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The Role of Law Enforcement in Ensuring the Rights of Citizens

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Abstract:

The paper investigates human and citizen rights in Ukraine, their reflection in modern international regulations, in the laws of Ukraine. The features of the implementation of law enforcement in modern conditions are considered through the lens of the experience of other countries. The possibility of reforming the law enforcement system for improving its efficiency was analysed. To achieve the purpose and form conclusions, various criteria for the effectiveness of law enforcement were considered. Particular importance in solving this issue was given to the analysis of foreign experience. The experience of other countries and world communities will allow to implement the best methods of law enforcement in Ukraine and improve its efficiency, paying particular attention to the rights of citizens even in high alert conditions (for example, in emergency situations, when human rights are minimized). Two leading approaches were used in the study: general theoretical and general historical. They helped identify the strengths and weaknesses of the current system in Ukraine and formulate specific positions for improving the activities of law enforcement agencies of Ukraine in protecting citizens' rights.

Keywords: law enforcement system; human rights; law enforcement agencies; reform; international organizations.

JEL Classification: K42; F53; O19.

Introduction

In a modern civilized society, every person has rights that allow them to develop and determine the measure of their freedom. From philosophical, legal, and political standpoints, the concept of human rights is a complex, multifaceted, and contradictory. What interests us is the legal aspect of the issue, where rights are treated as measures of possible behaviour established at the legislative level in accordance with moral requirements. If we consider them in terms of correlation between the individual and the state, then they serve as the limit for the exercise of state power. The rights of a citizen in any country constitute the means of protection necessary to combat and repel global threats, including economic, environmental, thermonuclear, rising crime, morbidity and other dangerous phenomena. Exercise of these rights and ensuring their protection is an opportunity for citizens to possess predetermined material and spiritual benefits. To implement human rights, special legal provisions, moral principles, political requirements, and religious dogmas are developed, and to ensure the rights of a citizen, legal provisions of each individual country are developed.

The theoretical significance of this work is the definition of the concept of human rights in Ukraine based on existing legal documents and the study of the opinions of political scientists and specialists, including foreign ones, regarding the realization of rights in our country. In a global understanding, social rights are a set of rules enshrined in the provisions of international and domestic law aimed at ensuring the social sphere, an adequate standard of living, the status of social groups, social freedoms, and social security. The state plays an active role in the exercise of social rights. The protection of human rights is possible both at the domestic and international levels, and the protection of the rights of a citizen is possible only at the state level. International standards for human rights are enshrined in the International Bill of Rights, and when a state develops its regulatory framework, it must use them as guidelines. The rights of citizens in each individual country may correspond to international standards or may be higher than them. The main thing is that they are not lower.

According to many Ukrainian political scientists and legal scholars, the system of social rights and freedoms in any country should include the right to: decent life, work, health, education, housing, fair and favorable working conditions, social security and social protection, and creation of trade unions. The UN Universal Declaration of Human Rights of 1948, the International Covenant on Economic, Social and Cultural Rights, the European Social Charter of 1961, the CIS Convention on Rights and Freedoms, the constitutions of many states, including the Constitution of Ukraine, do not contain a clear division of rights according to international classification.

Thus, in various volumes, social rights are consolidated both at the international level and in the constitutional law of many states. Since the second half of the 20th century, the constitutional law of various states of the world has displayed a tendency to expand the list of constitutional social rights. Human rights in Ukraine also belong to the basic, formally consolidated in the Constitution of Ukraine (section 2 'Rights, freedoms, and duties of human and citizen'). With that, international experts have repeatedly expressed doubt that these rights are actually being exercised, explaining this by the presence of such issues as the corruption of the political system, the absence of a fully independent judicial system, insufficient protection of freedom of speech, etc. Furthermore, based on international experience, political scientists and international organizations proposed changing the structure of the law enforcement system of Ukraine, increasing its efficiency. That is why it was decided to investigate the issue of law enforcement in Ukraine in more detail and develop measures that will improve the efficiency of the law enforcement sector and bring the state closer to international standards in human rights.

