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MAIN AREAS OF IMPROVING ADMINISTRATIVE AND REGULATORY FRAMEWORK FOR THE PROCEDURAL COMPONENT OF IMPLEMENTING GUARANTEES OF LEGALITY IN ACTIVITIES OF THE STATE BUREAU OF INVESTIGATIONS

Abstract. Purpose. The purpose of the article is to identify the main areas of improvement of the administrative and legal regulation of the procedural component of the implementation of guarantees of the legality of the activities of the State Bureau of Investigation. **Results.** The article identifies the general areas of improving administrative and regulatory framework for the procedural component of implementing guarantees of legality in activities of the State Bureau of Investigations: – improvement of administrative legislation on the use of control as an instrument of administrative and regulatory framework; – improvement of administrative legislation on the use of control as an instrument of administrative and regulatory framework; – digitalisation of the SBI's activities; – optimisation of the SBI's internal personnel policy; – improvement of the system of protection of the rights of witnesses involved in criminal proceedings; – improvement of law enforcement cooperation; – expansion of international cooperation. The following areas of optimisation of the SBI's internal HR policy are identified: – formation of a centralised system of professional development; – introduction of mechanisms for periodic certification of professional skills; – implementation of programmes to support the psycho-emotional health of employees, including regular testing or psychological counselling (especially important in martial law); – introduction of the principles of inclusiveness in HR policy. The focus is on improving the system of protection of the rights of witnesses involved in criminal proceedings through: – expanding administrative witness protection programmes, in particular, mechanisms for granting witnesses a special protection status and simplifying administrative procedures in the relevant programmes; – improving information security protection in the activities of the State Bureau of Investigation; – administrative provision of psychological support to witnesses; – the State Bureau of Investigation conducting information campaigns among the public to raise awareness of the importance of testifying and the risks involved. The areas of improving the interaction of law enforcement bodies to ensure the legality of the State Bureau of Investigation's activities are identified as follows: – development of mechanisms for interagency communication (through digitalisation of activities); – conducting interagency trainings and exercises; – exchange of practical experience; – creation of joint investigative teams; – development of special methods of interaction under martial law. **Conclusions.** A separate area is the expansion of international cooperation through: – the State Bureau of Investigation initiating joint projects within international organisations (Interpol, Europol, OSCE, NATO, etc.); – integration of the State Bureau of Investigation into international digital data exchange systems; – improvement of communication with international human rights organisations to ensure human rights in the course of investigations; – participation of the State Bureau of Investigation in international programmes, projects and conferences to study current transnational challenges in the field of law enforcement; – strengthening international cooperation of the State Bureau of Investigation in the field of financial monitoring (money laundering, terrorist financing, legalisation of illegal income, etc.); – development and implementation of interstate training programmes.

Key words: administrative jurisdiction, administrative law, administrative procedures, guarantees, legality, control, monitoring, principles, investigation.

1. Introduction

In recent years, Ukraine has carried out a number of reforms related to changes in the organisation and operation of public authorities, the judicial and law enforcement systems of the country. The further implementation of international standards in the field of protection of the rights and interests of citizens requires not only updating the legal framework, but also the creation of new public authorities. The activities of the State Bureau of Investigation, established at the state level to ensure the interaction of police forces and investigate crimes that pose a national threat, are all the more interesting. Given that a relatively short period of time has passed since the establishment of the State Bureau of Investigation (hereinafter - SBI), the issue of the establishment, activities and role of this body among other law enforcement agencies, including pre-trial investigation bodies, is still insufficiently covered (Litvinova, 2022).

The activities of the State Bureau of Investigation have been the subject of scientific analysis by scholars such as: O. Drozd, O. Ilchenko, O. Kvasha, O. Klymchuk, O. Levkivska, I. Litvinova, O. Marchenko, E. Riepina, E. Skulysh, S. Slinko, O. Stepanov, R. Truba, O. Usatyi, A. Fantsevykh, T. Yashchenko and others. However, the latest socio-political challenges in Ukraine have a negative impact on the activities of state law enforcement agencies, which requires relevant research in this area.

The purpose of the article is to identify the main areas of improving administrative and regulatory framework for the procedural component of implementing guarantees of legality in activities of the State Bureau of Investigations.

