IS THE NATIONAL POLICE OF UKRAINE EUROPEAN?

(ABSTRACT, KEY WORDS)

The fact that the National Police of Ukraine, which is territorially European, does not yet testify to the possibility today to consider the National Police as the European Ukrainian police in the sense of its internal readiness to conform to the standards of organization and operation of the police forces of the European Commonwealth. The answer to this problem can be solved by such tasks as searching for the principles of "Europeanization" of the National Police in the current legislation; perception and display in the media of the European fundamentals of the National Police; analysis of the status of self-identification of the National Police as a European and supporting European and Euro-Atlantic integration as an element of its own "Europeanization" by Ministry of Internal Affairs of Ukraine. According to the results of the study, it is shown that the term "European Ukrainian police" was used by the leadership of the state and the Ministry of Internal Affairs of Ukraine, as well as the term "new police of Ukraine", solely in order to maintains the image, and was not widely disseminated either in Ukraine or in the world. At the same time, a new law enforcement agency was expected in Ukraine. The main reason for this was the hope of getting high-level police officers like in the European police forces. But the "transfer" of borrowed positive experience and methods of effective work of the police authorities of Europe to Ukraine did not take place and could not have happened due to a number of objective reasons. However, the principles of the European and Euro-Atlantic trend regarding the future of the National Police of Ukraine have already been laid down and for that, it's will taken place, we must consider the following basic realities: 1. National police cannot be a permanent beneficiary of funds and police technologies from the European Union – it is necessary to develop internal human, technical and intellectual resources and integrate into the legal circle of the police community of European countries on the principles of an equal partnership. The stated European integration is fully possible only after building a proper economic basis in the state. 2. The Ukrainian police will acquire the conditional status of a European one only when its corporate mentality and the mentality of the average policeman become European. In other words, the National Police of Ukraine must be not only professionally "self-identify" as a European, but also be recognized as such. Any artificial imposition of the image of the European Police without real changes is not promising.

Key words: European trend and European status; National Police of Ukraine; European and Euro-Atlantic integration

Problem statement

For quite a long time, the website of one of the Ministry of Internal Affairs of Ukraine’s higher education institutions has been hosting an information banner, which invites everyone to become an officer of the European Ukrainian police. This should be recognized as such a rather original innovation, even taking into account the fact that at the time of its creation the National Police of Ukraine for a long time was called the New Police.

By the way, this practice of naming the police as "new" was not an invention of Ukraine – Beth K. Greener once stated that in 2009, in El Salvador, Cambodia and Haiti, the police reform resulted in "a new national civilian police force being completely independent of the armed forces and under civilian control", that "this new international police force implies an increase in the willingness and ability of actors to carry out police operations in other jurisdictions in certain situations, both in terms of interim law enforcement of force and in terms of long-term development programs" [1, p. 110]. Also R. Spencer Kidd already now remembers the new German National Police (Police
in the search for the basis of "Europeanization" of the National Police in the current legislation; perception and reflection in the media of the European principles of the National Police; analysis of the state of self-identification of the National Police as European and support of the Ministry of Internal Affairs of Ukraine of European and Euro-Atlantic integration as an element of their own "Europeanization".

As for the scientific roots of the problem, among such today as applied to the militia, police and European cooperation, one can name a comparative legal analysis of the organizational and legal framework of the police (militia) of Germany, Poland and Ukraine by A.S. Pronevich [10]; doctrinal approach to the European model of police (militia) as the goal of achieving the purpose of reforming the internal affairs of Ukraine by I.V. Zozulia [11]; the basics of civil police management by A.A. Telichkin [12]; the specifics of European police and criminal law cooperation on the example of Swedish studies in European law by Bergström M. and Jonsson Cornell A. [13]; a framework for the establishment and functioning of police forces and their cooperation among themselves and with EU bodies, such as Europol, in order to prevent and resolve cross-border crimes by Vikström R.D. [14], etc. With regard to the development of the security and defence sector, which has an impact on the development of the National Police as a European police force, this is the investigation "European Integration of Ukraine: Internal Factors and External Influences" by the Razumkov Centre [15] and others, which are fundamental to the problems of European integration and the development of the National Police as a European police force.

**Searching for the basis of the "Europeanization" of the National Police in existing legislation**

First of all, in the search for European signs in the police of Ukraine it is necessary to refer to the current legislation, as it forms the only legal basis for the organization and activities of the National Police of Ukraine.

