

## **CHAPTER 3**

### **ANALYTICAL WORK IN THE SYSTEM OF THE MIA OF UKRAINE: NORMATIVE AND LEGAL REGULATION**

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#### **INTRODUCTION**

Analytical work, which is an integral part of the process of implementing the management function, holds a significant position in the activities of the internal affairs bodies. Analytical function is carried out at different levels of management of the MIA system and almost by all units. At the same time, the paper studies the processes taking place in the system of the MIA in the past, the current conditions of external environment, development trends of the system of the MIA as well as the challenges which are the basis for forecasting and planning. Thus, the main goal of analytical work is to study the patterns of all processes and phenomena of social life affecting the activities of internal affairs bodies and to use obtained data and knowledge for ensuring the effectiveness of this activity, and the implementation of analytical function is a way to solve problems of efficiency of agencies and units of the MIA of Ukraine. Special significance and importance of analytical work were marked in the Strategy for the Development of the Ministry of Internal Affairs up to 2020<sup>45</sup> (hereinafter the Strategy) approved by the Cabinet of Ministers of Ukraine dated November 15, 2017. One of seven main priorities, that is, “Crime counteraction” provides such a challenge as a low level of the use of analytical tools in crime combating and forecasting relevant threats. To overcome the challenge, there is a need in studying, assessing and improving analytical work in the system of the MIA, reconsidering, updating and systemizing current and adopting new legal acts on this activity.

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<sup>45</sup> Pro skhvalennia Stratehii rozvytku orhaniv systemy Ministerstva vnutrishnikh sprav na period do 2020 roku: rozporiadzhennia Kabinetu Ministriv Ukrainy vid 15 lystop. 2017 № 1023-r. Ofitsiyni visnyk Ukrainy. 2018 r. № 23. St. 808.

### **3.1. Theoretical and legal bases of analytical work in the system of the Ministry of Internal Affairs of Ukraine**

Examining analytical work in the system of the MIA, it is impossible to omit the issue of the conceptual framework. Thus, the word “analysis” in Greek means “a breaking up, interpretation, examination” and is used to define the method of scientific research through logical abstraction. In a general sense, the word “analysis” means a comprehensive consideration, study, examination of something. At the same time, the meaning of “research” emphasizes a deeper, thorough and fundamental study. Thus, analysis is a method of scientific research of objects, phenomena, etc. through interpretation, their partition into the constituent parts in thought<sup>46</sup>. Synthesis, a method of scientific researching by combining, connecting, composing an object, phenomenon in its integrity, unity, is opposite to analysis. Together analysis and synthesis make up a unified process of scientific cognition which management theory and practice call analytical activity<sup>47</sup>.

As for the concept “analytical work”, it should be mentioned that there is a lack of research concerning the issues of analytical work in the domain of the modern system of the MIA. Scholars’ thoughts towards the concept “analytical activity” differ depending on the tasks of one or other internal affairs agency. Thus, E.P. Maslennikov considers that analytical work is a permanent research activity (the function of management process) which covers a wide range of organizational measures and methodological techniques for studying and evaluating crime data, the results of practical activity of the authorities in fulfilling their tasks as well as the conditions under which these tasks are carried out and which provides for purposeful management and performance evaluation of management actions<sup>48</sup>. I.M. Savchenko defines analytical work as a permanent research activity (the function of management process) which covers a wide range of organizational measures and methodological techniques for studying and evaluating of data on external and internal factors, cause-and-effect relations of the functioning of the management system regarding the

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<sup>46</sup> Slovník inšomovnykh sliv. URL: <http://www.jnsm.com.ua/cgi-bin/u/book/sis.pl?Qry=%C0%ED%E0%EB%B3%E7> (data zvernennia: 18.03. 2019); Slovník ukraïnskoi movy: v 11 tt. / AN URSS. Instytut movoznavstva. Za red. I.K. Bilodida. Kyiv: Naukova dumka. 1970-1980. T. 1. S. 41.

<sup>47</sup> Teoriia upravlinnia orhanamy vnutrishnikh sprav: Pidruchnyk. K.:Natsionalna akademiia vnutrishnikh sprav Ukrainy, 1999. 702 s. URL: <https://studfiles.net/preview/5012883/5> (data zvernennia: 18.03.2019).

