

# DIRECTIONS OF IMPROVEMENT OF THE GENERAL AND SPECIAL LABOR LEGISLATION IN THE SPHERE OF STAFFING IN THE BODIES OF THE NATIONAL POLICE OF UKRAINE

## ORIENTAÇÕES DE APERFEIÇOAMENTO DA LEGISLAÇÃO TRABALHISTA GERAL E ESPECIAL NO ÂMBITO DO PESSOAL NOS ÓRGÃOS DA POLÍCIA NACIONAL DA UCRÂNIA

**KOSTIANTYN HARBUZIYK**

Ph.D. in Law, Assistant Professor,  
Kharkiv National University of Internal  
Affairs, Ukraine  
[180471@i.ua](mailto:180471@i.ua)

**OLEKSANDR GUSAROV**

Ph.D. in Law,  
Head of the Pechenis territorial  
community,  
Ukraine  
[pechenegi-possovet@ukr.net](mailto:pechenegi-possovet@ukr.net)

**OLEKSII KUCHER**

Ph.D. in Law,  
Head of the State Regulatory Service of  
Ukraine,  
[olexiy@kucher.com.ua](mailto:olexiy@kucher.com.ua)

**VALENTINE MELNYK**

Ph.D. in Law, Assistant Professor,  
Kharkiv National University of Internal  
Affairs, Ukraine  
[advokat0026@ukr.net](mailto:advokat0026@ukr.net)

**Abstract:** The article, based on the analysis of the scientific views of scientists and the norms of the current legislation of Ukraine, outlines the gaps and shortcomings that exist in the sphere of staffing of the police, and which require the attention of domestic scientists and legislators. Special attention was paid to improving the norms of general labor legislation (in particular, Labor Code of Ukraine). Attention is focused on the fact that the improvement of general labor legislation in the researched area is impossible without improving the provisions of special legal acts, the norms of which are aimed at staffing the National Police of Ukraine.

**Keywords:** Improvement. Labor legislation. Staffing. National Police. Police officers.

**Resumo:** O artigo, com base na análise das opiniões científicas dos cientistas e das normas da atual legislação da Ucrânia, descreve as lacunas e deficiências existentes na esfera do pessoal da polícia e que requerem a atenção de cientistas e legisladores nacionais. Foi dada especial atenção à melhoria das normas da legislação geral do trabalho (em particular, o Código do Trabalho da Ucrânia). A atenção está voltada para o fato de que a melhoria da legislação trabalhista geral na área pesquisada é impossível sem melhorar as disposições de atos jurídicos especiais, cujas normas visam o pessoal da Polícia Nacional da Ucrânia.

**Palavras-chave:** Melhoria. Legislação trabalhista. Pessoal. Polícia Nacional. Policiais.

**Received:** 06 Dec 2022

**Accepted:** 20 Jan 2023

**Published:** 03 Feb 2023

**Corresponding author:**

[180471@i.ua](mailto:180471@i.ua)



## 1. Introduction

Labor law remains one of the main branches of Ukrainian law. At the present stage of the development of Ukrainian legislation, it is in the process of reform under the influence of many socioeconomic factors (Danylova, Denega, Danylov, Dzhura, Derevyanko, 2022). The issue of staffing, regardless of the field of activity, is one of the most important. And in the context of the implementation of the law enforcement function of the state by the National Police, this problem is key, because the state of security of society and the country directly depends on how well each police officer will perform the tasks and functions of the police. It is worth noting that the staffing problems of the National Police of Ukraine are wide in scope, as they cover a wide range of legal, organizational and managerial issues. In addition, it is necessary to solve problems in the relevant sphere taking into account the principle of unity and differentiation of the legal regulation of the relevant social relations.

