

**ADMINISTRATIVE AND LEGAL SUPPORT
FOR THE ACTIVITIES OF LAW ENFORCEMENT AGENCIES
AND THEIR INTERACTION IN THE CONTEXT
OF MODERN CHALLENGES AND THREATS
TO THE NATIONAL SECURITY OF UKRAINE**

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INTRODUCTION

The system of law and order protection in society and the state is provided by a wide range of administrative and legal instruments, which, as various legal means used to solve various problems in society, are not just laws, but a whole set of legal "tools" that help regulate economic, political and social processes. Each of these instruments has its own purpose and is used depending on the specific situation.

Legal instruments play a key role in the mechanism of law, influencing the solution of two main goals: firstly, to systematize social relations within a certain field of law, taking into account their institutional specificity; secondly, to create a solid foundation that ensures the proper, effective and fair functioning of a specific legal mechanism. Without these instruments, achieving the relevant goals of ensuring law and order becomes impossible¹.

The need for proper protection of law and order is due to the fact that the system of its maintenance functions in a multifaceted process, which includes the formulation of generally binding norms and rules of conduct, the development of methods for the protection and restoration of violated human rights, and the application of state coercion if necessary. From an organizational and legal point of view, this process can be divided into three key elements, including:

- organizational and legal registration of the law enforcement function of the state as a specialized area of activity directly related to the maintenance of law and order;
- creation of functional and organizational structures for the implementation of the law enforcement function and the definition of their competence;

¹ Патерило І. В. Право як ціннісна категорія : автореф. дис. ... канд. юрид. наук : 12.00.01. К. : Ін-т держави і права ім. В. М. Корецького, 2006. 20 с.

– regulatory and legal consolidation of general and specific forms, methods and means of maintaining law and order by the relevant state bodies.

These elements form the law enforcement sphere of the state – a set of state and legal means, methods and guarantees that ensure the protection of the individual, society and the state from unlawful actions. In the context of adapting national legislation to EU requirements, effective legal regulation is possible only through the search for new approaches to its organization. These approaches must take into account existing socio-economic realities and objective differences in the mechanisms of law².

It is impossible to ensure proper law and order in the country without using a comprehensive set of administrative and legal instruments, understood as legal means (methods) used by public administration to exercise regulatory influence on participants in public relations that have developed in the field of public administration³.

1. Administrative and legal tools for law enforcement agencies in maintaining law and order

In legal theory, there is a broad interpretation of the concept of "legal instruments", which covers all means of legal regulation and influence. In the context of public administration, an instrument can be defined as an external manifestation of homogeneous administrative actions carried out by public administration entities within the framework of their legal powers to achieve the desired results. This instrument is characterized by features that: express the external form of administrative activity; reflect the dynamics of processes in public administration; are determined by the competencies of public administration entities; are related to the performance of administrative duties; are selected depending on the specific goal and object of influence to ensure maximum efficiency. The choice of a public administration instrument depends on the specifics of the task and is aimed at achieving the most effective result in a specific situation⁴.

² Бондаренко В. А. Окремі аспекти підвищення ефективності норм адміністративного права у період адаптації законодавства до вимог Європейського Союзу. *Наук. вісник Львів. держ. ун-ту внутрішніх справ*. 2016. Вип. 3. С. 134–142 ; Ковалів М. В., Боровікова В. С. Охорона правопорядку як одне із завдань діяльності поліції. *Науковий вісник Львівського державного університету внутрішніх справ*. 2018. № 2. С. 184–192.

³ Казміришин Е. О. Адміністративно-правові інструменти забезпечення реалізації державної політики у сфері європейської інтеграції України. URL: chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/http://apnl.dnu.in.ua/5_2019/19.pdf

⁴ Адміністративне право України. Повний курс : підручник / Галунько В., Діхтєвський П., Кузьменко О. та ін. / за заг. ред. В. Галунька, О. Правотворової. Видання третє. Херсон : ОЛДІ-ПЛЮС, 2020. С. 143–144.

The characteristic features of administrative legal instruments are that:

- they have a public law nature;
- public administration entities apply them in the process of their functioning;
- the procedure for their application is regulated by the norms of administrative law;
- the application of a particular instrument is determined by the competence, scope and purpose of the activity of the public administration entity;
- in the event of their application, legal consequences and/or actual results occur⁵;
- they are an external expression of the form of administrative activity of public administration;
- they reflect the legal dynamics of public administration;
- they are due to the implementation of administrative duties of public administration entities⁶.

Therefore, the administrative and legal tools for ensuring the protection of law and order can be defined as a complex interconnected system of normatively established and sanctioned by the state forms, methods, means, means, guarantees and techniques used by authorized subjects of public administration of a law enforcement nature to regulate the behavior of individuals and legal entities who are participants in administrative legal relations in the field of law and order, and to ensure public (public) security of the state and the prevention of offenses and their cessation. It should be remembered that both legal norms and other social standards perform a regulatory and protective function, which differs only in the mechanisms of implementation. The socio-legal environment can be considered as a law enforcement sphere, that is, as one of the key subsystems of the security activity of society, where, with the help of specific legal institutions, forms and methods, the functioning of the state and its institutions is ensured, the regulation and protection of social relations, as well as the protection of the physical and spiritual well-being of the individual, social groups and society as a whole from undesirable phenomena and processes from the point of view of society. It is in this sphere that activities are carried out to ensure law and order.

