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## JEDNOSTKI POLICJI NARODOWEJ JAKO PODMIOTY W ZAKRESIE PRZECIWDZIAŁANIA PRZEMOCY W RODZINIE (NA PRZYKŁADZIE DZIAŁALNOŚCI POSTERUNKOWYCH POLICJI)

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**Adnotacja.** Celem artykułu jest ustalenie podstawowych uprawnień i obowiązków jednostek policji (takich jak posterunki) w zakresie przeciwdziałania przemocy w rodzinie, zgodnie z wymogami prawnymi, a także ich roli w „rodzinie” dotkniętych przemocą domową, jako przedmiot zapobiegania rozwiązaniu problemu. W artykule zbadano działalność posterunkowych jako podmiotów realizujących politykę zapobiegania i przeciwdziałania przemocy w rodzinie, zgodnie z Ustawą Ukrainy „O zapobieganiu i przeciwdziałaniu przemocy w rodzinie”. Wyróżniono główne zadania, kierunki pracy i cechy organizacji działalności. Zbadano problem współdziałania posterunkowych z ludnością na zasadach partnerstwa, zbadano czynniki społeczne powstania przemocy w rodzinie w rodzinach Ukraińców, a także zbadano problem pociągnięcia sprawców do odpowiedzialności, jego zastosowanie w praktyce i założenia luk w normach prawnych ustawodawstwa Ukrainy.

**Słowa kluczowe:** podmioty zapobiegające przemocy w rodzinie, sfera rodzinno-domowa, Policja Narodowa, posterunkowy, praca indywidualna prewencyjna, specjalne środki zapobiegania przemocy w rodzinie.

## NATIONAL POLICE UNITS AS SUBJECTS IN THE FIELD OF PREVENTION OF DOMESTIC VIOLENCE (ON THE EXAMPLE OF THE ACTIVITIES OF DISTRICT POLICE OFFICERS)

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**Abstract.** The purpose of the article is to find out the main powers and responsibilities of police units (for example, district officers) in the field of prevention of domestic violence, in accordance with the legislative requirements, as well

as their role in the “family” suffered from domestic violence, as the subject of prevention to solve the problem. The work researches the activities of district officers as subjects of implementing the policy of prevention and counteraction of domestic violence in accordance with the Law of Ukraine “On Prevention and Combating Domestic Violence”. The main tasks, directions of work and peculiarities of organization of activity are singled out. The problem of interaction of district officers with the population on the basis of partnership is investigated, social factors of the origin of domestic violence in Ukrainian families are considered, as well as the problem of attracting offenders to responsibility, its application in practice and the assumption of gaps in the legal norms of Ukrainian legislation.

**Key words:** subjects of domestic violence prevention, family and household sphere, National police, district police officer, individual preventive work, special measures to prevent domestic violence.

## ПІДРОЗДІЛИ НАЦІОНАЛЬНОЇ ПОЛІЦІЇ ЯК СУБ'ЄКТИ У СФЕРІ ЗАПОБІГАННЯ ДОМАШНЬОМУ НАСИЛЬСТВУ (НА ПРИКЛАДІ ДІЯЛЬНОСТІ ДІЛЬНИЧНИХ ОФІЦЕРІВ ПОЛІЦІЇ)

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**Анотація.** Метою статті є з'ясувати основні повноваження й обов'язки підрозділів міліції (наприклад, дільничних) у сфері запобігання домашньому насильству, відповідно до законодавчих вимог, а також їхню роль у «сім'ї» постраждалих від домашнього насильства як предмет запобігання вирішенню проблеми. У статті досліджено діяльність дільничних офіцерів як суб'єктів, які здійснюють реалізацію політики щодо запобігання та протидії насильства в сім'ї, відповідно до Закону України «Про запобігання та протидію домашньому насильству». Виокремлено основні завдання, напрями роботи та особливості організації діяльності. Досліджено проблему взаємодії діяльності дільничних офіцерів із населенням на засадах партнерства, розглянуто соціальні чинники зародження домашнього насильства в родинях українців, а також вивчено проблему притягнення кривдників до відповідальності, її застосування на практиці й допущення прогалин у правових нормах законодавства України.

**Ключові слова:** суб'єкти запобігання домашньому насильству, сімейно-побутова сфера, Національна поліція, дільничний офіцер поліції, індивідуально-профілактична робота, спеціальні заходи запобігання насильству в сім'ї.

**Formulation of the problem.** At the present stage of the development of society, the problem of domestic violence has ceased to be a matter only in the sphere of family relations, which is usually silenced and not disclosed. Now this is one of the most pressing problems of the present, because every day it causes the damage to the most valuable – honor dignity, life and health of a person.