<sup>48</sup> Maiboroda L. A. Orhanizatsiino-pravovi zasady stvorennia informatsiino-analitychnykh tsentriv PTO: metodychni rekomendatsii. K.: Prynt, 2009. S.13.

implementation of its certain goal and objectives<sup>49</sup>. According to A.F. Shtanko, “analytical work” is the use of social methods and techniques for studying information, which characterises conditions of the external environment, the state of public order and crime, in order to determine the tasks for improving the efficiency of law enforcement agencies<sup>50</sup>. O.M. Bandurka, defining the concept of analytical work, focuses on criminological information and proposes the following definition: “analytical work is collecting, processing and evaluating criminological information, which is considered as a totality of data necessary for the elaboration of preventive measures, their implementation, control and performance evaluation of activity in progress”<sup>51</sup>.

Based on the above, analytical work in the domain of the internal affairs bodies should be considered as research cognitive activity on identifying the causal links, trends and patterns necessary to justify the decisions made and assess the functioning of the system itself. The activity covers data examining and evaluating in the following spheres: ensuring protection of the human rights and freedoms, interests of society and the state, crime prevention, maintenance of public safety and order and the provision of police services; protection of the state border and the sovereign rights of Ukraine in its exclusive (maritime) economic zone; civil defence, protection of population and territories from emergencies and their prevention, emergency recovery, rescue work, firefighting, fire and technological safety, operation of emergency rescue services as well as hydrometeorological activities; migration (immigration and emigration), including counteraction to illegal (unlawful) migration, citizenship, registration of individuals, refugees and other categories of migrants determined by the legislation, as well as the results of practical activities of the internal affairs bodies, the conditions of the external environment where the activity is carried out. The purpose of the analytical work is to ensure the management of the MIA system and to estimate the efficiency of management actions.

In the past decades, analytical activity, its methods and technical means are developing dynamically sensing socio-economic, political and

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<sup>49</sup> Maslennikov Z. P. Organizacionno-pravovye osnovy j metodika analiticheskoy raboty v organah vnutrennih del: ucheb. posobie. M., 1979. S. 15.

<sup>50</sup> Shtanko A. F. Voprosy teorii i praktiki rukovodstva gorrajorganami vnutrennih del: prakticheskoe posobie. K.: RIO MVD Ukrainy, 1996. S. 22.

<sup>51</sup> Bandurka A. M. Prestupnost v Ukraine: prichiny i protivodejstvie: monografiya. Harkov: Gos. spec. izd-vo «Osnova», 2003. S. 13.

other changes in public life, complexity and diversity, constant risk, accumulation of new knowledge and information. However, if in the past, the term “analytics” was used independently and today, in the information-oriented society it is increasingly frequent accompanied by the word “information”. Consequently, it is used as a new term “information analytics”<sup>52</sup>. The term has been widely covered in the definitions presented in the state standards, research papers, etc. It is common practice to comprehend the term as a set of aimed actions of research and cognitive character carried out by the bodies and units of the MIA by virtue of information technologies, systems of organizational measures and methodical techniques when examining phenomena of interest.

Thus, V.M. Varenko thinks that information analytical activity (IAA) is a specific type of intellectual, mental activity of a person in the process of which it is formed new, secondary insights in the form of analytical essay, report, review, forecast, etc<sup>53</sup> due to a certain algorithm of sequential actions for the search, accumulation, storage, processing, analysis of source information.

O.A. Mandziuk, referring to Yu.P. Surmin, I.V. Klymenko, K.O. Lynov, I.M. Kuznietsov, proposes the following definitions of information analytical activity: scientific-information activity aimed at document analysis and synthesis; a set of actions based on the concepts, methods, tools, regulatory and procedural guidelines for collecting, accumulation, processing and analysis of data to justify and make decisions; a special focus area of information activity related to the identification, processing, preservation and dissemination of information mainly in the sphere of management, political and economic activities; a process of semantic data processing which results in the transformation of disaggregated data into a complete information product – an analytical document<sup>54</sup>.

The above definitions show that analytical work closely related to retrieving a wide complex of varied data. The need for use and analysis of

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<sup>52</sup> Kurnosov Yu. V. Analitika, metodologiya, tehnologiya i organizaciya informacionnoj analiticheskoy raboty / Yu. V. Kurnosov, P. Yu. Konotopov. M.: RUSAKI, 2004. 697 s. URL: <https://coollib.com/b/223786> (data zvernennya: 25.03.2019).

<sup>53</sup> Varenko V. M. Informatsiino-analitychna diialnist: Navch. posib. / V. M. Varenko. K.: Universytet «Ukraina», 2014. 417 s. URL: [http://nbuviap.gov.ua/images/nak\\_mon\\_partneriv/IAD.pdf](http://nbuviap.gov.ua/images/nak_mon_partneriv/IAD.pdf) (data zvernennia: 18.03.2019).

