

## Settlement of scientific allowances for police officers seconded to higher education institutions

Oleksandr Kondratiuk\*

PhD in Law, Associate Professor  
Lviv State University of Internal Affairs  
79007, 26 Horodotska Str., Lviv, Ukraine  
<https://orcid.org/0000-0001-6102-2690>

**Abstract.** The discriminatory attitude towards a certain category of professionals, namely, the establishment of research and teaching staff with different amounts of research allowances, depending on the subordination and type of educational institution in Ukraine, determined the necessity to find a basis for a fair settlement of this situation. The research aims to substantiate the establishment of legally determined amounts of research allowances for police officers seconded to higher education institutions under the authority of the Ministry of Internal Affairs of Ukraine. The key research methods used are systemic and structural analysis, which was used to study and summarise the legal acts establishing the number of research allowances for academic staff who directly provide educational and research processes in higher education institutions of dual subordination. The violation of guarantees of the research and teaching staff rights of police officers seconded to higher education institutions, in particular, the establishment of a lower amount of research allowances than provided for by current legislation, is described in the article. The author argues that the content of remuneration should be determined primarily by the tasks and functions performed by an employee directly, rather than indirectly. It is proved that the amounts of additional payments for academic degrees and academic ranks established in the by-laws of the Ministry of Internal Affairs and the National Police apply to all police officers who have been awarded academic degrees and academic ranks and who serve in the police. For police officers seconded to higher education institutions with specific study conditions, such additional payments should be established considering the state minimum guarantees following the Laws of Ukraine's "On Higher Education" and "On Education". The author proves that concerning the regulation of remuneration of the latter, it is the legislative provisions that are special, and not the provisions of departmental by-laws, and therefore, departmental by-laws should not be applied in the event of competition of legal norms. The research materials provide a theoretical and practical basis for resolving disputes regarding the determination of the number of scientific allowances for police officers

**Keywords:** financial support; academic degree; academic title; specific conditions of study; research and teaching staff

### Introduction

Police officers seconded to higher education institutions with specific learning conditions (hereinafter referred to as HEI) occupy a prominent place among academic staff in need of social protection due to the specifics of their functional responsibilities. The level of social protection of a research and teaching staff member (police officer) directly affects the level of their dedication in training future employees for the units and services of the National Police.

It was not possible to find and review any studies that would directly address the problematic issues of remuneration of police officers seconded to Ukrainian higher education institutions for research and education. This is attributed to the fact that the subject matter of the study is purely applied, and the problem itself is a consequence of non-compliance with the rule of law during the reform of central

executive bodies under the authority of which the higher education institutions are located.

It is worth noting general theoretical studies, which, however, are only indirectly related to the study of the issues of material support of academic staff and police officers in the field of remuneration. At the foreign level, researchers devoted their studies to the issues of ensuring the activities of police officers: K. Vitkauskas (2013) – on the elements that directly affect the performance of a police officer in the European Union; M.K. Sparrow (2015) – on identifying the factors that significantly affect the proper performance of police officers' duties.

More studies are present in Ukraine. In particular, S. Bezpalko *et al.* (2022) summarised and analysed legislative initiatives to improve the financial support of police

### Suggested Citation

**Article's History:** Received: 09.04.2023 Revised: 02.06.2023 Accepted: 28.06.2023

Kondratiuk, O. (2023). Settlement of scientific allowances for police officers seconded to higher education institutions. *Social & Legal Studies*, 6(2), 32-38. doi: 10.32518/sals2.2023.32.

### Corresponding author



officers in Ukraine; M. Bidukova (2008) comprehensively studied the legal regulation of financial support for law enforcement officers; S. Bortnyk (2018a; 2018b) highlighted the problems of legal regulation of labour rights of police officers, including financial support; K. Buhaichuk (2019) examines the issues of legal regulation of improving the level of social protection of police officers; K. Dovbysh (2017) analyses the principles of legal regulation of remuneration of labour; M. Inshyn (2015) investigated the social security of police officers as a guarantee of professional activity; O. Kondratiuk (2022) studied the state guarantees for establishing allowances for police officers working in higher education institutions; T. Lozynska (2019) worked out the possibilities of implementing foreign practice on the protection of the rights of education workers in the legal system of Ukraine; D. Marusevych (2017) investigates the theoretical and legal foundations of administrative regulation of police salaries; T. Masalova (2021a, 2021b, 2021c) analyses the views of theorists and practitioners on the content of police salaries; O. Muzychuk (2007) identifies the essence of salaries of law enforcement officers; M. Sambor (2020; 2021) considers the possibility of additional payments to police salaries during quarantine; I. Sakhno (2021) analysed the remuneration of cadets of higher education institutions; I. Senchuk (2018) investigated the content of socio-economic guarantees of police professional activity; D. Shvets (2017) summarised and analysed the theoretical and legal aspects of the current state of legal regulation of guarantees of police professional activity.

