potential capabilities.

Keywords: modernization, law enforcement system, law enforcement agencies, digitalization, law enforcement activities.

1. INTRODUCTION

Currently, digitization processes have become a global trend. Opportunities to achieve key goals of socio-economic development in Ukraine are associated with the development and mastering of digital technologies. Adequate digitization of state administration, particularly in the law enforcement sphere, is of fundamental importance for their implementation.

At the current stage of civilizational development, digital technologies are becoming a kind of engine, and their widespread use is an extremely necessary condition for the effective progressive development of the state, ensuring its global competitiveness and national security (Martincevic 2022). In fact, today, information together with the technologies of its processing, transmission, storage and use of data to solve a wide variety of tasks have become a resource that is more and more necessary and important than energy, raw materials, financial and other traditional ones.

The formation and development of the information society require the improvement of structures, principles and methods of state administration, in particular in the field of law enforcement (Aleksandrov, Okhrimenko & Drozd 2017; Kubaenko et al. 2021; Miloradova et al. 2022). Digitization of all aspects of social life and directions of state development results in significant dynamics of changes in the functioning of complex socio-economic systems that are objects of

state administration, and especially in their innovative segments. The use of modern information and communication technologies and systems with artificial intelligence leads to the emergence of new potential opportunities for making more justified, effective and operational decisions compared to the use of traditional approaches (Ponomarenko et al. 2022).

The problems of the development of legislation and the modernization of the law enforcement system at the current stage of digital transformation and development of the information society are gaining particular relevance in the conditions of rapid development and implementation of information technologies in all spheres of human activities, which significantly change the principles, order, content and forms of interaction of legal entities and individuals within the virtual environment in the process of carrying out both business and personal (interpersonal) communications.

2. MATERIALS AND METHODS

The methodology of the work is chosen taking into account the aim of the research and covers the use of general scientific and special scientific methods and techniques of scientific knowledge. The research involved the use of comprehensive and operational approaches, which made it possible to determine the state of the law enforcement system at the current stage of digital transformation, to identify patterns and relationships inherent in the structural elements of the law enforcement system, as well as to outline directions for the modernization of the law enforcement system in order to achieve the expected results.

The research involved methods of comparative jurisprudence (during the analysis of the normative foundations of law enforcement activities), content analysis of documents, publications of scientists on this topic, formal-logical (when studying legislative and departmental legally enforceable enactments), structural-functional method, as well as elements of sociological, historical and

axiological methods of cognition. The specified methods comprehensively allowed to determine the directions and boundaries of the research of the problem, as well as provided an opportunity to comprehensively and fully reveal it, to develop the doctrine of modern directions of modernization of the law enforcement system at the stage of digital transformation.

3. RESULTS AND DISCUSSION

The digital environment creates new economic opportunities for citizens and organizations. Transparency and access to information promote economic growth, develop sectors and spur innovation all over the world, across regions, cities and countries. As a result, the information space creates new jobs and new opportunities.

3.1. THE TASK OF DIGITAL TRANSFORMATION

The task of digital transformation directly affects the category of employees. Digitization puts new demands on the skills of employees of state bodies, and they must respond to this request in a timely manner. The terms “open government”, “electronic government”, “digital transformation” have become one of the key elements of the public management discourse of the 21st century (Ahn 2020; Strelchenko, Okhrimenko & Martynenko 2022; Zakharov et al. 2022). It is the ideal that modern political leaders aspire to and the model that citizens and public associations use to fight corruption and latent institutions. The term of “digitalization” can have different meanings like other popular concepts of public administration. It sometimes simply means facilitating the flow of information from government to citizens; replacing old, closed decision-making practices with a system in which citizens have the right to know what their leaders are doing. Nowadays, however, the term takes on a broader meaning. It has become a catch-all tag mark for a more transparent and accessible governance system in which information flows freely to and from government through a multitude of digital channels. In such a system, information sharing is the norm in the state sector, and

significant resources, training, and administrative procedures are dedicated to the effective dissemination of knowledge and services (Strelchenko et al. 2021).

The development of digitalization processes in the world, the actual erasure of information borders, the displacement of illegal activity processes into the virtual environment gives rise to a whole series of fundamentally new both external and internal threats to the safety of the individual, society and the state, which inevitably poses new tasks for the law enforcement system.