**Analysis of recent research and publications.** The questions of the role of subjects in the prevention of domestic violence were studied by such Ukrainian scientists and practitioners as: O. Bandurka, V. Bondarowska, T. Bugaiets, O. Kovalev, L. Kozub, A. Kochemirovska, G. Laktionova, K. Levchenko, T. Malinovskaya, O. Suslova and others.

**The purpose of the article** is to find out the main powers and responsibilities of police units (for example, district officers) in the field of prevention of domestic violence, in accordance with the legislative requirements, as well as their role in the “family” suffered from domestic violence, as the subject of prevention to solve the problem.

**Presenting main material.** The problems of domestic violence become even more relevant every year, not only at the national level, but also at the international level. That is why a number of legislative acts were adopted to protect and support the victims of domestic violence and to empower those who are protecting them. Among them should be: the Council of Europe Convention on the Prevention of and Treatment of Violence against Women and Domestic Violence, the Law of Ukraine on Prevention of Family Violence of 15 November 2001 and the Law of Ukraine “On Prevention and Combating Domestic Violence” of On December 7, 2017, which provides for an integrated approach to combating domestic violence, those who protect the victims have more powers and responsibilities.

Investigating the problem of domestic violence, one should agree with the opinion of scholars who consider the following factors as the main factors of the emergence and origin of domestic violence as a social problem: property stratification of society; lowering the standard of living of a large part of the population; social and everyday disorder; unemployment; legal disability; general psychological tension, which often leads to alcoholism and narcosis; the loss of moral and psychological guidelines, which negatively affects the microclimate in the family and causes a sharp decline in the culture of inter-family communication, and also leads to aggravation of family conflicts and provokes family disadvantages.

Despite some positive developments in tackling gender-based violence in general, domestic violence remains a significant and complex problem. Its magnitude is a matter of serious concern, because it is the most hidden form of violence, with regard to which manifestations there is no reliable statistics. The problem of domestic violence often leads to such phenomena as neglect and homelessness of children, an increase in the number of divorces, the reproduction of violent behavior patterns, the formation of a violent mentality, the loss of universal values, etc., which necessarily affects the quality of life of a substantial part of the population (Данченко, 2017: 36).

According to the Institute of Sociological Research of the National Academy of Sciences of Ukraine, 68% of women in Ukraine are bullied in the family, of which a quarter “usually” or “often” suffers from beatings. Every

tenth girl in Ukraine experiences constant violence. According to the results of the survey, 59% of respondents suffer from members of their family or from partners in intimate relationships, and they all suffer from one hundred percent under the age of 15; at the age of 15–20 years – 62.2%; 20–35 years – 50.0%; after 35 years – 67.3% of women.

According to the results of the survey “The prevalence of domestic violence in Ukrainian families” (presented by GfK Ukraine), commissioned by the Equal Opportunities and Women's Rights Program in Ukraine (UNDP-EU), 44% of respondents acknowledged domestic violence, with 30% – under the age of 18 and 29% – after reaching the specified age. About half of those who were abusive in their childhood experienced it in adulthood.

Men are more likely to suffer from child abuse, and women are older. Speaking of psychological violence, it should be noted that in relation to men, the aggressor is: father (50%) and mother (31%) under 18 years of age, as well as wife (48%) at the age of 18 years. As an aggressor, women serve as the father (41%) and mother (34%) under the age of 18, as well as male (68%) at the age of 18 years. In the case of physical violence, the aggressor against men is: father (59%) and mother (28%) under the age of 18 years, as well as another member of the family of a male (22%), wife (15%) and son (8%) at the age of 18 years. In the case of women, the aggressors are: father (53%) and mother (28%) under the age of 18 years, as well as husband (80%) at the age of 18 years.

For the first time, the problem of domestic violence and its prevention has been made public at the national level. According to the Law of Ukraine “On Prevention of Family Violence”, in 2001, public entities that were supposed to protect against the prevention of violence were identified by the Ministry of Social Policy, the Department of Family, Gender Policy and Trafficking in Persons, in particular ; children's services, centers for social services for the family, children and youth, units of the preventive activities of the National Police; specialized institutions for people who have committed domestic violence and victims of such violence (crisis centers for family members who have committed domestic violence or have a real threat of committing them; centers for medical and social rehabilitation of victims of domestic violence) ) Today, all the actors are working and functioning well, but in connection with the adoption of the Law of Ukraine “On Prevention and Combating of Domestic Violence” of 2017 (the Law), the circle of subjects and their powers has been considerably expanded, which in turn , not only take measures to prevent and combat domestic violence, but also protect children from violence and ill-treatment in the family (Про запобігання та протидію домашньому насильству, 2017).