The practical significance of the paper is the development of measures facilitating successful reform for the integration of Ukraine into the European Union. The main reform necessary to become a full member of the European Union is the reorganization of the state law enforcement system. The objectives of such a reform are not only the adaptation of the organizational structure, powers, leadership of law enforcement agencies to the requirements, needs of the modern development of socio-economic relations, and the political situation in the state, but also the contingency of law enforcement structures with the public, which is a prerequisite for increasing their responsibility for their activities before the citizens of the state, in whose interests they must act. In recent years, a large-scale reform of law enforcement agencies of Ukraine has already been underway. To date, a set of measures has been implemented for the initial stage of reform. Practice shows that although the reform has yielded certain positive results, further reforms are still necessary. To this end, in the process of reforming Ukrainian law enforcement agencies (and, in particular, the police), an analysis of issues relating to criteria for evaluating the effectiveness of law enforcement is relevant.

The place of law enforcement agencies in the state, guidelines, current status and prospects for their reform were studied in the works of such scientists as Kuchuk (2014), Skakun (2001), Arutyunov *et al.* (2011), Ortynsky (2015), Panyonko (2014), Sokolenko (2013), Sokurenko and Savitskaya (1981), Turuta (2010) and others. Human rights issues have also been addressed in foreign reports and reports of the Conference on Security and Cooperation in Europe (CSCE) and in the UN Declaration. Reforms of law enforcement agencies that ensure the financial and economic security of the state have also become relevant for scientific research, as proven in researches of Volynka (2000), Yermolenko (2002), Svechnikov (2016), Zavorotchenko (2002), Khalota (2001), Reznik and Andriichenko (2019) and others. They paid substantial attention to the definition of subordination, authority, and structure of law enforcement agencies. With that, aspects no less important remain, namely the participation of citizens in overseeing the activities of these bodies. Therefore, issues of improving the efficiency of law enforcement in Ukraine are fragmented and require detailed investigation.

The paper investigates the most acceptable criteria for assessing the quality of the work of law enforcement agencies in Ukraine and presents methods for their application. Unfortunately, earlier studies of this issue (both by domestic and foreign political scientists and members of international human rights organizations) were unable to formulate specific recommendations, constructive solutions and proposals for improving the law enforcement system. The scientific interest in such studies is of obvious practical importance. Based on the results of such an

analysis, a sample is made, according to which it is possible to extract useful data for the future, to identify key areas for reform. One can also anticipate the issues that may arise in the implementation of the goals and objectives, develop a more complete methodology for the development of the law enforcement system, conduct timely adjustments to the already developed reform programs.

1. Materials and Research Methods

To investigate the current law enforcement system in Ukraine and develop measures to increase its efficiency, when studying the issue of human rights in the country and in the world community, scientific works, regulations and papers on law of both domestic and foreign authors were used. Furthermore, the reports 'Organization of the law enforcement system in some federal countries of the world' prepared by the Russian Committee of Civil Initiatives of the Russian Federation, the Bureau of Democracy, Human Rights and Labour, Social Science Research Network and other international organizations formed the basis for research and comparison.

The methodological base of the research includes general scientific methods of cognition, including the principle of objectivity, systemicity. At the initial stage of the study, the observation method was used, without which it is impossible to collect primary social information and to register phenomena, situations, processes and data that are significant from the standpoint of the main purpose (development of methods to increase the efficiency of law enforcement in Ukraine), necessary for drawing conclusions and verifying them. Thus, the observation method allowed to compare the reports of Ukrainian and foreign experts in the field of human rights, the constitutions of different countries, the regulations of international organizations and bodies protecting citizen rights. Additionally, a survey was used to collect data – one of the most widely used methods for collecting primary information. This method allowed to collect statistical information that shows the level of satisfaction with the current law enforcement system in the country among citizens of Ukraine, as well as to develop a universal scheme for reforming law enforcement agencies.

The method of comparison and generalization enabled to comparison of the law enforcement system of Ukraine with similar law enforcement activities of other countries, such as the USA, the Russian Federation, and the countries of the European Union, and to establish the main similarities and differences between them. Thus, for example, it was revealed that, unlike most post-Soviet countries, the United States does not have a unified police headquarters. That is, the country (and even its individual states) has not created a centralized body that manages the law enforcement system. Moreover, in the USA there is not even such a term as 'The police of America'. Instead, each state or municipality opens its own police department, which has its own laws and regulations. In Ukraine, on the contrary, the police are an integral part of a unified centralized law enforcement system, which helps to rely on a unified regulatory framework and not distort the legislation, which anyone can interpret in their own way.

