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**State regulation in the law enforcement system sphere as a tool for resolution
of a conflict of interest in society**

Abstract. Motivation: The law enforcement system of the state is a special component of ensuring the performance of state functions related to the security of society. The study of the law enforcement system is impossible without studying the interests intertwined in its tasks, principles and functions.

Aim: The purpose of the research was to study the key areas of the state policy implementation in law enforcement, ensuring public order and combating crime.

Results: Based on the results of the study, the development of the doctrine of state policy in the field of transformation of the law enforcement system in the context of the theory of interest is substantiated. The origins of interest in the public administration system are established and the order of their formalization in law is justified. The substantive characteristics of private, public and community interests are determined, which serve as the basis for forming a law enforcement system to ensure their satisfaction. A hypothesis has been put forward and proved that the satisfaction of interests through their formalization in law and protection in the law enforcement system depends on the current political regime in a particular country. The conducted analysis of dictatorial regimes testifies to the replacement of the concepts of public interest with the private interest of the dictator, which as a result leads to threats to society in a particular country. The manifestation of the law enforcement system in the context of the theory of interests is determined, including: 1) an instrument for the protection and settlement of all interests; 2) a system of intersection of agents' interests; 3) an instrument for narrowing private interests.

Keywords: state regulation; law enforcement system transformation sphere; conflict of interest; society.

1. Introduction

The law enforcement system, like any other system performing state functions, is extremely complex and must be flexible to the factors of the internal and external environment. At the same time, being a point of intersection of private, community and public interests, the law enforcement system is always in a bifurcation mode. The law enforcement system of the state is a special component of ensuring the performance of state functions related to the safety of society, because it is at the intersection of the interests of all participants in community relations, and therefore the level of community consensus depends on its effectiveness. The significant attention of politicians and public figures (carriers of public opinion) to the development of law enforcement activity points to various aspects of its development and, accordingly, requires the formation of a multi-vector transformation plan. The transformation of the law enforcement system in Ukraine is due to a set of determinants, which include low level of trust in law enforcement agencies; low quality of training of law enforcement officers, underfunding of law enforcement agencies, lack of established communication of law enforcement agencies both in general and in relation to individual operations.

The development and implementation of state policy in the sphere of law enforcement activities transformation must take into account the coordination of public, community, and private interests; ensure a high level of state security, public order and the effectiveness of measures to prevent and combat crime; ensure high efficiency of law enforcement agencies and establish effective communication between them.

The law enforcement system is at the intersection of the interests of all participants in public relations, therefore, the level of community consensus depends on its effectiveness. The study of the law enforcement system is impossible without studying the interests intertwined in its tasks, principles and functions.

Today, as well as several centuries ago, it performs the function of ensuring the security of society and guaranteeing public order, and this is impossible without taking into account public interests. It should be noted that the process and system approach to law enforcement indicates that this mechanism for the implementation of state functions is a bundle of interests of the majority of participants in public relations.

The purpose of the research was to study the key areas of the state policy implementation in law enforcement, ensuring public order and combating crime.

2. Literature Review

The issues of the law enforcement system development in Ukraine and world countries were raised in the works of many scientists. This is due to the fact that the law enforcement system is a component of ensuring state security and forming the foundations of public order. This issue is especially acute in the conditions of Russian aggression in Ukraine. The study of this object involves a scientific search and investigation of the source base, which concerns both the law enforcement system and criminal law, state administration, state security, psychology, economics and other spheres of public life. The large and diverse range of research sources is connected with the need to take into account all the properties of the sources of ensuring its functioning and spheres of influence on community relations.

The article «Law enforcement in Italy» by Barbagli M. and Sartori L. examines the organization and functions of the Italian police and its modern features.

American researchers Johnson T.C. and Hunter R.D. prepared a study on the topic: «Changes in the field of internal security after September 11: an analysis of the practice of state and local law enforcement agencies». The article raises the issue of state and local law enforcement agencies participation in national security measures during the year after September 11 terrorist attacks and 13 years later. The authors explain the increased participation of law enforcement agencies in measures to ensure national security by incentives provided by the federal government.