2. Directions for improving the administrative and legal regulation of the procedural component of the implementation of guarantees of the legality of the activities of the State Bureau of Investigation

In our opinion, the following general areas of improving administrative and regulatory framework for the procedural component of implementing guarantees of legality in activities of the State Bureau of Investigations should be identified:

- improvement of administrative legislation on the use of control as an instrument of administrative and regulatory framework;
- digitalisation of activities of the State Bureau of Investigations;
- optimisation of the SBI's internal personnel policy of the State Bureau of Investigations;
- improvement of the system of protection of the rights of witnesses involved in criminal proceedings;

- improvement of law enforcement cooperation;
- expansion of international cooperation.

3. Control over the use of budget funds and digitalization of the activities of the State Bureau of Investigation

Next, each of the above areas will be analysed. We propose to improve administrative legislation on the use of control as an instrument of administrative and regulatory framework by introducing the following amendments and additions to the current legislation:

1. Additional control over the use of budget funds by the State Bureau of Investigation should be ensured. Such control should be exercised by a special entity - the Accounting Chamber. For this purpose, we propose the following amendments to the Law of Ukraine 'On the State Bureau of Investigation': - to supplement part 6 of Article 23 as follows: '6. The Accounting Chamber shall control the SBI's spending of funds by conducting an audit once every two years.' (Law of Ukraine On the State Bureau of Investigation, 2015).

2. The control over the activities of the Public Control Council under the State Bureau of Investigation is imperfect. According to the internal regulations, the Public Control Council under the SBI should submit an annual report on its activities. However, the special Law of Ukraine 'On the State Bureau of Investigation' does not contain a corresponding provision. In order to introduce mandatory annual reporting by the Public Control Council under the State Bureau of Investigation, we propose the following amendments to the Law of Ukraine 'On the State Bureau of Investigation': - to supplement part 4 of Article 28 with the following wording: 'The Public Control Council under the State Bureau of Investigation shall prepare and publish a report on its activities for the previous year no later than 1 April on the official website of the State Bureau of Investigation under the heading "Public Control Council", in accordance with the requirements stipulated by the Regulation on the Public Control Council (Law of Ukraine On the State Bureau of Investigation, 2015).

With regard to the next area, that is, the digitalisation of the State Bureau of Investigation, the following areas of improving administrative and regulatory framework for the procedural component of implementing guarantees of legality in activities of the State Bureau of Investigations should be identified as follows: 1) creation of a digital space for interaction between public authorities, law enforcement bodies and litigants (optimisation of state registers, electronic document management, digital archiving, etc.); 2) implementation of administrative regula-

tions in digital form (digitisation of internal investigation regulations and control procedures, development of electronic algorithms for employees of the State Bureau of Investigation, etc.); 3) introduction of training programmes for SBI employees on the use of digital technologies in procedural activities; 4) equipping SBI structural units with modern technical means; 5) improving cybersecurity of SBI systems.

4. HR support and optimization of internal HR policy of the State Bureau of Internal Affairs

The next area is staffing of the SBI's activities, which is currently a holistic phenomenon requiring an appropriate level of administrative and regulatory framework. The need to improve the legal regulations and bylaws of Ukraine in this regard is caused by both the gaps in the current legislation prior to the SBI 'reset' reform and the results of this reform, which exacerbated the unresolved problems of staffing the Bureau or caused new problems of regulatory framework for this phenomenon. These and other problematic aspects of the SBI staffing, as well as the results of inconsistent and unbalanced work of the legislator over the past few years, justify the need for appropriate changes (Tymoshenko, 2020).

We argue that the areas of optimisation of the State Bureau of Investigation's internal HR policy should be: – formation of a centralised system of professional development; – introduction of mechanisms for periodic certification of professional skills; – implementation of programmes to support the psycho-emotional health of employees, including regular testing or psychological counselling (especially important in martial law); – introduction of the principles of inclusiveness in HR policy.

We have identified a separate area for improvement of the system of protection of the rights of witnesses involved in criminal proceedings. In our opinion, the main areas for improvement of administrative legislation related to the protection of witnesses' rights in criminal proceedings should be: – expanding administrative witness protection programmes, in particular, mechanisms for granting witnesses a special protection status and simplifying administrative procedures in the relevant programmes; – improving information security protection in the activities of the State Bureau of Investigation; – administrative provision of psychological support for witnesses; – conducting information campaigns among the public by the State Bureau of Investigation to raise awareness of the importance of testimony and the risks associated with it.

5. Law enforcement interaction and international cooperation

The interaction of law enforcement bodies is also imperfect. In our opinion, the priority areas of improving the interaction of law enforcement bodies to ensure the legality of the State Bureau of Investigation's activities should be as follows: – development of mechanisms for interagency communication (through digitalisation of activities); – conducting interagency trainings and exercises; – exchange of practical experience; – creation of joint investigative teams; – development of special methods of interaction under martial law.