However, many pending issues still need to be resolved due to the inconsistency of departmental regulations with legislative provisions on the regulation of remuneration of police officers seconded to higher education institutions for research and education, which makes this study relevant.

The research aims to determine the peculiarities of regulating the amount of research allowances for police officers seconded to higher education institutions.

The research objective is to identify a unified regulatory and legal approach to understanding the State guarantees regarding the mandatory payment of additional payments for academic degrees and academic rank (hereinafter - academic surcharges) in the legally established amounts to police officers appointed to the positions of research and teaching staff.

The sociological method was used to obtain primary information on existing violations in the area of financial support for police officers seconded to higher education institutions. The systemic and structural analysis method allowed to study a) Ukrainian legislation in the field of education, which must be observed by higher education institutions in Ukraine regardless of their departmental subordination; b) the legal and regulatory nature of additional payments for academic degrees and academic titles. The generalisation method was used when processing the regulations on the legal regulation of the activities of higher education institutions with specific learning conditions. Comparative legal, logical-normative, and logical-legal methods were used in the process of analysing the legal acts regulating the organisational and legal framework for establishing additional payments for academic degrees and academic ranks for police officers as research and teaching staff. The structural-functional analysis was used to study the legal framework for establishing additional payments for a police officer's academic degree and academic rank. The dogmatic method was used to reveal the content of establishing scientific

surcharges in the legally determined amounts, regardless of whether the legal status of a police officer applies to a research and teaching staff member.

### **The problem of remuneration of police officers seconded to higher education institutions**

There is a widespread thesis that staff remuneration is a key element of the structure of financial support for police units. Scholars believe that remuneration is remuneration paid for the performance of the job function stipulated by the employment contract and consists of basic payments (Muzychuk, 2007; Bidukova, 2008).

Financial support, salary, and remuneration in the scientific literature are considered synonymous (Marusevych, 2017). Police financial support is characterised by general and special (specific) features. One of the specific features of police remuneration is that it is regulated, among other things, by departmental regulations, the system of which is dominated by national ones.

The regulation of remuneration covers international legal acts with norms on remuneration, national acts on remuneration and the remuneration of police officers (of a departmental nature) (Masalova, 2021c).

Scholars argue that the regulation of police remuneration is conducted by state, local, and individual contractual methods (Marusevych, 2017). The first method means that public authorities of general competence regulate the issues of state norms and guarantees, in particular, the establishment of the minimum wage, etc. The second method establishes allowances, surcharges, bonuses, etc. that heads of police bodies and units have the right to set within the payroll fund. The last method defines the terms of remuneration with an individual employee.

After the reform of the police in 2015-2016, all academic staff with special police ranks who worked in higher education institutions switched to a new form of remuneration in terms of accrual and payment of research allowances (Order of the Ministry of Internal Affairs of Ukraine No. 260..., 2016). Compared to the number of research supplements established for academic staff without special titles working in the same HEIs, police officers are paid research supplements in a much smaller amount, and therefore the latter is in a discriminatory position, although the job descriptions (functional responsibilities) of both categories of academic staff do not differ, the salaries are the same, and at the same time, on the contrary, police officers serving in academic positions are involved in performing duties that are not typical for academic staff.

The property rights of a research and teaching employee (police officer) are directly dependent on the amount of salary (financial support), which affects the maintenance of the level of state social security of a citizen of Ukraine as defined by law. The content of remuneration should be determined by the tasks and functions performed by the employee (police officer, research and teaching staff, police officer seconded to an HEI to serve as a research and teaching staff, etc.).

The legal status of a research and teaching staff member with a special rank of police officer working in a higher education institution is currently unregulated and undefined. This so-called status is an imperfect hybrid of the models of a police officer and an academic staff member of an HEI, which has given rise to reasons and conditions for violating the rights of a police officer, in particular in terms of accrual

and payment of research allowances to the latter as an academic staff member of an HEI.