The rights of workers and their experiences in host countries have been high on the political agendas of Europe and beyond. The interplay between the experiences of policing in home and host countries can provide important insights into the practicalities of policing, but should not be considered apart from the context of the ethnic origin of workers (Markovska, Serdyuk, Sokurenko, 2019). The presence of the principle of unity and differentiation of legal regulation is an extremely important element of labor law regulation, which allows more subtle consideration of the specifics of certain types of labor activity and makes it possible to achieve a certain balance between their characteristics and general labor guarantees. However, on the other hand, this approach significantly complicates the mechanism of legal regulation, since it involves the adoption of a number of special regulatory legal acts of various legal force (laws, by-laws and local regulatory legal acts). This situation, quite often, is accompanied by a number of legislative gaps, disputes and other shortcomings that need to be resolved. This, no doubt, also applies to the legislative regulation of staffing in the bodies of the National Police of Ukraine, the improvement of which requires a revision of the provisions of both general and special labor legislation.

## 2. Literature review

Some problematic issues related to the staffing of bodies and units of the National Police of Ukraine were tried to be solved in their scientific works: S.O. Andrenko, I.V. Burachek, L.O. Vynnychenko, M.M. Dyvak, K.S. Izbash, T.A. Leshchenko, S.V. Mishyna, O.Yu. Prokopenko,

I.V. Slavinska, O.M. Sydorenko, V.O. Tymoshenko and many others. However, despite a number of theoretical and practical achievements, a large number of problems remain in this area, which are particularly related to the presence of a number of gaps and shortcomings in the norms of general and special labor legislation, the norms of which are aimed at regulating the staffing of the National Police of Ukraine.

### **3. Methodology**

While preparing the scientific research, a number of general and special methods of scientific knowledge were used. Thus, with the help of the analytical method and the method of documentary analysis, an analysis of the norms of the current legislation was carried out, the norms of which are aimed at regulating the staffing of the National Police of Ukraine. Modeling and forecasting methods were used in order to work out directions for improving the regulatory and legal regulation of social relations in the researched area. The theoretical basis of the work is achievements of specialists in the field of labor and administrative law. The regulatory basis of the article consists of normative legal acts of different legal force, the norms of which are aimed at regulating the staffing of the police.

### **4. Results and discussions**

When starting the scientific research, first of all, we will consider which aspects of the general labor legislation should be reviewed in order to improve the legal basis of staffing in the bodies of the National Police of Ukraine. The thesis about the obsolescence of the current Labor Code of Ukraine and the need to adopt a new sectoral codified act has not been new for a long time. Scientists, politicians, and representatives of civil society have emphasized this fact and continue to emphasize it today. Currently, there are several drafts of the new Labor Code, the authors of which note that the changes in the system of social relations taking place in Ukraine are directly related to work. A huge number of problems of varying degrees of certainty have arisen, which must be solved by the means of labor law. This significantly intensifies the issue of the early adoption of a new codified act in the field of labor. Over the past 15 years, many changes and additions have been made, in particular, since 1973, the Verkhovna Rada has adopted more than 60 laws on amendments to the Labor Code, as a result of which 235 articles of the Code have been significantly changed out of 265 articles and preambles contained in the

first edition of the Labor Code (some of them - more than once). Labor legislation also includes a number of laws from some of the most important institutions of labor law. A significant majority of the main provisions of these legislative acts have already been incorporated into the Labor Code by adopting separate laws on bringing the code into line with these laws. A characteristic feature of modern labor law is that it includes a significant number of subordinate legal acts. They contain thousands of norms of labor law, while individual ones often conflict with acts of higher legal force. In addition, some legislative acts of the former USSR or their certain provisions continue to be applied in Ukraine (some from 1930, 1933, 1974). In practice, this complicates the application of labor legislation, especially for the protection of the rights of an employee. Therefore, the Labor Code (2019) itself is a mixture of legal norms adopted under different historical and economic conditions, some of which meet the requirements of the time, while others are outdated and cannot adequately regulate modern labor relations. We fully support this position and are convinced that the qualitative improvement and development of legal regulation of the sphere of labor and closely related relations is not possible without a radical update of the main sectoral Law. At the same time, the subject of our research is not the problems and prospects of updating labor law and legislation in general, and therefore, we will turn only to some aspects of general labor legislation, which, in our opinion, significantly affect the issue of staffing of the bodies and services of the National Police of Ukraine.