The modelling method was used to build up a concept for the development of the law enforcement system of Ukraine and increase its efficiency, proceeding from the experience of the EU countries. Integration with the EU requires a change in the current structure of law enforcement agencies and a review of their performance indicators according to the following key areas:

- criminal statistics (the number of murders and other crimes per capita, crime detection, etc.);
- statistics of police appeals, the structure of these appeals, etc.;
- the number of employees of law enforcement agencies and their ratio with the population;
- the financing system, the ratio of the costs of ensuring the activities of law enforcement agencies and the amount of material damage prevented and compensated by the police;
- economic factor: the maximum reduction in crime at a given level of budget expenditures to protect the rule of law;
- level of corruption in law enforcement agencies;
- results of control by supervisory authorities;
- results of public control;
- results of opinion polls;
- reports of the ombudsman;
- the number of private security structures and their correlation with the number of law enforcement officers;
- system of filling positions in law enforcement agencies – appointment or election;
- number of staff;
- number of crimes (registered, solved, unsolved);
- change in the number of crimes for a certain period of time;

- amounts of funding for law enforcement agencies;
- share of expenditures on ensuring the activities of the police in GDP;
- public opinion on the activities of law enforcement agencies, including the level of trust of citizens.

The efficiency of the law enforcement system without abusing the rights and freedoms of citizens can be improved only based on these principles and striving to improve statistical indicators per both 1 police officer and 1 citizen.

2. Results and Discussions

Human rights and freedoms are enshrined in section 2 of the Constitution of Ukraine. Equal rights and freedoms, as well as obligations, are consolidated for all citizens, regardless of their place of residence and movement throughout the country. The highest social values in accordance with the Constitution are a human life, their honour, dignity, health, integrity, and security. The main duty of Ukraine is to ensure personal, political, socio-economic, cultural, and legal rights of citizens. Law enforcement agencies were created to control and ensure the protection of the rights of citizens of Ukraine. The legislative framework should be aimed at governing the activities of these bodies and improving the system (Alizade 2011). Furthermore, for the protection of human rights, it is advisable to apply the world experience of both individual states and international organizations that develop unified requirements and provisions on protection.

At present, there is no clear legislatively consolidated list of law enforcement agencies in Ukraine. But an ordinary citizen understands them to as agencies that must exercise daily protection of their rights, freedoms and interests from criminal encroachments, and workers of which they often have to face in everyday life. According to the polls, these are the police, prosecutors, State Security Service, tax authorities, and the border guard service. It is this part of the law enforcement system that requires deep reform, and it should become one of the priorities of the government (Janmaat 1999). Among the reasons that indicate the need for a radical reform of law enforcement agencies are the following: a high level of corruption, individual employees exceeding their authority, abusing their position to implement their personal business projects, the priority of protecting the wealthy segments of society, the dominance of nominal formal indicators in work, poor-quality educational, physical, and psychological training of candidates, manipulation of departmental press services. Another reason is the low logistical support of law enforcement agencies, although this situation is gradually improving. For example, for the countries of Central and Eastern Europe, the average security indicator is 40 thousand USD per policeman, and in Ukraine in 2014 the government provided 57.8 thousand UAH or 6.4 thousand USD per policeman for the apparatus of the Ministry of Internal Affairs, which is 6 times less than in Europe. In 2019, the budget allocated to law enforcement agencies increased significantly, so the main thing now is to control where this money will be directed.

The draft Concept for the Reform of Law Enforcement Agencies of Ukraine notes that the existing model does not meet the growing needs of society and generally accepted international democratic standards by many criteria (Final Report of the International...). This can become an obstacle for the further development of legal relations in the economic, socio-political, and other fields of public and state life, the formation of a full-fledged civil society (Volevodz 2012). However, the specified requires clarification. It is necessary to emphasize that the activities of law enforcement agencies may become an obstacle to the further development of society not only in the near future, but in fact they already are. In particular, according to the results of 2019, the level of the shadow economy of Ukraine amounted to 33% of official GDP (in essence, a third of the national economy is criminalized).