As for all police officers working in higher education institutions, there is a continuing offence, which should be understood as a misdemeanour of a long and continuous failure of the higher education institution to fulfil its statutory obligations to ensure the rights of academic staff in terms of payment of mandatory monthly allowances as part of the salary (financial support) of an academic staff member with a special rank of police officer), as provided for by the Law of Ukraine "On Higher Education" (2014).

Failure of an HEI to fulfil its obligations to ensure the rights of academic staff (police officers) is based on actions (inaction) of the HEI (specific officials), which results in continuous inaction of academic staff (police officers) and, accordingly, violation of the law concerning such police officers.

In the case under study, higher education institutions that are under the authority of the Ministry of Internal Affairs of Ukraine (hereinafter – MIA of Ukraine) are concerned. The head of such an institution will not assume this responsibility – to comply with the law in terms of ensuring the rights of academic staff – without the approval (permission, letter, order, etc.) of the MIA of Ukraine, for several subjective reasons.

This problem can be solved through state enforcement of the provisions of the Law of Ukraine "On Higher Education" (2014), Order of the Ministry of Internal Affairs of Ukraine "On Approval of the Regulations on Higher Educational Institutions of the Ministry of Internal Affairs" (2008).

### **Analysis of the regulation of scientific allowances for police officers**

It is appropriate to try to detail the ongoing offence against a research and teaching staff member with a special rank of police officer.

Article 94 of the Law of Ukraine "On the National Police" (2015) sets out the criteria for determining the amount of police salary. In addition, the provisions of this article of the law specify that police officers seconded to other bodies (institutions) receive remuneration following the salary for the position to which they are appointed (to which they are seconded), as well as other types of remuneration specified by the Law.

Since approximately the beginning of 2016, contrary to the provisions of the Law of Ukraine "On Higher Education" (2014), such a person has been paid monthly bonuses for the degree of Candidate of Sciences in the amount of 5% of the salary, for the academic title of Associate Professor, instead of the statutory monthly bonuses of 15% and 25% of the salary, respectively (until 28. 09.2017, the amount of the monthly allowance for the academic title of associate professor was legally determined by 20% of the salary).

Paragraph 6 of Part 1 of Article 1 of the Law of Ukraine "On Higher Education" (2014) defines the concept of a higher education institution with specific conditions of study. Paragraph 4 of Article 23 of the Law of Ukraine "On Higher Education" (2014) authorises state bodies, which manage higher education institutions, to establish specific requirements for specific areas (spheres) of activity of such higher education institutions by their acts. It should be noted that this list is complete.

At the departmental level, in the context of the declared issues, following the provisions of Order of the Ministry of Internal Affairs of Ukraine no. 62 "On Approval of the Regulations on Higher Educational Institutions of the Ministry

of Internal Affairs" (2008), it is determined that "higher educational institutions of the Ministry of Internal Affairs of Ukraine are state educational institutions that are subordinated to the MIA, founded and operate in accordance with the legislation of Ukraine..., in their activities they are guided by the Constitution of Ukraine, the Laws of Ukraine 'On Higher Education', 'On Education', 'On Police' (no longer in force), ... regulatory acts of the Ministry of Education and Science of Ukraine, the Ministry of Internal Affairs, as well as this Regulation".

The systematic analysis of the above legal provisions shows that the legislation provides for the establishment of higher education institutions with specific conditions of education and the peculiarity of their legal status is that the state bodies that manage such institutions may establish special requirements for certain areas of activity of such institutions, which do not include the determination of material support for research and teaching staff. At the same time, the main legal act regulating the activities of such institutions and providing guarantees to academic staff, in particular, regarding material and financial support, is the Law of Ukraine No. 1556-VII (2014).

The HEIs in the case study are under the authority of the Ministry of Internal Affairs of Ukraine. The HEIs are subject to the provisions of legislative acts on higher education, in particular, the Law of Ukraine No. 1556-VII (2014), which guarantees academic staff monthly research allowances in the amounts determined by law.