On the one hand, it can be noted that any lack of significant and fruitful contacts with the European police authorities (and only with them in the areas of activity, it makes sense to compare the National Police of Ukraine) and acquired practical experience does not make it automatically European – as well as the lack of language practice with native speakers indicates gaps in its study. Conversely, the presence of such contacts allows us to hope for what we want. But does the basic legal and regulatory framework provide for such "Europeanization" of the National Police? Does it contain
a note on the state policy of perception of the National Police of Ukraine as a European police force?

It should be noted that in contrast to the European character as a status attribute, in the widest case "Europeanization", according to A. Illarionov, is "the process of dissemination of customs, habits, standards (regardless of their political and legal nature) available in European countries", to which we can also add – and the acquisition of these customs, habits, standards. Therefore, since the European police work according to the same relevant standards, the Europeanization of the Ukrainian police can be understood as the process of integration of the National Police of Ukraine into the legal circle of the police community of European countries on the basis of an equal partner.

In the meantime, according to paragraphs 32–34 of the Regulations on the National Police under the Resolution of the Cabinet of Ministers of Ukraine dated 28.10.2015 No. 877 [16], the National Police, in accordance with the tasks assigned to it, "represents and ensures the implementation of Ukraine's obligations in the International Criminal Police Organization – Interpol and the European Police Office (Europol)", "organizes interaction of law enforcement and other state bodies of Ukraine with Interpol, Europol, and also enters information from law enforcement agencies of Ukraine into these databases.

But is cooperation with Europol a direct sign that the National Police of Ukraine is European? Unfortunately, neither in the Law of Ukraine "On the National Police" [17], nor in the Regulation on the National Police [16] there is no such thing at all – the closest cooperation with Europol, as it seems, is carried out "in accordance with the tasks assigned to it (the National Police. – Author.)", as in the title of paragraph 4 of the Regulation [16]. And the formulation of such tasks could be seen as a distant and veiled basis for the Europeanization of the National Police only in subparagraphs 1 and 2 of paragraph 3 of the said Regulation – it is "implementation of public policy" and "ensuring the formation of public policy". At the same time, it is quite clear that the spheres of protection of human rights and freedoms, interests of society and the state, crime prevention, maintenance of public security and order, which are voiced in p. 1 p. 3, are exclusively internal.

Therefore, only considering the state policy as "practical activity of political subjects and public authorities to implement the developed political course and achieve specific political goals", as noted by Y.V. Kovbasiuk and his co-authors, as a type of its activity only the fourth (international) level brings into contact with the UN, UNESCO, EU, NATO, CIS, etc. [18, p. 12, 13] – that is, as applied to the National Police of Ukraine, it can somehow be conventionally close to the European one.

We believe that the European Commission, the Organization for Security and Cooperation in Europe and its Parliamentary Assembly, the Council of Europe, the Association of European Border Regions, Eurovoisko, the Carpathian Euroregion, the Mediterranean Union, the Nordic Passport Union and the NATO Southeast European Initiative can be referred to the category of "other" international European organizations in the direction of the National Police of Ukraine. Although NATO is not a law enforcement agency, its values of democracy, individual freedom, the rule of law, etc., are shared by the National Police of Ukraine (Art. 1, 6 of the Law of Ukraine "On the National Police" of 02.07.2015 No. 580–VIII [17]).

At the same time, this thesis has already been partially developed in the work "International Police Cooperation: A Global Perspective" edited by Daniel J. Koenig and Dilip K. Das, which is a modern and detailed account of the new international joint initiatives of the time [19].

The media on the European principles of the National Police

It should be noted that the emergence of a new law enforcement agency – the police – became a certain event in the life of the state, presented as an element of the long-awaited reform of the Ministry of Internal Affairs of Ukraine. In this regard, P. Poroshenko noted on 25.08.2015 that "we are a European country and the police are a key attribute of the European country" [20]. We can agree that this is the right position on a case-by-case basis, but, firstly, as a "key attribute of a European country", the National Police of Ukraine at that time could be perceived only as a promising deposit, because no significant results could be attributed to it by definition. Secondly, the President's perception of the police as a "key attribute" may not be indicative of the secondary role the police should play in the country. And, thirdly, the reference to the "Europeanity" of our state can unwittingly cover the National Police with the "Europeanity" in advance. This was the starting point for media publications on the emergence and formation of the National Police of Ukraine.

