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## **ANALYSIS OF SERVICE DISCIPLINE AND LEGALITY IN THE UNITS OF INTERNAL AFFAIRS BODIES**

*Methodology of analysis of the system of discipline and law, which was created for the objective evaluation of the effectiveness of preventive measures in the system of internal affairs.*

**Keywords:** *methodology, systems analysis, corruption, criminal, administrative and disciplinary offenses prevention of crime rate.*

Presence in Ukraine is characterized by pronounced actualization of European integration processes, the desire of society to economic growth, political stability, social equality. Improvement of the economic and social situation is impossible without strengthening legality and discipline establishment in the country the principles of the rule of law, justice and humanism, the priority of the rights and freedoms of man and citizen, to build a legal State and civil society. Strengthening of legality and the rule of law are an integral part of economic and social transformations, condition for maintaining political stability and social peace. An important factor that ensures proper implementation of the rights and freedoms of man and citizen, is based on the strict observance of discipline and legality of the activities of the militia, which has pronounced the public nature and largely identified with the actions of public authorities. Assessing compliance with these actions the law, citizens determine how the State ensures their own rights and freedoms.

In this regard, it is important to avoid violations of legal norms, the rights and freedoms of citizens. After all, against this background, there is an atmosphere of fear and insecurity of citizens growing alienation and distrust to the Government, is the cultivation of permissiveness, legal nihilism and disregard for the law. So today in terms of global socio-economic and political transformations in our country is extremely important and it is important to address the issue of identifying ways to strengthen legality and discipline in the activities of the bodies of Internal Affairs of Ukraine. The relevance of this problem is highlighted in the decisions of the Ministry of

internal affairs of Ukraine, on operational meetings of bodies of Internal Affairs of Ukraine. The main efforts are concentrated on prevention work, enhancing the role and responsibility of managers of all levels, respecting the subordinates of the statutory requirements, the proper performance of official duties, ensuring the constitutional rights and freedoms of citizens.

Status of service discipline and legality reflects not only the status of the legality of the business activities in quantitative terms, but also indicates that the prevalence of expediency over legality during its implementation. Even the high effectiveness of the service activity does not justify violation of legal norms or the manner of its implementation. The main principle of activity of bodies of Internal Affairs is the strict observance of every employee of the law and discipline. Therefore, the effectiveness of militia activity for today is not only the tasks concerning the protection of citizens, society and the State against illegal attacks, but also strict observance of service discipline and legality, recognition of human rights and freedoms unaffected. Object of research – the status of official discipline and legality of the bodies and departments of the Interior, the subject is the effectiveness of preventive measures in the institutions and departments of the Interior, the methods of their evaluation. Aim of this work is to determine the key indicators of discipline and law enforcement and internal affairs departments that reflect the effectiveness of preventive measures, and the creation of methods of analysis of service discipline and legality

The tasks of such Methods should be: unify and streamline the system of determining the level of effectiveness of preventive measures; evaluation of service discipline and legality among the personnel divisions of OIA; definition of categories of events that are taken into account when assessing the status of official discipline and legality among the personnel divisions of OIA; design of weighting coefficients for events depending on the severity of the consequences of irregularities in discipline or legality by OIA; the use of the methodology should provide an analysis and assessment of service discipline and legality, its structure and dynamics, development of managerial decisions aimed at increasing the effectiveness of preventive measures for the prevention of violations of discipline and law among personnel of the OIA.

In the broad legal sense of service discipline should be understood as: submission to

the duties contained in legal acts (regulations, enable legislation, solving, contractual) or in other social and technical in the regulations. The main signs of service discipline. Firstly, discipline is a form of social communication subjects, created and implemented in the course of that or other joint activity (business, labour, academic, etc.). It is known that joint activities suggest some consistency and organisation and is achieved through discipline. Secondly, the discipline associated with submission of one entity to another, which implies a certain power or authoritative requirements installation guidelines. However, by themselves, a relationship of subordination derived either from the authorities or from the authority.

The concept of discipline, law and order related – discipline is impossible without compliance with and enforcement of the law, conscious of the positive attitude of OIA to the established order. However, between legality and discipline there are differences in the content and place in the system of legal regulation. Firstly, in terms of law legality acts basis for discipline, but discipline is not only legal, but also a social phenomenon. It does not dry out the legality. If the legality of the means to clear and strict observance of the norms of law, discipline assumes even more activity, initiative in work. Secondly, the State of discipline – wider from the notion of legality, as ensured by the norms of law and other social norms, especially the norms of morality. Based on the State of the discipline is the Executive discipline, good attitude of officers to perform the tasks assigned to them.

Thirdly, discipline and legality have different results. The result of the legality, law and order. The result of the discipline – the social order. Fourthly, State discipline is implemented in the field of realization of functions of the State, its bodies, institutions, and enterprises. Its varieties are planned, financial, business, etc. In service-professional police, rule of law, the essential role played by the discipline. Discipline is abiding by privates and officers of the Constitution and laws of Ukraine, bills of the President of Ukraine and the Cabinet of Ministers of Ukraine, orders and other regulatory legal acts of the Ministry of Internal Affairs of Ukraine, the assigned organs and subdivisions and the Sworn of employee bodies of Internal Affairs of Ukraine.

