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Received to editorial office 01.06.2018

Summary

The article deals with the legal regulation of the legal grounds for the use by police officers of technical means of photography, filming, video recording, on the basis of the Law of Ukraine “On the National Police”. The materials of the Unified State Register of Court Decisions concerning the issuance by the courts of rulings on issues related to the use of technical devices are summarized. The legality of the use of technical means and the provision of video documents as evidence in the judicial process of Ukraine and Spain are considered. The question of the use of video recording, which should provide the most accurate and complete fixation of facts that have probative value, is analyzed.

The article is devoted to the study and discussion of issues related to the use of technical equipment by the police, in particular, in the process of photo and video fixing for offenses. She plays an important role in the search for criminals and offenders, assists in collecting evidence, exploring documents and other material evidence.

Keywords: *judicial police of Spain, intervention, technological means of investigation of Spain, preliminary evidence, pre-installed test, legal hacker, intelligence expert test.*



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TEACHING THE HUMANITIES TO FUTURE LAW ENFORCEMENT OFFICERS

DOI: 10.31733 / 2078-3566-2018-2-213-218

Кузьменко В., Пакулова Т., Нагорна Ю. НАВЧАННЯ ДИСЦИПЛІН ГУМАНІТАРНОГО ЦИКЛУ МАЙБУТНІХ ПРАВООХОРОНЦІВ. У статті досліджується специфічний дидактичний матеріал у викладанні гуманітарних дисциплін при підготовці правознавця, який обов'язково має бути представлений у межах загального історико-філософського підходу у викладанні філософії та дає можливість формувати категоріальне

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мислення майбутніх фахівців в галузі права. Проаналізовано специфічні особливості правознавчої діяльності під час навчання, яка є єдиним психічним і фізичним процесом, який конкретизується ознаками професіоналізму у сфері юриспруденції, – високою духовністю. Визначено, що тільки філософія як саморефлексія культури через світоглядну двійцю «я – світ» здатна привести мислення до меж, за якими знаходиться лише те, що називають метафізикою, яка є узагальненням у сфері невербального досвіду. Лише практична філософія як основа правознавчої діяльності з потреби являється деонтологічною, а відповідно, припускає високий рівень духовності. Саме деонтологія робить філософський дискурс етичним. З'ясовано, що, основний чинник у викладанні гуманітарних дисциплін при підготовці правознавця – це не лише ознайомлення його з історико-філософським процесом у схематизованому виді, але і постійне виявлення деонтологічної складової кожного філософського вчення, починаючи з античності.

Виділено важливий аспект, що деонтологічний контекст, в якості моделі «що мусить» яскраво представлений у філософських ученнях античності, християнської середньовічної культури, Нового часу. Акцентовано увагу, що саме аналіз деонтологічної складової кожного філософського вчення в історії філософської думки дозволить формувати світогляд майбутнього правознавця, розвивати його категоріальне мислення. Окрему увагу зосереджено на особливостях навчання працівників правоохоронних органів англійській мові та її особливостях у межах реформування поліції України, зокрема, надано характеристику рівня володіння англійською мовою працівниками поліції в Україні, здійснено порівняльний аналіз щодо рівнів володіння англійською в інших країнах та визначено основні шляхи підвищення ефективності навчання майбутніх правоохоронців.

Ключові слова: гуманітарні науки, духовність, працівник правоохоронного органу, *transfer*, деонтологія.

The problem of social harmony – spirituality has always been scrutinized, but has not been solved in any cultural-historical period of the human race. It has not been solved up to now. It is worthwhile mentioning that it is impossible to prolong life in our common house – on the planet Earth without reflecting the problem of spirituality, without uniting different ethnic formations and every individual.

We cannot but point out that any historical stage of society development, parcelated by the representatives of historical studies and other social types of knowledge, any socio-ethnic formation in general and micro communities belonging to it aimed at achieving social harmony – spirituality. Moreover, they aimed at working out the laws based on morality and natural right, which would influence the renaissance of spirituality.

One can state that the society in general is spiritual and every individual is spiritual too provided harmony has been achieved.

However, we would rather not bind spirituality only with religious basics of the society as it is believed sometimes. Let us analyze it in a broader context. We will make an attempt to disclose the complexity of the category ‘spirituality’ which is to be included in a set of notions. It is important to define the basic notions. Firstly, the notion of cognitive activity which belongs to the society of researchers who are busy with the search of the sample of harmonious, that is, spiritual society. Secondly, the notion of methods – ways which belongs to the society of the ideologists, who lead socio-ethnic formation to harmony – spirituality. Thirdly, the notion of being attached to the worked out sample of spirituality which belongs to every individual, so to the society in general.

The development of a spiritual individual can be realized in the society where spirituality exists and is backed up. Spirituality is transferred from the whole to its part, from the society to every concrete individual.