One of the important issues of the general labor legislation is the improvement of the Labor Code of Ukraine, which regulate the issue of ensuring the labor discipline of employees. First of all, it is necessary to enshrine the definition of the concept of labor discipline in the central sectoral law, because the defined Code does not contain it, unlike, say, the Law of Ukraine "On the Disciplinary Statute of the National Police of Ukraine", which stipulates that official discipline is a police officer's compliance with the Constitution and laws of Ukraine, international treaties, the binding consent of which has been given by the Verkhovna Rada of Ukraine, acts of the President of Ukraine and the Cabinet of Ministers of Ukraine, orders of the National Police of Ukraine, regulatory acts of the Ministry of Internal Affairs of Ukraine, the Oath of a Police Officer, orders of managers (Law of Ukraine No. 2337-VIII, 2018); or the Law of Ukraine "On Civil Service", which states that official discipline is strict observance of the Oath of a civil servant, conscientious performance of official duties and rules of internal official procedure (Law of Ukraine No. 889-VIII, 2015). On the pages of legal literature, researchers provide quite a lot of definitions of the concept of "labor discipline". Thus, for example, M. I. Inshyn (2016, p. 322) notes that one of the features of legal relations on labor issues is that they

can function if they are adequately regulate. Regulation of legal relations on labor issues means, firstly, clear legal regulation of the rights, duties and responsibilities of their participants; secondly, clear observance of rights, guarantees, as well as fulfillment of duties by their participants. Compliance with a certain order of behavior of participants in social relations, which ensures the consistency of their actions in collective, social and state life, is called discipline. That is, discipline, the lawyer emphasizes, represents the order of relations established by legal norms of the participants of social relations, which determines the procedural elements of the latter's realization of their rights and fulfillment of duties in the process of labor activity in one or another sphere of social production (Inshin, 2005, p. 357). K. Yu Melnyk (2014, pp. 312-313) emphasizes that without observing labor discipline, it is impossible to achieve the goals set when organizing a joint labor process. Labor discipline is aimed at ensuring the conscientious attitude of employees to the performance of their work duties and at creating the necessary conditions for productive work. This is achieved by the action of internal labor regulations, statutes and regulations on discipline, etc., which are mandatory for all employees of the enterprise, institution, organization, which establish the obligations of the parties to the labor relationship, determine the types of incentives and disciplinary sanctions, as well as the procedure for their application.

Therefore, the definition of the concept of labor discipline in the sectoral codified law on issues of labor and closely related relations is necessary to clearly outline and ensure proper certainty of the subject of regulation of the institution of labor discipline. It should be noted that the draft Labor Code proposes the definition of labor discipline as mandatory for all employees to comply with the rules of conduct defined by this Code, labor legislation, the collective agreement, internal labor regulations, the employer's regulation and the employment contract (Draft Labor Code of Ukraine No. 0955, 2019).

The Institution of Labor Discipline, as noted above, has a complex nature and includes norms that: a) determine the behavior of the employee and the employer in labor matters; b) determine the authority of the collective of employees, trade union, etc. to ensure labor discipline; c) establish employee incentives; d) determine the application of disciplinary liability to employees (Inshin, Kostyuk, Melnyka, 2016, p. 323). We will not consider the essence and problematic aspects of each of these elements, since this is a rather extensive issue that can become the subject of a separate research. However, let's pay attention to some problematic aspects of the legislative regulation of two elements of labor discipline (namely, incentive and disciplinary responsibility), which are important from the point of view of improving the general

legislative principles of personnel work in police bodies and services.

Thus, according to the current Labor Code of Ukraine (1971), employees of enterprises, institutions, and organizations can be given any incentives contained in the rules of internal labor regulations approved by labor collective. Incentives are applied by the owner or a body authorized by him together with or in agreement with the elected body of the primary trade union organization (trade union representative) of the enterprise, institution, organization. As can be seen from the norms of the Labor Code, the application of incentives is exclusively the right of the employer, which is carried out by him at his own discretion, which makes incentives, as a tool for motivating employees, as subjective as possible, because the legislation does not define any objective criteria for applying incentives to employees. At first sight, this approach seems quite fair - if an employee wants to be rewarded, he must show himself in a particularly positive way in his work. However, even the identification of significant work achievements by an employee is not a guarantee that the employer will exercise his right to incentives, nor does it guarantee that such an employee will be encouraged in the first place, compared to other employees who have achieved less success at work.