Thus, according to Section II of the Law (Про запобігання та протидію домашньому насильству, 2017), subjects in the field of measures to prevent and counteract domestic violence are defined:

- the central executive body, which ensures the formation of the state policy in the field of prevention and counteraction to domestic violence, and the central executive body, which implements the state policy in the field of prevention and counteraction to domestic violence;
- Council of Ministers of the Autonomous Republic of Crimea, local state administrations and local self-government bodies in the field of prevention and counteraction to domestic violence;
- guardianship and trusteeship offices, children's services in the field of prevention and counteraction to domestic violence;
- authorized subdivisions of the bodies of the National Police of Ukraine in the field of prevention and counteraction to domestic violence;
- educational authorities, educational establishments and educational institutions in the field of prevention and counteraction to domestic violence;
- organs, institutions and institutions of public health in the field of prevention and counteraction to domestic violence;
- centers for the provision of free secondary legal aid in the field of prevention and counteraction to domestic violence;
- general and specialized support services for victims.

If we generalize the scope of the implementation of the functions of all actors, the prevention (prevention of domestic violence) should be determined by the main directions of implementation of the state policy in the field of prevention and counteraction to domestic violence; effective response to the facts of domestic violence by introducing a legal mechanism for the interaction of all public actors who will take measures in the field of prevention and counteraction to domestic violence; proper investigation of the facts of domestic violence, bringing the offenders to statutory responsibility and changing their behavior; assisting and protecting victims, and providing reparation for the harm done by domestic violence (Сукмановська, 2016: 321).

Article 10 of the Law defines the main powers of the authorized departments of the National Police of Ukraine in the field of prevention and counteraction to domestic violence, which include:

- identifying and responding to the dangers of domestic violence;
- reception and consideration of applications and reports on domestic violence, including consideration of communications received to the Call Center on the Prevention and Counteraction to Domestic Violence;
- informing victims of their rights, measures and social services that they can use;
- imposition of urgent prohibitions on offenders;
- taking preventive record of offenders and carrying out preventive work with them;
- control over the implementation of special measures for the abusers to combat domestic violence during their term of office;
- cancellation of permissions for the right to purchase, store, carry weapons and ammunition to their owners in case of domestic violence;
- interaction with other actors involved in the prevention and response to domestic violence;

- reporting to the central executive body implementing the state policy in the field of prevention and counteraction to domestic violence, on the results of the exercise of authority in this area (Про запобігання та протидію домашньому насильству, 2017).

Given the functions assigned to the units of the National Police of Ukraine, which are the objects of our study, one should distinguish the work of the district - one of the main actors (as I think), which should not only protect, but also prevent the occurrence of domestic violence in a timely manner, it is in those families who, in his opinion, are on the line of the threat.

Thus, the order of the Ministry of Internal Affairs approved the Regulations on the organization of the activity of district police officers on July 28, 2017, which defines the tasks, directions and peculiarities of the organization of the activity of district police officers (Instruction) (Про затвердження Інструкції з організації діяльності дільничних офіцерів поліції, 2017). The main areas of activity of district police officers (DPOs) are the adoption of measures to prevent and terminate domestic violence (paragraph 8 part 2 of the Instructions). The DPP, in order to implement the principle of interaction with the population on the basis of partnership, organizes work in the following areas:

- cooperation with local self-government bodies, representatives of territorial communities, the population, heads of enterprises, social, educational and cultural institutions, children's protection institutions in order to implement the principle of interaction with the population on the basis of partnership, the exchange of information for further use during the performance of official duties (Clause 2 Part 1, Section III);

- DOP within the police station conducts public awareness work for the formation of the legal culture of the population, negative attitude towards socially dangerous phenomena in order to raise the image of the police and about ways of protection and self-defense against criminal encroachments;

- DPP in cooperation with social protection bodies of local authorities, local self-government bodies, children's services, charitable organizations, community organizations, representatives of territorial communities, specialized institutions for persons who have served their sentences, work to prevent the commission of offenses, in the including those who are in difficult circumstances (Про затвердження Інструкції з організації діяльності дільничних офіцерів поліції, 2017);

- one of the features of the DPP is to formulate a proposal, namely, in accordance with Section 2, Part 5, Section III, to take measures to prevent domestic violence, to provide social services to people who are in difficult living conditions;

- it is envisioned that the district police officer in his activity puts preventive accounting and, within the limits of his competence, conducts preventive work with the following categories of persons: those released from places of imprisonment who served the will for a deliberate crime and in which the conviction has not been canceled or not repaid in the established law of order; by persons who were officially warned about the inadmissibility of violence in the family (Про затвердження Інструкції з організації діяльності дільничних офіцерів поліції, 2017);

- it is the official warning about the inadmissibility of violence in the family that is the basis for taking the person who committed the specified violence, for preventive registration and carrying out preventive work with it. For preventive registration, these persons are placed on the basis of a motivated report of the district police officer. The decision on placing such records is taken by the head of the territorial police body or his deputy;

- when carrying out individual and preventive work with this category of persons, district police officers must:

- to seek ways to eliminate domestic conflict in order to reconcile the conflicting parties;

- to exclude the possibility of causing their actions harm to interpersonal relations;

- to check and respond to signals about the unlawful conduct of the conflicting parties in a timely manner;

- it is obligatory to carry out individual prevention in relation to the potential victim of domestic violence (Сукмановська, 2016: 322).

