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**ПРАВООХРАНИТЕЛЬНЫЕ, ПРАВООЩИТНЫЕ ОРГАНЫ И
ОБЩЕСТВЕННОСТЬ: МЕХАНИЗМЫ ВЗАИМОДЕЙСТВИЯ
ПУБЛИЧНЫХ ИНСТИТУЦИЙ**

**LAW ENFORCEMENT BODIES, HUMAN RIGHTS ORGANIZATIONS AND
THE SOCIETY: MECHANISMS OF INTERACTION OF PUBLIC
INSTITUTIONS**

The concept of "law enforcement", which is characterized by polycentricity, was investigated. Institutions of this activities were established. It was determined that a special place among them is occupied by executive authorities, public organizations, the ombudsman and other public institutions. The ways of increasing their interaction were proposed, implying the improvement of the corresponding organizational and legal public mechanism.

Keywords: *public administration, law enforcement bodies, human rights organizations, society, public institutions.*

Problem setting. The Constitution of Ukraine assigns the responsibility for the protection and protection of human and civil rights and freedoms to the state and its bodies. The activities of such public institutions are of great importance in protecting human rights and freedoms: law enforcement and human rights bodies, as well as members of the public.

The current regulatory framework has a number of features, one of which is the

absence of a single legislative act or other document, which would clearly fix the main provisions of the system of law enforcement and human rights bodies, their full list, concept, classification, etc. At the same time, an analysis of the array of Ukrainian legislation on the problem allows us to conclude that, despite the absence of a formulated definition, the legislator in certain legal acts designates a list of services, making an attempt to consider the essence of this institution of power.

Recent research and publication analysis. The researches of scientists L. Antonova, S. Dombrovskaya, I. Zhukova, E. Lobodenko, L. Novak-Kalyaeva, E. Romanenko, V. Shchukin and others was devoted to the study of the problems of state policy in the field of law enforcement and human rights activities in Ukraine and other countries. [4; 6; 9]. At the same time, there is a need for a systematic analysis of the mechanisms of "mutual": actions, penetration and influence of institutions in the field of human rights and law enforcement. It is also important to establish the specifics of public participation and involvement in the implementation of such activities. This is necessary in the context of guaranteeing and ensuring the protection of human and civil rights. All this constitutes the purpose of our research.

Paper main body. In the scientific literature, there are several approaches to studying the problem posed. Often researchers, in particular V. Shchukin [9, p. 15-17], identify the concept of "law enforcement agency" with the concept of "law enforcement service".

According to T. Afanasyeva, a law enforcement bodies should be understood as a specially established bodies of state power (mainly executive), relying in necessary cases on coercive measures, performing a law enforcement function, the purpose of which is to ensure compliance with law and order in society and the state as a whole, through a decision a range of specific tasks, special functions for the protection and protection of the rights, freedoms and legitimate interests of citizens and organizations [1]. The author considers the state executive authorities to be law enforcement agencies, since the priority area of activity of the following ministries and departments is to perform the function of ensuring security, law and order, combating crime, protecting human and civil rights and freedoms: the Ministry of

Internal Affairs, the Security Service of Ukraine, the police and others. At the same time, the police interacts with other law enforcement agencies, state and local authorities, public associations, organizations and citizens, assisting them in ensuring the protection of the rights and freedoms of citizens, compliance with law and order.

As part of the system of executive power, law enforcement agencies can fully exercise their functions only with the participation of citizens and their associations. Citizens are able not only to directly participate in the work of law enforcement agencies, but also form public opinion - one of the most important indicators for assessing the activities of the entire system of law enforcement agencies. The level of public confidence directly characterizes how honestly and openly the police act within their powers and fulfill their duties. In this regard, continuous monitoring of public opinion on the activities of law enforcement agencies, as well as monitoring of their interaction with civil society institutions, should be carried out. Monitoring results should be communicated to the public and state and local authorities through the media and the Internet.

In this context, it is necessary to cite the results of sociological surveys to determine the level of citizens' trust in the institutions of human rights and law enforcement in Ukraine, which were obtained in 2012 (Table 1). According to the Institute of Sociology of the National Academy of Sciences of Ukraine, among the surveyed citizens regarding their trust in these institutions, the position prevails in terms of the total level behind the formulations "I don't trust" and "I haven't decided".

