

PROBLEMS OF LEGAL SUPPORT FOR THE ORGANIZATION OF COOPERATION BETWEEN THE UNITS OF THE STATE BORDER GUARD SERVICE OF UKRAINE AND THE NATIONAL POLICE OF UKRAINE ON THE PROTECTION OF THE STATE BORDER

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Abstract. The article addresses theoretical and imperative issues of the establishment and implementation of interaction between the units of the State Border Guard Service of Ukraine and the National Police in the field of state border protection.

Both place and importance of the State Border Guard Service of Ukraine and the National Police of Ukraine in the system of assuring law and order in the border region are defined. A scholarly research into the concepts of the categories “state border”, “interaction” and “organization of interaction” was carried out. The views of scientists on the content of the above scientific categories were considered and analyzed. The methods, principles and forms of interaction of the of the State Border Guard Service of Ukraine with the units of the National Police of Ukraine while ensuring the protection of the state border are characterized.

It was found that the interaction between of the State Border Guard Service of Ukraine and the units of the National Police of Ukraine relies on the normative definition of their functional powers, strict adherence to their organizational capabilities, and a clear “distribution of competences” between them.

The content of normative legal acts, which ensure regulation of the process of organization and implementation of interaction between the units of the State Border Guard Service of Ukraine and territorial bodies of the National Police of Ukraine, has been analyzed. The essence of the process of interaction of the State Border Guard Service of Ukraine with units of the National Police of Ukraine is considered. This notion is construed as the joint coordinated activity of their units, which is aimed at achieving a common goal, notably providing the proper protection of human rights and freedoms, public safety and order, compliance with the law and combating crime at the state border.

It was established that the effective interaction between the units of the State Border Guard Service of Ukraine with the territorial bodies of the National Police of Ukraine in the mechanism of ensuring national security at the state border contributes to its strengthening, and the effectiveness of activities and the coherence of such interaction determine the quality of public security and order and improve the effectiveness of their provision in the border area.

Keywords: State Border Guard Service of Ukraine, National Police of Ukraine, state border, law enforcement activity, legal regulation of interaction, subjects of interaction

INTRODUCTION

The relevance of the issue of legal support for the administration of the effective interaction between the law enforcement entities at the state border is determined by the importance of the challenges and threats that have currently in the system of ensuring national security and defense of Ukraine.

In recent years, Ukraine has been actively developing an efficient mechanism designed to introduce all components of the security and defense sector to preserve the sovereignty and territorial integrity of the state, ensure public safety and law and order. In such a mechanism, the coordinated activities of subjects guarantee the effective functioning of all law enforcement formations and units. In this regard, the complex scientific elaboration of aspects that characterize the legal support of the administration of the interaction between the subjects of law enforcement measures in the security and defense sector at the state border acquires special applied importance.

The theoretical basis of the chosen research topic was the work of Ukrainian scientists who studied the issue of enabling legal and organizational interaction between the police and law enforcement agencies and with units of the State Border Guard Service of Ukraine, in particular.

Thus, in their monographic study, R. Kalyuzhny and I. Kushnir “Legal support of interaction of public administration in the border area” carried out a comprehensive study of the mechanism of legal support of interaction in the sector of protection of the state border of Ukraine. They defined the concept, essence and features of cooperation in the field of border activities, comprehensively reviewed the powers of public administration bodies to implement cooperation in the field of state border protection (Kalyuzhnyi and Kushnir, 2015).

In the scientific article “Interaction of operational units of the State Border Guard Service of Ukraine with operational units of other bodies on the territory of the operation of the joint forces”, V. Biletskyi investigated the issue of legal and organizational support and interaction between the operational units of the State Border Guard Service with those of other entities in the territory of the operation of the joint forces (Biletskyi, 2018).

Another researcher, O. Matveev, in the scientific article “Principles of legal regulation of border protection activities in Ukraine” addresses theoretical and practical issues of legal regulation of border activities in Ukraine, examines various views of scientists regarding the concept and content of the “interaction” category and the peculiarities of its organization among law enforcement agencies in border operations (Matveev, 2022).