<sup>54</sup> Mandziuk O.A. Poniattia ta zmist informatsiino-analitychnoi diialnosti v konteksti borotby z teroryzmom. Hlobalna orhanizatsiia soiuznytskoho liderstva. 2015. URL: <http://goal-int.org/ponyattya-ta-zmist-informacijno-analitichnoi-diyalnosti-v-konteksti-borotbi-z-terorizmom/> (data zvernennia: 18.03.2019).

information by law enforcement agencies has steadily increased over the past 50–60 years. Information systems of the internal affairs bodies, which in the past were available in the form of archives with information card files, have been developing in step with information technologies within the framework of special software and skills of professional analysis of crime. Nowadays, under the conditions of the urgent challenges (a critical crime situation; the activity of extremist criminal armed groups on the territory of Ukraine aimed at destabilizing the internal socio-political situation, breaking the functioning of state authorities, local self-government authorities and blocking important industrial and infrastructural facilities; rise in the terrorist threats level; spread of trans-border organized crime; crisis phenomena in the national economy, ineffectiveness of anti-crisis measures causing depletion of the state financial resources, limiting its opportunities to ensure financial support for the implementation of the national policy on the national security, etc.) the significance of information and analytical work in the management activity of the MIA system has become extremely important. Any organizational or tactical problem in management activities in the areas of public safety, protection and control of the state border of Ukraine, civil defense and migration policy is solved by the virtue of a preliminary study of consistent patterns, processes and phenomena of social life, operational environment, practical activities of the authorities in the implementation of a set of tasks, as well as the conditions the tasks are performed in. The necessity for a system approach to this work is also conditioned by the rapid change of socio-economic relations, a deeply-rooted tendency towards the criminalization of society and the urgent needs to create a system of adequate response to these processes on the part of law enforcement bodies.

Analytical work is not down to handle statistical figures, and it also involves a qualitative development of social processes. The European approach offers a variety of forms and methods for analyzing the situation, introduction of qualitative and quantitative information of mathematical methods, which significantly limit the subjective assessments of information and interpretation of findings, into the processing.

### 3.2. Statutory regulation of analytical work in the system of the Ministry of Internal Affairs

As any activity, analytical work needs statutory regulation. The term “regulatory” means the one which defines the standard of law, the rules of something, meets a criterion and fixed by the criterion<sup>55</sup>. The word “regulation” derives from the Latin word “regula” (norm, measure) and means the process of conscious adjusting, the establishment of a certain order, duties. The term “to regulate” is interpreted as the harmonization of something, management of something, its subordination to a certain system<sup>56</sup>. Scientific juridical literature considers legal regulation (from the Latin “regulare” – to guide, to order) as one of the main tools of government influence on the social relations with the aim of their adjusting to the interests of a man, society and the state<sup>57</sup>.

Statutory regulation is mainly understood as the effect of law on the social relations through the use of certain legal rules and means. This kind of regulation is provided through a specially created state mechanism. The main components of the mechanism are: a) the legal rules fixed in the laws and other legal acts, which determine the model of possible and necessary behaviour of the subject of public relations (the rules of law are the basis of the mechanism of legal norms); b) the legal facts, that is, specific life circumstances related to the implementation, change or termination of legal relations; c) the actual legal relations, that is, social relations, indirect rules of law; d) the acts of enjoyment of rights and obligations of subjects of social relations, that is, the actions of the subjects of social relations within the instructions of the provisions of the relevant legal norms; e) the legal sanctions applicable to breakers of the rules of law<sup>58</sup>.

O.F. Skakun defines statutory legal regulation as the adjustment of social relations, their legal consolidation, protection and development, which are carried out through the rules of law and a complex of legal means<sup>59</sup>. A.T. Komziuk marks that statutory legal regulation is a specific

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<sup>55</sup> *Velykyi tlumachnyi slovnyk suchasnoi ukrainskoi movy* / Uklad. i holov. red. V.T. Busel. Kyiv, Irpin: VTF “Perun”, 2005. 1728 s. URL: <http://irbis.nbuv.gov.ua/ulib/item/UKR0000989> (дата звернення: 18.03.2019).

<sup>56</sup> Там же.

