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**INTERNATIONAL EXPERIENCE IN COORDINATING THE ACTION  
OF LAW ENFORCEMENT AGENCIES**

**МІЖНАРОДНИЙ ДОСВІД КООРДИНАЦІЇ ДІЙ**

**ПРАВООХОРОННИХ ОРГАНІВ**

**МЕЖДУНАРОДНЫЙ ОПЫТ КООРДИНАЦИИ ДЕЙСТВИЙ**

**ПРАВООХРАНИТЕЛЬНЫХ ОРГАНОВ**

***Summary.** The article researched international experience in coordinating the action of law enforcement agencies in modern international law. It is stated that, enforcement agencies are those institutions that enforce the laws, including election-related laws. Enforcement as an important integrity mechanism as it deters those who might be interested in subverting the system as well as identifies and punishes those who have broken the law.*

*The responsibilities for enforcing laws and codes are usually divided among different agencies, depending on the nature and severity of the problem. Initial investigations may start with the oversight agency, but can be referred to an enforcement agency if it was determined that legal enforcement was required. For example, potential criminal cases uncovered during a routine audit can be referred to the justice system. If the prosecuting authorities decide to pursue the case, they could charge and prosecute the alleged perpetrator, with a court pronouncing sentence if the defendant were found guilty. Jurisdictionally, there can be an important difference between international law enforcement agencies and multinational law enforcement agencies, even though both are often referred to as «international», even in official documents*

*Effective enforcement requires a functioning legal system and a respect for the rule of law. An important factor in maintaining integrity in enforcement is the independence of the judiciary, as justice is supposed to be administered fairly, equally and impartially. The prevention, investigation and cessation of international and many domestic crimes, as well as the prosecution of those responsible for their commission, are not it is always possible alone, without the help of other states and international organizations. Achieving this goal*

*requires states not only to proclaim unilateral declarations of intent, participation in the signing international treaties and the activities of international institutions, but also the actual implementation of joint and agreed activities aimed at combating transnational and domestic organized crime.*

**Key words:** *international experience, law enforcement agencies, legal system, legal values, responsibility.*

**Анотація.** *У статті досліджено міжнародний досвід координації дій правоохоронних органів у сучасному міжнародному праві. Зазначено, що правоохоронні органи це ті установи, які виконують закони, включаючи закони, пов'язані з виборами. Правозастосування як важливий механізм доброчесності, оскільки він стримує тих, хто може бути зацікавлений у підриві системи, а також визначає і карає тих, хто порушив закон.*

*Відповідальність за виконання законів та кодексів, як правило, розподіляється між різними відомствами залежно від характеру та серйозності проблеми. Первинне розслідування може розпочатися з наглядового органу, але може бути передане до виконавчого органу, якщо було встановлено, що вимагається правозастосування. Наприклад, потенційні кримінальні справи, розкриті під час планової перевірки, можуть бути передані до системи правосуддя. Якщо органи прокуратури вирішать продовжувати справу, вони можуть пред'явити звинувачення та притягнути до відповідальності передбачуваного злочинця, винісши вирок, якщо обвинувачений буде визнаний винним. У юрисдикційному відношенні може існувати важлива різниця між міжнародними агентськими агентствами та багатонаціональними агентськими агентуваннями, хоча обидва вони часто згадуються як «міжнародні», навіть в офіційних документах.*

*Ефективне правозастосування вимагає діючої правової системи та поваги верховенства права. Важливим фактором збереження доброчесності у виконанні є незалежність судової влади, оскільки*

*правосуддя здійснюється справедливо, рівномірно та неупереджено. Попередження, розслідування та припинення міжнародних та багатьох внутрішніх злочинів, а також притягнення до відповідальності осіб, винних у їх вчиненні, не завжди можливо самотійно, без допомоги інших держав та міжнародних організацій. Досягнення цієї мети вимагає від держав не лише проголошення односторонніх декларацій про наміри, участі у підписанні міжнародних договорів та діяльності міжнародних інституцій, а й реального здійснення спільної та узгодженої діяльності, спрямованої на боротьбу з транснаціональною та внутрішньодержавною організованою злочинністю.*

