

### Секція 3

## ШЛЯХИ РОЗВИТКУ ТРУДОВОГО, ЗЕМЕЛЬНОГО, ЕКОЛОГІЧНОГО, АДМІНІСТРАТИВНОГО, ФІНАНСОВОГО, ГОСПОДАРСЬКОГО ПРАВА ТА ПРОЦЕСУ У ДЕМОКРАТИЧНОМУ СУСПІЛЬСТВІ

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«Measurement is the first step that leads to control and eventually to improvement. If you can't measure something, you can't understand it. If you can't understand it, you can't control it. If you can't control it, you can't improve it.»

H. James Harrington

### MEASUREMENTS OF POLICE PERFORMANCE

Each country's main task is to ensure community's safety, and main force on implementation it is police. Police undertake a broad array of work: pursuing, arresting and charging criminals, preventing criminal offences from occurring, dealing with traffic-related offences and accidents, solving various conflicts. Article 2 of Law on National Police of Ukraine defines tasks of the police. How police performing their tasks, it is important to know for community. The different instruments are in usage to assess police performance in performing their tasks, to measure police effectiveness. The author of this paper briefly will touch several measurements which are in usage to assess police performance.

There are **two widely used sources/measurements (direct and indirect measures)** for assessing the police performance:

*Number of registered reports on events;*

*Number of registered criminal offences;*

*Detection rate for criminal offences/clearance rate;*

*Crime rate per 100 000 of population.*

**Survey (external/internal, annual/biannual on public opinion):**

*On police efficiency;*

*on satisfaction level of citizens on the police performance;*

*on police reputation;*

Additional measurements also can be use to measure police performance as whole organization to have wider picture:

*Number of registered appeals from citizens;*

*Police respond time to citizens/habitants calls;*

*Regulations on usage of force and authority by police;*

*Victimization survey.*

Also, **other measurements might be in place** (for example, *total number of arrests done by police; quantity of criminal offences sent to the court (with indictment,*

*with agreement, with motion for exemption from criminal liability).*

*International indexes* which might be indirectly impacted by police performance of their tasks: **Corruption perception index, World happiness index, World press freedom index, level of “shadow economy** etc.

The author of this paper would like to pay attention on peculiarities on usage of measurements for police performance in Ukraine due to specific features of different regions of Ukraine, specific types of crimes in the regions etc. For example, for **Kropyvnytskyi region** – criminal offences related to agriculture complex, illegal seizure of land or harvest, for **Zakarpattia region** – smuggling tobacco, other excise goods, for **Donetsk region** – illegal market of weapons, ammunition, explosive materials.

### ***Surveys (internal and external)***

Surveys is rich source of indicators that measure police performance. They may be administered by police jurisdictions, other state or regional law enforcement authorities, academics, public opinion polling companies, or national institutions collecting statistical data.

Police reputation index for Donetsk region police is 64. 4 points (average in Ukraine 56. 8 points) It based on results of Audit on reputation of National Police of Ukraine 2018. National surveys usually ask questions about how the public views police performance, often resembling customer satisfaction surveys.

Assessment of the activity of the National Police of Ukraine by polling public opinion 2018. The research/survey was conducted by the Kharkiv Institute for Social Researches under a joint project with the Kharkiv Human Rights Protection Group “***Fight against torture, ill-treatment and impunity in Ukraine***” with the support of the European Union. In order to perform those tasks according to a specially designed sample a sociological survey of 19 500 respondents was conducted in all regions of Ukraine during November-December 2018. Respondents assessed police activity as effective in: Vinnytsia, Volyn, Donetsk, Rivne, Ternopil, Khmelnytsky regions. See below “Respondents assessment of local policy efficiency. «(regional breakdown, %))».

More information on it You can find in the website: <http://khpg.org/>

**Contact or victimization surveys.** The author of this paper did not find any information on it published in the last two years in Ukraine. This type of survey targets individuals who were in contact with the police, or who were victims of criminal offences and dealt with the police following their incident. These kinds of surveys usually ask questions regarding individuals’ experiences dealing with the law enforcement authorities/police. Results of this survey might be very useful tool for further improvement performance of police investigators and prosecutors during pre-trial investigation stage.

### **Other measurements:**

- *World happiness index* 2019 Ukraine ranking in 133 place.  
<https://countryeconomy.com/demography/world-happiness-index>
- *2019 World press freedom index* Ukraine ranking 102 place with 32. 46 points amongst 179 countries <https://rsf.org/en/ranking>
- *Corruption perception index* 2018 Ukraine ranking 120 with 32 scores amongst 180 countries <https://www.transparency.org/cpi2018>

Other indexes/measures could be in place to assess police performance (for example, *share of „shadow economy“ in the country* etc.).

		Effective	Ineffective	Difficult to answer
1.	Vinnytsia	49,4	43,4	7,2
2.	Volyn	48,4	32,8	18,9
3.	Dnipropetrovsk	24,4	67,2	8,4
4.	Donetsk	47,9	34,8	17,4
5.	Zhytomyr	32,4	63,2	4,3
6.	Transcarpathian	43,1	46,3	10,6
7.	Zaporizhzhia	34,2	52,9	12,9
8.	Ivano-Frankivsk	42,5	36,5	21,0
9.	Kyivska	22,3	55,5	22,2
10.	Kyivcity	17,8	62,5	19,7
11.	Kirovogradska	38,3	43,6	16,1
12.	Lugansk	40,5	42,6	17,0
13.	Lviv	39,2	46,6	14,2
14.	Mikolaiv	33,8	57,0	19,2
15.	Odesa	24,2	49,7	26,1
16.	Poltava	27,9	59,8	12,4
17.	Rivne	45,9	43,5	10,6
18.	Sumy	38,6	45,2	16,3
19.	Ternopil	53,7	36,5	9,8
20.	Kharkiv	33,6	44,6	21,8
21.	Kherson	27,0	57,8	15,2
22.	Khmelnitsky	39,4	25,6	29,5
23.	Cherkassy	20,3	48,1	31,6
24.	Chernivtsi	38,6	46,7	14,7
25.	Chernihiv	35,4	47,7	16,9

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УДК 349. 414: 332. 3: 347. 233 (477)

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### **ПРОБЛЕМИ ПРАВОВОГО РЕГУЛЮВАННЯ ВІДНОСИН ЩОДО КОРИСТУВАННЯ ЧУЖОЮ ЗЕМЕЛЬНОЮ ДІЛЯНКОЮ НА ПРИКЛАДІ СУПЕРФІЦІЮ ЗА ЗАКОНОДАВСТВОМ УКРАЇНИ**

В контексті великих будівельних проектів, на сьогодні досить часто, використовується такий спосіб отримати право користуватися чужою земельною ділянкою для забудови, як суперфіції.

Зокрема, кардинальні перетворення у галузі відносин з приводу землі, які запроваджені закріпленням у ст. 14 Конституції України (1) права власності на землю, призвели до створення системи речових прав на земельні ділянки, серед