This situation is caused by several factors, among which scientists distinguish the following:

- incorrect and unprofessional reform of the state law enforcement system;
- lack of coordination and interaction in the work of law enforcement agencies;
- lack of a national strategy to combat crime in the country;
- violation of the principle of inevitability of punishment;
- economic decline of the state.

Particular attention must be paid to false and unprofessional reform. In particular, in 2014, the reform of the internal affairs bodies and the prosecutor's office was carried out. A National Anti-Corruption Bureau was created, which was supposed to bring the state closer to the requirements of the European Union, but in fact did not significantly affect the functioning of the law enforcement system as a whole. Thus, the emergence of new law enforcement structures requires the solution of several organizational issues, one of which is the development, consolidation, and practice of mechanisms for the interaction of the new body with existing ones or the adaptation of the reorganized system of bodies, as was the case with the internal affairs bodies. However, practice proves that it is quite difficult to deviate from the model of activity that initially existed in the state. With that, it is not enough to

reorganize or create a new law enforcement agency, since apart from the issue of financing, interaction with other entities, one should determine how its performance will be evaluated (XII United Nations Congress...).

Today, many scientific works cover this issue. Thus, the results of sociological studies indicate that among important sources and criteria upon forming an assessment of the work of law enforcement agencies, foreign experts see statistical data on the results of work in the main areas of activity and the amount of state compensation for losses caused by financial and economic crimes. At the initial stage, it is permissible to use indicators such as the number of registered and the percentage of solved crimes, but in the future, it is necessary to move away from these criteria, because they do not evaluate the extent of crimes, their complexity, and other important factors.

Despite the fact that according to the Law 'On the National Police of Ukraine' dated July 2, 2015, citizens' trust in the police constitutes the main criterion for evaluating the efficiency of their activities, experts give it only third place after statistics and compensation for losses. In the current legislation, only a part of the principles of law enforcement bodies is approved – auditability and accountability before the society and state bodies determined by law, openness to democratic civilian control. But to increase efficiency, it is necessary that citizens can independently control their activities, for which it is necessary to amend legislative acts.

The results of a sociological survey of scientists, experts, and law enforcement officials indicate that society should monitor the activities of law enforcement agencies through regular reports on its activities to society. This position is supported by 34.15% of respondents, and another 23.17% believe that authorized representatives of public organizations should be able to monitor the activities of law enforcement agencies. With that, it was the interviewed experts from the field of science and education who expressed their position much more often regarding the advisability of evaluating the activities of law enforcement agencies with consideration of the results of periodic surveys of the population (77.78%).

World and domestic experience prove that the formal existence of institutions of representative democracy to create transparency in the activities of law enforcement agencies is not enough: such legal mechanisms are required that can ensure public influence (Tebin 2008, Filatov 2016). Effective public control over their activities is an important task for the state, considering the need for real security of the status of a democratic, social, and constitutional state defined by the Constitution of Ukraine and factoring in the strategic course towards integration into the EU. Public control is understood as the activities of the public (particular private individuals and (or) public associations), which aims to verify, monitor, counteract, prevent, or terminate illegal actions, decisions, or inaction of public administration entities and objects. It used to be this way before. For example, the Law of Ukraine 'On Democratic Civilian Control over the Military Organization and the Law Enforcement Agencies of the State', which lost force in 2018, attributed public control to the civilian control system, and citizens of Ukraine and public organizations to subjects of civilian control.

A comparative analysis of the indicators of the efficiency of law enforcement in different foreign countries is a rather challenging task, because:

- often statistics become available with a large time shift (several years);
- the results of the comparative analysis may be incorrect – not all countries provide similar information;
- statistics are not always comparable with each other due to, for example, differences in the composition of crimes, in the criminal law system, in the functions assigned to law enforcement agencies, in particular to the police;
- statistics are not always collected and systematized according to a single methodology.