Lithuanian scientists Miežanskiene R. and Giedraityte V. carried out a study on the topic «Socio-demographic portraits of foreigners in the activities of Lithuanian law enforcement bodies: practical studies of pre-trial investigation bodies». The article is devoted to socio-demographic and related features of foreign residents in the work of pre-trial investigation bodies of the Republic of Lithuania. The directions for improving the qualifications of law enforcement officers have been determined.

The work of Hungarian scientists Vadász P. and Zódi Z. «Accountability of intelligence and law enforcement agencies in searching for information» is of great importance for the development of law enforcement activities. The article raises a very important problem of information exchange and information search in the conditions of innovative technologies, which concerns the expansion of law enforcement officers access to the privacy on the one hand and the observance of democratic rights of citizens regarding privacy on the other. In order to solve this problem, the authors justified the mechanism of accountability of law enforcement agencies and national security services, which will ensure public trust.

The article of the American scientist den Heyer G. reveals the directions of transnational criminal groups growth and the struggle between them. In particular, the author has identified directions of counteraction to their activities by law enforcement agencies (Heyer, 2020).

National researchers Okhrimenko I.M., Pasko O.M., Prudka L.M., Torlo O.I., Herman L.V., Okhrimenko S.S., Perkatyi R.M. studied the peculiarities of the physical training of law enforcement officers: «The influence of modern sports technologies on the health and professional activity of law enforcement officers». As a result of the

research, the authors were able to establish that crossfit classes during training contributed to maintaining the health of law enforcement officers during 5 years of service in officer positions after graduation and ensured high efficiency of professional activity.

Ukrainian scientists Koliadenko N.V., Khlon O.M., Drozdova Y.U. prepared a study on the topic «The duty to motivate young law enforcement officers to develop legal awareness and observe human rights when investigating crimes related to the professional activities of medical workers». The article presents the following research findings. Firstly, it is established that the decisive factor leading young law enforcement officers to legal awareness and professional growth is high personal morality, principles and law-abidingness. Secondly, the need to take into account professional training during the professional selection of officers who will investigate criminal cases about crimes committed in the medical field is justified. Thirdly, the formation of legal awareness ensures a conscious attitude of each employee to the norms that must be taken into account in order to effectively ensure the established procedures of professional selection and training of law enforcement officers.

In the works of these scientists, the features of the intersection of both public and private interests in the activities of law enforcement agencies, in particular, in the implementation of investigative actions and operational-search activities, are determined.

Among Ukrainian scientists, dissertations by Gritishen D., Ievdokimov V., Suprunova I. are important, i.e. they represent key areas for the implementation of state policy in the field of law enforcement, ensuring public order and combating crime. The dissertation by V.V. Evdokymov reveals «a comprehensive approach to the formation and implementation of state policy in the field, which involves 1) justification of the procedure for involving stakeholders in the formation and implementation of state policy in the field of law enforcement activities (interaction with local self-government bodies; interaction with state administration bodies; interaction with controlling bodies; interaction with civil society organizations); 2) development of a state policy spheres interaction model in the context of the law enforcement function implementation; 3) justification of the content and form of implementation of educational, financial, legal, institutional and informational mechanisms as components of the state policy methodology» (Ievdokymov, 2021). Hrytsyshen D. in his dissertation justified the «mechanism of law enforcement agencies interaction in the field of prevention and counteraction of economic crime» (Hrytsyshen, 2021). In her research, Suprunova I. developed «a multi-level mechanism for the formation and implementation of state policy in the field of detinization of the national economy to ensure the financial capacity to perform state functions», and also proposed «directions for improving methodological approaches for assessing the level of detinization of the national economy in the context of detinization of the national economy as a structural component of state security» (Suprunova, 2021).

3. Methods

The research used such methods as literature analysis, induction and deduction, comparison and generalization in the context of the theory of interests.

The development of the doctrine of state policy in the field of transformation of the law enforcement system in the context of the theory of interest is substantiated, using the method of literature analysis. The substantive characteristics of private, community and public interests are determined, which serve the basis for forming the law enforcement system to ensure their satisfaction based on the use of analysis and synthesis methods. Using methods of comparison and generalization the conducted analysis of dictatorial regimes testifies to the replacement of the concepts of public and community interest with the dictator's private interest, resulting in the threats to society in a particular country. The induction and deduction methods allowed us to determine the manifestation of the law enforcement system in the context of the theory of interests: 1) an instrument for the protection and settlement of all interests; 2) a system of intersection of agents' interests; 3) an instrument for narrowing private interests.