Of course, in the conditions of market relations, the stimulus that will encourage the employer to apply incentives to employees, to a large extent, is his desire to achieve higher results, get more profit from the production or provision of services that directly and significantly depend on dedication, quality, efficiency. and the performance of employees. And if the employer does not pay due attention to such employees, does not mark them accordingly, they can quit and get a job with competitors. However, some types of work, in particular related to public service, do not involve commodity production, accordingly, the employer has no interest in increasing profits, as a result, he is not always interested in the special achievements of the employee, but is quite satisfied with ordinary (or proper) work, that is, when the employee faithfully performs the work assigned to him, but he does not show any special initiative and dedication and does not achieve significant results in his work. It is clear that no one is forcing such an employee either, and he can look for another, more "decent" job, in particular in the private sector. However, one cannot ignore the fact that many citizens start public service, in particular to law enforcement agencies, due to the "calling of the soul", they strive to work in the interests and for the benefit of the Ukrainian people and the state. Highly professional, selfless, conscientious work of such employees is a guarantee of high-quality and effective performance of tasks and functions of a certain body of public authority and the state as a whole.

It is clear that the state and the Ukrainian people are interested in such employees, public

servants, who will show the maximum level of professionalism and initiative in their work, will achieve particularly significant results in the performance of tasks and functions assigned to them, will make a significant contribution to the improvement and development of relevant tools and mechanisms of public administration, provision of public services, etc. It is obvious that employees who show special or even extraordinary achievements in the field of performing tasks and functions of public authorities must be encouraged, since in this case it (encouragement) is not just a means of stimulating and motivating the employee to further work in the same direction, but also serves as a form of his (an employee's) public award for special services to the state and society. That is, in this way, the state shows its approval of the relevant labor activity of the employee.

Given the above, we are convinced that in some types of work, the use of incentives should not be a right, but an obligation of the employer, against which the employee's right to receive incentives should be opposed. However, for this, at least an approximate list of criteria should be determined, which the employee's labor activity must meet in order for him to be able to use his right to incentives. And in the case of encouraging police officers, this is especially relevant. Therefore, we believe that it is appropriate to enshrine in Article 144 of the Labor Code that special or local legislation may establish the obligation of the employer to apply incentive measures to the employee (employees), in case of his special labor achievements. The criteria for the application of such incentives should also be defined in the relevant special or local labor legislation. The question of choosing the type of incentive is decided by the employer at his own discretion according to the requirements of the same special and (or) local labor legislation.

Accordingly, given the above, in the legislation regulating police activities, it is necessary to provide for the right of a police officer to receive incentives, and the duty of the manager to apply to police incentives, if he has proven himself to be a particularly valuable employee, has achieved remarkable results in his work. At the same time, it is necessary to determine the general criteria for evaluating the official labor contribution of a police officer in order to apply incentives to him. The type of incentive must be chosen by the person authorized to apply it, taking into account available resources, as well as incentives and (or) disciplinary sanctions previously applied to the employee.

As for disciplinary responsibility, in our opinion, it is necessary to take the following steps in the direction of improving its regulation by the norms of general labor legislation. First of all, it is necessary to provide an official definition of the concept of a disciplinary offense, the commission of which by a person is the only factual basis for bringing to disciplinary



responsibility and applying appropriate disciplinary penalties to it. The current Labor Code contains only a norm stating that disciplinary sanctions may be applied to employees for violation of labor discipline. However, this Code does not explain what should be understood by such a violation. An attempt to eliminate this gap was made in the Draft Labor Code (2019), in which it is suggested that a disciplinary offense should be understood as the non-performance or improper performance by an employee of labor duties assigned to him in accordance with this Code, labor legislation, collective agreement, rules of internal labor regulations, normative the act of the employer and the employment contract. In our opinion, such a definition does not reveal the essence and content of a disciplinary offense as grounds for disciplinary action, since it follows from the given wording that in every case the employee's failure to perform or improperly perform his duties is an offense, regardless of external and internal factors and factors. In the proposed draft of the Labor Code, the definition of "labor offense" does not take into account such aspects as the illegality and culpability of a person's behavior. Therefore, it seems more acceptable to define a disciplinary offense as an illegal, culpable non-fulfillment or improper performance by an employee of his labor duties stipulated by labor legislation, collective agreements, local regulatory legal acts and an employment contract (Podorozhnyi, 2016, p. 321; Zhernakova, 2012, p. 343); or as a culpable illegal violation of labor duties by an employee, for the commission of which disciplinary responsibility has been established and a measure of disciplinary sanction established in labor legislation can be applied (Gruzinova, Korotkin, 2003, p. 21).