In our opinion, the work by V. Chumak “Interaction and coordination between subjects of state border protection”, in which the author claims that there is no single point of view in the administrative and legal literature regarding the essence of such legal categories as interaction and coordination and carries out scientific comparison of these categories in relation to their application in law enforcement activities at the state border, is of relevance and importance (Chumak, 2011).

A peculiar position on the issue of interaction is contained in the thesis for the degree of Doctor of Philosophy of I. Baidyuk "Administrative and legal support of the interaction of the State Border Guard Service of Ukraine with law enforcement agencies". In this scholarly research, it is stated that the aim of the interaction between the State Border Guard Service of Ukraine and law enforcement agencies is determined by the goal of law enforcement activities and the objective of the activity of the subjects of interaction and consists in maintaining the conditions for the protection of the legally defined interests of individuals, society and the state at the state border and within the border territories, timely response to threats that may or have already caused damage to such interests, their neutralization and liquidation of consequences. It appears that the aim defines the task of the interaction of the State Border Guard Service of Ukraine with law enforcement bodies, which covers preventive, restorative and punitive legal relations that arise in the process of the implementation of law enforcement actions executed by the specified subjects on the state border and within the border territories (Baydyuk, 2021).

However, despite the availability of scholarly research on the aforementioned issue, some aspects related to regulatory and organizational support of cooperation in the area of state border protection remain beyond the focus. The basis of this study is the actuality, scientific-theoretical and practical importance of the problem, its insufficient study and justification, especially in the issues of the interaction of the actions of individual administrative regimes.

The aim of this paper involves the exploration of the legal and theoretical aspects of the arrangement and implementation of the interaction between the National Police of Ukraine (NPU) and the units of the State Border Guard Service of Ukraine (SBGSU) on issues covering the protection of the state border.

MATERIALS AND METHODS

While studying the respective materials, the author used various methods of scientific research.

An important prerequisite for the analysis of the legal regulation of the interaction of law enforcement agencies in the protection of the state border is the understanding the nature and specifics of border activities and the procedure for establishing interaction of law enforcement bodies as the subject of the aforementioned legal regulation. And this is where the activity-based (or substance-and-activity) approach should be implemented. The provisions of the theory of managerial interaction, in our opinion, are of great importance in the legal regulation of border activities, where their creative, conscious, competent, managerial and legal nature are crucial.

As evidenced by the latest research in the field of general theoretical jurisprudence and public administration, methodological problems of construing complex problems are successfully tackled by the use of complementarity of various means of legal science. In this study, the use of formal-dogmatic, historical methods of scientific knowledge is supplemented by hermeneutical, historiosophical, synergetic, etc.

We consider it expedient to start our research with analyzing the direct subject of interaction between the two state institutions of the SBGSU and the NPU, which is the state border.

It should be noted that the official legal definition of the border is contained in Art. 1 of the Law of Ukraine “On the State Border of Ukraine” as of November 4, 1991, in which “the state border of Ukraine is a line and a vertical surface running along this line, which define the boundaries of the territory of Ukraine – land, water, subsurface, airspace” (Verkhovna Rada of Ukraine, 1991).

Thus, the state border defines the limits of the legal powers of the state authorities of a particular country. One of the indicators of independence and territorial integrity of the state is the reliable protection of the state border. The territorial integrity of the state has always been, is and will be relevant in the activities of state authorities, especially in the law enforcement sphere related to national security.

The shift in the nature of threats on the state border of Ukraine and the move towards European integration the year 2003 resulted in the implementation of the concept of State Border Protection of Ukraine. It was changed from a military to a law enforcement aspect, and the system of ensuring national interests in this area acquired a law enforcement nature.

Nowadays, during the open military aggression of Russia, the intensification of manifestations of threats of terrorism and separatism, the situation is more complicated, instability is manifested in a significant part of the border zone, as a result of which the problem of legal communication between the SBGSU and the NPU and other law enforcement bodies at the state border becomes even more important and urgent.

