

## ESSENCE AND STRUCTURE OF ORGANIZATIONAL SUPPORT OF LAW-ENFORCEMENT AGENCIES OF UKRAINE

**Roman Savchuk**

Ph.D. in Law, Associate Professor, Director, Ivano-Frankivsk Educational and Scientific Law Institute of the National University "Odesa Law Academy", Ukraine  
e-mail: savchuk@iflaw.institute, orcid.org/0000-0003-4896-3829

### Summary

The article studies the concept and structure of organizational support of law enforcement agencies of Ukraine. The author substantiates the thesis that organizational support of law enforcement agencies is not limited to the organization of their work, and therefore can not be defined solely on the basis of the provisions of management science. Effective performance of duties assigned to law enforcement agencies largely depends on the provision of resources provided by the state budget. Based on the results of the analysis of the current legislation, attention is drawn to the lack of proper legal regulation of the organizational support of law enforcement agencies, as well as to the contradiction of some of its provisions with each other. The main methods used in the study were: logical methods (analysis and synthesis, induction and deduction), comparative legal method, systematic and formal legal method. Special attention in the article is paid to the organizational and legal support of law enforcement agencies, which consists in the analysis of current legislation and the practice of its application, making proposals for their improvement, working with regulations and reference and advisory activities. The material presented in the article allowed to offer the author's vision of the structure of organizational support for the activities of law enforcement agencies, which includes: organizational, legal, personnel, financial, logistical and information support.

**Key words:** law enforcement agencies, organizational support, personnel, financial, informational, material and technical, organizational and legal, current legislation.

DOI <https://doi.org/10.23856/5524>

### 1. Introduction

A necessary component of systemic transformations in the State, in particular in the context of European integration, is to ensure the implementation of constitutional functions and powers, improve external and internal communications, introduce a modern human capital management system, and improve resource support for law enforcement agencies (*Strategy for the Development of Prosecution Authorities for 2021–2023, 2020*).

Despite the importance of addressing these issues, today there is no common understanding of the concept and content of "organizational support" of law enforcement in the legislation and scientific literature. In the domestic legal science, O.I. Bezpalova, A.L. Borko, V.L. Hrokholskyi, L.M. Davydenko, R.O. Kuibida, D.V. Mandychiev and others devoted their works to the problems of organizational support of law enforcement agencies. At the same time, revealing the concept and content of organizational support, scientists took as a basis the scientific provisions developed by the science of management.

However, law enforcement is a special type of activity of state bodies, which makes it necessary to reveal the content of organizational support not only from the point of view

of management, but also taking into account the place of law enforcement agencies in the mechanism of public administration, as well as the norms of current legislation governing their activities. Given the above, the purpose of this article is to study the essence and structure of organizational support for the activities of law enforcement agencies of Ukraine on the basis of theoretical provisions of the science of administrative law and the norms of current legislation of Ukraine.

To achieve the purpose, the following tasks are to be solved: 1. To outline the main approaches to the definition of the concept of organizational support in management theory; 2. To determine the main features of organizational support for law enforcement agencies; 3. To study the provisions of current legislation that defines the structure of organizational support for the activities of public authorities; 4. To reveal the concept of organizational and legal support of law enforcement agencies as a direction of ensuring their activities. 5. To offer the author's vision of the structure of organizational support of law enforcement agencies of Ukraine.

The methodological basis of the article is a system of philosophical, scientific, general and specific methods of scientific research. The comparative legal method was used to compare the provisions of legal acts regulating the organizational support of various public authorities in Ukraine. The systematic method allowed to reveal the structure of organizational support of law enforcement agencies, the formal legal method allowed to interpret the legal norms that regulate the activities of organizational support of state bodies in a logical sequence using special legal terms and constructions.

## 2. Organizational support in management theory

In the current legislation of Ukraine there is no definition of "organizational support". To understand this term, the legal literature uses the concept of "organizational". In the science of economics, the concept of "organizational support" is considered from the standpoint of four approaches: systemic, operational, structural and regulatory. From the standpoint of the system approach, "organizational support" is considered as "a complex set of stable, deliberately created links and interaction of elements of the production and management system that arise in the process of functioning and development of the enterprise".