A hypothesis put forward that the satisfaction of interests through their formalization in law and protection in the law enforcement system depends on the current political regime in a particular country.

4. Results

Interests are an important category in the formation of state policy in the field of transformation of the law enforcement system. After all, there is a need for their meaningful identification, definition of their carriers and their influence on community consensus in society. Yes, the state provides interests through the system of law.

Accordingly, the transformation of interests in a particular area can contribute to a change in community relations and, as a result, will require the transformation of certain components of the functioning of the state, in particular the law enforcement system. Dmitrenko (2016) on this occasion indicates that it is well known that interests (public or private), the essence of which is the satisfaction of various community needs, contribute to the emergence, change and development of community relations.

In turn, the law enforcement system, being dependent on the political regime, can stand both for the protection of the declared interests and for the protection of the political regime, which is confirmed by the pages of the history of the twentieth century in countries with dictatorial regimes.

Public interests, the bearer of which is the state, are not identical to community interests, despite the fact that the state must ensure the community interests. Identification is quite often observed in the scientific works of

Soviet scientists and in a certain way became widespread in the works of scientists from the post-Soviet countries, which was based on the statements of their predecessors and was conditioned by the political regime.

In particular, such a position is quite justifiably criticized by the domestic scientist Mykolenko (2016): Ukraine made the transition from an administrative-command to a democratic system of governance back in the 90s of the last century. Consequently, there is a certain ideological coloring of pushing the terms «public interest» and «private interest» into the administrative law of Ukraine, which has always had devastating consequences for science. In the future, the author notes that «when considering the public interest, scientists of Ukraine for some reason identify the interests of the state and the interests of society, which, in our opinion, is an erroneous approach. The state really protects and implements the interests of society, but this does not mean that the state should not have its own interests» (Mikolenko, 2016).

Private interests may contradict public or community interests, or interests are identical and it is impossible to separate them between groups, however, the system of law can put them in a legal direction, that is, either limit or provide satisfaction, which depends on the maturity of the political regime and the public administration system. The state plays an important role in the settlement of private, public and community interests, because the state is considered as a source of regulation of the ratio of public and private interests. There is a certain antagonism of these concepts, in which the observance of the interests of society and the state can be detrimental to private interests. It is precisely to ensure the advantageous position of the bearers of private interest that the state must be a certain arbiter. That is, the public interest is inseparable from the interests of the state, but may not coincide with private interests.

The interests of the state also do not always coincide with the interests of an individual, but if the realization of the state's interest is supported by relevant legislation, then priority in such cases is always given to the state interest. When in a country, on most issues, the priority of state interests over public interests is established, it should be stated that in terms of the form of the state regime, such a country is totalitarian or authoritarian.

Everything depends on the level of democracy, the participation of civil society in public administration. The dependence of the system of law, and, accordingly, the settlement of public, community and private interests, on the political regime is manifested in the excess of the value of one over the other. Public interests are a rather debatable phenomenon, because in countries with a high level of activity of civil society, public interests are in harmony with private interests, and in countries of dictatorial regimes, public interests in most cases oppress private interests, on the one hand, and on the other, the public interest of one person prevails over the public, because they are manifested in the public interest.

The twentieth century was characterized by the greatest spread of dictatorships, which in a certain way is due to community transformations, economic development and the unsystematic transition from a monarchy to a republic. The most famous dictatorships of the 20th century were: The USSR is Stalin's dictatorship, Italy is the dictatorship of Mussolini, Germany – the Nazi regime of Hitler, Spain is the dictatorship of Franco, Romania is the dictatorship of Ceausescu, Cambodia Dictatorship of Pol Pot, Korea (North Korea) is the dictatorship of Kim Il Sung and Kim Jong Il, Chile. During the reign of Augusto Pinochet, military tribunals were organized in Chile.

It should be noted that the majority of dictatorships are typical for the countries of Latin America, Africa and Asia, as well as for individual countries of Western Europe.