The issue of inviolability of the state borders is currently an important problem for Ukraine, the successful solution of which defines the efficiency of tasks solution in ensuring the protection of national interests. The defense of the state border of Ukraine is an inseparable part of the state-wide system of national security, the main subject of which is State Border Guard Service of Ukraine, as well and other state institutions: State Customs Service of Ukraine, the Security Service of Ukraine, the National Police of Ukraine, the National Guard of Ukraine, etc. The state has legally defined the powers of these law enforcement agencies, which relate to many aspects of ensuring national and Border Security

The Law of Ukraine “On the State Border Guard Service of Ukraine” defines that the defense of the state border of Ukraine is an inseparable component of the state-wide system of protection of the state border and is carried out by the State Border Guard Service of Ukraine on land, sea, rivers, lakes and other bodies of water, as well as by the Armed Forces of Ukraine in the air and underwater in line with the powers granted to them, with the aim of ensuring the inviolability of the state border of Ukraine (Verkhovna Rada of Ukraine, 2003). This concept has a general nature and outlines that the defense of the state border is part of its protection, outlines the limits of competence of two bodies of the State Border Guard Service of Ukraine, the Armed Forces of Ukraine, which ensure the inviolability of the state border of Ukraine.

It should be noted that certain certain areas of the sphere of State Border Protection of Ukraine, functionally and territorially, are implemented by various public authorities, based on the tasks defined in the law “On the State Border” (Verkhovna Rada of Ukraine, 1991). Therefore, the consistent coordinated actions of the subjects of interaction, in accordance with their powers in sphere of State Border Protection, contribute to the state’s achievement of the appropriate level of border security as integral part of national security. But we note that only in the case of full coverage of all the main aspects of their interaction by legal regulation, such activity can be most effective.

We have already mentioned the provision of Article 1 of the Law of Ukraine “On the State Border of Ukraine”, which stipulates that the defense of the state border is a component of the protection system, therefore, we will find out what it (protection) consists of. The aforementioned Law establishes that the defense of the state border of Ukraine is an indispensable part of the national system of ensuring national security and it consists of military formations and law enforcement bodies of the state, the organization and procedure of which are defined by law.

The protection of the state border involves the adoption of a range of political, organizational-legal, diplomatic, economic, military, border, immigration, intelligence, counter-intelligence, operational-research, environmental protection, sanitary-quarantine, environmental, technical and other measures (Verkhovna Rada of Ukraine, 1991).

The “Comprehensive Explanatory Dictionary of the Modern Ukrainian Language” “provides the following definition of the term “to protect”: to defend, protect against attack, attempt, blow, hostile, dangerous, etc. actions; watch closely for the inviolability of something and do a lot for it; defend, defend views, rights, interests (Busel, 2005).

It is also necessary to proceed from the fact that the defense of the state border is an important component of state administration in the sphere of national security of the Ukrainian state, and therefore this aspect itself, and functioning in the complex that ensures state security, should contribute to the implementation of the state border policy.

According to O. Matveev, the necessary social ties between subjects (subordination, interaction and discipline), between subjects, information and knowledge are also important for the protection of the state border (within the scope of modern information world, this aspect acquires particular specificity, since risks for border security may lie in a huge array of diverse information) (Matveev, 2022).

Currently, the emergence of fundamentally new threats to the national security, the institutional role of law enforcement bodies, notably the State Border Guard Service of Ukraine and the National Police of Ukraine, in the implementation of the government strategy for overcoming and preventing such threats and challenges, is significantly updated and objectified. In this context, the priority task of the state is to create effective law enforcement cooperation between law enforcement agencies within the border area, able to face the specified challenges and threats, and ensuring its proper functioning.

RESULTS AND DISCUSSION

Reliable protection of the state border as an integral component of national security is impossible without productive cooperation between the State Border Guard Service of Ukraine and law enforcement bodies of Ukraine as well as the respective agencies of the neighboring states. Undoubtedly, these bodies are responsible for the performance of tasks in a specific area, but at the same time, their activity is impossible without coordinated cooperation in interdepartmental issues, in addition, without providing mutual assistance and mutual assistance.

Despite the multifaceted application of the term “interaction”, there is still no generally accepted definition of it. The term “interaction” is widely used in theory and in practice, as it reflects the nature of the collective efforts of various law enforcement structures and other subjects of public authority in solving the tasks facing them.