At the same time, in our opinion, it is necessary to distinguish three main time periods during which the meaning and context of publications on
the appearance and results of the National Police activity changed significantly. Firstly, it is a period of euphoria at the end of 2015, when the pages of the media practically did contain exalted articles and photographs about the new Ukrainian police – about the sharp age "rejuvenation" of the personnel; about its new, Western style, appearance; about the transition to new methods, principles and standards of work; about the provision of foreign patrol vehicles; about the prospects of work in the police and so on. For example, these are publications such as "The traffic police will work until the new police arrive", "The police will be fully operational only after all amendments to the legislation of Ukraine have been made", "Love of Kyiv citizens for the new police", "What the new patrol police will be made of: uniforms, ammunition and transport", "On the State Flag Day in Lviv the new police will start working" and others. Along with them there were also warning publications – "Eka Zguladze. I don't like it very much when the system starts to hide behind the process", "Externally the police, inside – the cops", etc.

In general, 2016 was marked by a gradual adaptation of the population to the police, its comparison with the previous militia force and exposure of shortcomings in its work. Correspondingly, the names of the then publications in the media were also given: "How does the police reform look from the inside? Talk to the deputy head of the personnel department of the National Police of Lviv region", "Crime statistics. The police started to register absolutely all the appeals – Decanoidze." "On the real police", "Zguladze. Patrol police already annoy me. This is a sinking "island" without comprehensive reform", "EU experience: why the new police should learn to hear the public", etc.

In 2017 and the beginning of the next, 2018, not only did the police and the police "lick" each other, but they were also characterized by more intrusive requirements for still low professionalism and significant gaps and current problems in the work of "politsiantov". Therefore, are characteristic of and the names of media publications, such as: "Police malpractice. At present, the police are short of 20,000 officers", "Presentation at Recruitment to the Patrol Police", "Do new police officers take bribes? Confession of a Patrol Officer", "Police Reform Victory or Failure", "Police Training. The system of training of future police officers will be radically changed" and others.

It should be noted that the appearance of the police in Ukraine instead of the militia brought with it for the general public in their subjective understanding, not only its demonstrative European features (the same uniform of the American model, cars – from Japan), but also signs of future new changes. And the media quite accurately reflected not only hope, but also the excitement of society in this regard. One can say that the media even "clashed" with the position of the positive image of the police and the reality of its imperfection imposed by the Ministry of Internal Affairs of Ukraine [22]. Although, as the expert of the Center for Political and Legal Reforms A. Banchuk notes, "the general level of sociological trust or distrust is formed through the media, the television picture. It does not reflect objectively whether the police and a particular police unit have become better at work, in which territory or not" [23]. Therefore, perhaps because of the existing problems with the police, the domestic media today not only do not remember any "Europeanity" of the National Police, but avoid it altogether. As for the foreign media, they do not need to do so at all.

For the sake of objectivity, we can also look at the publications of the mass media with regard to the similar "European dimension" of the now former militia. It should be admitted that there were many more of them. For example, in 2007, the media spoke about "Reforming the police force in the mirror of European policing – what we do wrong" [24], and later – "Speaking and acting in a European way. Dnipropetrovsk police are preparing for Euro 2012", "Mogilev: We have a Soviet militia force – we need to make it European", "Expert: Ukrainian militia is much more tolerant of European police", "MIA: The experiment will show how ready the police are to European standards of activity". Here one can even see the confirmation of the thesis that "the expectations of the European police were more fascinating than any reality".

The state of self-identification of the National Police as a European police

Now, after more than two years of its existence, the questions of self-determination, self-perception and self-perception, which can be components of the concept of self-identification, the National Police of Ukraine as a European police force, are of some interest. And although S. Datsyuk believes that these processes are not identical (quoted by O.K. Romanchuk [25]), but still, in our opinion, have signs of some synonymity. At the same time, A.S. Moshenskyy associates the question of a policeman's self-identification with his political

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1 By the way, Russian philologists insist on such naming of police officers, in contrast to their Russian translation [21].
consciousness [26, p. 211]. More profound general questions of European identity as a supranational concept and the basis of the Charter for European Identity are doctrinally considered by M.A. Kozlovets in his paper "The Phenomenon of National Identity: Challenges of Globalization" [27, p. 351–375].