In some journalistic sources, the dictatorships of our time are defined as: Bashar al-Assad – the president of Syria, Mahmoud Ahmadinejad – the president of Iran, Kim Jong-in – the leader of the Democratic People's Republic of Korea, Alexander Lukashenko – the president of Belarus; v. putin – russian federation. However, freedom in the countries of the world can be assessed by modern ratings, which show how much the interests of society and the citizen are taken into account in public administration in general and in the system of law enforcement in particular:

Democracy Index. The developer and executor of the study is the Economist Intelligence Unit. The following groups of characteristics are assessed: the electoral process and pluralism, government activities, political role, political culture, and civil liberties.

Analyzing the rating of Ukraine and its closest neighbors, including the aggressor countries, it should be noted that the lowest indicators in the rating belong to the aggressor countries, namely (the Republic of Belarus is in 146th place with an indicator of 2.41 and the russian federation is in 124th place with an indicator of 3.24).

Both countries neighboring Ukraine and acting as aggressors and occupiers belong to the group of countries with an authoritarian regime. In turn, Ukraine will press into the countries with a transitional regime with positive dynamics, and all the niches of its neighbors into countries with imperfect democracy.

Press freedom index. The developer and executor is the public organization «Reporters Without Borders». This index assesses the following indicators: presence of violations against journalists (deprivation of life, imprisonment, physical violence and threats) and the media (censorship, bans and confiscations of publications, closure of publications); the level of political and financial dependence of the media; media legal environment (fines, state monopoly, existence of a regulatory body); the possibility of free access of citizens to the Internet.

This rating characterizes the level of civil society and its influence on the formation and implementation of state-management decisions in all spheres of community life and legal protection systems, in particular.

The level of political and civil liberties is published annually by Freedom House. All states are conditionally divided according to the principle of political and civil liberties into three groups: «free», «partially free», «unfree».

As for Ukraine and the countries of its largest neighbors, such countries as Slovakia, Romania, Poland belong to free countries. Ukraine, Hungary, Moldova are part of the partially free countries. In turn, the countries with an authoritarian regime Belarus and Russia are countries belonging to the group – not free. This indicates that in these countries the law enforcement system is used as a means of persecuting political opponents. An example of this is the occupation and annexation of Ukrainian territories by Russia (AR of Crimea, parts of Donetsk and Luhansk regions), as well as the so-called military operation (full-fledged military aggression against Ukraine), which began on February 24, 2022, which was accompanied by civilian casualties and civil destruction infrastructure.

Most countries of the world and international organizations have imposed economic, political, cultural and sports sanctions against Russia, its political, business and cultural figures who supported the aggression.

This suggests that the world sees the country as a geopolitical security risk stemming from Putin's authoritarianism, which has been using the law enforcement system as a punitive tool for political opponents for decades.

Interesting and at the same time understandable is the fact that the Russian aggression against Ukraine in international organizations is supported by countries with the lowest level of freedom in all the ratings studied.

The carried out analysis allows us to talk about the existing authoritarian political regimes, and therefore violations of private, public and community interests, as well as the use of law enforcement agencies as punitive bodies and the persecution of political opponents of the regime. Consequently, dictatorial regimes are characterized by the following properties:

firstly, the replacement of the concepts of «private interests of the announcer» and «public interests». Yes, there is a complete leveling of private interests and, as a consequence, public ones, and all public interests were determined only within the framework of the interests of the dictatorship;

secondly, the transformation of the system of law in the context of determining the interests of only certain groups of people. There was a narrowing of the rights and freedoms of citizens, which seemed to be covered by public interests;

thirdly, the use of law enforcement for the political persecution of opponents, which is the result of ensuring the interests of the dictatorship. As a result, there was a complete collapse of civil society;

fourthly, complete disregard for private interests in the process of implementing law enforcement activities (investigative actions, operational-search activities, protection of public order).

In most democratic countries, citizens are more satisfied with law enforcement than in countries of authoritarian and dictatorial regimes that use the law enforcement system to satisfy the dictator's own interests and persecute political opponents, such as Navalny in Russia, Tikhonovskaya in Belarus.