Along with this, the listed issues do not cancel the fundamental possibility of using the information of international statistics for analysis. Thus, for example, police staff are significantly different from each other in different foreign countries. Figure 1 shows statistics on the number of police officers in several countries per 100 thousand people of the population.

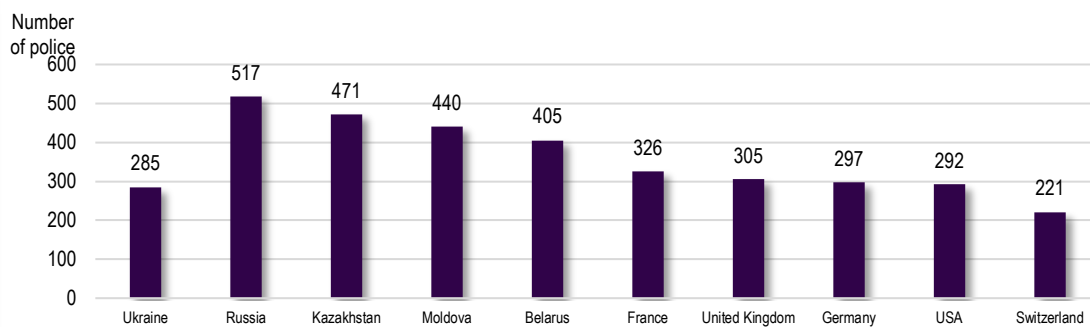


Figure 1. The number of police officers per 100 thousand people of the population

The analysis of the data suggests that the values of the indicator 'Number of police officers per 100 thousand people of the population' are in a fairly wide range. The analysis of UN experts suggests that the global average value of this indicator is circa 300 police officers per 100 thousand people of the population. UN recommendation on the optimal value of the indicator is 222 police officers per 100 thousand people of the population. Thus, Ukraine has something to strive for – to protect the rights of citizens without artificial 'overmanning' the staff. The considered indicator is one of the essential in developing mechanisms for improving the efficiency of law enforcement agencies. The number of police officers should be optimal. On the one hand, an excessive number leads to an unreasonable increase in budget expenditures, and on the other hand, a lack of staff contributes to an increase in crime, a decrease in crime detection, and a worsening of the criminal situation in the country.

The analysis indicates that each state decides on the optimal number of police officers, with consideration of its own specifics of development and the current situation. The experience of Japan with respect to the local police stations, the so-called 'koban', is interesting. The 'koban' includes the permanent staff who serve in the police. In Japanese cities, the 'koban' is located so that police officers must arrive in a matter of minutes after receiving a call in any place in the area. The time of the arrival of police at the crime scene is calculated very carefully. Such a detailed account of this indicator is conditioned upon the fact that the percentage of disclosure of crimes in hot pursuit when a policeman arrives at the crime scene within 3 minutes is several times higher than when arriving within 5 minutes, not to mention 15- and 20-minutes arrivals as is often the case in our country. As a result of the high speed of response, the Japanese law enforcement system provides some of the best indicators in solving crimes with small forces (there are even fewer police officers in Japan than in EU countries). The above example shows that when determining the optimal number of employees, it is important to consider the size of the state, population density, level of criminalization, and also factor in the national policy regarding service in law enforcement agencies, priorities and directions for its development, the results of previous stages of reform.

In the US, law enforcement reforms are ongoing. With that, since 1992, the crime rate has decreased on average by 2-3 times. Currently, in the United States, on the contrary, a policy of increasing the number of police officers is carried out. According to the US Bureau of Labor Statistics (BLS), during 2010-2020, the number of police officers should grow by about 7%. In 2010, there were circa 794.300 police officers. By the end of 2020, according to estimates by the Bureau of Labor Statistics, the total number of police officers should increase to 853.100 employees.

Another example from the experience of the police is the United Kingdom. Over the past 20 years, there has also been a tendency to reduce the number of various crimes. With that, starting from the first half of the 1990s, reforms were carried out in the UK, resulting in both a reduction (mainly due to budget cuts) and an increase in the number of police officers (Europol, basic information). Regarding the global tendencies, it should be emphasized that the activities associated with the reduction of the police are neither an innovation nor an isolated case. Individual foreign countries have been using such measures for a long time. Thus, according to the analysis of the policy of foreign countries regarding the number of police states, it is important to emphasize that each state decides these issues, factoring in a huge number of factors. With that, the most important argument in making decisions on changing the number of law enforcement officers is the budget, which is very limited for all countries with no exception (EU Regulation 2015/513 2015). At the same time, such an indicator as the size of budget allocations for

the maintenance of police units cannot be considered separately from other, no less significant indicators of the efficiency of law enforcement systems, for example, the level of criminalization in the country.