Comprehensive explanatory dictionary of the modern Ukrainian language defines the concept of interaction as “a mutual connection between objects in action, as well as an agreed action between someone” (Busel, 2005).

Thus, interaction is deemed as a multibranch category. “Interaction is one of the main philosophical categories, which reflects the processes of influence of various objects on each other; their mutual conditioning, changes in state, as well as the generation of one object by another. Interaction is a type of direct or indirect, external or internal relationship, connection” (Andrushchenko & Hornach, 1997).

In our opinion, the general philosophical understanding of interaction is clear for the coordination of actions between the State Border Guard Service of Ukraine and the National Police of Ukraine and other subjects in the implementation of joint law enforcement activities, cooperation between which is a complex process that consists of taking mutual actions, combining resources, information and experience and sharing them. At the same time, the quality and effectiveness of this interaction depends on a number of factors, including the methods of its implementation, which are very closely related to its forms: on the one hand, the form gives life to the methods, and on the other, the methods fill the form, give it meaning.

Simultaneously with the concept of “interaction” the term “coordination” is used (derived from Latin “coordination” - agreement, arrangement) - agreement, alignment, establishing the relationship between actions, concepts, movements, etc. It should be noted that the term “coordination” is exploited when we are talking about agreed cooperation in the activities of various bodies, organizations, institutions or their structural subdivisions that participate in any law.

It should be noted that in the legal literature, there is little agreement regarding the meaning of “interaction” and “coordination” as legal categories. V. Chumak suggests distinguishing the concepts of “interaction between subjects of state border protection” and “coordination between subjects of state border protection” according to two criteria: the first criterion assumes the presence or absence of power relations - subordination between subjects of state border protection. According to this criterion, during interaction, all subjects are equal, i.e., they do not have advantages over others, while in the process of coordination, one of the subjects of state border defense is eligible to give binding orders to other parties; the second reference point covers the goals of coordination and interaction (Chumak, 2011).

At the same time, the analysis of the relationship between the name and the norms of Art. 27-1 of the Law “On the State Border of Ukraine” gives reason to consider the concepts of interaction and coordination to be the same in content (Verkhovna Rada of Ukraine, 1991).

According to A. Mota, the parallel use of these categories by the legislator establishes the engagement in ensuring the defense of the state border of a certain number of authorized subjects who must interact and coordinate their activities, although they may have different social purposes (Mota, 2019).

In the opinion of Yu. Nazar, a mandatory characteristics of interaction is an existence of a common purpose for the interacting subjects, because only the presence of interests common to the subjects can lead to the intersection of their activities. However, a shared goal does not mean the uniformity of functions and tasks, on the contrary, it implies their differentiation. Each entity is endowed with a certain competence and, accordingly, carries

out its activities using its own methods. If one of the interacting parties will solve issues that is not its competence or instead of the planned interaction will take measures independently, this will not only not accelerate the achievement of the common goal, but may also cause negative consequences (Nazar, 2012).

The principles of interaction are essential in arranging the interaction between subjects and in enforcing departmental legislation in cross-border activities. The main principles of interaction (and, therefore, criteria for its effectiveness) should be partner equality, adequate representation, focus on local development problems, urgent needs, etc.

Interaction as an organizational and legal category is supported by the following fundamentals: strict observance of legality, lawful rights and freedoms of the citizens by all subjects of interaction; comprehensive use of the forces and means of interaction between the subjects under the condition of clear sharing of competence; procedural independence of law enforcement officers participating in joint interdepartmental events; personal responsibility of authorized managers, who are entrusted with the function of coordinating efforts, for the organization and consequences of preventive measures; consistency when planning joint measures to prevent the commission of offenses; continuity in the organization and management activities, operational and service activities both during events, as well as during administrative and criminal proceedings; active integration of the state-of-the-art scientific and technical achievements to assist official activities at the state border; constant exchange of information between employees of various departments in compliance with the rules of non-disclosure of data on the conduct of operational and service activities.

Summarizing what has been stated, we suggest that interaction in the context of the selected issues is construed as joint coordinated activities between the units of the State Border Guard Service of Ukraine and the National Police of Ukraine aiming at achieving a common goal, notably guaranteeing the proper protection of human and civil rights and freedoms, safety and social order, compliance with the law, combating crime and ensuring national security on state border.