Of special interest, in the context of the investigated problem, is the issue of legislative regulation of the official investigation. The problem is that the Labor Code does not contain any instructions regarding the possibility and procedure of official investigations. The only thing stipulated in the Code is that before applying a disciplinary sanction to an employee, the employer (the owner of the organization or the body authorized by him) must demand from this employee an explanation regarding his behavior (action or inaction), which contains signs of disciplinary offense. However, at the same time, the Labor Code does not specify either the form or the procedure for selecting these explanations. Also, the said Code does not expressly provide for the possibility for the employer to apply any more complex procedure for investigating the circumstances of a disciplinary offense rather than the usual explanations. Under such circumstances, it can be said that the official investigation procedure is established by special laws, in particular the Law "On the National Police", which provides for the involvement of other subjects in the investigation procedure (meaning members of the disciplinary commission,



experts and specialists, if necessary), except for the employee and the employer, the possibility of suspending the employee from work (which is not provided for by the current Labor Code), etc., does not comply with the provisions of the Labor Code of Ukraine. Of course, in this case, this situation can be justified by the fact that the institution of official investigation has an administrative nature and therefore is not regulated by the norms of the Labor Code of Ukraine. However, in our opinion, the official investigation is to a greater extent an institution of labor law than of administrative law, since it is carried out: firstly, with the aim of clarifying the circumstances of a disciplinary offense and ensuring a fair and impartial decision on the issue of application to the employee, including a police officer, disciplinary action. In the event that a policeman commits an administrative offense, for which the relevant administrative materials were drawn up against him in accordance with the Code of Ukraine on Administrative Offenses, the issue of his responsibility, although resolved in accordance with the provisions of the Disciplinary Charter of the National Police of Ukraine, however, an internal investigation is not carried out, which is directly enshrined in the Procedure for conducting official investigations in the National Police of Ukraine, approved by order of the Ministry of Internal Affairs dated 07.11.2018 No. 893: *"An official investigation shall not be ordered in the event that a police body (department, institution) or a higher education institution with specific learning conditions, which trains police officers, receives materials on the commission of an administrative offense by a police officer, drawn up in accordance with the procedure specified by the Code of Ukraine on Administrative Offenses. In this case, the decision to bring to disciplinary responsibility is made on the basis of the specified materials"*. Secondly, the disciplinary commission does not have administrative powers in relation to the employee, it does not replace the manager and does not decide for him the issue of bringing the employee to disciplinary responsibility based on the results of the official investigation. Therefore, the official investigation is an auxiliary procedure that allows the manager to more objectively, impartially and fairly decide on the issue of bringing the employee to disciplinary responsibility and applying the appropriate penalty to him. At the same time, in connection with the implementation of this procedure, no new administrative relations arise between the employee and the person authorized to make a decision on bringing the first to disciplinary responsibility, but service-labor relations still operate. Therefore, we are convinced that an internal investigation is an institution of labor law.

Hence, we propose to fix in Article 149 of the Labor Code of Ukraine that special legislative or local acts may provide for procedures for conducting an internal investigation in order to clarify the circumstances of a case of a disciplinary offense. These procedures must be

carried out within the statutory time limits established for the application of disciplinary sanctions, as well as taking into account the principles provided for in the Constitution of Ukraine and the Labor Code of Ukraine.