The legality, in the broadest sense, is the multiple-aspect of the socio-legal phenomenon that characterizes the Organization and the functioning of society and the State the legal basis and includes the principles, methods and modes; the legal regime of

precise and strict implementation of laws and other normative acts in all spheres of State and public life. Prevention of delinquency among personnel OIA is purposeful activity of the prevention of illegal acts, where the subject of legal regulation are only those social relations which are created in this activity. Therefore, the prohibition established administrative (civil, criminal, etc.), code, is there a certain way, a list of the most important social values, ensuring integrity which determines the need for the existence of a system of preventive measures in the business activities of OIA.

In this regard, the content of the MIA of Ukraine concerning prevention of official crimes includes: comprehensive analysis of their status, trends, dynamics, prediction and development of proposals on measures the previous response to negative changes affecting the growth of crime; normative-methodical provision of early warning activities of the departments of internal affairs bodies; informational support of all parts of the system; representation of interests of MIA in the media and at the international level; application of positive experience and scientific recommendations for the prevention of crimes. Responsible for organizing and monitoring the condition of observance of the rule of law, discipline, measures to prevent emergencies among the personnel assigned to the Deputy Chiefs of police, Ministry of internal affairs – chiefs of staffing. Directly at the level of the divisions of Internal Affairs coordination of the activities concerning the prevention of official crimes, ensuring cooperation with other agencies and organizations on these issues, as well as control functions rely on the chiefs of these bodies.

The system analysis of service discipline and legality in organs and departments of Internal Affairs is the sequence of actions of installation elements and indicators that characterize the status of official discipline and legality in organs and departments of the Interior, their structural relationships. The severity is a description of the circumstances of violations of discipline or the law officer OIA, which has a relatively steady character and counted for qualitative evaluation of statistical data. The actual number of personnel is the number of employees who perform duties, staying on mission at the hospital in the enjoying. The baseline for calculations of the actual population is month. The actual number of personnel for a greater term determined as the average value of the actual population during this period.

*Basic performance evaluation of service discipline and legality in the bodies and units of internal affairs. Determine the level of effectiveness of preventive measures aimed at strengthening discipline and legality among personnel of the bodies and departments of the Interior, is based on the metrics that are calculated by the number of allowed events and degree of severity of their consequences (coefficient of severity). 1. the number of reports of suspicion of committing criminal offences in relation to police during the reporting period. In the case of notification of suspicion of committing the criminal offence of obtâzuûčimi circumstances employees OIA – coefficient equal to quantifiable metric times 3.5 without depressing circumstances times on 3.*

*2. the number of criminal proceedings, in which employees of OIA was notified of suspicious citizens, and in future such proceedings closed for lack of events or of criminal offences, failure of prove of culpability of the suspect, or in connection with the decision covering sentence on such a person – the coefficient is equal 1,5 (total result is quantifiable indicator). 3. the number of criminal proceedings, closed OIA for lack of events or of criminal offenses, decree on closing which later was canceled, and the materials of the indictment sent to court – the coefficient is equal to 1,5 (total result is quantifiable indicator).*

*4. quantitative measure of drawing to administrative responsibility militia – the coefficient is equal to the quantitative indicator OIA employees to administrative responsibility for committing crimes of burdened circumstances times 2.5, without depressing circumstances times on 2. 5. a number of administrative materials composed of OIA, the proceedings in which it was closed for lack of events or of administrative offences – coefficient is equal to 1,5 (total result is quantifiable indicator). 6. quantitative measure of drawn to disciplinary responsibility of the militia – the coefficient is equal 1 (total result is quantifiable indicator). 7. the number of pending appeals of citizens concerning illegal actions of employees of internal affairs bodies – the coefficient is equal to 1 (total result is quantifiable indicator).*

*8. the number of accidents committed by employees of internal affairs bodies – the coefficient is equal to quantifiable metric for 2.5 times, while committing the accident of obtâzuûčimi circumstances, without depressing circumstances times on 2. 9. in case of approval of the disciplinary offence, of an administrative or criminal offence involving*

*employee seniority service as in the OIA which less than one year (excluding tuition), defined by the algorithm is multiplied by the factor 0.5. 10. in the case of approval of the disciplinary offence, of an administrative or criminal offence involving employee seniority service as in the OIA which a year or more (excluding tuition), is defined by algorithm of coefficient is equal 1.*

8. the number of accidents committed by employees of internal affairs bodies – the coefficient is equal to quantifiable metric for 2.5 times, while committing the accident of aggravating circumstances, without depressing circumstances times on 2. 9. in case of approval of the disciplinary offence, of an administrative or criminal offence involving employee seniority service as in the OIA which less than one year (excluding tuition), defined by the algorithm is multiplied by the factor 0.5. 10. in the case of approval of the disciplinary offence, of an administrative or criminal offence involving employee seniority service as in the OIA which a year or more (excluding tuition), is defined by the algorithm of coefficient is equal to 1.