Speaking about the sample of harmony, we would like to draw your attention to the fact that in any cultural-ethnic epoch of the society development there has never been another sample of harmony but harmoniously structured space.

So, at first one should comprehend space harmony basics, then find ways of involvement to it. It is impossible to comprehend space with intelligence only. The space, as the researchers state, is infinite. A man cannot comprehend that there is an infinity – his life is ultimate. Infinity is a regular form of our reflection. The space harmony can be comprehended only emotionally, later on intelligence will try to structure the understandable chart of space harmony and with the help of empirism to define the laws of some of the constituent parts of this chart.

Thus, ontology of spirituality in a society is triunity, which consists of comprehending principles – the basics of spirituality, objectives and ways to achieve them. Firstly, it is pursuing the objective consisting of comprehending the principles of space sophistication as the sample of harmony basics in the society. Secondly, the search of ways of space balance transferring to the social relations sphere. Thirdly, defining the society constant striving aim in general and an individual to emotional and rational comprehension of space harmony basics.

Ontology of spirituality in a society means comprehension of possibilities and creation of sophistication by way of altering varied peoples' souls emotional states.

The ontology of individual spirituality is a constant diligent work of a soul which enables to accept the sample of harmony worked out in the society. While doing this the individual learns how to restrain his negative – vicious emotional expressions of his soul.

More times than not in the history of the human race development the understanding of spirituality differed in different socio-ethnic formations and did not always coincide with the sample of space harmony. It depends on socio-political, demographic, geographical and some other conditions under which the society lives in every concrete period of its development. The laws of the society in every cultural-historical period are deduced empirically, they do not always reflect the sample of space harmony. The Archaic society thinking of harmony differs from that of family, private property and state periods.

One of the tasks of a contemporary jurist – to spiritualize the person who addresses him through his understanding and respect towards the natural right of every citizen of the society, sticking to the duty ethics – deontological principle.

We would like to stress that the root weapon of every jurist is the skill for logical reasoning, making conclusions, and persuading people. This skill has been worked out in the process of learning and teaching.

We cannot but say why exactly these constituents of spirituality to which we lead the person through education are the most valuable and that is why are of the utmost importance in a contemporary legal expert preparation – the professional who can think independently and persuade other people.

In the works by ancient Roman jurists they speak about *jus natural* – nature right and nature law alongside of *jus civile* – civil law which is the positive law and *jus gentium* – the law of nations.

One of the ancient Roman lawyers Ulpianus wrote that natural law is the law which the nature taught all living beings: this law is imbedded not only for the human race but for all the animals as well.

In Ancient Rome period the natural law was defined with a greater degree of justification and determination than in ancient Greece epoch. However, in ancient Rome state there were no scientific approaches to that phenomenon, there were no legal doctrines but only some definite statements – drafts to the theories, which were to be worked out much later.

In the Middle Ages the theoretical development of natural law was enriched in a limited scale. It was caused by the fact that intellectual development in the mentioned period was limited by religious beliefs.

Modern Age has become the time of natural law theories development. It was right that period when natural law theories developed considerably. Bourgeois revolutions proclaimed principles of equality for all people, freedoms and other rights. The most vividly it was captured in Constitutional legal acts of the USA and France. United States Declaration of Independence, 1776, declares that all people are created equal; they are endowed by their Creator with certain unalienable rights, that life, liberty and the pursuit of happiness are among them.

Natural rights were guaranteed by French Declaration of the Rights and Liberties of Man and of the Citizen in 1789, enacting clause of which declared that the representatives of the French people had determined to set forth in a Declaration the natural, unalienable, and sacred rights of man including liberty, property, safety and resistance to oppression.

The mentioned above and any other constitutional provisions securing natural rights are due to some legal ideas creation. H. Grotius, T. Hobbes, J.-J. Rousseau, P. Holbach gave birth to new legal tendencies.

Later on, in XIX century, the theory of natural law went through a crisis caused by fade of liberal-democratic wave, as well as by the growth of other directions of law sciences.

Deontology is the doctrine of the ethics of the must. In modern philosophy deontology is interpreted as the ethics of the duty, different from the ethics of the good or from axiology. The ground for this differentiation is the fact that there are two formally and functionally different ways of moral stand declaration – in the form of the imperatives, expressing obligation or prohibition, and in the form of the judgments, expressing approval and disapproval. Claiming good and evil to be specific and at the same time equal notions leads to understanding deontology and axiology as two relatively independent branches of ethics, each having its own problematics.

Not often deontology is treated as a special conception fighting for logical priority, the

primary nature of duty, to compare it with the good and denying in such a way the independent state of axiology. For example, I. Kant, who is considered to be the founder of this approach, stated that the notion of the good is derived from the notion of the duty. It is the good, which the duty demands, the attempt to define the good without duty will give us only an empirical image about the object of pleasure but not the notion of the moral good as it is. The similar position is occupied by modern deontological intuitionism, which is opposed to axiological intuitionism.