The analysis of the concept of “law enforcement system” shows, however, that it is more voluminous than the concept of “system of law enforcement bodies”. The law enforcement system includes not only specialized law enforcement structures, but also some other state bodies that have a law enforcement purpose, as well as legal norms, institutions, legal means and methods (Bakaianova, Kryzhanovska & Kubaienko 2019). At the same time, an important organizational characteristic of the analysed system is the unity of law enforcement structures, which have a common subject of management and are endowed with the appropriate competence

3.2. THE GOAL OF THE LAW ENFORCEMENT SYSTEM

The goal of the law enforcement system is primarily the protection of vital human values, the inalienable rights and freedoms of a human being and a citizen. In such a case, the performance of the assigned duties by law enforcement agencies has a public-legal nature, that is, the performance of this function is their constitutional duty. It should be said that the current stage of the development of society is characterized by the transformation of many legal relations, caused by international contradictions, which are intensified by the transition to

digitalization and other features of legal development, which objectively implies the modernization of the modern understanding of the entire state-legal system.

In our opinion, the law enforcement system is a set of state and municipal structures that perform specialized law enforcement functions in the sphere of ensuring the legality and safety of society with the aim of protecting the rights and freedoms of citizens, their associations and state institutions from crimes of various nature. This approach is most relevant due to the fact that the implementation of state activities to ensure legality and security is a constitutional duty of law enforcement structures and other state bodies, whose activities are related to ensuring the protection of the interests of the individual, society and the state.

The problem of reforming the system of law enforcement agencies of Ukraine is becoming more and more relevant in the general process of democratization of society and the state, as well as their transformation in connection with the need to approach European and Euro-Atlantic standards (Bondarenko et al. 2020; Kubaenko et al. 2021; Shvets et al. 2020). In this context, it is worth talking about the modernization of law enforcement agencies, which can be understood as a complex process of reforming existing and creating new institutions, as well as borrowing those cultural norms that correspond to the best standards and values of developed democratic countries. The essence of modernization is to update or form new institutions that create conditions for the transformation of interpersonal relations in the sphere of political, legal, economic, social relations on the modern basis of recognition of the principles of democracy, the rule of law and human rights, the social welfare, established international norms of coexistence of countries.

3.3. USING DIGITAL TECHNOLOGIES IN THE ACTIVITIES OF LAW ENFORCEMENT AGENCIES

To assess the potential of using digital technologies in the activities of law enforcement agencies, it is appropriate to consider various aspects of the quality of state administration in the law enforcement sphere (reasonableness of state intervention, effectiveness and efficiency), as well as to analyse the needs of state administration in the law enforcement sphere, on the one hand, and to identify opportunities and limitations on the use of digital technologies to meet such needs, on the other hand.

In such a case, it is proposed to consider the following as criteria for the expediency of introducing certain digital technologies into the activities of law enforcement agencies:

- effectiveness – the introduction of this or that digital technology should contribute to meeting the needs of improving the quality of law enforcement activities in this aspect and, therefore, ensuring the enhancement of the effectiveness of law enforcement activities and its specific parameters (for example, the introduction of technology may lead to a reduction in the terms of execution of certain state functions, reducing the frequency of endamagement cases, etc.);

- economic efficiency – the implementation of one or another digital technology in law enforcement activities should contribute to the reduction of budget costs (at least the costs of maintaining administrative offices, operating costs) and / or the costs of citizens and organizations at least in the medium term;

- external competitiveness – the presence of conditions and parameters, standards and expectations set by external parties (for example, the level of development and expectations of citizens for high-quality implementation of law enforcement activities based on the experience of their interaction). The analysis diagram is shown in Figure 1.

JOURNAL OF LAW AND POLITICAL SCIENCES (JLPS)

It is worth analysing some problems of the existence of the global information space while assessing the potential of using digital technologies in the activities of law enforcement agencies.