Under Article 59 of the Law, research and teaching staff of higher education institutions are entitled to additional payments for the academic degrees of Doctor of Philosophy and Doctor of Science in the amount of 15 and 25% of the salary, respectively, and for the academic titles of associate professor and senior researcher – 25% of the salary (before the amendments to part two of Article 59 were introduced by Law No. 2145-VIII of 05. 09.2017, which entered into force on 28.09.2017, the amount of additional payment for the academic title of associate professor was 20% of the salary), and professor – 33% of the salary. The HEI is authorised to set a higher amount of such additional payments at the expense of its revenues (but not less).

After the enactment on 06.09.2014 of the Law of Ukraine No.1556-VII, the degree of Candidate of Sciences is equivalent to the degree of Doctor of Philosophy as the first academic degree.

Thus, these legislative provisions define the minimum amounts of additional payments (allowances) for a scientific degree, for the academic title of a research and teaching staff member, regardless of whether such an HEI has specific conditions of study or not.

The fact that a research and teaching staff member is also a police officer in the status of seconded to a state institution and is subject to the legal guarantees provided by the Law of Ukraine "On the National Police" (2015) does not negate the right to receive research allowances in the amounts established by Article 59 of the Law of Ukraine "On Higher Education" (2014).

To eliminate an ongoing offence against a police officer seconded to a state institution, academic staff (police officers) submit a report (memo) to the management of the higher education institution with a request to recalculate and pay a monthly allowance for the academic degree of PhD in the amount of 15% of the salary, a monthly allowance for the academic rank of associate professor in the

amount of 25% of the salary, concerning specific provisions of the current legislation.

Creation of a written response to such an appeal is either ignored by the HEI and administrative pressure is exerted on such an employee or provided on the last day after the expiry of the one month from the date of the appeal. These responses are usually standardised, without any creative understanding of the problem (offence) and a legal approach to its solution. It is a formal response without awareness and analysis of the legal norms referred to by the HEIs themselves in their response by the competent persons who prepare and sign the response. In addition, the vast majority of such officials have academic degrees and have been working in the relevant “highly specialised” departments for decades.

Higher education institutions see no reason to adjust the research allowances of academic staff with a special police rank to the amounts specified in Law of Ukraine No. 1556-VII (2014). According to the authorised representatives of higher education institutions, following the provisions of Resolution of the Cabinet of Ministers of Ukraine No. 910 “On Financial Support of Police Officers Sent to State Bodies, Institutions and Organisations” (2015) (as amended) (hereinafter – CMU Resolution No. 910), a police officer sent to state bodies, institutions and organisations is paid a salary and other types of financial support specified by law for police officers. Following the provisions of Resolution of the Cabinet of Ministers of Ukraine No. 988 “On Financial Support of Police Officers of the National Police” (2015) (hereinafter – CMU Resolution No. 988), Order of the Ministry of Internal Affairs of Ukraine No. 260 “On Approval of the Procedure and Conditions of Financial Support for Police Officers of the National Police and Applicants for Higher Education with Specific Training Conditions for Police Training” (2016) (hereinafter – Order of the Ministry of Internal Affairs No. 260), and the personal file materials, a research and teaching staff member with a special police officer rank is paid a supplement for a PhD degree in law in the amount of 5% of the salary and for an academic rank of associate professor in the amount of 5% of the salary.

Thus, the amount of these payments is justified by the competent representatives of higher education institutions by reference to the provisions of by-laws: Resolution of the Cabinet of Ministers of Ukraine No. 910 (2015), Resolution of the Cabinet of Ministers of Ukraine No. 988 (2015), Order of the Ministry of Internal Affairs No. 260 (2016).

The references of authorised representatives of higher education institutions to the above-mentioned by-laws are groundless in terms of determining the number of allowances for academic rank and academic degree for a police officer seconded to a higher education institution, appointed to a scientific and pedagogical position, who carries out scientific and pedagogical activities at the main place of employment.

### **The regulatory and legal justification of a unified approach to understanding the state guarantees regarding the mandatory establishment of research supplements in the legally defined amounts for police officers in higher education institutions**

The HEI is under the authority of the Ministry of Internal Affairs of Ukraine and is not under the jurisdiction of the National Police. It is primarily subject to the provisions of

the Law of Ukraine “On Higher Education” (2014), the Law of Ukraine “On Education” (2017), etc.