Despite the multifaceted nature of this process, in which mandatory norms and rules of behavior of participants in social relations are formulated, forms and methods of protection and restoration of violated

⁵ Мельник Р.С. Загальне адміністративне право в питаннях і відповідях : навч. посіб. Київ : Юрінком Інтер, 2018. С. 187.

⁶ Адміністративне право України. Повний курс : підручник / Галунько В., Діхтєвський П., Кузьменко О., Стеценко С. та ін. Херсон : ОЛДІ-ПЛЮС, 2018. С. 143.

rights and legitimate interests are developed, including the use of state coercion, from an organizational and legal point of view, three integrative moments of a security nature can be distinguished, related to the formation and functioning of the law enforcement sphere of the state as a set of legal means, methods and guarantees that ensure the protection of the individual, society and the state from unlawful actions.

Firstly, this is the organizational and legal registration of the law enforcement function of the state as a specialized area of state activity directly related to maintaining law and order.

Secondly, this is the formation of functional and organizational structures that implement the law enforcement function, and the consolidation of their competence in this area.

Thirdly, this is the regulatory and legal consolidation of general and specific forms, methods and means of maintaining law and order by the relevant state structures.

Thus, the administrative and legal toolkit for ensuring law and order is a multifaceted mechanism that allows the state to effectively perform its function of maintaining stability and lawfulness in society, responding to various challenges and threats to public order. It allows you to choose the most appropriate forms and methods of law enforcement influence depending on the specific situation and the characteristics of the object of influence and includes both preventive measures (prevention, warning) and measures to respond to violations (termination of offenses, application of administrative penalties). The toolkit is constantly evolving and adapting to changes in society and new challenges in the field of law enforcement.

2. Forms and methods of administrative and legal support for the activities of law enforcement agencies in the context of modern challenges and threats to the national security of Ukraine

The content of the administrative and legal instruments for ensuring law and order in the country is still uncertain, the final classification of its elements. At the same time, specific instruments of public administration activity must be disclosed through the prism of the system of its institutional and functional characteristics. At the same time, there are different approaches to forming a list of instruments of public administration activity, including: regulatory acts of public administration, administrative acts and administrative agreements⁷, acts-actions, plans,

⁷ Мельник Р. С. Загальне адміністративне право : навч. посіб. / Р. С. Мельник, В. М. Бевзенко ; за заг. ред. Р. С. Мельника. К. : Ваїте, 2014. С. 9–10.

private law instruments, administrative discretion, e-government⁸, plans and actual actions⁹.

Despite such a variety of public administration tools, some of them belong to forms of management (administration), in which the relationship between the state and law is traced, the need for the state to act only within the framework of the law is emphasized.

Forms are the main outwardly expressed element of the legal toolkit for ensuring law and order and are homogeneous in their external features of the actions of state bodies, which, accordingly, implement the functions of the state.

The application of legal norms in the field of ensuring law and order is logically preceded by their establishment, because maintaining law and order involves legislative regulation of social relations to protect against threats of violation of human and citizen rights and freedoms guaranteed by the state. The main goal of law and order in this case is to guarantee personal and public security. To achieve this goal, both state bodies and non-state organizations participate in the constitutional and legal mechanism for ensuring law and order, through which the implementation of the relevant forms and methods is ensured.

Along with the law-making, executive-administrative and law-enforcement branches, it is quite logical to distinguish an independent law enforcement form of the state's functions, which is manifested in the organization of the protection of legal norms from violations, in the control and supervision of the implementation of legality, discipline and law and order¹⁰.

This is due to the fact that law and order should be considered as a fundamental category that manifests itself through specific forms of its implementation, the state and properties of subjects of legal relations, as well as the level of prevalence of law enforcement processes and the social effect they cause. Law and order cannot be identified with other social or legal concepts, such as law, legality or legal regime. Therefore, it has its own characteristic features, legislative certainty and special tools of implementation in the form of appropriate forms, methods, ways and means, as well as by providing appropriate guarantees. Although legality and law and order have similar goals to law and order, they differ precisely

⁸ Загальне адміністративне право : підручник / І. С. Гриценко, Р. С. Мельник, А. А. Пухтецька та ін. ; за заг. ред. І. С. Гриценка. К. : Юрінком Інтер, 2015. С. 559-564.

⁹ Адміністративне право України. Повний курс : підручник / Галунько В., Діхтєвський П., Кузьменко О. та ін. / за заг. ред. В. Галунька, О. Правотворової. Видання третє. Херсон : ОЛДІ-ПЛЮС, 2020. С. 144.