M. M. Yermoshenko uses an operational approach and emphasizes that "organizational support is the creation of all necessary conditions for normal functioning, provision of human, financial, material and technical and other resources aimed at creating conditions for the implementation of activities (*Yermoshenko M.M., 2008: 62*). The same opinion is shared by T. O. Kolodzieva, studying the logistics systems of enterprises (*Kolodzieva T. O., 2012: 255*).

L.V. Karyelova considers organizational support of ministries' activities as a type of activity in the field of management aimed at creating conditions for the intra-system organization of ministries for the effective performance of their clearly defined functions and tasks, as well as interaction with other ministries and public administration entities (*Karyelova L.V., 2012: 122*).

Representatives of the structural approach emphasize that "organizational support is the regulations, instructions, orders, qualification requirements and other documents that regulate the organizational structure of the system and their interaction with the complex of system tools". The main attention in this approach is focused on the documentation that regulates the process of enterprise functioning. The work is carried out by departments in accordance with their functional responsibilities (*Kovalenko N. V., 2019: 69-70*).

According to the normative approach, organizational support is a set of methods and means that regulate the interaction of workers with technical means and with each other

in the process of system development and operation. Thus, S.A. Tsymbalyuk, considering the issue of organizational support of motivation of managerial personnel, defined this process as the integration of departments of human resources, legal support, development of corporate culture, occupational safety and fire safety, social development into a single personnel management service, which will improve the coordination of these units (*Tsymbalyuk S.A., 2012: 85*). That is, the basis of organizational support, according to the position of the scientist is the interaction of structural elements of the system, in this case – all structural units of a particular enterprise.

Summarizing the above approaches to the understanding of organizational support, N.V. Kovalenko considers organizational support as a system of processes and procedures for the implementation of the enterprise's activities in accordance with the developed strategy and set goals, which ensures the relationship between the departments of the enterprise and provides them with the necessary resources (*Kovalenko N.V., 2019: 70*).

### 3. Structure of organizational support in the legislation of Ukraine

There is no unified approach to the structure of organizational support in the current legislation. Thus, Art. 87 of the Law of Ukraine "On the Prosecutor's Office" stipulates that ensuring the functioning of the prosecution system provides for:

- 1) determination in the State Budget of Ukraine of expenditures for financing of the prosecutor's office not lower than the level that ensures the possibility of full and independent exercise of its powers in accordance with the law;
- 2) legislative guarantee of full and timely financing of the prosecution;
- 3) guaranteeing a sufficient level of social security for prosecutors.

Article 91 of this Law also provides that the prosecutor shall be provided with a separate workplace and the necessary means for work. Prosecution bodies are provided with transport and material and technical means in the manner approved by the Prosecutor General, within the limits of expenditures approved in the State Budget of Ukraine for the maintenance of prosecution bodies.

Local state administrations and local self-government bodies provide the prosecution bodies and institutions located on their territory with appropriate office premises on a lease basis. The analysis of these norms allowed some scholars to conclude that the organizational support of the prosecutor's office is limited by timely and full funding of the prosecutor's office, satisfaction of its needs in premises, transport, material and technical means necessary for work, guaranteeing a sufficient level of social security of prosecutors, etc. In this regard, we agree with the opinion of O.V. Melnyk that, despite the title of Section X of the Law of Ukraine "On the Prosecutor's Office", "Organizational Support of the Prosecutor's Office", the measures listed in this section are aimed exclusively at material, technical and financial support (*Melnyk O.V., 2021: 27-32*). This also applies to the provisions of Section XI of the Law of Ukraine "On the Judicial System and Status of Judges".

In our opinion, sections X of the Law of Ukraine "On the Prosecutor's Office" and XI of the Law of Ukraine "On the Judiciary and the Status of Judges", which are called "Organizational Support of the Prosecutor's Office" and "Organizational Support of the Courts" respectively, do not indicate that organizational support measures should include only those listed in these sections. However, we believe that the norms contained in these sections allow us to consider organizational support much wider.

This is indicated, in particular, by part 2 of Article 88 of the Law of Ukraine "On

the Prosecutor's Office", which states that the prosecutor's office and other state authorities participate in the organizational support of the prosecutor's office in cases and in the manner stipulated by this and other laws.