In addition to the above, in our opinion, it is necessary to improve the provisions of the Law "On the National Police" on the appointment of persons to positions in the bodies and services of the National Police of Ukraine. We are convinced that in order to minimize corruption risks during service in the National Police bodies, to improve the quality of their personnel potential, it is necessary to amend Article 52 of the Law of Ukraine "On the National Police" and establish in it that recruitment in the order of promotion of junior and the average staff of the police, except for the case provided for in part three of this article, must be preceded by a competition or certification. The decision to carry out one of the procedures is made by the head authorized to appoint such positions. Staffing, in the order of promotion, of positions of the top police personnel should take place on a competitive basis. The proposed changes are also designed to increase the level of public control over the staffing of police bodies and services, because the presence of members of the public is mandatory in police commissions that select on a competitive basis, in contrast to the work of attestation commissions, in which it is desirable, but not mandatory. Thus, in the Instruction on the procedure for the attestation of police officers, approved by the order of the Ministry of Internal Affairs dated 17.11.2015 No. 1465, it is established that the above-mentioned attestation commissions may include employees of personnel support units, the Department of Internal Security of the National Police of Ukraine, practical psychology and other employees of the National Police of Ukraine or a police body, as well as with the consent of people's deputies of Ukraine, employees of the Ministry of Internal Affairs, public and human rights organizations, representatives of international technical assistance projects, the public and mass media. Candidates from among people's deputies of Ukraine, employees of the Ministry of Internal Affairs, public and human rights organizations, international technical assistance projects, the public and the mass media are included in the attestation commissions based on proposals received after posting relevant announcements on the official websites of the Ministry of Internal Affairs or police bodies, and of their consent.

Next, we believe that amendments should be made to Part 5 of Article 63 of the Law "On the National Police" (2015), which states that a contract is the basis for issuing an order to accept a person for police service and/or appoint him to a relevant position. In our opinion, the provision enshrined in part 5 of the mentioned article is not formulated very successfully, in this regard, V. V. Yeromenko (2019, p. 53 ) rightly notes that in this case, the interpretation of the

two concepts of "admission" of a person to the service and "appointment" to the corresponding position is unequal. Based on the semantic interpretation of this norm, we consider the identification of these concepts unreasonable, since these concepts are related to each other as general and special. Appointment is a type of recruitment (service). Therefore, all methods of replacing police positions provided by the Law of Ukraine "On the National Police" (2015) are varieties of the general concept of "recruitment (service)".

Another significant problematic issue of the legislative regulation of staffing of police bodies is the content of Article 57 of the Law of Ukraine "On the National Police" (2015), which regulates the principles of certification of police officers. The provisions of this article are formulated in such a way that there is no appropriate systemic connection between its part 1 and 2, as a result of which favorable conditions are created for abuse and manipulation by management. Under the current wording of the said Article 57, Part 1 of it may well be applied as an independent basis for the attestation of police officers, without taking into account the list of those grounds established in Part 2 of Article 57. Therefore, it is necessary to amend part 1 of Article 57 of the Law of Ukraine "On the National Police" (2015) and put it in the following wording: "The certification of police officers is carried out in order to assess their business, professional, personal qualities, educational and qualification levels, physical training on the basis of a deep and comprehensive study, determination of suitability for positions, as well as prospects for their service career in the cases specified in Part 2 of Article 57 of this Law". That is, only the presence of cases provided for in Part 2. Article 57 of the Law of Ukraine "On the National Police" (2015) is the basis for certification of police officers. The list of these reasons is exclusive.

## 5. Conclusions

Thus, summarizing the above, we can state that the promising directions for improving the general and special labor legislation, which determines the legal basis of staffing in the bodies of the National Police of Ukraine, are the following:

- 1) improvement of the norm of the Labor Code of Ukraine, which concerns the guarantees of labor rights when concluding, changing and terminating an employment contract, and which is enshrined in Article 22 of the said Code. In particular, it is proposed to establish in the specified article that it is not considered discrimination (direct or indirect restriction of rights) on the basis of language to establish requirements regarding the mandatory proficiency of certain

categories of employees in the Ukrainian (state) language in accordance with the Law of Ukraine "On Ensuring the Functioning of the Ukrainian Language as the State Language", and also in a foreign language according to the Law of Ukraine "On Civil Service";

2) it is necessary to solve the problems associated with ensuring labor discipline for all categories of employees, and make appropriate changes to the current Labor Code of Ukraine;