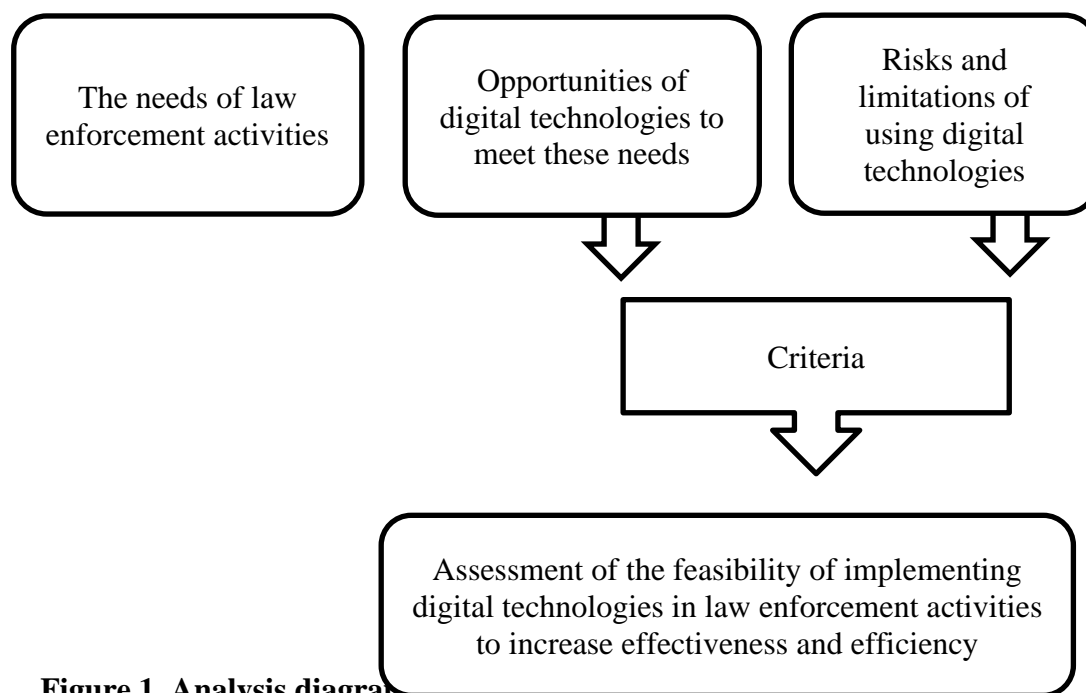


Figure 1. Analysis diagram of the potential of using digital technologies in law enforcement activities

In the first place, digitization of many technological processes will inevitably lead to an increase in unemployment. Thus, in an ideal space, professional personnel should be sent to refresher courses in order to meet the new conditions of production. One should also not forget about the geographical location, which is guaranteed to provide a specific state (for example, Ukraine) with a flow of labour migrants who replace unskilled work positions. The relationship between poverty and crime is the alpha and omega of almost any criminological trend.

The following preventive measures should be actively implemented in order to avoid processes that are developing and may acquire contours in the form of a sharp jump in general criminal maleficence over a period of 2022-2025: strengthening migration legislation, making it more difficult to obtain Ukrainian

citizenship and a temporary residence permit. These measures are directly opposite to the currently existing trends in the migration sphere. We believe that in parallel with the system of ensuring the continuous professional growth of specialists (Cunnien 2017; Okhrimenko et al. 2020; Sheremet et al. 2020), which is currently fully provided by the field of education, the state should create an additional number of work positions that will not require special qualifications, which can be quickly released for citizens.

In the second place, according to the materials of the UN report in Geneva in 2019 on digital economy, state authorities are still unable to develop adequate measures to overcome cyber threats due to the constant change of priorities and the lack of empirical material based on the results of any management decision (Digital economy report 2019). The newest trend in the economy is the creation of information platforms with subsequent monetization of the collected information. Accordingly, the law enforcement system of Ukraine should significantly expand the existing system of analytical monitoring of the quality component of the information platforms created on the basis of some law enforcement agencies.

The difficulty of solving the immediate and objective problems of the transformation of law enforcement systems lies in the fact that any mistakes made in the process of preparation, adoption and implementation of management decisions in the subject area under consideration can result in extremely difficult consequences for the state and society, and also cause a significant public outcry. This requires careful prognostic analysis of the possible consequences for the stages of preparation of decisions. The use of developed models and analysis technologies based on the methodology of developing scenarios of complex weakly formalized systems, which allows for the study of their behaviour under various strategic management influences serves this very purpose.