At the same time, the vast majority of citizens do not apply for legal protection to the police (60.4% of respondents), courts (71.9% of respondents), prosecutors (86.3% of respondents), to lawyers (62.6% of respondents) [8, p. 544]. The reasons for this may be reluctance to enter into appropriate legal relations that require appeal to the institutions of legal protection and protection, the incompetence of citizens, their financial restrictions, etc.

Table 1

Results of a survey of citizens regarding their level of trust in the institutions of
legal protection and protection in Ukraine (2012)

No	Name of institution	Citizen Survey Results (Trust Level)	Citizen survey results (level of distrust)	Results of a survey of citizens (% of undecided)
1	Police	8.8%	66.5%	24.6%
2	Prosecutor's Office	8%	64.7%	27.1%
3	Courts and others Judicial authorities	8.6%	66.2%	24.8%

Source: compiled on the basis of data from the Institute of Sociology of the National Academy of Sciences of Ukraine [6; 8]

The dynamics of changes in the level of citizens in their attitude towards law enforcement and human rights bodies is evident. According to the Ilko Kucheriv Democratic Initiatives Foundation [2], in 2020 the situation with the level of trust / distrust in human rights and law enforcement institutions has changed somewhat (Fig. 1). Almost the same results of a sociological survey were obtained by New Image Marketing Group, which assessed the socio-political attitudes of the population of Ukraine in February 2020, incl. the level of his confidence in human rights and state institutions [3].

The statistics given in Table 1, contain information useful for comparing the level of citizens' confidence in the institutions of legal protection and protection in Ukraine in 2012 and 2020. As a matter of fact, the data given in table are Table 1 and Fig. 1. This choice of annual comparison is due to the fact that in 2011 the modern stage of functioning of the mechanisms of human rights policy in Ukraine began, which continues to the present.