3) the procedure for applying incentives to police officers needs improvement. In some types of work, the use of incentives should not be a right, but an obligation of the employer, which should be countered by the employee's right to receive incentives. However, it is necessary to determine at least an approximate list of criteria that the employee's labor activity must meet in order for him to be able to use his right to incentives;

4) of particular interest, in the context of the issues under study, is the issue of legislative regulation of the official investigation. The problem is that the Labor Code does not contain any instructions regarding the possibility and procedure of official investigations. The Code also does not explicitly provide for the possibility of the employer applying a more complex procedure for investigating the circumstances of a disciplinary offense than the usual request for explanations;

5) in Article 149 of the Labor Code of Ukraine, it is expedient to stipulate that special legislative or local acts may provide for procedures for conducting an official investigation in order to clarify the circumstances of a disciplinary offense. These procedures must be carried out within the statutory time limits established for the application of disciplinary sanctions, as well as taking into account the principles provided for in the Constitution of Ukraine and the Labor Code of Ukraine;

6) a significant problematic issue of the legislative regulation of staffing of police bodies is the content of Article 57 of the Law of Ukraine "On the National Police", which regulates the principles of certification of police officers. The provisions of this article are formulated in such a way that there is no appropriate systemic connection between its parts 1 and 2, as a result of which favorable conditions are created for abuse and manipulation by management.

## References

- Draft Labor Code of Ukraine No. 0955. (2019). Available at: [http://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_2?id=&pf3516=0955&skl=10](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_2?id=&pf3516=0955&skl=10)
- Law of Ukraine No. 2337-VIII. (2018). *On the Disciplinary Statute of the National Police of Ukraine*. Available at: <https://zakon.rada.gov.ua/laws/show/2337-19#Text>
- Law of Ukraine No. 889-VIII. (2015). *On civil service*. Available at: <https://zakon.rada.gov.ua/laws/show/889-19#Text>
- Inshin, M. I., Kostyuk, V. L., & Melnyka, V. P. (2016). *Labor Law of Ukraine*. Kyiv. Center of educational literature.
- Inshin, M. I. (2005). *Problems of legal regulation of labor of civil servants of Ukraine* [Doctoral dissertation]. Kharkiv.
- Melnyk, K. Yu. (2014). *Labor Law of Ukraine*. Kharkiv. Disa plus.
- Code of Labor Laws of Ukraine No. 322-VIII. (1971). Available at: <https://zakon.rada.gov.ua/laws/show/322-08#Text>
- Podorozhnyi, E. Yu. (2016). *Problems of the theory and practice of legal responsibility in the labor law of Ukraine* [monograph]. Kharkiv: Panov.
- Zhernakova, V. V. (2012). *Labor law*. Kharkiv: Right.
- Gruzinova, L. P., & Korotkin, V. G. (2003). *Labor Law of Ukraine*. Kyiv. MAUP. 4. 2003.
- Order of the Ministry of Internal Affairs No. 893. (2018). *On the implementation of certain provisions of the Disciplinary Statute of the National Police of Ukraine*. Available at: <https://zakon.rada.gov.ua/laws/show/z1355-18#n17>
- Order of the Ministry of Internal Affairs No. 1465. (2015). *On the approval of the Instructions on the procedure for the certification of police officers*. Available at: <https://zakon.rada.gov.ua/laws/show/z1445-15#Text>
- Law of Ukraine No. 580-VIII. (2015). *On the National Police*. Available at: <https://zakon.rada.gov.ua/laws/show/580-19#Text>
- Eremenko, V. V. (2019). Reasons for the emergence of individual service (labor) legal relations among police officers. *Law and innovation*, 3, 55–61.
- Markovska, A., Serdyuk, A., & Sokurenko, V. (2019). Corruption, Policing and Migration: Exploring the Interaction Between Migrant Workers and Police in Russia, Ukraine and the UK. *International migration*, 57(1), 145-162. DOI: <https://doi.org/10.1111/imig.12475>
- Danylova, M.V., Denega, O.P., Danylov, M.O., Dzhura, K.J., & Derevyanko, A.I. (2022). International principles and standards of labor law as a basis for improving labor legislation of Ukraine. *Indian journal of labour economics*, 65(4), 1121-1136. DOI: <https://doi.org/10.1007/s41027-022-00409-2>