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LEGAL REGULATION OF PSYCHOPHYSIOLOGICAL EXAMINATION OF CANDIDATES FOR THE NATIONAL POLICE OF UKRAINE

ПРАВОВЕ РЕГУЛЮВАННЯ ПСИХОФІЗІОЛОГІЧНОГО ОБСТЕЖЕННЯ КАНДИДАТІВ НА СЛУЖБУ В НАЦІОНАЛЬНУ ПОЛІЦІЮ УКРАЇНИ

Розглянуто питання психофізіологічного обстеження кандидатів на службу в Національну поліцію України на предмет виявлення алкогольної, наркотичної та токсичної залежності осіб, які вступають на службу на посади поліцейських підрозділів спеціальної поліції, підрозділів поліції особливого призначення, підрозділів кримінальної поліції, підрозділів оперативної служби, органів досудового розслідування, поліції охорони.

Підкреслена зростаюча важливість професійного психофізіологічного відбору на службу в Національну поліцію України під час введення воєнного стану та повномасштабної війни Росії проти України, коли функціональні обов'язки поліцейських значно розширилися.

According to Article 50 of the Law of Ukraine "On the National Police" the candidates who expressed an intention to be enrolled to the National Police "shall undergo medical checks, physical training check, psychological and physiological examination, and testing for alcohol, drug and toxic abuse in the manner defined by the Ministry of Internal Affairs" [1, p. 42].

Citizens of Ukraine who expressed an intention to be enrolled to the Police may undergo a polygraph test, upon their consent. According to the legislation, persons who apply for service in the Police shall be subjected to special verification the procedure of which shall be defined by laws of Ukraine.

The Order of the Ministry of Internal Affairs of Ukraine on December 17, 2015, No.1583 approves the procedure for psychophysiological examination of candidates for police service as well as the procedure for examination for detection of alcohol, drugs, and toxic dependence of candidates for police service.

Determination of suitability for individual psychophysiological characteristics of the candidates who apply for police service in the police is carried out in accordance with the Constitution of Ukraine, the Law of Ukraine "On the National Police" and other laws of Ukraine, decrees of the President of Ukraine and resolutions of the Verkhovna Rada of Ukraine [2].

Thus, the determination of fitness for service based on individual psychophysiological characteristics is carried out for: persons who are enrolled to the police as police officers of special police units and special purpose police units; persons who are enrolled to the police as police officers of criminal police units (including operational service units), pre-trial investigation bodies, security police (except policemen who fulfil their duties outdoors); persons who are enrolled to the police as police officers driving police vehicles; persons who are enrolled to the police as patrol police officers, and security police units (fulfil their law enforcement duties outdoors).

Professional psychophysiological selection (psychophysiological examination) of candidates for service in the National Police of Ukraine is carried out by psychophysiologicals (functional diagnosticians) of healthcare institutions of the Ministry of Internal Affairs of Ukraine. It is stated in paragraphs 3 and 4 in Section I [2].

Thus, the legal regulation of psychophysiological examination and examination to detect alcohol, drugs and toxic addiction of candidates for service in the National Police of Ukraine is mostly regulated by the norms of administrative law, which are enshrined in a large number of administrative acts.

Conclusion. Considering the conditions of such examination in wartime, the subjects of power authorized to issue administrative acts on this issue are the Cabinet of Ministers of Ukraine, the Ministry of Internal Affairs of Ukraine, and the Ministry of Health of Ukraine [4].

Scientific (practical) innovation presented in the theses becomes more actual nowadays in wartime when Russia invaded Ukraine, in the period of escalation of the Russo-Ukrainian War. The implementation of professional selection, one of the stages of which is the psychophysiological examination of service candidates, is the initial stage of a person's service in the National Police of Ukraine. It is at this stage that the legal status of a person begins to transform from general labor to a special one, which is affected by the norms of administrative law. Labor law norms will determine a person's right to work and certain aspects of its implementation. Restrictions on the status of a person applying for such a service will be fixed at the level of special laws.

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