Part 2 of Art. 174 of the Law of Ukraine "On the Judicial System and Status of Judges", enshrines the participation of the High Council of Justice, the High Qualifications Commission of Judges of Ukraine, the State Judicial Administration of Ukraine and the National School of Judges of Ukraine, other state authorities and local self-government bodies in the organizational support of the courts in cases and in the manner stipulated by this and other laws (*On the Judicial System and Status of Judges, 2016*).

We believe that the above provisions confirm that, although these laws do not define the list of measures included in the organizational support, organizational support in any case is not limited to financing and logistical support of the activities of the relevant bodies, but also includes other measures that are carried out both in accordance with these and other laws.

Considering the above, there is a need to determine a specific list of measures for organizational support of the activities of the public authority as a whole. The position of the legislator on this issue cannot be considered logical and consistent. This conclusion can be made based on the results of the analysis of the current legislation regulating the organizational support of various authorities and their activities.

To do this, first of all, let us refer to the already mentioned Law of Ukraine "On the Prosecutor's Office" and the Law of Ukraine "On the Judiciary and the Status of Judges". The content of their respective sections indicates that the measures of organizational support include financing and material and technical support.

However, part 1 of Article 47 of the Law of Ukraine "On the Cabinet of Ministers of Ukraine" states that the Secretariat of the Cabinet of Ministers of Ukraine provides organizational, expert-analytical, legal, informational and logistical support for the activities of the Cabinet of Ministers of Ukraine.

Similar provisions are enshrined in clause 1 of the Regulation on the Secretariat of the Verkhovna Rada of Ukraine, approved by the Order of the Chairman of the Verkhovna Rada of Ukraine No. 769 dated August 25, 2011 (*Regulation on the Secretariat of the Verkhovna Rada of Ukraine, 2011*), which states that it is a permanent body that provides legal, scientific, organizational, documentary, informational, expert and analytical, financial and logistical support to the activities of the Verkhovna Rada of Ukraine, its bodies and MPs of Ukraine. Consequently, it is clear from the content of these norms that the organizational support of the Cabinet of Ministers of Ukraine does not include neither information, nor financial or logistical support.

A different approach of the legislator is observed in clause 2 of the Regulation on the State Judicial Administration of Ukraine, according to which the State Judicial Administration of Ukraine provides organizational and financial support for the activities of the judiciary in order to create appropriate conditions for the functioning of courts and judges.

At the same time, organizational support means measures of material and technical, personnel, information, organizational and technical nature, maintenance of court statistics, record keeping and court archives. This approach has found support in the science of administrative law. As noted by L.A. Drobotova and A.P. Gel, the organizational support of the courts should be understood as "measures of material, technical, personnel, financial nature aimed at creating appropriate conditions for the administration of justice" (*Drobotova L.A., 2012: 62*).

O. M. Dubenko in addition to material, technical, personnel and financial, organizational

support also includes regulatory support (*Dubenko O. M., 2009: 103*). A similar opinion is held by P.I. Shahanenko, who suggests that organizational support of the prosecutor's office activity should be understood as a complex of regulatory, logistical, financial, personnel, information and operational measures aimed at rational distribution of work activities, guaranteeing the legal status of prosecutors, providing adequate working conditions, maintaining organizational discipline and a psychologically healthy atmosphere in the collective in order to achieve high efficiency of the prosecutor's office in the exercise of its powers and includes regular daily procedural and other activities of the prosecutor's office, as well as control and evaluation of the work performed (*Shahanenko P. I., 2015: 144-147*).

P. Ihonin and D. Pryimachenko suggested the definition of organizational support of the judiciary as "a set of administrative, financial, informational, organizational and logistical measures implemented by the State Judicial Administration, which have a non-procedural nature of influence and are aimed at creating and maintaining proper conditions for the effective functioning of the judiciary" (*Pryimachenko D., Ihonin R., 2013: 60*).

For instance, A.I. Berlach, studying the issues of organizational support of public administration in emergency situations, defines it as a set of regulatory, logistical, financial, personnel, informational and operational measures aimed at eliminating a real or potentially possible threat, eliminating negative consequences, restoring law and order, as well as protecting the rights and freedoms of human and citizen (*Berlach A.I., 2013: 26*).