The developed information model (Scheme 1) for visualizing the intersection and settlement of private, public and community interests in the law enforcement system indicates the following priority areas for the development of state policy:

- formalization of public, community and private interests in the system of law determines its declaration at the level of law. Protection of the right, and, accordingly, of interests falls on the law enforcement system. In addition, the law enforcement system is also determined by the system of law, that is, it operates only within the limits of legal support. Note that the law enforcement system is also at the intersection of private (enforcement of the rights and freedoms of a citizen); community (ensuring community consensus in society) and public (the ability to implement state security functions);

- the law enforcement system ensures the implementation of interests in terms of their protection and settlement by using a set of methods that allow us to form an appropriate level of public order, prevent and counteract crimes and offenses. Based on this, the state policy in the field of transformation of the law enforcement system should provide such conditions for its functioning as whole and individual elements (law enforcement agencies, educational institutions, healthcare institutions, law enforcement officers) in particular, in order to fully regulate public, community and private interests on the one side, and the interests of its subjects, on the other. Accordingly, the key areas should be the process of adaptation to international law enforcement standards; the infusion of the law enforcement system into the international system of interaction between law enforcement agencies; establishing effective cooperation with international police organizations;

- when forming state policy in the area under study, it is important not only to form instruments for protecting public, community and private interests, but also to regulate the interests of participants in political processes and government entities. Thus, the stakeholders of the state policy in the field of transformation of the law enforcement system pursue their own goals, which are to satisfy certain interests. A powerful tool for satisfying the interests of public policy stakeholders in lobbying, which is quite common in the countries of the European Union and the USA.

The most critical issue of this law enforcement system, which should be regulated by state policy, is the observance of private interests within the powers of law enforcement agencies in the course of their functions, in particular investigative actions, operational-search activities, inquiry procedures.

This issue is especially acute in conditions where a certain matter threatens national interests, in particular terrorism, military aggression, and so on. In such conditions, law enforcement officers can go beyond the permitted limits during the above operations. In the United States, there are heated discussions on this issue, because quite often abuse of

authority can be used for certain personal purposes. This necessitates the establishment of criteria under which such an excess actually takes place in order to ensure national security in the context of countering the greatest threats.

In general, the settlement of public, community and private interests in the law enforcement system, the harmonization of the interests of state policy stakeholders in the area under study, the provision of private interests in the implementation of law enforcement measures is the basis for ensuring national security in general and state, public and personal security in particular.

5. Conclusions

Based on the results of the study, the development of the doctrine of state policy in the field of transformation of the law enforcement system in the context of the theory of interest is substantiated. The origins of interest in the public administration system are established and the order of their formalization in law is substantiated. The substantive characteristics of private, public and community interests are determined, which serve as the basis for forming a law enforcement system to ensure their satisfaction.