The last area is the expansion of international cooperation through: – the State Bureau of Investigation initiating joint projects within international organisations (Interpol, Europol, OSCE, NATO, etc.); – integration of the State Bureau of Investigation into international digital data exchange systems; – improvement of communication with international human rights organisations to ensure human rights in the course of investigations; – participation of the State Bureau of Investigation in international programmes, projects and conferences to study current transnational challenges in the field of law enforcement; – strengthening international cooperation of the State Bureau of Investigation in the field of financial monitoring (money laundering, terrorist financing, legalisation of illegal income, etc.); – development and implementation of interstate training programmes.

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ОСНОВНІ НАПРЯМКИ УДОСКОНАЛЕННЯ АДМІНІСТРАТИВНО-ПРАВОВОГО РЕГУЛЮВАННЯ ПРОЦЕДУРНОЇ СКЛАДОВОЇ РЕАЛІЗАЦІЇ ГАРАНТІЙ ЗАКОННОСТІ ДІЯЛЬНОСТІ ДЕРЖАВНОГО БЮРО РОЗСЛІДУВАНЬ

Агортація. Мета статті полягає у тому, щоб визначити основні напрямки удосконалення адміністративно-правового регулювання процедурної складової реалізації гарантій законності діяльності Державного бюро розслідувань. **Результати.** У статті виділено загальні напрямки вдосконалення адміністративно-правового регулювання процедурної складової реалізації гарантій законності діяльності Державного бюро розслідувань: – вдосконалення адміністративного законодавства щодо використання контролю як інструменту адміністративно-правового регулювання; – цифровізація діяльності Державного бюро розслідувань; – оптимізація внутрішньо-кадрової політики Державного бюро розслідувань; – вдосконалення системи захисту прав свідків, які беруть участь у кримінальному провадженні; – покращення взаємодії правоохоронних органів; – розширення міжнародного співробітництва. Виділено напрямки оптимізації внутрішньо-кадрової політики Державного бюро розслідувань: – формування централізованої системи підвищення кваліфікації; – введення механізмів періодичної сертифікації професійних навичок; – впровадження програм підтримки психоемоційного здоров'я працівників, яка включатиме регулярне тестування або психологічні консультації (особливо важливо в умовах воєнного стану); – впровадження засад інклюзивності в кадрову політику. Акцентовано увагу на вдосконаленні системи захисту прав свідків, які беруть участь у кримінальному провадженні через: – розширення програм адміністративного захисту свідків, зокрема, механізмів для надання свідкам спеціального статусу захисту та спрощення адміністративних процедур у відповідних програмах; – покращення захисту інформаційної безпеки у діяльності Державного бюро розслідувань; – адміністративне забезпечення психологічної підтримки свідків; – проведення Державним бюро розслідувань інформаційних кампаній серед населення з метою підвищення обізнаності про важливість свідчення та ризики, пов'язані з цим. Виділено напрями покращення взаємодії правоохоронних органів для забезпечення гарантій законності діяльності Державного бюро розслідувань: – розробка механізмів міжвідомчої комунікації (завдяки цифровізації діяльності); – проведення міжвідомчих тренінгів та навчань; – обмін практичним досвідом; – створення спільних слідчо-оперативних груп; – розробка особливих методик взаємодії в умовах воєнного стану. **Висновки.** Окремим напрямом виділено розширення міжнародного співробітництва через: – ініціювання Державним бюро розслідувань спільних проєктів у рамках міжнародних організацій (Інтерпол, Європол, ОБСЄ, НАТО тощо); – інтеграцію Державного бюро розслідувань в міжнародні цифрові системи обміну даними; – покращення комунікації із міжнародними правоохоронними організаціями для забезпечення прав людини в процесі розслідувань; – участь Державного бюро розслідувань у міжнародних програмах, проєктах та конференціях щодо дослідження сучасних транснаціональних викликів у сфері правоохоронної діяльності; – посилення міжнародної співпраці Державного бюро розслідувань у сфері фінансового моніторингу (відмивання грошей, фінансуванні тероризму, легалізація незаконних доходів тощо); – розробку та впровадження міждержавних програм підвищення кваліфікації.

Ключові слова: адміністративна юрисдикція, адміністративне право, адміністративні процедури, гарантії, законність, контроль, моніторинг, принципи, розслідування.

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