A research and teaching staff member with a special rank of a police officer who works at the main place of employment in an HEI is subject to the guarantees for research and teaching staff established by legislative acts, in particular, the Law of Ukraine “On Higher Education” (2014), the Law of Ukraine “On Education” (2017), but not by-laws (in terms of establishing and paying bonuses for academic degrees and academic ranks) referred to by HEIs.

The reference of the HEI to the provisions of the CMU Resolution No. 910 (2015) in terms of refusing to recalculate research allowances is also groundless. The provisions of the said resolution stipulate for seconded police officers that their financial support is paid based on the official salaries for the positions held by such police officers in the state institutions to which they are seconded, and other types of financial support determined by the legislation specifically for police officers.

The study does not deny the validity of this provision but only insists on the priority implementation of the requirements of the Law of Ukraine “On Higher Education” (2014) in terms of compliance with the State’s guarantees to academic staff since the seconded police officer is appointed to an academic position and carries out academic activities in an HEI that is under the jurisdiction of the Ministry of Internal Affairs of Ukraine, and not the National Police.

The reference of the HEI to the provisions of the CMU Resolution No. 988 (2015) regarding the refusal to recalculate the scientific surcharges is also unjustified. The provisions of the said resolution authorise (according to clause 4) the heads of bodies, institutions, and establishments of the National Police to decide on the establishment of financial support for police officers.

The HEI is not under the authority of the National Police and is also under the jurisdiction of the Ministry of Internal Affairs of Ukraine.

A police officer, as a research and teaching staff member working at the main place of employment in an HEI, is covered by guarantees for research and teaching staff established by legislative acts, in particular the Laws of Ukraine “On Higher Education” (2014), “On Education” (2017), but not by bylaws (in terms of establishing and paying allowances for academic degrees, academic titles) referred to by the HEI.

The HEI’s reference to the provisions of Order of the Ministry of Internal Affairs No. 260 (2016) regarding the refusal to recalculate research surcharges is also groundless. The said Order was adopted according to the provisions of CMU Resolution No. 910 (2015) and CMU Resolution No. 988 (2015).

According to part 18. Section I of the Order of the Ministry of Internal Affairs No. 260 (2016), police officers engaged in scientific and pedagogical, research or creative activities are paid following the current legislation.

This provision confirms the falsity of the position of the HEI, since the concept of “current legislation” includes, first of all, the Constitution of Ukraine, laws, and bylaws. The supreme legal force of the law obliges all bylaws to be adopted based on laws, which should not contradict the former by their content.

Therefore, in the case under study, the bylaws referred to by the HEI cannot narrow the scope of the legislative provisions, in particular, in terms of the state-guaranteed minimum amounts of additional payments for a scientific degree,

academic title of a research and teaching staff member. In addition, as has been mentioned many times, the HEI is subordinated to the Ministry of Internal Affairs of Ukraine and is not part of the National Police, and therefore it is subject primarily to the provisions of the laws on education, higher education, etc.

According to part two of Article 19 of the Constitution of Ukraine (1996), state bodies and their officials are obliged to act only on the basis, in the manner and within the limits of the powers provided for by the Constitution and laws of Ukraine.

When justifying the legal position on the specifics of the legal regulation of the payment of research allowances to police officers seconded to higher education institutions, it is also necessary to refer to international law and case law. The current international treaties ratified by the Verkhovna Rada of Ukraine are part of national legislation, and the case law of the European Court of Human Rights should be used as a source of law, including in the consideration of cases by the courts of Ukraine.

Therefore, Article 1, paragraph 1, of Protocol No. 1 to the Convention for the Protection of Human Rights and Fundamental Freedoms (1950) (hereinafter – the Convention) provides for the right of an individual or legal entity to peacefully enjoy his or her property. Only in the public interest and under legal conditions that comply with the principles of international law may a person be deprived of property. The state has the right to enact the necessary laws to control the use of property following the general interest or to ensure the payment of taxes or other fees or fines.

In the Judgment of the European Court of Human Rights in the Case of Sukhanov and Ilchenko v. Ukraine (2014), the Court emphasised “that in some cases ‘legitimate expectations’ of obtaining ‘property’ may be guaranteed by Article 1 of the Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms (1952). Nevertheless, in cases where the appeal concerns the property right, the person to whom it is guaranteed can be considered to have “legitimate expectations” if there are reasonable grounds for such expectations in national law, for example, if there is a national judicial precedent confirming such existence (see Judgment of the European Court of Human Rights in the Case of Kopecký v. Slovakia, 2004). The Court also noted “that the first and most important requirement of Article 1 of the Protocol is that any interference by public authorities with the right to peaceful enjoyment of one’s possessions must be lawful and pursue a legitimate aim...”. “Any interference must be proportionate to the aim pursued” (Judgment of the European Court..., 2004; Judgment of the European Court..., 2014).