<sup>57</sup> Shemshuchenko Yu.S. *Velykyi entsyklopedychnyi yurydychnyi slovnyk* / Za red. akad. NAN Ukrainy Yu.S. Shemshuchenka. Kyiv; TOV Vydavnytstvo Yurydychna dumka, 2007. 992

<sup>58</sup> *Velykyi tlumachnyi slovnyk suchasnoi ukrainskoi movy* / Uklad. i holov. red. V.T. Busel. Kyiv, Irpin: VTF “Perun”, 2005. 1728 c. URL: <http://irbis-nbuv.gov.ua/ulib/item/UKR0000989> (дата звернення: 18.03.2019).

<sup>59</sup> Skakun O.F. *Teoriya gosudarstva i prava: uchebnik*. Harkov. Konsum: Un-t vnutr. del. 2000. 704 s.

influence which is implemented by law as a special statutory institutional regulator<sup>60</sup>.

Thus, studying the above definitions of the statutory legal regulation, we share the opinion of scholars who interpret the concept of legal regulation as the adjustment of social relations carried out by the state through the rules of law and a set of legal means.

In general, the rules of law regulating analytical activity in the MIA system can be gathered into the following groups: legislative and regulatory acts synchronizing all activities of the MIA system; legislative and regulatory acts on analytical activity issues; particular provisions of other legal acts related to information and information-analytical activities.

In general terms, the system of legal support of administration of the MIA of Ukraine is based on the Constitution of Ukraine<sup>61</sup> and is a set of laws and by-laws regulating the operation of the system and its activities. Thus, legal basis of analytical activity in the MIA system is a component of the legal framework of the MIA system activities. It can be defined as a complex of the rules of law which consolidate the necessity and create conditions for the achievement of the goals of analytical activity in the MIA.

As noted above, scholarly papers use the term “analytical activity” together with the term “information activity”. The national legislation more often mentions the term in the phrase “information-analytical activity”. At the same time, there is a lack of its clear definition as well as for the term “analytical activity” and implementation of analysis as obligatory activity focus. Taking into account the forgoing, we place the emphasis on the need to elaborate the framework of categories and its further consolidation in the legal framework of the national legislation of Ukraine.

Among the legislative acts which regulate the activities of government authorities, including the MIA system, and mention information-analytical or information activities, it is possible to mark the following laws of Ukraine: “On Information” as of October 2, 1992 № 2657-XII<sup>62</sup>, “On Personal Data Protection”<sup>63</sup>, “On State Statistics”<sup>64</sup>, “On Access to Public

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<sup>60</sup> Komziuk A.T. *Administratyvnyi prymus v pravookhoronni diialnosti militsii v Ukraini: dys. ... d-ra yuryd. nauk*: Kharkiv, 2002. S.59

<sup>61</sup> *Konstytutsiia Ukrainy: Zakon Ukrainy vid 28.06.1996 r. № 254k/96-VR//Vidomosti Verkhovnoi Rady Ukrainy*, 1996. № 30. St. 141.

<sup>62</sup> *Pro informatsiiu: Zakon Ukrainy vid 02.10.1992 r. № 2657-XII // Vidomosti Verkhovnoi Rady Ukrainy*, 1992. № 48. St. 650

<sup>63</sup> *Pro zakhyst personalnykh danykh: Zakon Ukrainy vid 01.06.2010 r. № 2297-VI // Vidomosti Verkhovnoi Rady Ukrainy*, 2010. № 34, st. 481.

Information”, “On State Secret”, “On Electronic Documents and Electronic Documents Circulation”, “On the National Police of Ukraine”, “On the National Informatization Program”, “On the National Security of Ukraine” and others.

The development of information technologies caused the need to protect personal data. Due the very reasons, the Law of Ukraine “On Personal Data Protection” № 2297-VI was adopted on June 1, 2010. It regulates the relations related to the protection and processing of personal data and aims at protecting the fundamental rights and freedoms of man and citizen, in particular the right to privacy due to the processing of personal data<sup>65</sup>.

We note that the issues of regulation of information-analytical work are of interest not only in the context of the activities of domestic law-enforcement bodies. Now, there are a number of international legal acts focused on elaborating general principles and approaches to the organisation of information and analytical activity of the system of law-enforcement bodies.