Example of calculation of indicators of service discipline and legality in the subdivision. For the 1-st quarter of the current year with respect to employees of the Department of internal affairs in the region, which has the actual strength of 500 people notified of the suspicion of committing criminal offences of the 5-th employees of militia. At the same time in the specified section of the 12 appeals of citizens concerning illegal actions of militia. The number of administrative materials composed of OIA, the proceedings in which were closed in the absence of events or the misdemeanor is 4. Also the fault of militia committed 7 of them are accidents, 3 of aggravating circumstances. So: 1)  $5 \times 3 + 12 + 4 \times 1, + 3 \times 2, + 4 \times 2 = 48.5$ ; 2) cumulative indicator unit ATS-48.5; 3)  $48, 5 \times 100: 500 = 9.7$ ; general indicator unit ATS-9.7.

General indicator unit ATS-9.7. Indicator the level of violations of law and discipline unit ATS-9.7 points. Indicator the level of violations of discipline and law unit OIA can calculate to the hundredths. The calculation of the level of violations of discipline and law unit of OIA for the evaluation of the effectiveness of preventive measures is made in the relevant table. Automated calculation option is implemented in Microsoft Office Excel.

For the purpose of exercising control over the integrity of the data used when

determining the metric level violations of law and discipline in government bodies and departments of the Interior, calculate the total score is based on and taking into account the information-analytical inquiries, which need to be analyzed, all reflected in the indicator events, indicating other factors that influencing (seniority of service employees in OIA, the severity of the consequences of the events, disposition articles of the Criminal Code, the actual number of OIA etc.). The above mentioned information-analytical reference note is added to the table, calculate the total indicator level violations of discipline and law unit of OIA for the evaluation of the effectiveness of preventive measures.

The overall index is the base for the evaluation of the effectiveness of preventive measures and can be used for the comparison with other bodies or departments of the Interior, allows you to track changes in the organ or unit of internal affairs within a certain time. The effectiveness of preventive measures is inversely proportional to the General indicator of the level of violations of law and discipline unit OIA the higher the value of the General index, the lower the efficiency of preventive measures aimed at strengthening discipline and legality and preventing emergency events on your personal structure. It is reported about evaluation results to the appropriate subsection of the MIA of Ukraine, and also brought to the attention of the staffing of MIA of Ukraine with the purpose of defining and using the necessary preventive measures to improve the status of official discipline and legality of this unit of OIA, eliminating the causes and conditions that contribute to the reduction of the level of effectiveness, as well as measures aimed at the dissemination of positive experience in this field among the other agencies and departments of internal affairs.

*The subjects of the analysis of the State of official discipline and legality in the bodies and units of internal affairs. Collect information for the indicators included in the Methodology of official discipline and legality of OIA, is carried out: – at the level of the MIA, of Ukraine in the Autonomous Republic of Crimea, districts, the cities of Kyiv and Sevastopol, in railways – departments (divisions) staffing; – at the level of the Ministry of internal affairs – Department staffing MIA; – reporting information is stored and is available in the statistical tables and related analytical certificates. Frequency analysis of service discipline and legality in the bodies and units of internal affairs.*

A systemic analysis of the status of official discipline and legality for objective

evaluation of the effectiveness of preventive measures can be implemented at different intervals: planning is carried out continuously in order to analyze the status of official discipline and legality in the bodies and units of the internal affairs, it is proposed to carry out verification at intervals of once per quarter (up to 3, 6, 9 and 12 months of each year); the target is carried under the conditions of Commission staff Division of significant violations of discipline and law, frequent additions of citizens or legal entities of complaints concerning the activities of the employees of this unit or the low value of the overall indicator of level of service discipline and legality in the current year.

We'll note that during the inspection priority is identifying the of the causes and conditions that cause the reduction of the State law and discipline in the organ or unit of Internal Affairs (in accordance with the provisions of the Instruction on the procedure of conducting official investigations in the organs of Internal Affairs). Identifying these causes and conditions involves a careful study of the General State of discipline and legality in the body (subsection). Thus, this study allowed to approach the evaluation of the effectiveness of preventive measures through the State of discipline and legality in organs and departments of Internal Affairs, to propose a methodology of analysis of the State of service discipline and legality in the OIA. It is provided the methods list of indicators and the procedure of analysis of service discipline and legality which is the basis for units of OIA. Depending on the purpose of evaluation, the specifics of service discipline and legality in the region and other circumstances, when it is carrying out by the decision of the head of the relevant Department of the MIA, can be used additional indicators as well.

The above mentioned defines the priority of the urgency of investigating the effectiveness of preventive measures and the exceptional significance of the practical use of the method of analysis of the State of service discipline and legality in the bodies and units of the internal affairs

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