It should be taken into account that the term "self-identification" usually applies to a person. But in the case of the National Police, as the central executive authority, this term can be considered within the framework of "corporate self-identification", since it fully corresponds both to the desire and to the measures to form a collective perception not only of the National Police but also of the public about the police. Although the purpose of the study can only be relevant to us with regard to the facts of self-image of the National Police as a European police force. And, as N.A. Grebeniuk notes, "self-identification is exactly the component of identity that can act (in the optimal case) as a catalyst of the process of identity restructuring in accordance with new social requirements" [28, p. 227]. An important consideration, according to Ben Bradford, Paul Quinton, Andy Myhill and Gillian Porter, is to encourage police officers to change organizational and personal practices related to group identity in organizational justice models and classic problems with respect to "cop culture", as well as the risk of overidentification with the organization and counterproductive types of compliance that may arise [29].

Therefore, something can be seen as a positive impact on the level of perceived self-identification of the National Police a year ago by the Razumkov Center that "in Ukraine to such social institutions as... police Ukrainian-speaking respondents have great confidence" [30]. Although, based on the lack of significant socio-psychological research in this area, we can consider that the self-determination, self-perception and self-awareness of the National Police of Ukraine as a European police does not extend beyond the important, traditionally typical for domestic law enforcement agencies, not "local" problems – the professional development and professional motivation of its staff. While the stay of a young man in a police position should already be a preventive synonym for her high professional training, a kind of marker of professionalism. This, hopefully, temporary imbalance does not yet allow us to speak of true European self-determination, self-perception and self-awareness of an ordinary policeman on the basis of European identity. At the same time, the leadership of the Ministry and the National Police takes a different, more optimistic position, hoping for the solidarity of the police authorities in Europe and speaking about the interaction and implementation of the latest European practices in the activities of the National Police of Ukraine.

Support of the Ukrainian Interior Ministry for European and Euro-Atlantic integration as an element of "Europeanization"

This is the name given to the section of the Annual (2017) Report of the Project Office of the Ministry of Internal Affairs of Ukraine [31], which was created "to give the Ministry additional support during its transformation into a modern European-style law enforcement agency...". In particular, it was reported that on 14.12.2016 an agreement on strategic cooperation between Ukraine and Europol was signed (development of analytical reports and establishment of joint investigation teams with the EU member states); "Completion of work on development of draft laws and amendments to the Regulations of the Cabinet of Ministers of Ukraine on the implementation of EU directives on the transportation of dangerous goods and driver's licenses"; "The project "Management of migration and asylum processes" was signed (creation of a European-style migration management system); "The Ministry of Internal Affairs also joined the project"; "The MIA has also joined the NATO Force Planning and Evaluation Process (FPEP) and consulted on the development of new objectives, including: a) planning and budgeting; b) interoperability; c) cyber defence; and d) gender perspectives.

At the same time, as it is seen, so far the "Support of the Ministry of Internal Affairs of Ukraine for European and Euro-Atlantic integration" is acquiring signs of mainly unilateral preferences from the EU, where the beneficiary is the Ministry of Internal Affairs of Ukraine. It is quite understandable that such a policy, which is aimed only at obtaining the latest police technologies, financial or technical support from EU countries, is not an equal partnership, but requires appropriate counter steps. Therefore, it would be quite appropriate here, after more than a year of existence of the "project office", to put forward the slogan "Through training – to a real partnership" and search for opportunities for more active participation with its proposals in the interests of the EU. Moreover, taking into account the fact that so far the positive for the EU "Support... on the part of Ukraine" is limited only to "the functions of the National Contact Point for the organization of interaction between the public authorities of Ukraine and the European Office for the Prevention of Abuse and Fraud, the European Commission and the European Court of Auditors".
within which 25-29.07.2017 "the correct use of European funds during the implementation of one of the EU projects was checked".

A similar foreign “donor” can now be considered as the European Union Advisory Mission (EUMM), which since 2014 has been assisting, among other state bodies, also the Ministry of Internal Affairs of Ukraine and the National Police “in the consistent reform of the civil security sector through strategic advice and practical support to reform activities in line with EU standards and international principles of good governance and human rights” [32]. Only the latest of its activities can be named, such as "The mobile unit of the EUMM starts its work in Poltava with representatives of the public and local authorities" (18.04.2018), "European and Canadian police officers conduct trainings on personal security for the National Police of Ukraine" (03.04.2018), "Lead by example – The EUMM conducted leadership training for senior police officials" (26.03.2018), "Technical support of the EUMM will help the police in information and analysis and fight against cybercrime" (15.02.2018), etc.