In Ukraine, except the above documents, information activity more or less is also regulated by other laws of Ukraine, decrees and orders of the President of Ukraine, legal acts of the Cabinet of Ministers of Ukraine. Among the acts of the Cabinet of Ministers of Ukraine in regulating activities of the MIA, the main one is the Regulation on the Ministry of the Cabinet of Ministers of Ukraine (hereinafter the Regulation) approved by the Resolution of the Cabinet of Ministers of Ukraine as of October 28, 2015 № 878. The regulation provides an opportunity to present information and analytical activities as statutory, organizational and staff supported activities of the MIA units, which deal with collecting, processing, systematization, analysis and evaluation of the information required for the implementation of management processes of the MIA bodies<sup>66</sup>. Analytical work is required for the performance of a large number of MIA functions. At the same time, in the context of analytical activity, the Regulation provides this function only in two subparagraphs of paragraph 4 – in subpar. 61 and subpar. 62, in particular, “61) the MIA

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<sup>64</sup> Pro derzhavnu statystyku: Zakon Ukrainy vid 17.09.1992 r. № 2614-XII. // Vidomosti Verkhovnoi Rady Ukrainy. 1992. № 43. St. 608.

<sup>65</sup> Pro zakhyst personalnykh danykh: Zakon Ukrainy vid 01.06.2010 r. № 2297-VI // Vidomosti Verkhovnoi Rady Ukrainy. 2010. № 34, st. 481.

<sup>66</sup> Pro zatverdzhennia Polozhennia pro Ministerstvo vnutrishnikh sprav Ukrainy: Postanova Kabinetu Ministriv Ukrainy vid 28 zhovtnia 2015 r. № 878. Ofitsiinyi visnyk Ukrainy. 2015. № 89. St. 2972.



monitors the status of public security and law and order in the state; examines, analyses and generalizes the results and effectiveness of the implementation of state policy in the relevant spheres by central executive authorities, whose activities are guided and coordinated by the Minister; 62) analyses and forecasts the development of socio-political processes in the state affecting the implementation of tasks attributed to the MIA responsibility”<sup>67</sup>.

The MIA of Ukraine has the Unified Information System of the MIA due to the adopted Resolution of the Cabinet of Ministers of Ukraine as of November 14, 2018 № 1024 “On Approval of the Regulation on the Unified Information System of the Ministry of Internal Affairs and List of its Priority Information Resources”.

The division of functions between the MIA and the National Police, the SMSU, the SMS, the State Border Guard Service sets the MIA the task to expand the service information-analytical maintenance of machinery services and territorial authorities significantly; to undertake the collection, synthesis, analysis and distribution of social information characterizing the political, economic, demographic features of the region and territories included in it, conducting research on the topical issues of ensuring law and order in the region, public opinion about the operation of the services of the MIA of Ukraine to the full extent<sup>68</sup>.

From the late 2015 till 2018, the analysis and crime forecasting in the MIA of Ukraine were entrusted to the special subdivision – Department of Analytics and Management (DAM) which actually became a legal successor to the General Staff of the MIA of Ukraine. According to the Regulation on the Department of Analytics and Management of the Ministry of Internal Affairs of Ukraine approved by the Order of the MIA of Ukraine dated 04.12.2015 № 1542, the unit carried out “monitoring, examining, analyzing and forecasting of the development of a security situation, as well as preparing draft management decisions in the spheres where shaping of the state policy was legally referred to the MIA competence” (para. 2)<sup>69</sup>.

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<sup>67</sup> Pro zatverdzhennia Polozhennia pro Ministerstvo vnutrishnikh sprav Ukrainy: Postanova Kabinetu Ministriv Ukrainy vid 28 zhovtnia 2015 r. № 878. Ofitsiyni visnyk Ukrainy. 2015. № 89. St. 2972.

<sup>68</sup> Yesimov S.S. Informatsiino-analitychna diialnist MVS Ukrainy yak ob'iekt pravovoho rehuliuвання. Porivnialno-analitychne pravo. 2017. № 1. S. 138-141.

<sup>69</sup> Polozhennia pro Departament analitychnoi roboty ta orhanizatsii upravlinnia Ministerstva vnutrishnikh sprav Ukrainy: zatv. nakazom MVS Ukrainy vid 04.12.2015 r. № 1542. URL: <http://consultant.parus.ua/?doc=0AU4O25CE9> (data zvernennia:18.03.2018).

According to the above legal instructions, the DAM of the MIA of Ukraine carried out the accumulation and analysis of information on socio-political, socio-economic, demographic and other processes (factors) affecting the state of a security situation, which is the information basis for crime forecasting, in the state and regions.