According to the legal position of the Judgment of the High Court of Justice in the Case “Yvonne van Duyn v Home Office” (1974), the principle of legal certainty means that a person can rely on state obligations, even if the latter are contained in a legislative act that does not have a direct automatic effect. The aforementioned is related to another principle – the principle of state responsibility, which means that the state cannot violate its obligations to avoid responsibility. Therefore, if the state or any state body has approved a certain concept, they will be considered to act unlawfully if they deviate from the approved policy (behaviour) since the latter gave rise to reasonable expectations of legal entities or individuals regarding the state or public authority’s compliance with such policy (behaviour).

Considering the aforementioned, it is possible to state that the legal position outlined in this study, as well as the legal basis for its settlement, is fully consistent with the general principles of international law.

## Conclusions

The study considers the granting of different amounts of research allowances to academic staff, depending on the type of HEI, as a discriminatory attitude towards police officers who, having the appropriate academic degrees and titles and being seconded to HEIs, receive these allowances in smaller amounts than other educational staff.

The amounts of additional payments for academic degrees and academic ranks, as defined in clauses 5, and 6 of clause 5 of CMU Resolution No. 988, apply to all police officers working in the bodies and units of the National Police, while police officers seconded to higher education institutions should be subject to such payments, considering the minimum guarantees set out in Article 59 of the Law of Ukraine “On Higher Education”.

Following the provisions of the aforementioned article of the law, a research and teaching staff member of an HEI, from the moment of taking up the position of a police officer, must be granted and paid monthly allowances for the degree of PhD in the amount of not less than 15% of the salary, and for the academic rank of associate professor in the amount of not less than 25% of the salary.

Regarding academic staff (police officers) serving in higher education institutions, it is the Law of Ukraine “On Higher Education” that is special, not the CMU Resolution No. 988 or the MIA Order No. 260, and, therefore, it is the legislative provisions (norms) that should be applied in the event of competition of legal norms in dispute resolution.

The research relevance is predefined by the fact that the study for the first time substantiates the mandatory extension of the provision on establishing statutory surcharges for academic degree and academic rank to police officers seconded to higher education institutions and appointed to academic positions. The author’s contribution is that, as a result of systematisation and analysis of the current legal acts regulating the determination of the amounts of salary components of a research and teaching employee, it is proved that the State guarantees for establishing research supplements for research and teaching employees apply to police officers seconded to higher education institutions to ensure research and educational activities.

The research results provide a basis for settling disputes over the determination of the amount of research allowances for police officers seconded to higher education institutions. If state institutions conscientiously comply with the legislative requirements regarding state guarantees of the right of academic staff to comply with the procedure for establishing minimum amounts of research allowances, this will have the expected economic effect: an increase in the financial support of a seconded police officer by 30 per cent or more of the official salary set by the educational institution.

The research goals were achieved, and the aims were solved at the scientific and practical level. Given this, in the future, it remains to initiate with the leadership of the Ministry of Internal Affairs of Ukraine and the National Police to bring the departmental regulatory framework for the remuneration of police officers seconded to higher education institutions in line with legislative standards.

**Acknowledgements**

None.

**Conflict of interest**

None.