The most important now from the point of view of aspiration to "Europeanization" of the Ministry of Internal Affairs of Ukraine can be considered the introduction of the post of the Deputy Minister for European Integration and the creation on the website of the Ministry of Foreign Affairs of Ukraine of the section "Eurointegration" with the tabs "Association Agreement", "Visa Dialogue", "Cooperation with the EU", "Recommendations of the Parliamentary Assembly of the Council of Europe".

Today, the Department of International Cooperation and European Integration also functions within the structure of the Ministry of Internal Affairs of Ukraine, which, as reported, "participates in the formation of the main directions of state policy in the field of international cooperation, in particular, European and Euro-Atlantic integration, ensures the implementation of tasks and functions assigned to the Ministry of Internal Affairs... in the formation of state policy on international cooperation and control over the implementation of state policy in the field of international cooperation issues by structural subdivisions of the Ministry of Internal Affairs, territorial bodies, institutions, institutions and enterprises belonging to the sphere of management of the Ministry of Internal Affairs, the National Guard of Ukraine, central executive authorities, the activities of which are directed and coordinated by the Minister of Internal Affairs" [33].

Without detailing excessive attention to the lack of mention of "Euro-Atlantic integration" in the name of the Department contrary to the sixth task of the Department and with reference to the Ministry of Internal Affairs of Ukraine in terms of its powers, it should be recalled the remark of I.V. Yakovsky that the integration process is exclusively in the European Union, it is a schematic sequence of such stages as a free trade zone → customs union → common market → monetary union → political integration; and that EU integration also understands, among other things, the existence of supranational institutions, the delegation to EU institutions of the right to exercise certain sovereign rights and a wide range of powers, a single legal personality, etc. [34, p. 5–8]. This explains why today a separate department or ministry is not able to "form the main directions of state policy in the field of European and Euro-Atlantic integration". That is, operating with no longer applicable concepts of basis and superstructure, one can expect European integration, and hence – and "Europeanization" of the Ministry of Internal Affairs of Ukraine or the National Police – as a result of the work of the corresponding Department of the Ministry of Internal Affairs of Ukraine, will be possible only after building an appropriate economic basis in the state.

Somewhat more effective practical developments in the direction of "Europeanization" of the National Police, in our opinion, are in the assets of the Department of International Police Cooperation of the National Police [35], representing Ukraine in Interpol and since 2010 and in Europol, actively provides the creation of the "image of the European Ukrainian police", and the activities of which require a separate study.

Conclusions

Thus, summarizing the results, it can be noted that the name "European Ukrainian Police", introduced in 2015 by the leadership of the state and the Ministry of Internal Affairs of Ukraine in relation to the newly created National Police of Ukraine, has not been widely spread in Ukraine today. At the same time, the deep meaning of the name fully met the then expectations of the population from the emergence of a new law enforcement agency. In particular, the most important of them is the desire to get highly qualified police in Ukraine, like the police of European countries. Unfortunately, the short-term conditional "transfer" of someone else's positive experience and methods of effective work of the police authorities of European countries in the territory of Ukraine has not occurred and could not occur for a number of quite objective reasons. Nevertheless, the foundations of the European and
Euro-Atlantic trend regarding the future of the National Police of Ukraine have already been laid, and in order for them to take place, it is necessary to take into account the following main realities:

1. The National Police cannot be a permanent beneficiary of EU funds and police technologies – it is necessary to develop internal human, technical and intellectual resources and to integrate into the legal framework of the European police community on the basis of equal partners. This European integration is fully possible only after building a proper economic basis in the country.

2. The Ukrainian police will acquire the conditional status of European police only when its corporate mentality and mentality of an ordinary police officer becomes European. In other words, the National Police of Ukraine should not only professionally "self-identify" as a European police force, but also be recognized as such. Any artificial planting of the image of the European police without real changes is not promising.

In general, the question "is the National Police of Ukraine European?" is rhetorical. But it is too early to give an affirmative answer to this question regarding the internal readiness of the Ukrainian police to comply with the standards of organization and activity of the European Community police bodies.

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