The processes of digitization that take place in modern society significantly transform the entire complex of historically formed social relations and mechanisms of social interaction of the subjects of these relations, and the

increase in the mobility of social relations puts forward new high requirements for the effectiveness of the law enforcement system. The objective reason for this state of affairs is the fact that modern trends in the development of the information society have led to a significant increase in the destructive influence of the growing scale of illegal activities, as well as new and increasingly sophisticated methods of committing crimes in the virtual environment. In fact, the new reality requires a comprehensive and thorough analysis of the goals, tasks, powers and methods of work of the entire system of law enforcement agencies, taking into account both the force component and the support unit. It is already obvious that it is possible to adequately face new challenges only by increasing the efficiency of management and coordinating the activities of various elements of the law enforcement system.

3.4. THE CRITERIA FOR THE PERFORMANCE OF THE LAW ENFORCEMENT SYSTEM

The system of criteria for the performance of agencies and units that are part of the law enforcement system is equally important (Kryvolapchuk et al. 2020; Reznik et al. 2020). The set of criteria and assessment indicators of the effectiveness of all subjects of law enforcement activities, without exception, must correspond to a single system of goals, because the results of their work cannot be evaluated in isolation from the general assessment of joint coordinated activities. At the same time, the requirement of full compliance with established legal norms and legal restrictions should be the basis of the process of assessing the effectiveness of law enforcement activities.

In contrast to the designated purpose, which determines the purposefulness of the law enforcement system, the essence of its functioning and the set of most important tasks, efficiency criteria are indicators that determine the effectiveness of the process of achieving the goal. The extreme value of this indicator characterizes the maximum possible efficiency of the process of achieving the

goal, expressed in certain units of measurement. It is worth distinguishing two main types of criteria for the effectiveness of organizational management. The efficiency criterion of the first type reflects the level of goal achievement by the management system. If the goal is defined by a set of output parameter values, it is represented by a point in the output space. Since there is a relationship between the state of any control system and the values of its output parameters, the goal of the system is to achieve a certain state, and the first type of efficiency criterion is an assessment of the “distance” between the current position of the image point and the goal point within the space of states of the object of management. The criterion of the second type allows you to assess and compare different trajectories of the system’s movement towards the goal, that is, to actually assess how effectively the set goals are achieved. A compromise criterion of efficiency is also very often used, which allows to simultaneously assess both the parameters of the path and the degree of achievement of the goal by the system. The ability to measure the effectiveness of the path and the degree of goal achievement in the same units is a necessary condition for using the compromise criterion.

The development of solutions aimed at reducing the negative impact of administrative barriers in the activities of the law enforcement system requires considerable attention (Fedorenko et al. 2020; Strelchenko et al. 2020). Striving for the complete elimination of these barriers is hardly expedient, since their existence is one of the objective properties of any multi-level hierarchical territorially distributed system of organizational management. At the same time, the negative impact of these barriers on the final result can be significantly reduced by harmonizing the goals and performance criteria, as well as the structure and functions of the law enforcement system.

Currently, it is obvious that the effectiveness of law enforcement mechanisms largely depends on the level and quality of interdepartmental interaction of all elements of the law enforcement system. What is more, this interaction should be aimed at achieving a single goal i. e. preventing, stopping

and solving crimes. In such a case, the structural and functional organization of the law enforcement system must ensure the comprehensiveness, operational interconnection and complementarity of the departments and units that are part of it, as a necessary condition for ensuring the effectiveness of combating illegal actions in the virtual environment due to the complexity of their prevention, detection, investigation, collection of legally significant basis, search and other procedural processes (Keeling & Losavio 2017; Loskutov et al. 2020; Lukashevych et al. 2021).