The legal basis for the interaction between the divisions of the State Border Guard Service of Ukraine and the National Police of Ukraine at the state border are: normative legal acts regulating the interaction (determining the powers of the subjects of interaction, the purpose, methods, forms of joint actions and their functions); legal relations between the subjects of interaction (direct implementation of the rights and obligations of the participants of the interaction, namely regulated, coordinated behavior of individual subjects in joint actions on the border territory); acts of application of legal norms regulating the studied interaction (specification of joint activity relations, for example, in interaction plans regarding the procedure for informing and exchanging information).

Legal support for the interaction between the units of the State Border Guard Service of Ukraine with the territorial bodies of the National Police of Ukraine is regulated by the laws of Ukraine “On the State Border”, “On State Border Guard Service of Ukraine”, “On the National Police of Ukraine”, “On the Border Control”, “On the National Security of Ukraine”, Regulations “On the Administration of the State Border Guard Service of Ukraine” and others.

Departmental acts of the Ministry of Internal Affairs, they include acts that establish the organizational and legal principles of interaction between the bodies of the State Border Guard Service of Ukraine and the National Police of Ukraine. In particular, Instruction on the procedure

for the interaction of the bodies of the SBGSS and the NPU during the performance of tasks within the exclusion zone and the zone of unconditional (compulsory) resettlement dated April 5, 2019 No. 251 provides for the purpose, forms, and levels of interaction between the authorities (subdivisions) of the State Border Guard Service and the National Police of Ukraine, methods used in the process of interaction, as well as the procedure for preparing and holding joint events (Ministry of Internal Affairs of Ukraine, 2019).

In 2016, a separate order of the Ministry of Internal Affairs approved procedures for the actions of SBGSU officials and NPU bodies in case of detection at checkpoints across the state border of Ukraine of persons, motor vehicles and passport documents that are in the data banks of the information system of the International Criminal Police Organization - Interpol (Ministry of Internal Affairs of Ukraine, 2016).

Another order of the Ministry of Internal Affairs No. 128 dated 16.02.2017 separately defines the procedure for the interaction of officials of the SBGSU units and territorial bodies of the NPU in order to regulate the order of arrival of vehicles at checkpoints across the state border of Ukraine, ensuring road traffic safety and public safety in places with a significant concentration of vehicles facilities in service areas in front of checkpoints (Ministry of Internal Affairs of Ukraine, 2017).

Indeed, departmental regulatory and legal acts are instrumental in the administrative and legal provision of interaction between the National Institute of Public Health and the Public Health Service.

At the same time, I. Voronina points out that a serious problem is the number and diversity of these acts and even the inconsistency of the norms contained in them (Voronina, 2015).

Separately, among the bylaws, it is necessary to single out not only departmental, but also interdepartmental bylaws, which are joint instructions, orders, provisions adopted and approved by State Border Guard Service of Ukraine and the Ministry of Internal Affairs with interacting bodies, which detail the mutual rights and obligations of executive bodies in sphere of border space. An example of this type of document Order of the Ministry of Internal Affairs of Ukraine “On the approval of the Instruction concerning procedures for the interaction of precinct inspectors of the border service of the State Border Guard Service of Ukraine and precinct police officers of the National Police of Ukraine” (Ministry of Internal Affairs of Ukraine, 2017).

The specified secondary regulatory legal acts are issued within the competence of interacting law enforcement agencies, and contain secondary (derivative) norms that reveal and specify the primary norms, are adopted on their basis and are aimed at the implementation of general ones. At the same time, these acts determine that the above entities interact at the departmental, interdepartmental, state and international levels to accomplish the aims of state policy in the area of the joint supervision of the board.

A significant role in improving the legal provision of state border protection and law enforcement cooperation procedures is played by the study of law-making and practical experience of law enforcement in European countries. With assistance from the Advisory Mission of the European Union (EUAM), Ukraine has developed an updated Strategy for Integrated Border Management to the year 2025 and an Action Plan for the implementation of such a Strategy for 2020-2022, which came into force in January 2020. It should be noted that all state institutions involved in the field of border administration participated for the first time in the development of the Integrated Border Management Strategy and the Action on its introduction (Cabinet of Ministers of Ukraine, 2019).