The analysis results indicate that it is impossible to trace a direct correlation between the number of crimes committed and the number of police officers. In other words, it cannot be stated unequivocally that the more police officers there are, the fewer crimes. It is also impossible to state with certainty that with a reduction in the number of police officers in a particular state, crime is naturally increasing. Indeed, the professionalism of the police depends on their training and retraining, and the crime rate depends on the state of the country's economy and many other variable factors. However, a study of foreign experience proves that certain global tendencies concerning the number of police officers and crime rates still exist. As a rule, in developing countries (which is typical for Africa and Asia) the crime rate is quite high, while in developed countries (which is typical for Europe, the USA, Canada, Japan) there are much fewer crimes both in absolute terms and per population size. With that, developed countries strive to adhere to the number of police officers (with a small dispersion) recommended by the UN. Thus, in developed countries (Western Europe and the USA) the number of police is in the range of 190-370 units per 100 thousand people of the population.

Analyzing the statistics on the crime rate of foreign countries, it can be assumed that in those countries where the number of police officers per crime is lower, the work of the police is more effective than in Ukraine. But at the same time, as already noted, when assessing the effectiveness of the law enforcement agencies of a state, it is important to consider the totality of factors, including the standard of living of the population, the socio-economic situation, and also consider the public opinion on the activities of the police and the degree of citizens' trust in this structure. Public opinion on the efficiency of law enforcement agencies includes many components. Thus, for example, the final report of the International Association of Chiefs of Police of the Administration of Justice (George Mason University, USA) 'Public image of the police' (hereinafter referred to as the report), published back in 2001, concluded that the public image of law enforcement agencies has a lot aspects that are grouped into three main categories: general image, perception of the performance of agencies, perception of processes of law enforcement.

The report highlights such elements that influence the level of public opinion, such as the experience of citizens interacting with law enforcement agencies, the age of respondents, the opinion of the media on the activities of law enforcement agencies, the level of welfare of citizens, the socio-economic status of citizens, place of residence, etc. For this reason, it is impossible to unequivocally talk about the high or low efficiency of law enforcement agencies, according solely to the 'public opinion' indicator. When assessing, it is necessary to consider all the variety of factors. For example, in the report, the public opinion was studied through the lens of evaluating the activities of the police, and this refers to the efficiency and quality of services provided to society.

Analyzing the activities of human rights defenders of foreign countries in the context of the provision of services, it should be stated that the most important indicators of the efficiency of law enforcement agencies are the amount of financing for law enforcement and the share of the cost of maintaining the police in GDP. In most of the foreign countries, police expenses account for 45-60% of all law enforcement expenses. In Ukraine, this figure fluctuates within similar limits, but was much lower during 2014-2018 despite difficult political circumstances and the socio-economic situation in the country. In other words, proceeding from international experience and the activities of law enforcement agencies of other countries, it cannot be argued that the specific measures carried out in these countries during the reform will improve the efficiency of law enforcement in Ukraine. But to unify the activities of law enforcement agencies, it is advisable to consider the recommendations and standards of international organizations such as the UN, the Human Rights Committee, the Committee on the Rights of the Child, the Council of Europe, the European Court of Human Rights, the OSCE and the Commonwealth of Independent States.

The efficiency of law enforcement can be improved through the introduction of a public control system. Achieving the goal of public control is possible only if citizens are constantly informed about their activities. According to the majority of respondents (almost 35%), the periodic publication of reports on the activities of the law enforcement agencies is sufficient for public control. This also follows the requirements of the laws of Ukraine 'On Information' dated October 2, 1992 and 'On Access to Public Information' dated January 13, 2011. Proceeding from the foregoing, it is obvious that informing the public on the activities of law enforcement agencies is one of the foundations of the activities of these agencies. It should also be noted that the legislator does not formally indicate the possibility of monitoring the activities of law enforcement agencies by public organizations, but in fact it exists. The importance of informing the public about the activity results of law enforcement agencies has been discussed more than once at the reports of human rights organizations and the UN, including in the book 'The Human Rights Encyclopedia' by Levish and Skatch.