**References**

- [1] Bezpalko, S., Shatrava, S., & Kritsak, I. (2022). [Legislative initiatives to increase the financial support of police officers in Ukraine](#). In *The rule of law: Doctrine and practice in today's global challenges: Theses of the International scientific and practical conference* (pp. 98-103). Dnipro: Dnipropetrovsk State University of Internal Affairs.
- [2] Bidukova, M.S. (2008). [Legal regulation of policemen's salary maintenance](#) (PhD thesis, Kharkiv National University of Internal Affairs, Kharkiv Ukraine).
- [3] Bortnyk, S.M. (2018a). [Problems of legal regulation of implementing labor rights of police officers](#) (Doctoral thesis, Kharkiv National University of Internal Affairs Kharkiv Ukraine).
- [4] Bortnyk, S.M. (2018b). [Problems of legal regulation of money security of police officers](#). *Uzhhorod National University Herald. Series: Law*, 48(Vol. 1), 133-137.
- [5] Buhaichuk, K.L. (2019). [Legal regulation of increasing the level of social protection of police officers](#). In *Modern European police science and the possibilities of its use in the activities of the National Police of Ukraine: Collection of abstracts of reports of participants of the international scientific and practical conference* (pp. 59-61). Kharkiv: Kharkiv National University of Internal Affairs.
- [6] Constitution of Ukraine. (1996, June). Retrieved from <https://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80#Text>.
- [7] Convention for the Protection of Human Rights and Fundamental Freedoms. (1950, November). Retrieved from [https://www.echr.coe.int/documents/convention\\_eng.pdf](https://www.echr.coe.int/documents/convention_eng.pdf).
- [8] Dovbysh, K.K. (2017). [Principles of legal regulation of wages](#) (PhD thesis, Yaroslav Mudryi National Law University, Kharkiv, Ukraine).
- [9] Inshyn, M.I. (2015). [The essence and importance of social security for police officers in modern conditions](#). *Bulletin of the Chernivtsi Faculty of the National University "Odesa Law Academy"*, 4, 269-277.
- [10] Judgment of the European Court of Human Rights in the Case of Kopecký v. Slovakia. (Application No. 44912/98). (2004, September). Retrieved from <https://hudoc.echr.coe.int/eng?i=001-66758>.
- [11] Judgment of the European Court of Human Rights in the Case of Sukhanov and Ilchenko v. Ukraine" (Application Nos. 68385/10 and 71378/10). (2014, June). Retrieved from <https://hudoc.echr.coe.int/eng?i=001-145014>.
- [12] Judgment of the High Court of Justice in the Case 41/74 "Yvonne van Duyn v Home Office". (1974, December). Retrieved from <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A61974CJ0041>.
- [13] Kondratiuk, O.V. (2022). State guarantees of establishing a monthly allowance for the years of service of a scientific and pedagogical worker to a police officer seconded to a higher education institution with specific training conditions to ensure the educational process. *Social and Legal Studies*, 5(3), 23-28. doi: 10.32518/2617-4162-2022-5-3-23-28.
- [14] Law of Ukraine No. 1556-VII "On Higher Education". (2014, July). Retrieved from <https://zakon.rada.gov.ua/laws/show/1556-18#Text>.
- [15] Law of Ukraine No. 2145-VIII "On Education". (2017, September). Retrieved from <https://zakon.rada.gov.ua/laws/show/2145-19#Text>.
- [16] Law of Ukraine No. 580-VIII "On the National Police". (2015, July). Retrieved from <https://zakon.rada.gov.ua/laws/show/580-19#Text>.
- [17] Lozynska, T.M. (2019). Possibilities of implementing the foreign practice of protecting the rights of workers in the field of education. In *Adaptation of the legal system of Ukraine to the law of the European Union: Theoretical and practical aspects: Proceedings of the IV All-Ukrainian for the international participation of the scientific and practical conference* (Pt 1; pp. 91-94). Poltava: Rossava.
- [18] Marusevych, D.O. (2017). [Theoretical principles of administrative and legal regulation of financial support of police officers](#). *Scientific Bulletin of Public and Private Law*, 3, 123-128.
- [19] Masalova, T.A. (2021a). On guarantees of protection of the policeman's right to money security. *Uzhhorod National University Herald. Series: Law*, 66, 118-122. doi: 10.24144/2307-3322.2021.66.20.
- [20] Masalova, T.A. (2021b). [On the question of the basic ideas of monetary support of police](#). *Current Problems of State and Law*, 91, 128-134.
- [21] Masalova, T.A. (2021c). To the issue of the concept of monetary support for police officers. *Law Herald*, 4, 201-206. doi: 10.32837/yuv.v0i4.2235.
- [22] Muzychuk, O. (2007). [The essence and features of financial support for the personnel of internal affairs bodies](#). *Bulletin of Kharkiv National University of Internal Affairs*, 37, 384-389.
- [23] Order of the Ministry of Internal Affairs of Ukraine No. 260 "On Approval of the Procedure and Conditions of Financial Support for Police Officers of the National Police and Applicants for Higher Education with Specific Training Conditions for Police Training". (2016, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/z0669-16#Text>.
- [24] Order of the Ministry of Internal Affairs of Ukraine No. 62 "On Approval of the Regulations on Higher Educational Institutions of the Ministry of Internal Affairs". (2008, February). Retrieved from <https://zakon.rada.gov.ua/laws/show/z0193-08#Text>.
- [25] Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms. (1952, March). Retrieved from <https://rm.coe.int/168006377c>.