¹⁰ Гусарев С. Д., Олійник А. Ю., Слюсаренко О. Л. Теорія права і держави: навч. посіб. / С. Д. Гусарев, А. Ю. Олійник, О. Л. Слюсаренко. Всеукраїнська асоціація видавців «Правова єдність», 2008. С. 63–64.

in the tools and conditions necessary to achieve them. Forms of law enforcement are one of the instruments of activity of subjects of the law enforcement system of the country, which perform tasks in this area, protecting the rights, freedoms and legitimate interests of citizens. The main difference between state and non-state forms of law enforcement is who carries out these actions. In the first case, the functions are performed by the state, its bodies or officials, while in the second, this task is performed by civil society institutions, such as public organizations, individual citizens, local governments and the media. Under non-state forms of law enforcement, scientists suggest understanding the legitimate activities of civil society institutions, which are aimed at maintaining the proper level of law and order and can be carried out in both legal and organizational forms¹¹.

Therefore, scientists mainly divide the forms of administrative activity of law enforcement agencies into organizational and legal. The former, in their opinion, are carried out with the aim of providing law enforcement agency employees with everything they need, as well as creating normal and effective conditions for the performance of direct functional duties¹². The latter, in terms of their functional purpose, represent a homogeneous activity that is associated with the adoption of legal acts and entails legally significant consequences. Four main forms of legal activity of law enforcement agencies are distinguished: constituent, law-making, law enforcement, control and supervision¹³.

Unlike legal ones, law enforcement by civil society entities can be carried out in the following organizational and legal forms: rule-making (legislative in the referendum process and subordinate rule-making by local government bodies); law enforcement activities (participation of freelance workers in the protection of public order, protection of citizens' property by employees of private security companies, citizens' rights in court by lawyers, etc.); administration of justice by the court; control over law enforcement agencies by various civil society entities (human rights organizations, supervisory boards, human rights commissions); civil self-defense carried out by citizens in various forms¹⁴.

¹¹ Кривов'яз О. В. *Форми забезпечення правопорядку інститутами громадянського суспільства. Правничий вісник Університету "КРОК"* : збірник наукових праць. 2016. Вип. 25. С. 54.

¹² Рум'янцева-Козовник А. В. *Форми та методи адміністративної діяльності ОВС з охорони прав Дитини. Європейські перспективи*. 2014. № 3. С. 116–121.

¹³ Хомишин І. Ю. *Адміністративно-правові аспекти вдосконалення співпраці ОВС та ОМС щодо забезпечення правопорядку* : дис. ... канд. юрид. наук : 12.00.07. Л., 2010. 198 с.

¹⁴ Кривов'яз О. В. Так само.

Among other legal forms of law enforcement, the control and supervision form (activity) is an important component of the administrative and legal mechanism for ensuring law and order and is represented by a set of measures carried out by state authorities and local self-government bodies, as well as by civil society institutions. At the same time, state control plays a key role in ensuring law and order. It is carried out by bodies of general (president, parliament, government) and special competence (departmental control, prosecutorial supervision, judicial control) in accordance with the Constitution of Ukraine and legislation, and the results of such control have certain legal consequences.

Therefore, the forms of ensuring law and order are diverse and depend on specific situations. They can be classified according to several criteria:

1) by the method of expression: legal forms associated with legal documents (adopting laws on law enforcement activities, concluding international agreements in the field of security), and non-legal ones – with organizational measures (conducting exercises, organizing patrols, etc.);

2) by the importance of fulfilling law enforcement tasks: the main forms, directly aimed at achieving the goal (detention of offenders, investigation of crimes, protection of public order and security, fight against terrorism), and additional ones, which help to implement the main law enforcement tasks (information collection, cooperation with the public, interaction and coordination of law enforcement agencies);

3) by the nature of the procedure for performing law enforcement functions: procedural forms associated with compliance with a certain order of actions (for example, when investigating crimes, conducting covert investigative and search actions, judicial consideration of cases), procedural – with the adoption of specific decisions (making a decision to impose an administrative penalty, issuing permits to drive vehicles, store and use weapons, special means, holding mass events, etc.), control and supervision (aimed at supervising compliance with laws, including prosecutorial supervision and administrative control), preventive (is one of the key tools aimed at preventing offenses before they become a reality. The main goal of these forms of activity is to reduce the level of offenses and crime by influencing potential offenders and creating conditions that contribute to maintaining law and order), operational (for example, special operations to stop terrorist activities);

4) by subject of implementation: state forms (implemented by state bodies, such as the police, prosecutor's office, SBU, etc.) and non-state forms (include the activities of public organizations, private security structures or individual citizens who cooperate with state bodies to ensure law and order);

5) depending on the purpose of application: preventive (aimed at preventing offenses (educational work with the population, patrolling), operational-search (used to detect and prevent crimes (surveillance, wiretapping, operational control); procedural forms (focused on conducting investigations, collecting evidence, detaining suspects);

6) according to the legal content of the law enforcement functions performed: forms can be mandatory (for example, executing a court decision), prohibitive (for example, prohibiting illegal activity), permissive (for example, issuing a permit to purchase, store and carry (register) smooth-bore weapons), recommendatory (for example, recommendations on safe behavior) and authorizing (for example, granting authority to conduct operational-search measures by law enforcement agencies and their employees to detect, prevent, solve crimes, as well as protect national security);

7) depending on the object of influence: individual (i.e. actions directed at a specific person or group of persons (investigation of offenses, interrogation of suspects) and general forms (include measures that reach a wide audience, for example, mass preventive campaigns or nationwide operations to ensure order).