**Ключові слова:** міжнародний досвід, правоохоронні органи, система права, правові цінності, відповідальність.

**Анотація.** *В статье исследованы международный опыт координации действий правоохранительных органов в современном международном праве. Отмечено, что правоохранительные органы – это учреждения, которые выполняют законы, включая законы, связанные с выборами. Правоприменение как важный механизм добродетели, поскольку он сдерживает тех, кто может быть заинтересован в подрыве системы, а также определяет и наказывает нарушивших закон.*

*Ответственность за исполнение законов и кодексов, как правило, распределяется между разными ведомствами в зависимости от характера и серьезности проблемы. Первоначальное расследование может начаться с надзорного органа, но может быть передано в исполнительный орган, если было установлено, что требуется правоприменение. Например, потенциальные уголовные дела, раскрытые в ходе плановой проверки, могут быть переданы в систему правосудия. Если органы прокуратуры решат продолжать дело, они могут предъявить обвинения и привлечь к ответственности предполагаемого преступника, вынес приговор, если обвиняемый будет признан виновным. В юрисдикционном отношении может существовать разница между*

*международными агентскими агентствами и многонациональными агентскими агентствами, хотя оба они часто упоминаются как «международные», даже в официальных документах.*

*Эффективное правоприменение требует действующей правовой системы и уважения верховенства права. Важным фактором сохранения добродетели в исполнении является независимость судебной власти, поскольку правосудие осуществляется справедливо, равномерно и беспристрастно. Предупреждение, расследование и прекращение международных и многих внутренних преступлений, а также преследование виновных в их совершении не всегда возможно в одиночку, без помощи других государств и международных организаций. Достижение этой цели требует от государств не только провозглашения односторонних деклараций о намерениях, участия в подписании международных договоров и деятельности международных институтов, но и фактического осуществления совместных и согласованных действий, направленных на борьбу с транснациональной и внутренней организованной преступностью.*

**Ключевые слова:** *международный опыт, правоохранительные органы, система права, правовые ценности, ответственность.*

## **1. Problem statement.**

Law enforcement measures and intelligence measures are a part of a comprehensive system of measures intended for efficient prevention and repression of terrorism. Apart from some common elements, these two types of measures differ in many ways. To begin with, these two types of counterterrorism measures have different purposes. Furthermore, they differ as to the moment they can be undertaken, authorities in charge, admissibility of factual findings in form of evidence before the court of law, etc. The very purpose of law enforcement in general is to ensure obedience to the law, studied by foreign and domestic scientists. Among them the most famous are O.M.

Bandurka, J.M. Belson, I.П. Blishchenko, Г.В. Ignatenko and others. At the same time, improving the legal framework for Interpol's activities and expanding its involvement to combat organized crime necessitated analyze the current legal status and activities Interpol

## **2. Formulating the aim of the article.**

The aim of the article is to analyze international experience in coordinating the action of law enforcement agencies in modern international law.

## **3. Presentation of the main material of the study with a full justification of the obtained scientific results.**

One of the most famous examples of successful interaction in this direction is the International Criminal Organization police - Interpol (hereinafter - Interpol or the Organization) [3].

Division into operations areas often a law enforcement agencies 's jurisdiction will be geographically divided into operations areas for administrative and logistical efficiency reasons. an operations area is often called a command or an office, while the operations area of a law enforcement agencies is sometimes referred to as a jurisdiction, any law enforcement agencies operations area usually still has legal jurisdiction in all geographic areas the law enforcement agencies operates, but by policy and consensus the operations area does not normally operate in other geographical operations areas of the law enforcement agencies, for example, the united Kingdom's **metropolitan police** is divided into 32 borough operational command units, based on the london boroughs, and the new york city police department is divided into 77 precincts.

Often, a law enforcement agencies will have a specific internal unit to ensure that the law enforcement agencies is complying with relevant laws, for example the United States' Federal Bureau of Investigation's Office of Professional Responsibility. In some countries or divisions within countries, specialised or separate law enforcement agencies are established to ensure that



other law enforcement agencies comply with laws, for example the Australian state New South Wales Independent Commission Against Corruption. Law enforcement agencies internal self compliance units and external law enforcement agencies compliance agencies coexist in many countries. Many law enforcement agencies are police agencies that have a broad range powers and responsibilities. A police agency, however, also often has a range of responsibilities not specifically related to law enforcement. These responsibilities relate to social order and public safety. While this understanding of policing, being more encompassing than just law enforcement has grown with and is commonly understood by society, it is recognised formally by scholars and academics. A police agency's jurisdiction for social order and public safety will normally be the same as its jurisdiction for law enforcement [4, p. 264].