The Order of the MIA of Ukraine “On Temporary Procedure for Analytical Support of the MIA” as of December 4, 2015, № 1541, determined a range of measures. In particular, it is provided for the submission of challenging issues related to the implementation of the functions of the Ministry of Internal Affairs towards formation of state policy in statutory spheres and control of its implementation by structural units of the MIA, according to their focus area, for the consideration of DAM; CEB – submission of daily reports on the state of security situation and the main results of the activity of the subordinate bodies over the past day, analytical reports on the state of the crime and security situation in the state, the results of activities of subordinated bodies and their territorial units (analytical report, besides statistical indicators, should contain information about organizational and practical measures that were taken during the reporting period in order to improve the crime and security situation, management decisions made and issued administrative documents, available branch and regional problems, ways of their solutions, analysis of the reasons of the shortcomings in the operation of local units and promising measures to advance efficiency of their performance).

At the moment, according to the Order of the MIA of Ukraine as of 03.12.2018, № 987 “On Amending the Structure of the Ministry of Internal Affairs of Ukraine”, DAI is deactivated. Its functions on analytical activity were delegated to the Department of Policy-Making on State Bodies under the Control of the Minister and Monitoring of the MIA of Ukraine. At the same time, there are still no amendments to the Regulation on the Department of Policy-Making on State Bodies under the Control of the Minister and Monitoring approved by the Order of the MIA of Ukraine as of December 23, 2015, № 1622.

As for the forecasts for the development of a security situation, it is important to note that the statutory regulations define the types of such forecasts: current and strategic forecasts and forecasts of the development of a security situation in general and on certain focuses of its development.

Now, functions for the development of forecasts, except the Regulation on the Ministry of Internal Affairs of Ukraine, are not prescribed in any regulatory document.

Other departments and administrations also carry out analytical work in the MIA. There are norms on information-analytical activity in the regulations on the units approved by the orders of the MIA.

It should be pointed out the legal acts, which regulate activity of the CEBs, provide for analysis. Thus, according to the Regulation on Administration of *the State Border Guard Service of Ukraine* approved by the Cabinet of Ministers of Ukraine as of October 16, 2014, № 533, Administration of the State Border Guard Service of Ukraine, according to its entrusted tasks, organizes information-analytical activity and risk assessment in the interest of the national border security and sovereignty rights of Ukraine in its exclusive (maritime) zone, that is, performs work related to the information-analytical activity<sup>70</sup>.

For today, it was introduced and the main elements of the risk analysis system function, which corresponds both to the concept of the development of the SBGSU and to European standards, in particular: Development Strategy for the State Border Guard Service of Ukraine until 2020 approved by the Decree of the President of Ukraine as of 28.10.15 № 1149; regulations of Schengen Borders Code approved by the Order of the European Parliament and Council of the European Union as of 15.03.06 № 562 and the Common Integrated Risk Analysis Model (CIRAM), recommendations for the introduction into FRONTEX and EU countries.

In the State Border Guard Service, risk analysis is performed according to the Instruction for Risk Analysis in the State Border Guard Service of Ukraine approved by the Order of the MIA of Ukraine dated 11.12.2017 № 1007 in order to improve risk analysis system with the use of the Common Integrated Risk Analysis Model (CIRAM 2.0) of Member States.

Practice analysis of special agents of the State Border Guard Service who used criminal analysis in their activities shows proceedings of criminal intelligence cases increased by 50% that allows concluding that the use of technologies of crime analysis is an effective method in solving crimes.

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<sup>70</sup> Polozhennia pro Administratsiiu Derzhavnoi prykordonnoi sluzhby Ukrainy: zatv. postanovoiu Kabinetu Ministriv Ukrainy vid 16.10.2014 r. № 533. Ofitsiinyi visnyk Ukrainy. 2014. № 85. St. 2390.

The Law of Ukraine “On *National Police*” is the main one in regulating police activity. According to Article 25, the police perform information-analytical activity exclusively for the exercise of its powers. In the context of information-analytical activity, the police:

- 1) form the databases (banks) included in the unified information system of the Ministry of Internal Affairs of Ukraine;
- 2) use databases (banks) of the Ministry of Internal Affairs of Ukraine and other government bodies;
- 3) carry out information-retrieval and informational-analytical work;
- 4) exercise information exchange with other government bodies of Ukraine, law enforcement agencies of foreign countries and international organizations.

In addition, Article 86 “Report on Police Activity” of the above Law fixes the duty of the head of the police and the heads of the territorial police authorities to prepare and publish a report on the police activities in the official web-site of police agencies once a year. It should include “an analysis of the crime situation in the country or region, respectively, information on the actions taken by the police and their results, as well as information on the implementation of the priorities set for the police and the territorial police authorities by the relevant police commissions”<sup>71</sup>.