Along with the forms of law enforcement activities, little attention is paid to methods among the instruments for ensuring law and order in the country, although the latter are a universal, generalizing category and are used in all areas of public administration, and primarily related to ensuring the national security of Ukraine, including public safety and order, combating crime, taking into account strategic goals and in accordance with the standards of human rights and fundamental freedoms.

Methods as tools of activity of state authorities and law enforcement entities are mainly defined as «specific methods and means that are implemented within the competence of state bodies and cause corresponding legal consequences»¹⁵; or «ways of practical implementation of tasks and functions facing state bodies»¹⁶. Often, administrative and legal methods are identified with the methods and techniques of direct targeted influence of executive bodies (officials) in accordance with their assigned competence, within established limits and in a certain form, on subordinate bodies and citizens¹⁷.

¹⁵ Шатіло В.А. Принципи діяльності державної влади і методи їх здійснення. *Вісник Київського національного університету імені Тараса Шевченка. Серія «Юридичні науки»*. 2014. № 1(99). С. 68.

¹⁶ Гронський С.В. Щодо методів взаємодії Державної прикордонної служби України з іншими правоохоронними органами. *Форум права*. 2014. № 1. С. 130.

¹⁷ Грянка Г. В. Адміністративний примус у публічному адмініструванні. *Науковий вісник Національної академії внутрішніх справ*. 2011. № 6. С. 207 ; Мосьондз С. О. Особливості методів здійснення державної політики у сфері науки в Україні. *Науковий*

The main methods of law enforcement agencies, which form the basis of their influence on the consciousness and behavior of people and are key to their normal functioning, are persuasion and coercion. In addition, encouragement is also distinguished in addition to them.

The method of coercion is one of the most severe methods of influence, necessary to ensure law and order, protect property, rights and interests of citizens and organizations, as well as create favorable conditions for the normal functioning of society. Taking into account the current stage of reforming law enforcement agencies, coercion, as one of the main methods of their activity, should be used only in extreme cases, when other means of influence have not yielded results. Since the main tasks, for example, of the police are to ensure public safety, protect the rights and freedoms of citizens, the interests of society and the state, as well as combat crime, the use of coercion in their activities has a certain specificity and should be used with special caution.

In addition to the methods of coercion, persuasion and encouragement, a number of special-purpose methods are also used in law enforcement activities. The latter are carried out through the targeted influence of a law enforcement entity on an object through the use of various techniques and means. They are revealed through the specifics of the activities of each specific law enforcement entity and their application in the relevant segment of law enforcement activity. Therefore, they can be divided into special-organizational and special-functional.

In law enforcement activity, the use of such special-purpose methods ensures the effectiveness of the work of law enforcement agencies in investigating crimes, maintaining law and order and ensuring national or public security. The special-organizational methods include, in particular:

- normative, which is the foundation of the activities of law enforcement agencies, ensures their effectiveness and legality, creates clear boundaries and standards of behavior for law enforcement officers, allowing them to act in accordance with the law, allows for the formation of uniform standards in the work of law enforcement officers, regulates their activities and ensures the protection of citizens' rights and law and order;
- planning, which is an important management tool aimed at ensuring the effective work of law enforcement agencies through the preliminary definition of goals, objectives and means of achieving them. This method consists in organizing the activities of law enforcement agencies on the

вісник Львівського державного університету внутрішніх справ. Серія : Юридична. 2012. Вип. 3. С. 272 ; Хохлова І. В. Особливості адміністративно-правових методів управлінської діяльності у сфері забезпечення права громадян на здобуття вищої освіти. Науковий вісник Ужгородського національного університету. Серія : Право. 2019. Вип. 56, Т. 2. С. 48.

basis of clearly defined plans, which allows systematizing and streamlining the processes of human rights protection activities. An example is the Action Plan for 2020–2022 for the implementation of the Integrated Border Management Strategy for the period until 2025, which includes a preliminary definition of specific goals to be achieved and tasks facing law enforcement agencies, is an important element of the management system in law enforcement activities, which contributes to increasing its efficiency, consistency and coordination of actions between various structural units¹⁸;

- forecasting, which allows predicting possible outcomes of law enforcement activities, allows assessing the effectiveness of certain measures at the stage of preparing for the application of law enforcement measures. One example of a regulatory act indicating the importance of forecasting in law enforcement activities is the Law of Ukraine “On the National Police”, Article 23 of which refers to the main tasks of the police, including the analysis and forecasting of threats to public safety and law and order;