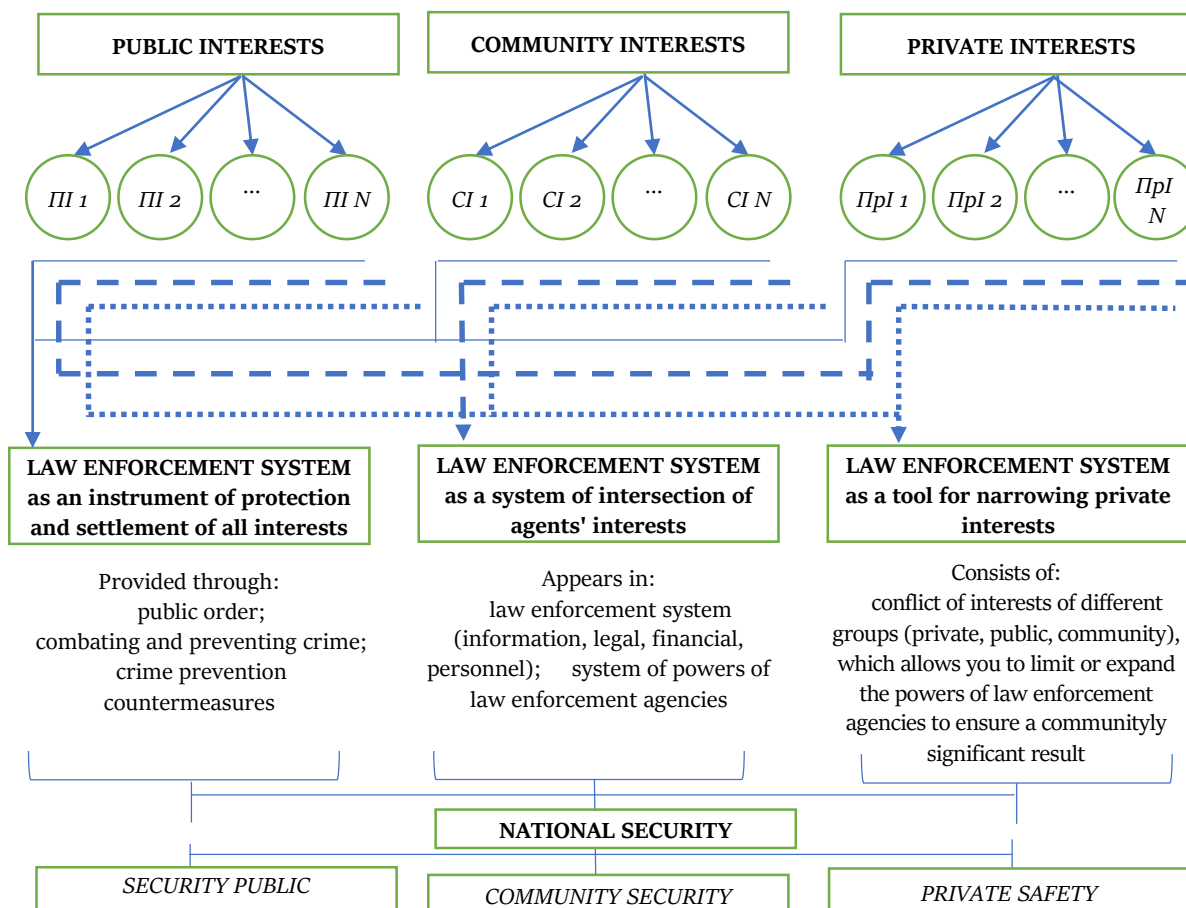
A hypothesis has been put forward and proved that the satisfaction of interests through their formalization in law and protection in the law enforcement system depends on the current political regime in a particular country. The analysis of dictatorial regimes indicates the replacement of the concepts of public interest with the private interest of the dictator, which as a result leads to threats to society in a particular country (the use of the law enforcement system to persecute political opponents), and can also become a threat to geopolitical security.

The manifestation of the law enforcement system in the context of the theory of interests is determined, in particular, as:

- 1) an instrument for the protection and settlement of all interests;
- 2) a system of intersection of agents' interests;
- 3) an instrument for narrowing private interests.

The dependence of national, state, public and personal security on the level of settlement of interests in the formation and implementation of state policy in the field of transformation of the law enforcement system is determined.

Appendix



Scheme 1. Visualization model of the intersection and regulation of private, state and public interests in the law enforcement system

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Грицишен Д., Бутузов В., Ксендзук В., Малишев К., Супрунова І.

Державне регулювання у сфері правоохоронної системи як інструмент вирішення конфлікту інтересів у суспільстві

Анотація. Правоохоронна система держави є особливою складовою забезпечення виконання функцій держави щодо безпеки суспільства. Вивчення системи правоохоронних органів неможливе без вивчення інтересів, що переплітаються в її завданнях, принципах і функціях. Метою дослідження було вивчення основних напрямів реалізації державної політики у сфері охорони правопорядку, забезпечення громадського порядку та боротьби зі злочинністю. За результатами дослідження обґрунтовано розвиток доктрини державної політики у сфері трансформації правоохоронної системи в контексті теорії інтересу. Встановлено походження відсотків у системі державного управління та обґрунтовано порядок їх правового оформлення. Визначено змістовні характеристики приватних і суспільних інтересів, які є основою формування правоохоронної системи для забезпечення їх задоволення. Висунуто та доведено гіпотезу про те, що задоволення інтересів шляхом їх законодавчого оформлення та захисту в правоохоронній системі залежить від поточного політичного режиму в конкретній країні. Проведений аналіз диктаторських режимів свідчить про підміну понять суспільного інтересу приватним інтересом диктатора, що в результаті призводить до загроз суспільству в конкретній країні. Визначено прояв правоохоронної системи в контексті теорії інтересів, у тому числі: 1) інструмент захисту та регулювання всіх інтересів; 2) система перетину інтересів агентів; 3) інструмент звуження приватних інтересів.

Ключові слова: державне регулювання; сфера трансформації правоохоронної системи; конфлікт інтересів; суспільство.