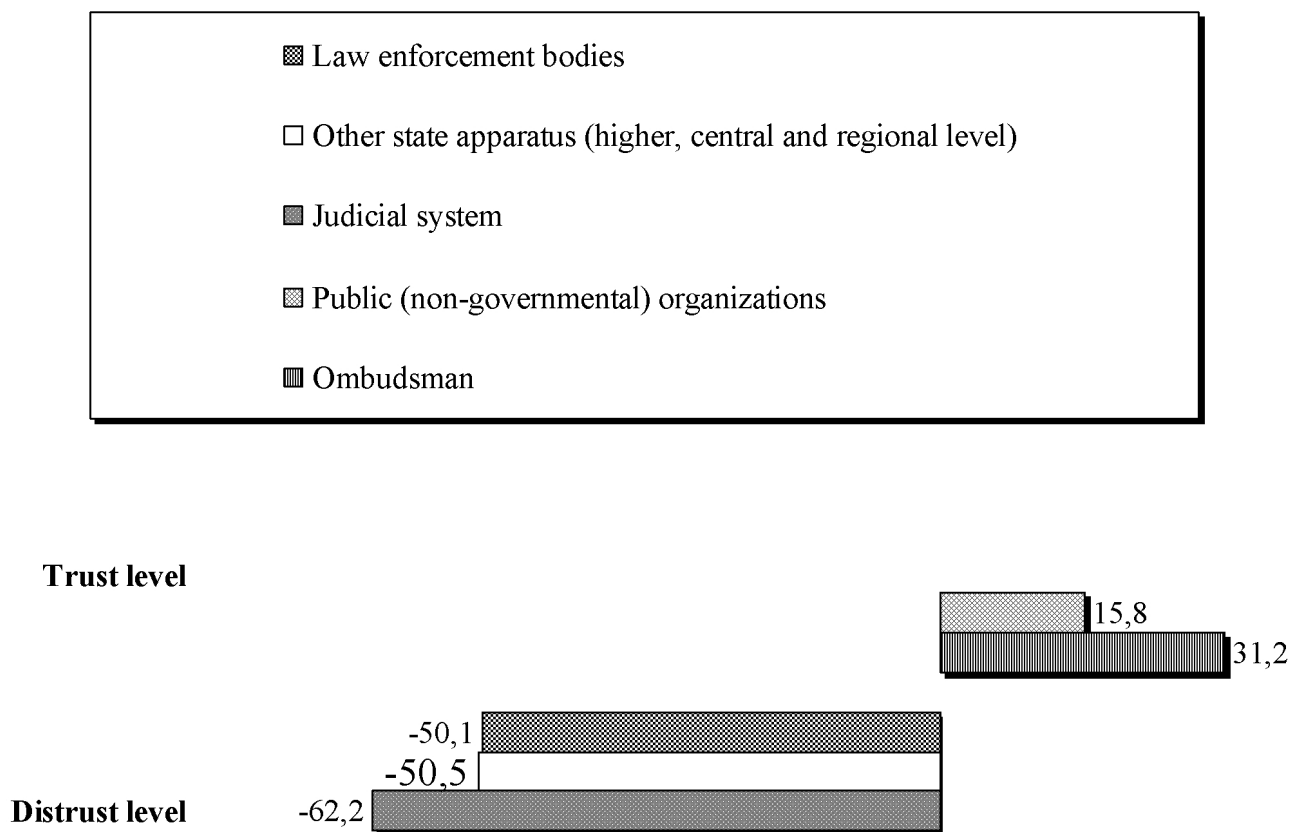


Figure: 1. Balance of trust / distrust of citizens in human rights and law enforcement institutions in 2020

Source: compiled on the basis of data from the Ilko Kucheriv Democratic Initiatives Foundation [2; 6]

It should be noted that it is a common practice to appeal to the Human Rights Commissioner of the Verkhovna Rada of Ukraine. The number of calls to it in 2019, compared to 2013, doubled. This applies to both applications from citizens and legal entities, as well as oral and written. The lowest rate of appeals to the Ombudsman of Ukraine was recorded in 2014. In addition, we note that the following types of violated rights are distinguished in appeals by applicants (in 2019):

- civil rights (number of applications - 21160) - 62.5%;
- social rights (number of applications - 4792) - 14%;
- economic rights (number of applications - 3379) - 10%;

- personal rights (number of requests - 1937) - 5.6%;
- children's rights (number of requests - 1006) - 3%;
- freedom from discrimination (number of applications - 422) - 1.5%;
- political rights (number of applications - 238) - 0.7%;
- others (number of requests - 904) - 2.7% [10].

In order to coordinate the socially significant interests of citizens of Ukraine, government bodies and public associations, Public Councils are formed under the executive branch. These institutions are advisory bodies whose decisions are of a recommendatory nature; formed on the basis of the voluntary participation of citizens, members of public associations and organizations in its activities. One of the main tasks of the Public Council is the implementation of public control over the activities of the internal affairs bodies, informing citizens about their activities, and analyzing the opinion of the population on these issues.

In addition, the protection of human and civil rights and freedoms is completely impossible without the participation of civil society institutions, among which one of the main places belongs to public associations. One of the most important legal foundations for the formation and activities of public associations is the right to association guaranteed by the Constitution of Ukraine, including the right to form trade unions to protect their interests. The Constitution establishes the basic principles of the formation and activities of public associations: no one can be forced to join any association or stay in it; freedom of activity; equality of public associations before the law.

There is a noticeable demand in the Ukrainian society for the human rights activities of public associations. Thus, according to the results of a study conducted by the Democratic Initiatives Foundation and the sociological service of the Razumkov Center, among the surveyed citizens, 37.4% believe that public organizations, first of all, should deal with the protection of socially vulnerable groups, 33.7% believe that public organizations should provide people with legal and other assistance in defending their rights, and 30.5% believe that public organizations should control the activities of the authorities [5].

In general, the environment for the functioning of civil society organizations that are positioned as human rights defenders is heterogeneous and has varying degrees of coverage and different performance indicators. However, in this segment of public human rights organizations there are a number of organizations that have accumulated a certain experience of functioning, demonstrating effective activities, namely:

- Kharkiv Human Rights Group;
 - Ukrainian Helsinki Human Rights Protection Union;
 - Committee for the Protection of Human Rights;
 - Committee of Voters of Ukraine;
 - Vinnitsa human rights group;
 - International Society for Human Rights - Ukrainian Section;
 - International League for the Protection of the Rights of Citizens of Ukraine,
- etc. [6].