One more thesis of ethical deontology is the negation of necessity to take into account motives, objections and consequences of this or that behavior to qualify it as moral in general: moral peculiarity of the behavior is defined only by imperative impulse, 'energy' of duty, but not what it is performed for. By this statement, deontology opposes itself to teleological and consequential ethics – hedonism, utilitarianism.

All these theoretical collisions are caused mainly by the difference of philosophical and metaphysical principles the mentioned conceptions are based on. In real moral perception, formal differences between the good and the duty do not shelter the logical unity and are not the obstacle for adequate relevant interchange of these notions in the related contexts.

However, speaking about the lawyer's task – to spiritualize the individuals, it is necessary to emphasize that every lawyer is to gain the proper education to be able to fulfil the task set.

We would like to stress that creating the theory of an ideal state, the ancestor of the first wave of European rationalism – Platon formulated the idea that education and teaching are socially oriented and explained that education does not mean only teaching and developing a person's mental ability. Education is not just ethical or esthetical and certainly not physical upbringing. According to Platon, they are all inseparable parts of education and serve as the essential component of the ideal state preservation.

Platon stressed: the choice of way of living depends not only on inherent characteristics of the soul, but also on those acquired through education and teaching. According to Platon, the four spiritual values acquired through education – justice, courage, the truth and common sense.

Jurisprudential activity to which the person is getting ready being a student has a number of peculiarities. Firstly, if to speak about Hegelian 'abstract law' as 'in itself and for free will itself', the activity of every lawyer is the basis for jurisprudence in general. Secondly, analyzing jurisprudential activity from the same point of view, it should be treated in its outer realization – phenomenological. Thirdly, professionalism of a lawyer – is, among other things, the quality of the action created by the subject of the activity in the sphere where 'the good' is what the duty demands.

So, the activity of a lawyer is treated as the whole mental and physical process, which is characterized by professionalism in the sphere of jurisprudence. It is worthwhile mentioning the fact that the interpretation of the category 'activity' has been controversial among philosophers for many centuries. We would like to stress the fact that only philosophy as self-reflection of culture through worldview pair 'I – world' can lead thinking to the limits, beyond which there is only metaphysics. It is necessary to acknowledge that only metaphysics serves as generalization in the sphere of non-verbal experience.

Practical philosophy as the basis of jurisprudential activity when needed is deontology. It is Deontology that makes philosophical discourse ethical. Thus, the basic factor in teaching philosophy and other propaedeutic disciplines, while teaching a jurist – is not only getting him to know the historical and philosophical process in simplified form, but also constant detecting a deontological constituent of every philosophical study since the ancient world. We would emphasize again a very important aspect that deontological context, as the intended pattern, is represented in philosophical studies of the ancient world, Christian middle-aged culture, Modern Times.

In our opinion, it is the analysis of deontological constituent of every philosophical study in the history of philosophical conception will let generate the outlook of a future jurist, develop his categorical thinking.

In modern philosophy, deontology is usually treated as ethics of the duty, different from ethics of the good and axiology. The basis for this differentiation is the existence of morality in two formally and functionally different ways of moral stand declaration – in the form of the imperatives, expressing obligation and prohibition, and in the form of judgments, expressing approval or disapproval. Recognition of the duty and the good as specific and at the same time equal terms leads to understanding deontology and axiology as two relatively independent

branches of ethics, each having its own problematics. It is not uncommon when deontology is interpreted as a separate conception, advocating logical priority, 'primacy' of the duty before the good, thus denying the independent status of axiology. The attempt to define the good apart from the duty gives only empiric view of the object of pleasure, but not the notion of the moral good as it is.

Another task of developing Ukraine as a democratic state requires a comprehensive solution of police reform, improvement of their activities in terms of staffing and proficiency training of employees. It is natural that the police of different countries are interested in the professional interstate partnership to effectively join forces against a common problem - organized crime, human trafficking and other illegal actions. In the latest reality it is essential for law enforcement and public security in the country to reform the training. Strategic direction is to form a new psychology of police. Further reform of police training and education presupposes a new generation of law enforcement officers outlook which, unlike in Soviet times, serves human values and principles of humanism and democracy, understanding of freedom as the most important achievement of society [1].

Developing international cooperation with law enforcement agencies and foreign countries, the leadership of the Ministry of Internal Affairs of Ukraine considers the review and application of foreign experience of education to be the main objectives of Police higher educational establishments. The police system of developed countries, especially those of the UK, USA, France, have extensive experience of combating crimes. They lay a mark on the organization of training of qualified personnel, developing international cooperation not only in matters of law enforcement, but also education, training experience exchange of police services and agencies [2].