Not only the two main subjects of integrated border management - the border and customs services, but also such bodies as the State Migration Service of Ukraine, the National Guard of Ukraine, the National Police of Ukraine and the State Veterinary and Phytosanitary Service of Ukraine joined this process. This means that already at the initial stages of planning there should be a clear coordination of the actions with these bodies.

Most scientists note in their works that the legal regulation of the defense of the state border and border activities and the interaction of law enforcement agencies, belongs to those areas of national law that are, to the greatest extent, under the influence of international processes, the experience of foreign states, and general civilizational standards. The significant influence of international law on public relations management in the area of state border protection is mainly the result that these relations are mostly of an interstate nature, affecting the interests of a wide range of states that are interested in establishing uniform standards and rules of behavior at the borders. Therefore, in order to determine the most effective principles of legal regulation of border activities in modern context, it is required to turn to the accumulated worldwide experience in the aforementioned area and analyze it from the perspective of implementation of the practical activities of Ukrainian law enforcement agencies.

Thus, an essential factor for qualitative improvement of legal regulation of border activities and ensuring security in this area is Ukraine's cooperation both with the institutions of the European Union from the perspective of the standards of European border protection as a model, and fruitful cooperation with the neighboring states and the acquisition of their fruitful experience. Moreover, the study and use of the European experience in ensuring the security of the state borders and establishing cooperation between the bodies of border law enforcement is becoming one of the important factors in the current improvement in this sphere in Ukraine today. However, this requires a thorough scientific analysis of this experience, as well as reliable forecasting regarding its acceptability and adaptability to the conditions of the Ukrainian situation and the peculiarities of the national experience.

In the process of implementation of agreed and joint actions, the forms thereof are essential. The concept of "form" is one of the main categories of philosophy and has several interpretations. In jurisprudence, the concept of "form" is mainly used in the meaning of 1) appearance, external outline; 2) structure, structure of anything, system of organization (Andrushchenko and Hornach, 1997).

Undoubtedly, there are also other understandings of administrative forms in the scientific doctrine, meanwhile, there is no unified approach both to the mentioned concept and to the classification of such forms. The most common is the division of forms of interaction between authorities into legal and organizational ones. Thus, legal form is an activity related to the creation of legal acts. Organizational form is the actual activity associated with the establishment of connections between various subjects. (Baydyuk, 2021).

In management theory, the following components of forms of interaction are distinguished: 1) exchange of information; 2) joint development of management decisions; 3) implementation of developed management decisions (when certain deadlines and relevant situations arise); 4) implementation of other agreed measures not based on written management decisions.

In case of the interaction between the SBGSU and the NPU, their structural subdivisions are enforced by the authority of these bodies defined by the law in such aspects: 1) development and implementation of joint measures to detect, disclose, and prevent violations of legislation on border and customs; 2) detection and disclosure of crimes, involving the field of global

economic activity, as well as tracking criminals and their arrest; 3) combating illegal migration; 4) prevention of contraband movement of goods and other items across the state border; 5) security of international transport facilities.

In addition, in an operational manner, the aforementioned bodies exchange information about: 1) any intentions and attempts to violate the national border and about the detention of violators; 2) evidence of preparation for violation of the national border; 3) places of concentration and movement routes of illegal migrants; 4) identification of persons in respect of whom there are relevant instructions from law enforcement agencies; 5) attempts to help the wanted criminals cross the national border, including international criminal groups; 6) sabotage, acts of terror, provocative actions and conflict situations at checkpoints at the state border, the border strip, and the controlled border area; 7) facts and channels of illegal movement across the state border of goods and other items, currency, raw materials, hazardous substances and waste, cultural and historical values, stolen vehicles; 8) any attempts to illegally import and export drugs; 9) emergency situations that arose as a result of man-made and environmental safety violations at the border strip and the controlled border area and measures to eliminate them; 10) impossibility of passage of vehicles across the state border for the reason of organizational or technical determinatives; 11) facts and causes of the detention of vehicles at the national border checkpoints, violation of the traffic schedule of international transportation vehicles; 12) persons in whom signs of dangerous infectious diseases were detected during movement across the state border; 13) increasing and complexity of the sanitary and epidemic situation at the border strip and the controlled border area (Cabinet of Ministers of Ukraine, 1999).