3.5. STATE POLICY IN THE FIELD OF ORGANIZATIONAL AND LEGAL SUPPORT OF THE LAW ENFORCEMENT SYSTEM

Various factors that determine the system's activities are of the greatest importance in the course of forming state policy in the field of organizational and legal support of the law enforcement system. When determining the legal and axiological guidelines of modernization processes, it is necessary to take into account the extent of the spread of democratic transformations in society, the reality of observing constitutional values, which consolidates the foundations of the relationship between a man and the state; when creating a model of tactical and resource (personnel, scientific and technical, financial) guidelines, it is necessary to take into account the state of crime and offenses; when determining the organizational, institutional and functional guidelines for the development of the law enforcement system, it is required to rely on the developed regulatory model that establishes the designated purpose of law enforcement agencies in society.

4. CONCLUSIONS

Realities of life, of course, require further more detailed analysis and study of all issues that directly or indirectly determine the processes of functioning of

law enforcement agencies, the effectiveness of their solving specific law enforcement tasks in the conditions of digital transformation of the law enforcement system and the development of the information society.

At the strategic level, the changes taking place in modern society, associated with the development and large-scale introduction of information technologies in all spheres of human activities, require providing law enforcement activities with a purposive character. This means, first of all, that the functioning of the constituent elements of the law enforcement system must be coordinated and aimed at achieving a set of main goals, on the basis of which specific tasks, functions, principles and work results are outlined.

Modernization of the law enforcement system is not just its transformation or reconstruction, but primarily the consideration of such positions as: a) society's expectations in the sphere of ensuring law and order as well as legitimacy; b) national traditions, including those related to the development of law enforcement agencies; c) positive experience of states in terms of law enforcement and observance of human rights and freedoms; d) the need to set real tasks before law enforcement agencies that correspond to their potential capabilities.

Law enforcement agencies in the context of the intensification of the process of public relations informatization should contribute to the development of the Concept of digital development of the law enforcement system, according to which a favourable regime for the implementation of "digital transformation" will be provided; an information environment will be formed taking into account the needs of the population and entities of economic activities; a system of information protection and document circulation will be introduced; directions of interaction of law enforcement agencies with citizens, authorities and public associations, etc. will be outlined.

References

- Ahn, S.J. Three characteristics of technology competition by IoT-driven digitization, 157(120062), 2020, *Technological Forecasting and Social Change*, USA. <https://doi.org/10.1016/j.techfore.2020.120062>
- Aleksandrov, D., Okhrimenko, I., & Drozd, O. Psychological adaptation of Ukrainian National Police officers for law enforcement activities, 11, 2017, *Science and Education*, Ukraine. <https://doi.org/10.24195/2414-4665-2017-11-4>
- Bakaianova, N., Kryzhanovska, O., & Kubaenko, A. The role of law enforcement in ensuring the rights of citizens, 10(8), 2019, *Journal of Advanced Research in Law and Economics*, Romania. [https://doi.org/10.14505/jarle.v10.8\(46\).03](https://doi.org/10.14505/jarle.v10.8(46).03)
- Bondarenko, V., Okhrimenko, I., Yevdokimova, O., Sydorchuk, N., Dzhazhyk, O., Boichuk, I., Kalashnik, N., Kozlovets, M., Slyusar, V., Pavlenko, V., Biruk, N., Verbovskiy, I., & Bloshchynskiy, I. Professional skills and competencies of the future police officers, 9(5), 2020, *International Journal of Applied Exercise Physiology*, Iran. <http://www.ijaep.com/index.php/IJAE/article/view/975>
- Cunnen, K. D. Investing in Youth Work: Learning from Complexity, 12(1), 2017, *Journal of Youth Development*, USA. <https://doi.org/10.5195/jyd.2017.491>
- Digital economy report. (2019). Retrieved from https://unctad.org/system/files/official-document/der2019_overview_en.pdf. Date of publication: 04.09.2019.
- Fedorenko, O., Dotsenko, V., Okhrimenko, I., Radchenko, K., & Gorbenko, D. Coping behavior of criminal police officers at different stages of professional activity, 11(2), 2020, *BRAIN. Broad Research in Artificial Intelligence and Neuroscience*, Romania. Retrieved from: <https://doi.org/10.18662/brain/11.2/78>
- Keeling, D., & Losavio, M. Public security & digital forensics in the United States: The continued need for expanded digital systems for security, 12(3), 2017, *Journal of Digital Forensics Security and Law*, USA.
- Kryvolapchuk, V., Kulyk, O., Barko, V., Kalynovskyi, B., & Kosiak, N. Attitude of young people to the criminality problem in Ukrainian postmodern society, 11(1Sup1), 2020, *Postmodern Openings*, Romania. <https://doi.org/10.18662/po/11.1sup1/125>
- Kubaenko, A., Okhrimenko, I., Kryzhanovska, O., Kislitsyna, I., & Hryshchenko, M. The police competence to ensure the rights and freedoms of citizens in modern society. 39(69), 2021, *Cuestiones Políticas*, Venezuela. <https://doi.org/10.46398/cuestpol.3969.09>
- Loskutov, T.O., Bilianska, N.V., Ustinova-Boichenko, H.M., Beschastnyy, V.M., & Dubivka, I.V. The law-enforcement system in the civil rights and freedoms protection system: the international comparative aspect, 42, 2020, *Revista San Gregorio*, Ecuador.
- Lukashevych, V.H., Deev, M.V., Kaliuga, K.V., Uzunova, O.V., & Rud, D.O. Modern law enforcement agencies of Ukraine: Reform problems and development