Summarizing the structure of organizational support of law enforcement agencies proposed by the authors, we agree with the inclusion of personnel, information, financial and logistical support. At the same time, we cannot agree with the opinion of those authors who include regulatory support here, since the regulatory (legislative) support of the activities of a public authority is not covered by the concept of organizational support of its activities, because the mentioned above means activities that have nothing to do with lawmaking (*Borko A.L., 2008: 2*).

#### 4. Measures of organizational and legal nature

The analysis of the norms of the current legislation indicates the need to distinguish such a structural element of organizational support as organizational and legal support. It is provided, in particular, by the Regulation on the General Inspectorate of the Prosecutor General's Office (*Regulation on the General Inspectorate of the Prosecutor General's Office, 2021*), Regulation on the Specialized Environmental Prosecutor's Office (as a Department) of the Prosecutor General's Office (*Regulation on the Specialized Environmental Prosecutor's Office (as a Department) of the Prosecutor General's Office, 2021*), Regulation on the Specialized Anti-Corruption Prosecutor's Office of the Prosecutor General's Office (*Regulation on the Specialized Anti-Corruption Prosecutor's Office of the Prosecutor General's Office, 2020*) and consists in the following:

- analysis of the legislation of Ukraine in the relevant field, its applicability, identification of gaps and contradictions;
- elaboration of legislative proposals, draft laws and other legislative acts, making suggestions and comments on them;
- preparation of proposals for improvement of legislation in the areas related to the activities of the prosecution authorities of Ukraine, including taking into account international standards and rule-making and experience of other states;
- systematization, accounting and storage of legislative acts, keeping them in a control condition, as well as providing control copies of the texts of normative legal acts to the

employees of the prosecution bodies;

– conducting advisory and reference work to inform prosecutors about the entry into force or invalidity of normative legal acts, their official publication, as well as the preparation of reviews of new legislation (*On the organization of work on legal analysis, systematization and accounting of legislation in the prosecution authorities, 2016*).

Organizational and legal support for the activities of the National Police, Financial Investigations Service, National Anti-Corruption Bureau of Ukraine is provided for by the Regulation on the National Police (*Regulation on the National Police, 2015*), the Resolution of the Cabinet of Ministers of Ukraine "Some questions of the organization of activities of the Bureau of Economic Security of Ukraine" of October 6, 2021 № 1068 (Some questions of the organization of activities of the Bureau of Economic Security of Ukraine) and the Law of Ukraine "On the National Anti-Corruption Bureau of Ukraine" (*On the National Anti-Corruption Bureau of Ukraine, 2014*), respectively.

## 5. Conclusions

In conclusion, the approach proposed in the legal literature to the organizational support of law enforcement agencies as to the organization of their activities, which is based on the provisions of management theory, covers only part of its structural elements.

Organizational support of a law enforcement agency involves both internal management activities (operational management of material, personnel, information resources) and external resource (financial, technical) support at the expense of the state budget, which is carried out on the grounds and in the manner prescribed by applicable law.

In view of the above, the main features of organizational support are as follows:

1. It is carried out in the manner prescribed by the current legislation;
2. It is carried out by state bodies and their officials who are vested with the relevant powers;
3. Aimed at ensuring the implementation of the tasks defined by the legislation;
4. It is carried out at the expense of specially allocated budget funds, as well as own funds received from activities provided by law.

The norms of the current legislation of Ukraine, which regulate the activities of public authorities, including in the field of law enforcement, contain different, sometimes contradictory understanding of organizational support.

The structure of organizational support of law enforcement activity is formed by such elements as: organizational and legal, personnel, financial, material and technical and information support.

## References

1. Berlach A. I. *Pravove ta orhanizatsiine zabezpechennia diialnosti orhaniv publichnoi administratsii v umovakh vynyknennia nadzvychainykh sytuatsii* [Legal and organizational support for the activities of public administration agencies in emergency situations]. *Yurydychnyi naukovi zhurnal*. 2013. № 1. S. 24–26. [in Ukrainian]
2. Borko A.L. *Zakhody zabezpechennia diialnosti administratyvnykh sudiv* [Measures to ensure the activity of administrative courts]. *Naukovi visnyk lvivskoho derzhavnogo universytetu vnutrishnikh sprav*. 2008. № 2. S. 1–7. [in Ukrainian]
3. *Deiaki pytannia orhanizatsii diialnosti Biuro ekonomichnoi bezpeky Ukrainy* [Some issues

of organizing the activities of the Bureau of Economic Security of Ukraine]. *Postanova Kabinetu Ministriv Ukrainy vid 6 zhovtnia 2021 r. № 1068*. URL: <https://zakon.rada.gov.ua/go/1068-2021-%D0%BF> [in Ukrainian]