In 2016, political expert Andrei Zolotarev expressed the opinion that the National Police is an agency of the law enforcement system that was created artificially and does not perform the functions that it should perform. In his opinion, in Ukraine there was no law enforcement system as such, and therefore little attention was paid to the rights of citizens and even more so of a person. The President listened and not so long ago a Law Enforcement Committee was created, which was supposed to oversee the entire law enforcement structure. But the public is still uninformed. Apart from information transparency, there is another way to improve the work of law enforcement agencies and achieve the results of the EU countries in this matter – continuous reform of the structure, with consideration of the recommendations of the UN and the EU, which is confirmed by data in numerous reports and reports of the Council of Europe and UN observers. For example, in 2017, the UN Human Rights Monitoring Mission published a report 'On the situation of human rights in Ukraine' from February 16 to May 15, 2017. Observers again noted Kyiv's disregard for international human rights standards, accused the government of building an authoritarian state that terrorizes the population and violates its rights en masse. Of course, in recent years, much has changed in Ukraine, but we are still far from the European level (Europol's European Counter...; Europol joins forces... 2016; Official site of the UN Office...).

Summing up the results of the study, it can be argued that the current structure of law enforcement agencies needs to be reformed, and to increase the efficiency of its activities, the following measures must be taken:

- gradual reduction in the number of police and other law enforcement officials to the standards recommended by the EU;
- increase in funding for this sector;
- consolidation of openness of law enforcement agencies at the legislative level, as well as the need to bring information and statistical data to citizens by publication in the media, the Internet, and other official open sources;
- permission for citizens of Ukraine to analyse data published by the police and other law enforcement agencies to assess work efficiency;
- development and approval of a methodology for evaluating the quality of law enforcement services and a system of bonuses and their cancellation for employees.

Conclusions

Based on the study, we shall present some conclusions. The above comparisons have a number of obvious drawbacks. For example, it can be seen from the statistics presented that in many authoritarian or developing countries, the police and other government agencies are small, but at the same time there is such a high indicator as a sense of security. It is unlikely that such a situation can be explained only by the high efficiency of law enforcement. Most likely, in developing countries, citizens are simply accustomed to a high crime rate and do not pay attention to manifestations of danger on the streets, and in authoritarian countries, security is ensured by a strict regime.

Considering all the existing shortcomings, we can assume that the Ukrainian law enforcement system is not the most effective among the countries of the world. Meanwhile, when using foreign experience, one cannot 'copy' or mechanically transfer certain methods of solving problems to Ukrainian reality. It should be borne in mind that some aspects of the reform are universal, while others are applicable only under certain conditions related to the political situation in the country, the corresponding level of economic and social development, traditions, geographic location, country's size, population size and density, and level of criminalization of society. A vivid example is the experience of developed foreign countries: Japan, USA, Great Britain, which develop and improve their law enforcement systems, with foremost consideration of the distinctive features of their country.

At the same time, there are objective prerequisites and reasons for applying the corresponding positive experience of foreign countries in the course of law enforcement reform in Ukraine. They are conditioned upon the fact that Ukraine, like other countries, is forced to solve many identical or similar issues – reducing crime; optimization of law enforcement agencies; improving the efficiency of budget allocations made to ensure the activities of law enforcement agencies; increasing public confidence in law enforcement; reduction of corruption in government bodies. Furthermore, a study of the practice of improving the efficiency of law enforcement in foreign countries allows to see the content of the work of law enforcement agencies and their issues, as if from the inside, from the perspective of non-interested actors, which can assist in successful reform.

References

- [1] Alizade, F.E. 2011. The legal foundation for joint (international) criminal investigations in European law. *Eurasian Law Journal*, 6: 48-58.

