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LEGAL REGULATION OF THE APPLICATION OF SPECIAL MEANS OF SELF-DEFENSE IN LAW ENFORCEMENT ACTIVITIES OF THE POLICE

Being a police officer involves some risks, such as physical injuries and psychological stress. It is important to analyze these risks and take measures to reduce them in order to ensure the safety of the police officer and the quality performance of duties. When applying security measures, the police should be guided by the principle of proportionality and necessity. Police officers must follow established procedures and protocols, which include the use of non-lethal force, protection of personal safety, and community safety.

Під час бойових дій, які відбуваються наразі на території України raises a rather relevant and debatable question regarding the use of police personal security techniques in ordinary and extreme situations. Given this situation in the country, there is an increase in cases of malicious disobedience by criminals to the legal requirements of the police and crimes. Therefore, the question «what is defense?» arises from here. The concept of defense is currently enshrined in the Code of Ukraine on Administrative Offenses (KUPAP) and the Criminal Code of Ukraine (CC of Ukraine).

Thus, according to Article 19 of the Code of Administrative Offenses, an action committed in a state of necessary defense, i.e. in the protection of state or public order, property, rights and freedoms of citizens, the established order of administration from unlawful encroachment by causing harm to the encroacher, is not an administrative offense, if the limits of the necessary defense were allowed to be exceeded.

On the basis of the laws given to us, it is possible to analyze the legal status of police officers in the performance of their duties from the point of view of security. First, police officers have a right to safety at work and a duty to comply with safety requirements established by law. Like any person, a police officer must be sure of his safety.

In order to protect himself, a policeman must be equipped with the simplest things - weapons, equipment, transport. Second, police officers have the right to use the necessary force to protect themselves and others from dangerous situations. For

example, some physical force must be used when detaining and conducting a cursory search of a criminal. Although the arrest of an offender by one's own forces is an exceptional situation, which can lead to the unjustified death (injury) of an employee and victims on the part of citizens.

Third, police officers must have access to the necessary resources and support to ensure their safety. This includes various existing techniques and ways of behavior of police officers to avoid dangerous situations [5].

Therefore, the regulatory and legal regulation of the use of special means of self-defense in law enforcement activities of the police is a rather important aspect both in peacetime and in wartime. The legal regulation of ensuring the personal safety of police officers should be understood as the effective, regulatory and organizational influence on social relations carried out by means of legal means in order to protect the life, physical and mental health of these persons.

In turn, police officers must adhere to the mechanisms for ensuring safety on duty: 1) undergo regular safety training, where they receive the necessary skills and knowledge to perform their duties safely; 2) have access to an effective communication and warning system, which allows for prompt response to danger; 3) conduct a risk assessment to identify potential hazards and take the necessary measures to prevent them. It should be emphasized that the employees of the NP bear civil, administrative and criminal liability for violation of safety regulations.

1. Shevchenko, O. Legal regulation of ensuring the personal safety of a police officer. Knowledge, Education, Law, Management. – 2022. No. 8 (52). P. 280-287. DOI: <https://doi.org/10.51647/kelm.2022.8.44>.

2. On the National Police: Law of Ukraine dated July 2, 2015 No. 580-VIII. Verkhovna Rada information. 2015. No. 40-41. P. 379.

3. Self-defense and its limits: how to protect your life and not get behind bars. Ministry of Justice of Ukraine. URL: <https://minjust.gov.ua/m/samooborona-ta-ii-meji-yak-zahistiti-svoe-jittya-i-ne-potrapiti-za-grati>.

4. On the national security of Ukraine: Law of Ukraine dated June 21, 2018 No. 2469-VIII. Verkhovna Rada information. 2018. No. 31. P. 241.

5. Ensuring personal safety when performing official tasks in various conditions. Multimedia tutorial. URL: https://arm.naiu.kiev.ua/books/occupational_h_s/info/lec10.html.