Police officer uses a variety of forms of work; they usually include convictions, the provision of necessary assistance, the neutralization of negative conditions, control and supervision, coercion. Depending on the forms, appropriate methods are used, such as: preventive conversation, registration, administrative supervision, administrative liability, preparation of materials on limitation of capacity, deprivation of parental rights, control of behavior, supervision, preparation of materials for referral to organs inquiry and investigation to resolve the issue of a criminal case.

Preventive work of the district police officer extends primarily to the family and everyday life. He is the central figure in organizing preventive work in this direction, since he has the opportunity to interfere in a family conflict at an early stage and is able to prevent a possible crime. In this case, in addition to measures to persuade and provide the necessary legal and other (within the competence) assistance, it is necessary to actively use and preventive coercive measures: the involvement of the person responsible for the conflict (if there are sufficient grounds) to administrative liability for the threat of murder or causing serious harm to health, the problem of light health damage, beatings, hooliganism, including small ones. In connection with this, inadmissible cases of formal, untimely response of district police officers to statements and reports of citizens on the above facts (Влашин, 2017: 63).

Also, according to the law, special measures for the prevention of domestic violence are:

- an official warning about the inadmissibility of committing domestic violence (made on the basis of the results of an examination of the statement (notification) about the perpetration of domestic violence or the real threat of its commission. An official warning may be issued to a person who, at the time of his passing, has reached the age of 16 age);

- a protective order (if the person against whom the official warning was issued has repeatedly committed domestic violence, such a person was a district police officer or a criminal police officer for children in agreement with the head of the department or branch office and the prosecutor (up to 90 days));



- taking on preventive registration and removal from the preventive account of family members who committed domestic violence (for preventive registration, family members who committed domestic violence are treated only after they have been issued by a district police officer or a criminal employee the police for children of the official warning about the inadmissibility of violence in the family);

- Referral of the abuser to the correctional program (after receiving a person's official warning about the inadmissibility of committing domestic violence, this person is sent by the district police officer or the criminal police officer for children to the crisis center for the correctional program). The correctional program for such person is obligatory).

In examining the main areas of work of the DPP, it should be noted the problems of implementation in practice, those powers provided by law. It is worth agreeing with the opinion of the practitioners that the greatest problem of the local police officer in detecting the facts of domestic violence is the drafting of an administrative offense protocol for violating the requirements of Art. 173-2 of the Code of Ukraine on Administrative Offenses (КУпАП), the detention of such a person and bringing it to court. In particular, in Art. 263 КУпАП states that administrative detention of a person who committed an administrative offense may take no more than three hours. In exceptional cases, due to the special need of the laws of Ukraine, other terms of administrative detention may be established.

However, in practice, this is not an effective way. For example, a person makes an administrative offense under Art. 173-2 КУпАП at 23 h. A police officer or other police officer who arrived at the crime scene with a view to preventing repeat violence in the family, detaining such a person and delivering it to the police department (office) for drafting an administrative protocol. After holding a preventive conversation and drafting an administrative protocol, the person who committed the administrative offense is released at the place of residence, in our case at 2 o'clock. The indicated person is sent to the place of residence, as a rule, he again commits domestic violence, in connection with which the victim reconnects to the police authorities, who are obliged to respond to this challenge and re-send the police station to the place of the event (Влашин, 2017: 65).

In addition, the above-mentioned problems include non-appearance of the offender in court for consideration of an administrative case under the said article, since the person who committed domestic violence at night does not appear to the court on the second day in connection with which the court does not make a decision and requires the presence of the offender.

So, to address this issue at the legislative level, scientists have proposed to consider a proposal to amend article. 263 КУпАП (The terms of administrative detention) and keep the offender in violation of the requirements of Art. 173-2 КУпАП before a court decision.

**Conclusions.** Summarizing the above, it should be noted that the role of the subunits of the National Police in the field of prevention of domestic violence is imperfect, since the adoption of the new Law still has established norms and customs that do not allow them to fully utilize their capabilities and powers, especially when discovered the fact of domestic violence should be prevented for him not only for two days. There must be a guarantee that the injured person will be safe, and the offender will be held responsible for the offense committed, without neglecting legal gaps in the legislation.

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