- coordination of activities, which involves interaction and coordinated actions between law enforcement agencies, other state structures and public organizations in order to achieve common goals in combating offenses and ensuring public safety and order;

- psychological, which include methods of persuasion (influences the consciousness and behavior of citizens using arguments and logical evidence, encouraging them to voluntarily comply with the law), the method of psychological prevention (aimed at identifying and eliminating the causes and conditions that contribute to offenses through work with risk groups and individual preventive work), psychodiagnostics (provides for assessing the psychological state of offenders or victims to identify factors that may influence their behavior, in particular through interviews and psychological tests); psychological modeling (used to recreate the behavior of an offender in various situations, which helps to predict his actions and develop appropriate response strategies), the method of suggestion (suggestion) is used to create certain attitudes in a person's mind that affect his behavior, for example, through confidential conversations or hypnotic influence), psychological interrogation and interviewing (involves collecting information, establishing trusting relationships with victims or witnesses, as well as identifying hidden motives in criminals), empathy (the ability to sympathize and understand the emotional state of other people helps law enforcement officers better interact with citizens,

¹⁸ Про затвердження Плану заходів на 2020–2022 роки щодо реалізації Стратегії інтегрованого управління кордонами на період до 2025 року: Розпорядження Кабінету Міністрів України від 27.12.2019 р. №. 1409-р. URL: <https://zakon.rada.gov.ua/laws/show/1409-2019-%D1%80#Tex>

especially when investigating crimes or providing psychological support to victims);

- analytical, which is used to collect, process, analyze and interpret data that helps law enforcement agencies make effective decisions, solve crimes, prevent crimes and plan further ones;

- informational, which involves the use of video surveillance systems; analysis of information from facial recognition cameras or license plates; use of GPS or other tracking systems; work with information resources: State Police Service "Arkan", National Police Service "Information and Registration Service of the National Police", Ministry of Internal Affairs for vehicles NAIS, Register of Powers of Attorney, Register of Civil Status Acts, Register of Encumbrances on Movable Property, Information of the State Police Office on Registered ERDR, Telegram bot "Informatics" of the Kyiv City Hall, MTIBU, Online system YouControl, Assets of Russian citizens RuAssets, ClearView facial recognition, Dossier on individuals BigDataPeople, Analysis of satellite images taken by MAXAR Corporation, WayBackArchiveMachine with databases (search for individuals, checking the availability of wanted objects); use of specialized software for tracking Internet activity;

- supervision and control – used for constant monitoring of compliance with the law, behavior of citizens, organizations and other subjects of legal relations. This can be patrolling, surveillance, inspections, conducting searches, etc.

A separate group of methods of administrative and legal law enforcement is occupied by special-functional methods, which have a more universal application in contrast to the first, while differing in their focus on specific areas of offenses or activities, involving the use of analytical tools, the latest investigation technologies and other innovations. These include:

- operational-search methods, involving the collection of information about individuals and events; observation and tracking; interception of telephone and electronic communications; control over the movement of individuals and vehicles; use of an agent network, etc.;

- methods of forensic analysis (fingerprinting; forensic medical examinations; trace examination (analysis of traces of criminal acts); analysis of traces of weapons or bullets; phonoscopy (analysis of audio recordings), etc.;

- methods of expert and forensic activity, including conducting forensic examinations (technical, biological, chemical); analysis of documents for their authenticity; detection of falsifications or counterfeiting of documents or money, etc.;

- methods of preventing criminal and administrative offenses, including preventive conversations; programming and conducting information

campaigns to prevent offenses; establishing supervision over persons who have already committed offenses; social and rehabilitation programs to prevent relapses, etc.;

- methods of operational response, including the detention and arrest of suspects; the use of special means; conducting anti-terrorist operations; conducting raids and searches to detect illegal activities; conducting special operations by bodies and units of the National Police, conducting operational and preventive operations, etc.;

- the partnership method, which is based on the interaction of law enforcement agencies with the public, other state institutions, enterprises and organizations. This method involves the involvement of society in maintaining law and order, for example, through cooperation programs with public organizations or local communities;

- methods of rehabilitation and resocialization – used in relation to persons who have committed offenses, with the aim of their return to law-abiding life through social and psychological support programs.

- methods of international cooperation, which include the exchange of information with law enforcement agencies of other countries; executing international requests for search and extradition; cooperation with Interpol and Europol, etc.

Therefore, in a generalized form, the administrative and legal methods of law enforcement entities can be divided into:

- 1) general, which are the foundation on which the work of law enforcement agencies is based, ensuring the effectiveness and coordination of their activities, the main tools for achieving the goals and fulfilling the tasks set for these agencies. They are used in all structural divisions of law enforcement agencies, which makes them indispensable in various areas of activity, from law enforcement to combating crime. At the same time, their use ensures the process of comprehensive development of the relevant law enforcement sector and maximizes the effectiveness of the implementation of legislatively defined powers by public administration (mainly these include methods of persuasion, coercion and encouragement);

- 2) special, which act as specialized tools aimed at solving specific tasks in the process of law enforcement activities. Differing from the general ones in their focus on specific areas of offenses or activities, these methods involve the use of analytical tools, the latest investigation technologies and other innovations. They are revealed through the specifics of the activities of each specific subject of law enforcement and application in the relevant segment of law enforcement activities. They are divided into special-organizational and special-functional.