Thus, the forms of interaction of the NPU and SBGSU divisions on the issues of ensuring the protection of the border area should be understood as external according to legal norms of Ukraine, coordinated in time and place, and with the most expedient and efficient exploitation of the capabilities, actions and decisions of the interacting subjects, which ensure the establishment of conditions for ensuring legally defined interests of people, society and the state at and within the national border territories, prompt reaction to threats that might or have already caused damage to the mentioned interests, their neutralization and elimination of consequences.

One of the most, in our opinion, effective forms of cooperation on issues of crime prevention at the national border is joint operations of the State Border Guard Service of Ukraine and the National Police of Ukraine and other law enforcement agencies. If we talk about conducting joint operations of the border service units with law enforcement agencies, then we suggest paying attention to border operations as a form of interaction between these entities, taking into account the fact that the DPSU combines the functions of a military and law enforcement agency simultaneously.

It is necessary to specify that every year units of the State Border Guard Service of Ukraine together with the National Police of Ukraine, the Security Service of Ukraine, National Guard of Ukraine and other entities conduct border operations “Kordon”, “Transit”, “Polissya”. Also, with the aim of countering illegal migration and smuggling activities, law enforcement agencies conducted joint preventive measures “Labor Migration”, “Migrant”.

CONCLUSIONS

Therefore, taking into account the aforesaid, we can come to the conclusion that the interaction of the divisions of the State Border Guard Service of Ukraine and the National Police of Ukraine, concerning the issues of ensuring the protection of the state border, is a

specific form of management activity of competent subjects, which is normally accomplished basing on parity, that is, the equity of the parties, and involves influencing one another both with the aim of receiving necessary countermeasures, and for the purpose of agreeing and implementing joint measures for the fulfillment of tasks and goals common to the interacting parties (subjects) on the state border with . to ensure to national security.

The legal regulation of the interaction of the units of the State Border Guard Service of Ukraine with the territorial bodies of the National Police of Ukraine in the protection of the state border consists of normative legal acts regulating the interaction (determining the powers of the subjects of interaction, the purpose, methods, forms of joint actions and their functions); departmental acts of application of legal norms regulating interaction (specification of joint activity relations, for example, in interaction plans regarding the procedure for informing and exchanging information); departmental practice of administration of interaction (formulated in methodical recommendations, materials for the analysis of joint activities and best practices, etc.).

As evidenced by the results of the analysis, the system of normative legal acts on border protection and border activities in Ukraine is characterized by certain features that need to be considered in the process of further improvement of this area and during law enforcement.

First of all, this is a high degree of detailing of the subjective legal rights and subjective legal obligations of the participants in the legal relations of interaction, which are implemented in the form of official powers of SBGSU and NPU employee. This way of formulating legal prescriptions, in our opinion, contains, on the one hand, the risks of excessive formalization of the activities of officials, which limits the initiative and the ability to make the best management decisions, and on the other hand, creates the danger of violating the rights of citizens in relations with officials.

Also, it is quite common in this area to restrict public access to regulatory acts, which “for national security” by the decision of officials receive the labels “Top Secret”, “Secret”, etc., which narrows the control of civil society over departmental rulemaking. Another feature of “detailing and specification” legislation is a large amount of departmental by-laws, which makes interpretation of legislation dependent on the level of legal culture of officials, who sometimes do not have the appropriate legal education. This requires an objective analysis of the indicated issues and further development of scientifically based recommendations.

In our opinion, the practical importance of the findings of this investigation is that the provisions and conclusions obtained can be used in research activities for further improvement of the defense of the national border and its legal regulation both in the area of general theoretical and applied jurisprudence.

To improve the state of cooperation between the National Police and the State Border Guard Service of Ukraine in border operations and increase its efficiency, the results of the study should be considered in the law-making process and departmental rule-making.