- prospects, 29(4), 2021, *Journal of Law and Political Sciences*, Jordan. Retrieved from <https://drive.google.com/file/d/1QC9SYuNbdTTo7rVq50Z1BvLYY9iGxalt/view>
- Martincevic, I. The correlation between digital technology and digital competitiveness, 16(2), 2022, *International Journal for Quality Research*, Serbia. <https://doi.org/10.24874/IJQR16.02-13>
- Miloradova, N., Okhrimenko, I., Dotsenko, V., Matienko, T., & Rivchachenko, O. (2022). Training technologies as a means of communicative competences development of prejudicial inquiry agencies' investigators, 13(2), 2022, *Postmodern Openings*, Romania. <https://doi.org/10.18662/po/13.2/441>
- Okhrimenko, I., Yevdokimova, O., Shvets, D., Pakhomova, N., & Fediy, O. Police training or police education: View on the matter, 9(12), 2020, *International Journal of Applied Exercise Physiology*, Iran. Retrieved from <http://ijaep.com/index.php/IJAE/article/view/1244>
- Ponomarenko, Y., Okhrimenko, I., Klymenko, I., Shvets, D., Yevdokimova, O., & Okhrimenko, S. Peculiarities of decision making by police officers with different levels of professional self-fulfilment, 13(2), 2022, *BRAIN. Broad Research in Artificial Intelligence and Neuroscience*, Romania. <https://doi.org/10.18662/brain/13.2/346>
- Reznik, O., Andriichenko, N., Zvozdetska, I., Zarosylo, V., & Hryshko, V. Assessing the activities of the police as a part of the national security sector: Experience and prospects, 1(1), 2020, *Revista Gênero E Interdisciplinaridade*, Brasil. <https://doi.org/10.51249/gei.v1i01.32>
- Strelchenko O., Bass V., Horbach-Kudria I., & Myrhorod-Karpova V. Administrative and legal status of subjects of the state's financial system management: innovative standards and system modernization in Ukraine, 29(4), 2021, *Journal of Law and Political Sciences*, Jordan. Retrieved from <https://drive.google.com/file/d/1QC9SYuNbdTTo7rVq50Z1BvLYY9iGxalt/view>
- Strelchenko O., Okhrimenko I., & Martynenko D. Character of public administration by the digitalization process during health care virtualization, 33(2), 2022, *Journal of Law and Political Sciences*, Jordan. Retrieved from https://drive.google.com/file/d/1i5uzRwkFvDS9t1_4yZ5d77WvwGmv6ZwN/view
- Shvets, D., Yevdokimova, O., Okhrimenko, I., Ponomarenko, Y., Aleksandrov, Y., Okhrimenko, S., & Prontenko, K. The new police training system: Psychological aspects, 11(1Supl1), 2020, *Postmodern Openings*, Romania. <https://doi.org/10.18662/po/11.1sup1/130>
- Zakharov, V., Ludushkina, E., Kislinkaya, M., Kornilova, E., & Novikov, A. Digital transformation of enterprise trends, factors, results, 35(1), 2022, *Nexo Revista Cientifica*, Nicaragua.