Thus, when performing state tasks, law enforcement agencies face special challenges that require the use of general, special and functional

methods. It is the correct choice and application of these approaches that make it possible to achieve certain goals in the field of law enforcement activities. It is thanks to these methods that the managerial and administrative nature of law enforcement activities is most clearly manifested, and their use allows the subject of law enforcement to directly influence the object, ensuring the necessary level of subordination.

3. Guarantees as an element of administrative and legal support for law and order and effective activities of law enforcement agencies

Since administrative-legal methods are provided by the state and are mandatory for implementation by the subjects to whom they are addressed, administrative-legal methods of activity of law enforcement subjects are an integral part of the general system of administrative-legal methods. They have their own characteristics, means, techniques and tools that are used to perform the tasks assigned to them, and are guaranteed by the state.

In the context of guarantees of law and order in a broad sense, a system of conditions and means that ensure its functioning is meant, determined by the laws of the development of society. They are understood as such conditions of social life and special measures implemented by the state that ensure a strong regime of legality and stability of law and order in society¹⁹. These guarantees reflect the diversity of social relations and form a single structured system of interconnected elements that develops according to the laws of social development.

Guarantees of law and order act, first of all, as a reliable mechanism for implementing the established requirements in the state. This provision places a special requirement on legal science not only to develop general concepts of guarantees of maintaining law and order, but also to develop a reliable mechanism for implementing these concepts²⁰.

Since the basis of law and order is law and the need to comply with its requirements, the priority guarantees for ensuring the necessary level of law and order in society and the state are normative (legal) guarantees. The latter are direct ways of ensuring law and order and are enshrined in legislation. It is the improvement and updating of legislation that has been and remains one of the key legal guarantees for protecting law and order. A scientifically sound and developed system of legal acts is the basis of law and order. During a period of significant transformations, the question of the role of law and updating legislation is particularly acute.

¹⁹ Крижанівський А. Ф. Доктринальний і прикладний статус категорії «гарантії правового порядку». *Наукові праці Одеської національної юридичної академії*. 2009. С. 83.

²⁰ Солдатова В. Д. Сутність та загальна характеристика юридичних гарантій законності в адміністративній діяльності ОВС України. *Форум права*. 2010. № 4. С. 846–852. URL: <http://www.nbu.gov.ua/e-journals/FP/2010-4/10cvddou.pdf>

An effective way to improve legislation is its systematization, aimed at creating a coordinated system, getting rid of outdated norms and updating. This will help increase the effectiveness of laws and strengthen law and order in general.

It is also important to develop programs for the implementation of laws that would determine not only the rules, but also the processes of their implementation. The presence of mechanisms for ensuring them in laws will facilitate their implementation and narrow the scope of subordinate norm-making.

Economic guarantees are fundamental to all other guarantees of law and order, since the economy is the basis of law and all legal phenomena, including law and order. Economic problems, such as a decline in production, insufficient funding of the budget sector and social programs, lead to the alienation of a significant part of the population from the process of reforming the country's economy. This, in turn, can lead to neglect of moral norms and law-abiding behavior among citizens. In such conditions, more and more people are involved in illegal activities. Therefore, one of the key tasks is to support temporarily unemployed citizens, provide opportunities for retraining workers and implement employment programs.

Political guarantees of ensuring law and order cover the entire political system of society, where the state plays a key role. They include the principles of organization and activity of all state authorities. The main political prerequisites of law and order are true democracy, separation of powers, political pluralism, transparency and freedom of the press. These conditions can be implemented only with the presence of a civil society independent of the state and the construction of a truly democratic legal state.

Organizational guarantees are an important component of the law and order system, aimed at creating appropriate conditions for the effective functioning of state bodies and the general law enforcement system in the country. They cover a set of organizational measures, mechanisms and conditions that ensure the proper functioning of law enforcement bodies, compliance with laws and law and order in society. They can be divided into:

- institutional, based on the creation and maintenance of the functioning of relevant state bodies responsible for ensuring law and order, such as the police, judicial authorities, prosecutor's office, security services and other law enforcement structures;
- coordination, ensuring clear coordination between various law enforcement institutions involved in maintaining law and order and ensuring national security. An important aspect is the interaction of the executive and judicial authorities, as well as cooperation between them for

the proper implementation of the functions of protecting the rights and freedoms of citizens.