However, an equally important area of police reform is to improve the educational process at universities preparing future police officers in terms of their professional mastering English. It is necessary to improve the learning process, gradually moving from the theoretical to the practical part and thus adjusting the process of police training to European standards. It is sufficient to amend the curricula with the greater number of practical training hours. The first step towards it was the adoption of the Law of Ukraine «On National Police» in the 2015.

The past years show that cooperation of Ministry of Internal Affairs of the European institutions (for example the OSCE) is aimed at improving educational training programs for police officers, taking into account European standards. But, as experience shows, this cooperation has not come into practical use in the educational process and is still under discussion.

International relations will definitely expand the outlook of the police, the scope of their professional knowledge, enrich experience, and provide an opportunity to review the achievements of foreign colleagues and compare them with domestic achievements, make appropriate adjustments to their practice.

With the above mentioned, we understood that developing and reforming law enforcement, the state is strengthening international cooperation with international police organizations, creating the police headed by worthy candidates in a new patrol police and conducting a re-certification among existing employees of «old» «militia». However, the question, is why the government, having experience of working with international organizations, did not provide adequate training of future police officers in professional learning a foreign language?

International organization «Education First», which is the world leader in providing educational services for studying foreign languages, conducted a study among 60 countries in terms of English proficiency of their citizens. In 2013 Ukraine was included for the first time in the rankings, showing quite a good result with 27 point rating and factor of 53.09, which belongs to the category «Moderate Proficiency» - moderate knowledge.

Despite the fact that the Ukrainians do not travel much comparing with European and Asian countries, the average level of English of our citizens is almost the same as that of inhabitants of Japan, with indicators index 53.09 vs. 53.21. In addition, Ukrainians speak English better than Russians - 51.08, but significantly worse than Poles - 62.65, calculated according to the index of English [3].

However, the level of «moderate knowledge of English» is not enough for law enforcement officers. Police officers in big cities of Ukraine, where foreign citizens travel pretty much or study in the academies and universities should know not only explain how to get to certain areas or where there is some street or building. Not mentioning about accepting applications to committing misdemeanors, crimes interview with foreigners as victims, witnesses or suspects, drawing up administrative protocols to establish the circumstances of the event, taking the message on the

phone of the offense. Nowadays it is a big problem, because the level of English of police officers is low due, firstly, to the fact that experienced police officers did not consider it necessary to study it, and secondly, young police officers know it only at a conversational level. But it is not enough to be able to speak English on general topics, they need to know and be able to use legal terminology in professionally oriented situations.

In order to improve the level of English among the population the President of Ukraine Petro Poroshenko issued a decree declaring 2016 the Year of English [5].

Following the instructions of the President of Ukraine, a pilot year English course for police officers was launched in the capital - Capital English for Police. Mayor V. Klitschko said that the English language would be effective for police work, because Kyiv is getting a lot of foreign visitors. It is believed that this project of Capital English for Kyiv Police is not only modern, but also communicative and meets international standards.

Similar centers of learning English for police officers were opened in other big cities of Ukraine.

Placing high hopes that knowledge of English police will give a chance to better respond to foreigners' applications receiving messages by «102» to investigate crimes. Politicians believe that this is one of the important steps in reforming the police [4].

Referring again to the statistics we can see that according to «Education First» Scandinavian countries have the best result, Poland has taken - 8th place, Ukraine – 27th, and Russia – 31st place. The question is, what does the level of English in Poland depend on? First, our colleagues from the police open borders for free movement throughout the EU, which allows to work closely and exchange experience with police in other countries, and secondly, to improve English language skills at the professional level, communicating with foreigners, thirdly, the Polish police officers have the opportunity to study in Europe and undergo training in various EU countries. Take for example the International Law Enforcement Academy in Budapest, which was founded in 1995 with the support of law enforcement agencies in the USA, Western Europe and the Government of Canada, the aim of teaching in which is to promote more effective cooperation between law enforcement agencies of different countries, and ensure conditions of effecting a permanent and professional development and growth by changes in lifestyle to a positive direction.

In conclusion, one must add that if our country passes all stages of reform, and Ukraine, as a country that wants to live in a better European conditions in the European Union, will get the opportunity to live in a new way, to depart from the old Soviet stereotypes and take European mentality. The Citizens of Ukraine will open the borders for free movement to Europe, which will motivate learning English, and those who choose not an easy way of a police officer will have a chance to more closely collaborate with foreign colleagues and share experiences in practical activities that forward the level of English and fill it with legal terminology.

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Received to editorial office 11.06.2018

Summary

The article deals with spiritual approach to teaching the humanities to future law enforcement officers in terms of conducting sessions in philosophy and English. The theme is urgent as spirituality is transferred from the whole to its part, from the society to every concrete individual which is paid the utmost attention in the times of democratic society formation and police system reforming.

Keywords: *the humanities, spirituality, law enforcement officer, transfer, deontology.*