The object of the analytical activity in the National Police is the operational situation, which is a set of factors of the external and internal environment determining the basic conditions of the functioning of the MIA system. In its turn, the external environment is all those objectively present-day conditions in which the operation unit performs. The environment consists of two components: socio-economic, political, demographical, territorial and other factors, which influence the crime situation to any extent, forms and methods for its prevention, the very crime and other offences. Analytical activity is specified in details in the Regulation on the National Police approved by the Resolution of the Cabinet of Ministers of Ukraine as of 28.10.2015 № 877. Item 4 (41) of the legal acts stipulates that the National Police, in accordance with its entrusted tasks, “monitors the operation situation in the state, studies, analyses and summarises the results and police performance efficiency, and informs, in the manner and way prescribed by law, government authorities, bodies of local self-government as well as the public about

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<sup>71</sup> Pro Natsionalnu politsiiu: Zakon Ukrainy vid 02.07.2015 r. № 580-VIII. Vidomosti Verkhovnoi Rady Ukrainy. 2015. № 40–41. St. 379.

implementation of state policy in the spheres of the protection of human rights and freedoms, the interests of society and the state, crime prevention, maintenance of public security and order”<sup>72</sup>.

The procedure and conditions for conducting information and analytical work in the National Police of Ukraine are defined by a number of legal documents, among which are: Instruction for the Introduction of Unified Record of Notification on Criminal and Other Offences in Police Agencies approved by the Order of the MIA as of November 6, 2015, № 1377; Instruction for the the Operation of Forensic Records of the Expert Service of the MIA of Ukraine approved by the Order of the Ministry of Internal Affairs as of September 10, 2010, №390; Regulation on the Introduction of the Unified Register of Pre-Trial Investigations approved by the Order of Prosecutor General’s Office of Ukraine as of April 6, 2016, № 139; Interaction Procedure of the General Prosecutor’s Office of Ukraine and the Ministry of Internal Affairs of Ukraine on Information Exchange from the Unified Register of Pre-Trial Investigations and Information Systems of the Internal Affairs Bodies approved by the the Order of Prosecutor General’s Office and the Ministry of Internal Affairs as of November 17, 2012, № 115/1046; General Order of SPS, SMS, SFS, MIA, MFA, MSPL, SSU, FIS as of 03.04.2008 №284/287/214/150/64/175/266/75 “On Approval of the Regulation on Integrated Interdepartmental Information-Telecommunication System for Control of Persons, Vehicles and Goods Crossing the State Border”; the Order of the MIA dated 03.08.2017 № 676 “On Approval of the Regulation on Information Telecommunication System “Information Portal of the National Police of Ukraine”; the Order of the MIA of Ukraine as of 16.02.2018 № 111 “On Approval of the Instruction for Response to Notification of Criminal, Administrative Offences and Events and Prompt Informing in the Bodies (Units) of the National Police of Ukraine”; the Order of the MIA of Ukraine dated 20.10.2017 № 870 “On Approval of the Regulation on Automated Data System of Operational Designation of the Unified Information System of the MIA”; Instruction for Administration of Pre-Trial Bodies of the National Police of Ukraine approved by the Order of Ministry of Internal Affairs of Ukraine as of 06.07.2017 № 570 and others.

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<sup>72</sup> Polozhennia pro Natsionalnu politsiiu: zatv. postanovoiu Kabinetu Ministriv Ukrainy vid 28.10.2015 № 877. Ofitsiyniy visnyk Ukrainy. 2015. № 89. St. 2971.

***The State Migration Service of Ukraine*** (hereinafter SMS) deals with the following work in the area of information-analytical activity: generalizes the practice of application of the legislation on the issues of its competence; conducts an analysis of the migration situation in Ukraine, the problems of refugees and other categories of migrants, develops current and long-term forecasts on the mentioned issues; collects and analyses information on the availability of refugees and persons in countries of origin who need additional and temporary protection in Ukraine; ensures the creation, improvement, development, maintenance and support of the functioning of the Unified State Demographic Register, the Unified Analytic System for Migration Management, the National System for Biometric Verification and Identification of Ukrainian Citizens, Foreigners and Stateless Persons, which are managed by the SMS, and also carries out activities for protection of information they poses; forms, within the limits of the powers stipulated by law, information resources (databases, data banks) of personal data of individuals (including their biometric data, parameters), other information resources necessary for the implementation of tasks entrusted to the SMS<sup>73</sup>.