The public organizations listed above are recognized as leading in the rating of human rights organizations compiled by experts [7]. In addition, the unification of efforts of civil society organizations occurs through the creation of coalitions of human rights organizations and movements. At the same time, the forms and methods used by human rights organizations are different (for example, programs, events to participate in authorized and unauthorized protest actions). Since political and legal guarantees for ensuring and protecting human rights are not sufficient in Ukraine, therefore, a number of human rights organizations and movements direct their influence on the public and political sphere, forcing law enforcement agencies to make lawful management decisions. In some places, civil society institutions in their activities harm the interests of society and the state, reducing their level of security. The oversaturation of the media with information of criminal content creates additional grounds for increasing tension in society. At the same time, less attention is paid to the coverage of information that can help citizens to protect their rights and interests [ibid.].

Undoubtedly, human rights organizations are expanding the space of their

activities in the field of human rights protection and are increasingly being established in the general structure of public organizations. At the same time, in Ukraine, traditionally, human rights organizations are largely dependent on foreign donors and are associated with both international intergovernmental and international non-governmental human rights organizations. Therefore, it is urgent to solve this problematic situation in order to ensure national security, including the interests of the state, society and individual citizens.

Thus, depending on the organizational and legal form, different public organizations in the field of legal protection and protection have different statutory tasks, target orientation, forms and mechanisms of activities. Given this circumstance, it is doubtful how justified is the unification in one legislative concept and the granting of a similar legal status to such different public associations as, for example, political parties, on the one hand, and various sports, cultural, religious and other similar public associations with other. It should also be noted that the listed normative legal acts do not contain not only a definition of a non-governmental human rights organization as a separate organizational and legal form, but also mention of them in such a formulation. That is, any association for the purpose of which there is protection of certain rights of citizens can be considered a human rights organization. As for interaction with the state, in this area, interference of state authorities and their officials in the activities of public associations is not allowed, as well as interference of public associations in the activities of public authorities and their officials. The state ensures the observance of the rights and legitimate interests of public associations, supports their activities, legislatively regulates the provision of tax and other benefits and benefits to them.

The main public institution to assist citizens in the exercise of their legal rights and freedoms is currently non-governmental human rights organizations. However, with the increase in the volume of adopted normative acts regulating this area, the number of contradictions and errors in the comparative analysis of the rules contained in them increased, which in turn causes difficulties in law enforcement practice. Analysis of legal acts reveals some shortcomings in this area. In particular, in the

system of sources regulating the functioning of non-profit organizations, some provisions of the laws in many respects textually duplicate each other. Therefore, the main task and one of the main directions of the planned reforms in the legislation is to bring the current regulatory framework into a single coordinated system, in particular, by consolidating and canceling outdated and ineffective legislative acts. Various opinions are also associated with the need to quantitatively reduce the existing list of organizational and legal forms of public organizations. In this regard, we believe that it is necessary to adopt a law “On public human rights organizations”. More details about this draft law are discussed in this scientific publication [6, p. 77-94].

As for cooperation between human rights organizations and law enforcement agencies, the need for interaction is stated in the legislative acts, however, this process does not have a normative concretization, and a clear legal mechanism of interaction is not spelled out. Taking into account this circumstance, it seems expedient to create a regulatory legal act that would contain a social and legal mechanism for interaction between human rights organizations and law enforcement agencies.

Conclusions of the research. Thus, the process of protecting and protecting the rights of citizens involves not only the formation of an appropriate legislative and legal framework, but also the ability on the part of citizens to independently find ways to protect their rights. In this regard, public human rights organizations act as an alternative to state bodies, which is in no way inferior to them in importance and effectiveness. A clear and coordinated work of state and public authorities, local self-government, public associations, as well as the consolidation of the efforts of all the above bodies in the field of protecting the rights of citizens is a guarantee that in Ukraine the rights and freedoms of a person and citizen, which belong to him under the Constitution, will be strictly observed and defend.

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