- [2] Arutyunov, S.A., Karpov, M.V., and Asmolov, K.V. 2011. *The General Historical, Sociocultural Context of Human Rights Issues in the Far East and Southeast Asia. Cultural Aspects and Law Enforcement Practices in the Field of Human Rights in the Far East and Southeast Asia*. Publishing House of the Higher School of Economics.
- [3] Filatov, D.S. 2016. Comparative analysis of the organization of the activities of the police of the Russian Federation and the USA. *Molodoy Uchenyi*, 8(1): 62-64.
- [4] Janmaat, J.G. 1999. Language politics in education and the response of the Russians in Ukraine. *The Journal of Nationalism and Ethnicity*, 12: 475-501.
- [5] Khalota, A. 2001. Methods of operation of law enforcement agencies to ensure the realization of human rights. *Pravo Ukrainy*, 5: 43-47.
- [6] Kuchuk, A.N. 2014. Law as a sociocultural phenomenon and legal civilization. *Bulletin of the Institute of Legislation and Legal Information of the Republic of Kazakhstan*, 4(36): 100-103.
- [7] Ortynsky, V.L. 2015. Law enforcement policy in the field of human rights protection in the context of the association of Ukraine with the EU. *Bulletin of the National University Lviv Polytechnic. Series: Law*, 824: 3-9.
- [8] Panyonko, I.M. 2014. Reasons and measures for reforming the law enforcement bodies of Ukraine. *Bulletin of the National University Lviv Polytechnic. Series: Law*, 801: 195-201.
- [9] Reznik, O.N., and Andriichenko, N.S. 2019. The participation of citizens in improving the efficiency of law enforcement agencies as subjects of protecting the financial and economic security of Ukraine. *Problemy Zakonnosti*, 2: 176-187.
- [10] Skakun, O.F. 2001. *The Theory of State and Law*. Konsum.
- [11] Sokolenko, O.L. 2013. The rights of citizens as an object of administrative legal protection. *Comparative Analytical Law*, 4: 230-234.
- [12] Sokurenko, V.G., and Savitskaya, A.N. 1981. *Right. Freedom. Equality*. Vyscha shkola.
- [13] Svechnikov, N.I. 2016. The essence of law enforcement. *Lex Russica*, 7(116): 28-37.
- [14] Tebin, N.P. 2008. Japan: Police must act as wise parents. *Militia*, 10: 124-129.
- [15] Turuta, O.V. 2010. Legal mechanism for ensuring the reality of citizens' rights and freedoms. *Forum Prava* 2: 519-523. Available at: <http://www.nbu.gov.ua/e-journals/FP/2010-2/10tovicg.pdf>
- [16] Volevodz, A.G. 2012. Legal networks in the field of judicial and police cooperation of the European Union. *International Criminal Law and International Justice*, 3: 9-12.
- [17] Volynka, K.G. 2000. *The Mechanism of Protection of Rights and Freedoms of the Person: Questions of Theory and Practice*. V.M. Koretskyi Institute of State and Law.
- [18] Yermolenko, D.O. 2002. *Legal Status of Man and Citizen in Ukraine as a Social State*. National University of Internal Affairs.
- [19] Zavorotchenko, T.M. 2002. *Constitutional Guarantees of Human and Citizen's Rights and Freedoms in Ukraine*. V.M. Koretskyi Institute of State and Law.
- [20] EU Regulation 2015/513. 2015. Official Journal of the European Union. Available at: http://eurlex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:JOL_2015_082_R_0009&qid=1427520950033&from=EN
- [21] Europol joins forces with EU FIUs to fight terrorism financing and money laundering. 2016. Available at: <https://www.europol.europa.eu/newsroom/news/europol-joins-forces-eu-fius-to-fight-terrorist-financing-and-money-laundering>
- [22] Europol, basic information. Available at: <https://www.europol.europa.eu/content/page/about-us>
- [23] Europol's European Counter Terrorism Centre strengthens the EU's response to terror. European Police Organization (Europol). Available at: <https://www.europol.europa.eu/content/ectc>
- [24] Final Report of the International Association of Chiefs of Police of the Administration of Justice (George Mason University, USA) 'Public image of the police'. Available at: <https://www.theiacp.org/resources/the-public-image-of-police>

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