***The State Emergency Service of Ukraine*** (hereinafter SESU), according to the Regulation on the SESU approved by the Resolution of the Cabinet of Ministers of Ukraine as of December 16, 2015 № 1052, being a central executive body implements the state policy in the area of civil defense, protection of population and territories from emergency situations and their prevention, emergency response, rescue work, fire fighting, fire and technogenic safety, activities of emergency rescue services, and hydrometeorological activities. Implementing the main tasks, the SESU carries out analytical activity within which it: generalizes the practice of application of the legislation on the issues under its jurisdiction; carries out, along with the central and local executive authorities, local self-government bodies, enterprises, institutions, organizations, forecasting of likelihood of occurrence of emergencies, determines risk indicators; maintains an information base for hydrometeorological data and environment data; issues expert reports on emergency level, keeps their record, etc.<sup>74</sup>.

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<sup>73</sup> Polozhennia pro derzhavnu mihratsiinu sluzhbu Ukrainy: zatv. postanovoiu Kabinetu Ministriv Ukrainy vid 20.08.2014 r. № 360. Ofitsiinyi visnyk Ukrainy. 2014. № 69. St. 1923.

<sup>74</sup> Tam zhe.

Monthly, the SESU analyzes and prepares emergency information and analytical reports on a website: <http://www.dsns.gov.ua/ua/Dovidka-zamisyac/>.

Summing up, it should be noted that at the present, the system of the MIA of Ukraine has accumulated solid experience in information and analytical activity. At the same time, despite a large number of laws and subordinate legislation adopted during the last five years aimed at reforming and improving activities of the MIA of Ukraine, analysis of legal regulation of analytical work in the MIA shows that legal framework in this area is not perfect.

It is essential to mark there are still a lot of legally unsolved issues on analytical activity in the MIA. Thus, the Order of the MIA of Ukraine “On Temporary Procedure for Analytical Support of the MIA” as of December 4, 2015, № 1541 is currently the only valid document that regulates activities related to monitoring the state of public security and law and order in the state, analyzing and summarizing the results and effectiveness of the central executive bodies, state policy in relevant areas, analytical criminological research on the most important and topical issues of their activities, forecasts of the development of the crime and security situation in the state, elaboration of general information projects submitted to the ministries, other central executive bodies, project management decisions of the Ministry, preparation of proposals on the priorities of the MIA, CEBs, their territorial bodies and ways to carry out their tasks. However, the above document is, first, has a temporary nature (although it has been in force for almost four years) and, second, some of the norms, which it envisages, are obsolete and need amending. The available experience of analytical activity requires a critical perception, a comparison with European realities in order to prevent the violation of the principle of database formation and analysis, keeping all positive things. In order to solve current problems, it is necessary to create a legal framework that would meet international and, above all, European norms and standards, provide analytical activity, study and implement the positive experience of European states in this area.

Therefore, taking into account the aforementioned , we consider it expedient for the MIA of Ukraine to develop and approve with the order of the Ministry of Internal Affairs of Ukraine an Instruction for Performance of Analytical Activity in the MIA where it will provide the principles,

methodology of scientific search, types of analytical documents, requirements for their content, terms of preparation, approval and promulgation as well as requirements for employees and civil servants who carry out such activities, the procedure for their selection, etc. In addition, it is essential to amend the Regulation on the Department of Policy-Making on State Bodies under the Control of the Minister and Monitoring approved by the Order of the MIA of Ukraine as of December 23, 2015, № 1622, which were delegated the functions of DAM dissolved due to the Order of the MIA of Ukraine as of 03.12.2018 № 987 “On Amending the Structure of the Ministry of Internal Affairs of Ukraine”. The changes should relate to the activities of the department in the context of information collecting, its processing, detection and systematization for monitoring the state of public security and law and order in the state, analyzing and summarizing the results of the effectiveness of the implementation of state policy in the relevant areas of the Ministry of Internal Affairs and the central executive bodies.

### **SUMMARY**

The paper is devoted to the study of the issues of analytical work in the system of the MIA of Ukraine and its statutory regulation. The emphasis is laid on the fact that analytical work is an integral part of the process of implementing the management function. It helps to inform management entity about the state of law and order as an object of influence, the external environment and the very system of the Ministry of Internal Affairs as well as determines the strategy and tactics of the activities of the MIA and provides for the preventive nature of administrative influence based on objective and subjective conditions where the system operates. The result of analytical work should be not only the determination of the main challenges and shortcomings but also the identification of particular ways for their eliminating on the ground of available opportunities. Based on the analysis of the legal framework in the sphere of regulating analytical work in the MIA of Ukraine, the author concludes about its imperfection and makes proposals for its improvement.

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