- professional and personnel, which is an integral part of the content of organizational guarantees in terms of training highly qualified personnel, covering not only basic training, but also continuous professional development, training in the latest methods of human rights protection activities, knowledge of new laws and technologies for ensuring law and order in the country;

- information, which include access to modern information technologies and technical means that increase the effectiveness of law enforcement activities, including the use of databases, video surveillance systems, communication means and other technologies that help prevent and solve crimes, ensure public order and security, including under the legal regime of martial law;

- logistical, which involves the proper provision of law enforcement agencies with resources, such as transport, special equipment, infrastructure and other material support, is important for the effective implementation of law enforcement tasks.

- control, which involves the wide use of public control over the activities of law enforcement agencies.

Therefore, guaranteeing law and order should be understood as the duty of the state to ensure the effective functioning of the entire law enforcement system, using those means and adhering to those limits that society determines. The role of the state is not only to establish rules, but also to ensure their observance and create a favorable environment for the exercise of citizens' rights and freedoms. This implies an active position of the state in the formation and maintenance of law and order that meets the needs and expectations of society. It is the state and its relevant institutions that should be perceived as "guarantees" of law and order, and this accordingly means that it is from the state that society as a whole and individual citizens have the right to demand the creation of the necessary conditions for: orderly life, based on legal principles; a safe environment for all members of society; stable functioning of social institutions.

CONCLUSION

Therefore, the law enforcement system is an exclusively managerial process that requires targeted authoritative influence of law enforcement agencies, as an integral part of the security and defense sector, on the behavior of objects of legal regulation in order to ensure the national security of Ukraine, including public safety and order, combating crime, taking into account strategic goals and in accordance with the standards of human rights and fundamental freedoms. For effective management of this

process, it is necessary to understand the mechanisms for implementing legal norms in people's activities, factors that influence the legality or illegality of behavior, as well as the means by which this behavior can be managed.

In the system of guarantees for ensuring law enforcement, both general guarantees (economic, political, moral-spiritual, social) and legal ones (improvement of legislation, control and supervisory functions, the judiciary, legal responsibility, the institution of citizens' appeals, etc.) operate. All these guarantees are interconnected, and therefore the weakening of any part of this system directly affects the stability of law and order, leads to its violations and complicates the possibility of their detection and correction. Organizational and legal guarantees are integrated into the economic, political and other spheres of society. Therefore, the law and order system is a set of general and legal guarantees that form a single structure of interconnected elements.

Thus, taking into account the above, maintaining law and order in society requires targeted regulation of the behavior of its members, which is actually a process of public administration. At the same time, successful influence on this process directly depends on how legal norms are embodied in people's actions, which involves understanding: factors that affect the legality or illegality of individuals' actions; public legal instruments with which people's behavior can be directed; ways to ensure that citizens' actions comply with legal norms and requirements. Such an understanding allows for effective management of public relations within the legal framework and proper maintenance of law and order.

SUMMARY

This chapter offers a comprehensive analysis of the administrative and legal mechanisms that support the operations of law enforcement agencies in Ukraine, particularly within the context of contemporary challenges and threats to national security. The author investigates the theoretical foundations and practical applications of administrative and legal tools, defining them as structured instruments used by public authorities to regulate and influence behavior within public administration, especially in the area of law and order.

The study emphasizes that administrative legal instruments are not isolated legal norms but rather a complex, interconnected system of methods, forms, procedures, guarantees, and enforcement mechanisms. These tools are essential for ensuring public order and safety, preventing offenses, and restoring violated rights. The classification and application of such instruments depend on various factors, including the legal competence

of public authorities, the specific purpose of the action, and the societal context in which they are deployed.

Special attention is given to the organizational and procedural dimensions of law enforcement activities. The chapter outlines various forms of administrative activity – regulatory, contractual, procedural, supervisory, and preventive – highlighting their role in sustaining rule of law and effective governance.

The author classifies and evaluates numerous methods used in law enforcement, such as persuasion, coercion, encouragement, and a wide range of specialized operational, psychological, and technological techniques. These include criminal analysis, surveillance, administrative enforcement, social prevention, public engagement, and international cooperation. Particular focus is placed on how these tools must evolve to remain effective amid increasing global threats, including hybrid warfare, cybercrime, and terrorism.

The chapter also outlines the significance of legal and organizational guarantees that support law enforcement activities. These guarantees include legal reforms, institutional capacity-building, professional training, and the use of information technologies. Political, economic, and social guarantees are also discussed, highlighting their influence on public trust and the functionality of legal institutions.

Ultimately, the chapter positions administrative and legal support as a foundational element of Ukraine's public safety strategy. It argues that maintaining law and order is a multidimensional administrative task that requires adaptive, lawful, and coordinated action across different sectors and levels of governance. The findings suggest a need for systematic development of the legal framework, clear separation of functions, and targeted use of both traditional and innovative administrative methods to enhance the responsiveness and resilience of Ukraine's law enforcement system.