4. Drobotova L. A. *Osoblyvosti derzhavnoho upravlinnia u sferi administratyvno-pravovoho zabezpechennia funkcionuvannia systemy sudiv zahalnoi yurysdyktsii [Peculiarities of state administration in the field of administrative and legal support for the functioning of the system of courts of general jurisdiction]*. *Naukovyi visnyk Natsionalnoho universytetu DPS Ukrainy*. 2012. № 1 (56). S. 176–180. [in Ukrainian]

5. Dubenko O. M. *Deiaki napriamky udoskonalennia orhanizatsiino-pravovoho zabezpechennia dokazuvannia v administratyvnomu sudochynstvi Ukrainy [Some directions of improvement of organizational and legal provision of evidence in administrative proceedings of Ukraine]*. *Pravo i Bezpeka*. 2009. № 4. S. 103–106. [in Ukrainian]

6. Hel A.P., Semakov G.S., Kondrakova S.P. (2004) *Sudovi ta pravookhoronni orhany Ukrainy [Judicial and law enforcement agencies of Ukraine]: navch. posib*. Kyiv: MAUP. [in Ukrainian]

7. Karielova L. V. *Vykorystannia zarubizhnogo dosvidu pry formuvanni orhanizatsiinoi struktury ministerstv Ukrainy [The use of foreign experience in the formation of the organizational structure of the ministries of Ukraine]*. *Ekonomika ta derzhava*. 2012. № 6. S. 122–123. [in Ukrainian]

8. Kolodizieva T. O., Panasians G.S. *Modeliuvannia orhanizatsiinoho zabezpechennia funkcionuvannia lohistychnykh system promyslovykh pidpriemstv [Modeling of organizational support for the operation of logistics systems of industrial enterprises]*. *Biznes Inform*. 2012. № 10. S. 254–259. [in Ukrainian]

9. Kovalenko N. V. *Orhanizatsiine zabezpechennia upravlinnia rozvytkom pidpriemstv: tsili, pryntsyipy, funktsii ta zavdannia [Organizational support for enterprise development management: goals, principles, functions and tasks]*. *Vcheni zapysky Tavriyskogo natsionalnogo universytetu imeni V. I. Vernadskogo. Seriya: Ekonomika i upravlinnia*. 2019. T. 30 (69). № 4(1). S. 69–77. [in Ukrainian]

10. Lapkin A. V. (2015) *Zakon Ukrainy «Pro prokuraturu» [Law of Ukraine "On the Prosecutor's Office"]*: naukovo-praktychnyi komentar. Kharkiv: Pravo. [in Ukrainian]

11. Melnyk O. V. *Poniattia i skladovi orhanizatsiinoho zabezpechennia roboty prokuratury [Concepts and components of organizational support of the prosecutor's office]*. *Pravovyi chasopys Donbasu*. № 3 (76) 2021. S. 27–32. [in Ukrainian]

12. *Pro Natsionalne Antykoruptsiine biuro Ukrainy [About the National Anti-Corruption Bureau of Ukraine]*. *Zakon Ukrainy vid 14 zhovtnia 2014 r. № 1698-VII*. URL: <https://zakon.rada.gov.ua/laws/show/1698-18#Text> [in Ukrainian]

13. *Pro orhanizatsiiu roboty z pytan pravovoho analizu, systematyzatsii ta obliku aktiv zakonodavstva v orhanakh prokuratury [About the organization of work on issues of legal analysis, systematization and accounting of legislative acts in the prosecutor's office]*. *Nakaz Ofisu Heneralnogo prokurora vid 15 bereznia 2016 r. № 119*. URL: <https://zakon.rada.gov.ua/laws/show/v0119900-16#Text> [in Ukrainian]

14. *Pro sudoustrii i status suddiv [About the judiciary and the status of judges]*. *Zakon Ukrainy vid 2 chervnia 2016 p. № 1402-VIII*. URL: <https://zakon.rada.gov.ua/laws/show/1402-19#Text> [in Ukrainian]

