

FORMS AND DIRECTIONS OF THE LAW ENFORCEMENT FUNCTION OF THE STATE STRUCTURAL UNITS OF THE MINISTRY OF JUSTICE UKRAINE

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Abstract. *The implementation of the internal functions of the state is not an integral part of the state mechanism. In turn, the scope and content of the functions assigned by society to the state determines the structure and scope of powers of state bodies in the implementation of state functions. The topic chosen by the author acquires its relevance in the implementation of the law enforcement function of the state by structural units of the Ministry of Justice of Ukraine. As the Ministry of Justice of Ukraine is the central body in the field of execution of criminal punishments and probation, organization of enforcement of decisions of courts and other bodies, ensures the formation and implementation of state legal policy. This indicates that the structure of the Ministry of Justice of Ukraine includes units whose activities are aimed at carrying out the law enforcement function of the state. The author analyzes the forms and directions of implementation of the law enforcement function of the state inherent only in the structural units of the Ministry of Justice of Ukraine. The author investigates the forms and directions of implementation of the law enforcement function of the state by structural subdivisions of the Ministry of Justice of Ukraine. The object of the study are public relations that arise during the implementation of the law enforcement function of the state by structural units of the Ministry of Justice of Ukraine, in their own unique forms and directions. During the writing of the article, the author used a systematic method of scientific research, as well as the method of analysis and synthesis.*

Keywords: *function; law enforcement function; form; ministry; Ministry of Justice of Ukraine; directions.*

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Introduction. The functioning of the state in modern political and social processes in order to implement the law enforcement function includes areas and a set of unique forms in which the law enforcement function finds its expression.

In a multilingual dictionary of legal terms, the definition of "form" should be understood as the appearance, the outline of something [1; C. 140].

Literature review. On the question of defining the concept of state functions and forms of their implementation devoted their work: O.M. Bandurka; E.V. Belozarov; O.O. Tykhomyrova; P.A. Rudik; A.A. Writing; Y.Bohomol; R.Ya. Shai; U. Kuzmenko; O. Yaremenko.

Aims. The aim of the article is to study the forms and directions of implementation of the law enforcement function of the state by structural units of the Ministry of Justice of Ukraine.

Methods. System method of scientific research, as well as method of analysis and synthesis.

According to a group of authors O.O. Tihomirova, M. M. Mikulin and Yu. A. Ivanov who formed the general concept of "forms of state functions" as a set of certain features of the state, which occupies a special place in the implementation of all functions [2; p. 72-73].

Another group of authors is inclined to believe that the concept of forms of state functions should be divided into two definitions: first, the activities of the basic systems of the mechanism of the state; second, the systematic activity of state bodies through which the functions of the state are realized [3; p. 62 - 63].

In the legal literature, the idea of classifying the forms of state functions into "legal" and "non-legal (organizational)" forms has been formed.

Legal forms of state functions are designed to ensure law and order, respect for human rights and freedoms.

Based on the tasks set before the Ministry of Justice of Ukraine in accordance with the Resolution of the Cabinet of Ministers of Ukraine of July 2, 2014 № 228 "On approval of the Regulations on the Ministry of Justice of Ukraine" [4].

Results. The legal form is the activity of structural subdivisions of the Ministry of Justice of Ukraine regulated by normative legal acts, which is aimed at creating legal consequences. The legal form of implementation of the law enforcement function of the state by structural units of the Ministry of Justice of Ukraine has its manifestation in the following types of their activities: 1) *rule-making activity* - aimed at developing, adopting, repealing bylaws and drafting laws. In particular, bills submitted by the Cabinet of Ministers for consideration by the Cabinet of Ministers for consideration by the Verkhovna Rada are prepared by the Ministry of Justice of Ukraine; 2) *control and supervision activities* consist of the system of measures developed by the authorized entities to verify compliance with the law during the exercise of their powers and observance of the rights and freedoms of citizens; 3) *executive activity* - is the activity of structural subdivisions of the Ministry of Justice of Ukraine aimed at fulfilling within their powers the provisions of the law, court decisions, orders of the Cabinet of Ministers of Ukraine and senior officials; 4) *representative activity* - aimed at ensuring the implementation of the relevant departments of the Ministry of Justice of Ukraine representation of Ukraine as a state, the President of Ukraine, the Cabinet of Ministers of Ukraine, ministries and other agencies in dispute resolution, as well as Ukraine's representation in the European Court of Human Rights; 5) *contractual activity* - has its manifestation in the implementation of structural units of the Ministry of Justice of Ukraine powers on issues of bilateral cooperation, foreign business trips of officials and employees of the Ministry, etc.

Non-legal (organizational) forms are the activity of structural subdivisions of the Ministry of Justice of Ukraine regulated by normative legal acts and orders of the Cabinet of Ministers of Ukraine and the Ministry of Justice of Ukraine, which does not entail the creation of legal consequences. For example, advising the Minister, ensuring communication with officials of other public authorities, organizing meetings and public relations, the media, is carried out by the Patronage Service of the Ministry of Justice of Ukraine [5].

Powers to determine (specify) areas where hostilities are taking place and safe areas suitable for the accommodation of convicts and detainees, as well as to determine the institutions for pre-trial detention and execution of sentences from

which and to which evacuation will be carried out entrusted to the Chief Specialist for Territorial Defense, etc. [6].

The Ministry of Justice of Ukraine implements the law enforcement function of the state in the following areas [4]:

- stimulation and development in the field of legal education, legal awareness, informing the population, development of a network of access of citizens to sources of legal information;
- development of the system in the field of free primary legal aid and free secondary legal aid;
- creation of conditions for timely, full and impartial execution of court decisions in the order established by the legislation, execution of criminal punishments and probation, control over observance of human and civil rights and requirements of the legislation concerning execution and serving of criminal punishments;
- ensuring the formation and implementation of state policy in the field of state registration of civil status acts, state registration of real rights to immovable property and their encumbrances, state registration of encumbrances on movable property, state registration of legal entities;
- ensuring self-representation of the Ministry of Justice as a body of state power;
- prevention and counteraction to legalization (laundering) of proceeds from crime, financing of terrorism and financing of proliferation of weapons of mass destruction (for law firms, bar associations and lawyers who practice law individually; notaries; business entities providing legal services persons who provide services for the establishment, operation or management of legal entities);
- implementation of international legal cooperation, ensuring compliance with and fulfillment of obligations under international agreements of Ukraine on legal issues.

Discussion. Thus, the implementation of one of the most important functions of the state in the field of protection of rights, freedoms and legitimate interests of man and citizen will be carried out in the following main areas. *The first direction:* delimitation of the competence of bodies and institutions subordinated to the Ministry of Justice of Ukraine, elimination of duplication of their powers. *The second direction:* to adopt new and amend existing laws and other regulations; to create a regulatory framework that would meet international, especially European, norms and standards. *The third direction:* Control over the activities of law enforcement agencies subordinated to the Ministry of Justice will be carried out at two levels, which can be divided into state and public control.

Conclusions. Based on the research, the author formulated the following definitions: forms of law enforcement function - a legislative activity of structural units of the Ministry of Justice of Ukraine, which, depending on the tasks aimed at creating, changing and terminating legal relations.

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