REFERENCES

1. Адміністративне право України: підручник / Ю. П. Битяк, В. В. Богуцький, В. Н. Гаращук та ін. ; за ред. Ю. П. Битяка. Харків : Право, 2003. 576 с.
2. Адміністративне право України. Академічний курс : підручник : у 2 т. Т. 1. Загальна частина / ред. кол. : В. Б. Авер'янов. Київ : Видавництво «Юридична думка», 2004. 584 с.
3. Адміністративне право України. Повний курс : підручник / Галунько В., Діхтієвський П., Кузьменко О. та ін. / за заг. ред. В. Галунька, О. Правотворової. Видання третє. Херсон : ОЛДІ-ПЛЮС, 2020. 584 с.

4. Адміністративне право України. Повний курс : підручник / Галуцько В., Діхтієвський П., Кузьменко О., Стеценко С. та ін. Херсон : ОЛДІ-ПЛЮС, 2018. 446 с.

5. Адміністративне право України. Повний курс : підручник / Галуцько В., Діхтієвський П., Кузьменко О. та ін. / за заг. ред. В. Галуцька, О. Правотворової. Видання третє. Херсон : ОЛДІ-ПЛЮС, 2020. 584 с.

6. Бондаренко В. А. Окремі аспекти підвищення ефективності норм адміністративного права у період адаптації законодавства до вимог Європейського Союзу. *Наук. вісник Львів. держ. ун-ту внутрішніх справ*. 2016. Вип. 3. С. 134–142.

7. Гронський С. В. Щодо методів взаємодії Державної прикордонної служби України з іншими правоохоронними органами. *Форум права*. 2014. № 1. С. 130–135.

8. Грянка Г. В. Адміністративний примус у публічному адмініструванні. *Науковий вісник Національної академії внутрішніх справ*. 2011. № 6. С. 206–214.

9. Гусарев С. Д., Олійник А. Ю., Слюсаренко О. Л. Теорія права і держави : навч. посіб. / С. Д. Гусарев, А. Ю. Олійник, О. Л. Слюсаренко. Всеукраїнська асоціація видавців «Правова єдність», 2008. 270 с.

10. Загальне адміністративне право : підручник / І. С. Гриценко, Р. С. Мельник, А. А. Пухтецька та ін. ; за заг. ред. І. С. Гриценка. К. : Юрінком Інтер, 2015. 568 с.

11. Казміришин Е. О. Адміністративно-правові інструменти забезпечення реалізації державної політики у сфері європейської інтеграції України. URL: chrome-extension://efaidnbmnnnibpcajpcgclefindmkaj/http://apnl.dnu.in.ua/5_2019/19.pdf

12. Ковалів М. В., Боровікова В. С. Охорона правопорядку як одне із завдань діяльності поліції. *Науковий вісник Львівського державного університету внутрішніх справ*. 2018. № 2. С. 184–192.

13. Кривов'яз О. В. Форми забезпечення правопорядку інститутами громадянського суспільства. *Правничий вісник Університету «КРОК»* : збірник наукових праць. 2016. Вип. 25. С. 52–60.

14. Крижанівський А. Ф. Доктринальний і прикладний статус категорії «гарантії правового порядку». *Наукові праці Одеської національної юридичної академії*. 2009. С. 81–89.

15. Мельник Р. С. Загальне адміністративне право : навч. посіб. / Р. С. Мельник, В. М. Бевзенко ; за заг. ред. Р. С. Мельника. К. : Ваіте, 2014. 376 с.

16. Мосьондз С. О. Особливості методів здійснення державної політики у сфері науки в Україні. *Науковий вісник Львівського*

державного університету внутрішніх справ. Серія : Юридична. 2012. Вип. 3. С. 271–280.

17. Про затвердження Плану заходів на 2020–2022 роки щодо реалізації Стратегії інтегрованого управління кордонами на період до 2025 року: Розпорядження Кабінету Міністрів України від 27.12.2019 р. №. 1409-р. URL: <https://zakon.rada.gov.ua/laws/show/1409-2019-%D1%80#Tex>

18. Рум'янцева-Козовник А. В. Форми та методи адміністративної діяльності ОВС з охорони прав Дитини. *Європейські перспективи*. 2014. № 3. С. 116–122.

19. Солдатова В. Д. Сутність та загальна характеристика юридичних гарантій законності в адміністративній діяльності ОВС України. *Форум права*. 2010. № 4. С. 846–852 URL: <http://www.nbuv.gov.ua/e-journals/FP/2010-4/10cvddou.pdf>

20. Хомишин І. Ю. Адміністративно-правові аспекти вдосконалення співпраці ОВС та ОМС щодо забезпечення правопорядку : дис. ... канд. юрид. наук : 12.00.07. Л., 2010. 198 с.

21. Хохлова І. В. Особливості адміністративно-правових методів управлінської діяльності у сфері забезпечення права громадян на здобуття вищої освіти. *Науковий вісник Ужгородського національного університету. Серія : Право*. 2019. Вип. 56, Т. 2. С. 47–50.

22. Шатіло В.А. Принципи діяльності державної влади і методи їх здійснення. *Вісник Київського національного університету імені Тараса Шевченка. Серія «Юридичні науки»*. 2014. № 1(99). С. 66–70.

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