15. *Pro zatverdzhennia Polozhennia pro Aparat Verkhovnoi Rady Ukrainy [About the approval the Principle about the Apparatus of the Verkhovna Rada of Ukraine]*. *Rozporyadzhennya Golovy Verhovnoyi Rady Ukrayiny vid 25 serpnia 2011 r. № 769*. URL: <https://zakon.rada.gov>

[ua/laws/show/769/11-%D1%80%D0%B3#Text](#) [in Ukrainian]

16. Pro zatverdzhennia Polozhennia pro Heneralnu inspektsiiu Ofisu Heneralnogo prokurora [About the approval the Principle about the General Inspection of the Office of the Prosecutor General]. Nakaz Ofisu Heneralnogo prokurora vid 14 lypnia 2021 r. № 230. URL: [https://zakononline.com.ua/documents/show/499060\\_\\_678872](https://zakononline.com.ua/documents/show/499060__678872) [in Ukrainian]

17. Pro zatverdzhennia Polozhennia pro Natsionalnu politsiiu [About the approval the Principle about the National police]. Postanova Kabinetu Ministriv Ukrainy vid 28 zhovtnia 2015 r. № 877. URL: <https://zakon.rada.gov.ua/laws/show/877-2015-%D0%BF#Text> [in Ukrainian]

18. Pro zatverdzhennia Polozhennia pro Spetsializovanu antykoruptsiinu prokuraturu Ofisu Heneralnogo prokurora [About the approval the Principle about the Specialized anti-corruption prosecutor's office of the Office of the Prosecutor General]. Nakaz Ofisu Heneralnogo prokurora vid 05 bereznia 2020 № 125. URL: <https://zakon.rada.gov.ua/laws/show/v0125905-20#Text> [in Ukrainian]

19. Pro zatverdzhennia Polozhennia pro Spetsializovanu ekolohichnu prokuraturu (na pravah Departamentu) Ofisu Heneralnogo prokurora [About the approval the Principle about the Specialized ecological prosecutor's office (on the rights of the Department) of the Office of the Prosecutor General]. Nakaz Ofisu Heneralnogo prokurora vid 02 hrudnia 2021 № 247. URL: <https://zakon.rada.gov.ua/laws/show/v0247905-21#Text> [in Ukrainian]

20. Pryimachenko D., Ihonin R. Spivvidnoshennia poniat «orhanizatsiine zabezpechennia sudiv», «orhanizatsiine upravlinnia v sudakh» ta «sudove upravlinnia» [Correlation of the concepts «organizational support of courts», «organizational management in courts» and «court management»]. Slovo Natsionalnoi shkoly suddiv. 2013. № 1 (2). S. 57–66. [in Ukrainian]

21. Shahanenko P. I. Poniattia orhanizatsiinoho zabezpechennia diialnosti orhaniv prokuratury [The concept of organizational support for the activities of prosecutor's offices]. Chasopys Kyivskoho universytetu prava. 2015. № 4. S. 144–147. [in Ukrainian]

22. Strategiia rozvytku organiv prokuratury na 2021–2023 r. [Strategy for the development of prosecutor's offices for 2021–2023]. Nakaz Ofisu Heneralnogo prokurora vid 16 zhovtnia 2020 r. № 489. URL: <https://www.gp.gov.ua/ua/posts/strategiya-rozvitku-prokuraturi-na-2021-2023-roki> [in Ukrainian]

23. Tsymbaliuk S. A. Orhanizatsiine zabezpechennia motyvatsii upravlinskoho personalu promyslovykh pipryiemstv [Organizational support for the motivation of management personnel of industrial enterprises]. Problemy ekonomiky. 2012. № 1. S. 82–85. [in Ukrainian]

24. Yermoshenko M. M. (2008) Rozvytok promyslovosti na investytsiino-innovatsiinykh zasadakh. Orhanizatsiino-ekonomichni aspekty innovatsiinoho onovlennia natsionalnoi ekonomiky [Development of industry on the basis of investment and innovation. Organizational and economic aspects of innovative renewal of the national economy]: [kolektyvna naukova monografiya]. Kyiv.: NAU. [in Ukrainian]