REFERENCES

Andrushchenko, V. (Eds.) & Hornach, M. (1997). *Social philosophy: a short encyclopedic dictionary*, Kyiv: Rubicon.

Baidyuk, I. (2021). *Administrative and legal support of the interaction of the State Border Guard Service of Ukraine of Ukraine with law enforcement agencies*. (Candidate's thesis). Sumy State University. Sumy. <https://essuir.sumdu.edu.ua/handle/123456789/86398>

Baidyuk, I. (2021). Administrative and legal support of the interaction of the State Border Guard Service of Ukraine with law enforcement agencies. (Doctor's thesis). Sumy State University. Sumy. <https://essuir.sumdu.edu.ua/handle/123456789/86398>

Biletsky, V. (2014). Legal basis for implementation by the State Border Service of Ukraine of the function of conducting operational and investigative activities. *Law and society*, 4(2), 121 - 125.

Busel, V. (2002). A large explanatory dictionary of the modern Ukrainian language, Irpin: VTF Perun.

Cabinet of Ministers of Ukraine. (1999). The procedure for coordinating the activities of executive authorities and local self-government bodies in matters of compliance with regimes at the state border: Resolution No. 48.

Cabinet of Ministers of Ukraine. (2019). On the approval of the Integrated Border Management Strategy for the period until 2025: Order No. 687.

Chumak, V. (2011) Interaction and coordination between subjects of state border protection. *Law and Security*, 2(39), 161-165.

Kalyuzhnyi, R. & Kushnir, I. (2015). Legal support of interaction of public administration in the border area: monograph, Kyiv: MP Lesya. <https://essuir.sumdu.edu.ua/handle/123456789/86398>

Matveev, O. (2021). Principles of legal regulation of border protection activities in Ukraine. *Scientific Bulletin of the International Humanitarian University. Jurisprudence*, 54(1), 13 - 16.

Ministry of Internal Affairs of Ukraine. (2016). On the approval of the Procedure for the actions of officials of the State Border Guard Service of Ukraine and the National Police of Ukraine in case of detection at checkpoints through the state border of Ukraine of persons, motor vehicles and passport documents that are in the data banks of the information system of the International Criminal Police Organization - Interpol: Order No. 505. Retrieved from <https://zakon.rada.gov.ua/laws/show/z1052-16#Text>

Ministry of Internal Affairs of Ukraine. (2017). On the approval of the Instruction on the procedure for interaction between officials of the units of the State Border Guard Service of Ukraine and territorial bodies of the National Police of Ukraine in the field of ensuring road traffic safety in places of significant accumulation of vehicles in front of checkpoints across the state border of Ukraine: Order No. 128. Retrieved from <https://zakon.rada.gov.ua/laws/show/z0346-17#Text>

Ministry of Internal Affairs of Ukraine. (2019). On the approval of the Instructions on the procedure for interaction between the bodies of the State Border Guard Service of Ukraine and the National Police of Ukraine during the performance of tasks within the zone of exclusion and the zone of unconditional (compulsory) resettlement: Order No. 251.

Mota, O. (2019). Theory and practice of combating illegal migration by the bodies of the State Border Service of Ukraine: administrative and legal aspect. (Doctor's thesis). Lviv Polytechnic National University. Lviv.

Nazar, U. (2012). Interaction of internal affairs bodies with local executive bodies and local self-government bodies in the prevention of administrative offenses: monograph. Lviv: Lviv State University of Internal Affairs.

Verkhovna Rada of Ukraine. (1991). On the state border of Ukraine: Law of Ukraine. Retrieved from <https://zakon.rada.gov.ua/laws/show/1777-12#Text>

Verkhovna Rada of Ukraine. (2003). On the State Border Guard Service of Ukraine: Law of Ukraine. Retrieved from <https://zakon.rada.gov.ua/laws/show/661-15#Text>

Voronina, I. (2015). Current issues of departmental rule-making in the system of internal affairs bodies. *Scientific Bulletin of the International Humanitarian University. Series: Jurisprudence*, 17(1), 43-45. http://www.vestnik-pravo.mgu.od.ua/archive/juspradenc17/part_1/14.pdf