In most countries, the term law enforcement agency when used formally includes agencies other than only police agencies. The term law enforcement agency is often used in the United States of America to refer to police agencies, however, it also includes agencies with peace officer status or agencies which prosecute criminal acts. A county prosecutor or district attorney is considered to be the chief law enforcement officer of a county.

Many law enforcement agencies are also involved in the monitoring or application of regulations and codes of practice. See, for example, Australian Commercial Television Code of Practice, building code, and code enforcement. Monitoring of the application of regulations and codes of practice is not normally considered law enforcement. However, the consistent non-compliance by a subject with regulations or codes of practice may result in the revocation of a licence for the subject to operate, and operating without a licence is typically illegal. Also, the failure to apply codes of practice can impact other subjects' safety and life, which can also be illegal.

To enable a law enforcement agencies to prevent, detect, and investigate non compliance with laws, the law enforcement agencies is endowed with powers by its governing body which are not available to non law enforcement

agencies subjects of a governing body. Typically, law enforcement agencies empowered to varying degrees to:

- 1) collect information about subjects in the law enforcement agencies 's jurisdiction;
- 2) intrusively search for information and evidence related to the non compliance with a law;
- 3) seize evidence of non compliance with a law;
- 4) seize property and assets from subjects;
- 5) direct subjects to provide information related to the non compliance with a law;
- 6) arrest and detain subjects, depriving them of their liberty, but not incarcerate subjects, for alleged non compliance with a law;
- 7) lawfully deceive subjects [2].

These powers are not available to subjects other than law enforcement agencies within the law enforcement agencies 's jurisdiction and are typically subject to judicial and civil overview [5, p. 12].

#### **4. Conclusions from this study and prospects for further research in this direction.**

In order to respond to terrorism, a broad approach is needed, as intelligence and law enforcement are simply a part of a whole set of counterterrorism mechanisms. Preventing radicalisation tendencies in Europe and trying to find common grounds for intercultural dialogue seem to be just as important as surveillance or secret data sharing. Further research on the root causes of terrorism and its evolving tactics should prove useful to decisionmakers, as well as to security professionals. The current mechanisms canalised through SitCen barely satisfy the need for intra-intelligence cooperation, being even more inappropriate for inter-agency (law enforcement-intelligence) cooperation on a European level. The lack of trust between the EU's member states when it comes to intelligence sharing is the biggest obstacle to a functioning common European security policy.



Trends in criminal law reforms clearly point out the earlier starting point of punishableness, harsher punishment aimed at combating, and the cutbacks on procedural guarantees. This sketches the current situation, where criminal law no longer communicates with its citizens, but rather threatens its enemies. The current public distrust in aggressive counterterrorism measures could eventually do more harm than good by undermining the effectiveness of law enforcement and intelligence efforts. Since the EU does not provide for a central European Intelligence Agency, cooperation with law enforcement through Europol seems to be difficult to accomplish at the given moment. To some extent there will always be a certain degree of overlapping and intermingling between law enforcement and intelligence, especially in counterterrorism, but a strict division of the two while establishing long-term cooperation links would solve the problem of effort duplication.

### **References**

1. Council of Europe Convention on the Prevention of Terrorism, ETS No. 196. URL: <https://conventions.coe.int/>
2. Military Justice System. Ministry of Justice on GOV.UK - Her Majesty's Government. Archived from the original on May 12. Section 362. 2008. URL: <https://www.gov.uk/government/organisations/ministry-of-justice>
3. Nomikos J.M. The European Union's Proposed Intelligence Service, June 17. 2005. URL: <https://www.pinr.com>
4. On counterterrorist measures see in general SCHMID A. Towards Joint Political Strategies for De-legitimising the Use of Terrorism, in *Countering Terrorism through International Cooperation*, ISPAC, Milan, 2001. P. 260-273.
5. Youth Justice and Criminal Evidence Act (1999) whose relevant provisions have now been extended to courts martial by Sched 7, part 5 to the Armed Forces Act, 2001. URL: <https://www.legislation.gov.uk/ukpga/1999/23/schedules>