- [26] Resolution of the Cabinet of Ministers of Ukraine No. 910 “On Financial Support of Police Officers Sent to State Bodies, Institutions and Organizations”. (2015, November). Retrieved from <https://zakon.rada.gov.ua/laws/show/910-2015-%D0%BF#Text>.
- [27] Resolution of the Cabinet of Ministers of Ukraine No. 988 “On Financial Support of Police Officers of the National Police”. (2015, November). Retrieved from <https://zakon.rada.gov.ua/laws/show/988-2015-%D0%BF#Text>.
- [28] Sakhno, I.V. (2021). Money security for students of higher military educational institutions of the national guard of Ukraine. *Efektivna Ekonomika*, 3. doi: 10.32702/2307-2105-2021.3.75.
- [29] Sambor, M.A. (2020). Fringe benefits to cash collateral as a social guarantee of police rights during quarantine in Ukraine. *Law and Safety*, 78(3), 64-76. doi: 10.32631/pb.2020.3.08.
- [30] Sambor, M.A. (2021). Supplemental pay for cash collateral of police officers during quarantine: Administrative discretion of authorized officials on deciding about its payment. *Law and Safety*, 81(2), 85-96. doi: 10.32631/pb.2021.2.11.
- [31] Senchuk, I.I. (2018). The guarantees of police’s professional activity in modern conditions. *Forum Prava*, 3, 88-95. doi: 10.5281/zenodo.1405638.
- [32] Shvets, D.V. (2017). [Guarantees of professional activity of police officers](#). *Bulletin of Kharkiv National University of Internal Affairs*, 4, 15-25.
- [33] Sparrow, M.K. (2015). Measuring performance in a modern police organization. *New Perspectives in Policing*. Retrieved from <https://www.ojp.gov/pdffiles1/nij/248476.pdf>.
- [34] Vitkauskas, K. (2013). [Efficiency of factors motivating professional activity: Study of police officers’ attitude](#). *Public Security and Public Order*, 9, 326-339.

## Урегулювання розміру наукових доплат поліцейським, відрядженим у заклади вищої освіти

**Олександр Володимирович Кондратюк**

Кандидат юридичних наук, доцент

Львівський державний університет внутрішніх справ

79007, вул. Городоцька, 26, Львів, Україна

<https://orcid.org/0000-0001-6102-2690>

**Анотація.** Дискримінаційне ставлення до окремої категорії професіоналів, а саме установа науково-педагогічним працівникам різних за розміром наукових доплат, залежно від підпорядкування та виду закладу освіти в Україні, робить актуальним пошук підґрунтя для справедливого врегулювання цієї ситуації. Мета дослідження – обґрунтувати встановлення законодавчо визначених розмірів наукових доплат поліцейським, відрядженим для забезпечення освітнього процесу в заклади вищої освіти, які належать до сфери управління Міністерства внутрішніх справ України. Ключові методи наукової розвідки – системний та структурний аналіз, які дали змогу вивчити та узагальнити нормативно-правові акти, що встановлюють розмір наукових доплат науково-педагогічним працівникам, які безпосередньо забезпечують освітній та науковий процеси в закладах вищої освіти подвійного підпорядкування. У статті описано факт порушення гарантій прав науково-педагогічних працівників – поліцейських, які відряджені до закладів вищої освіти, зокрема встановлення меншого розміру наукових доплат, ніж це визначено чинним законодавством. Аргументовано позицію, що зміст грошового забезпечення повинен визначатися насамперед завданнями та функціями, які безпосередньо, а не опосередковано, виконує працівник. Доведено, що розміри доплат за науковий ступінь та за вчене звання, які встановлено в підзаконних актах Міністерства внутрішніх справ та Національної поліції, стосуються всіх поліцейських, яким присвоєно наукові ступені та вчені звання та які проходять службу у поліції. Поліцейським, відрядженим в заклади вищої освіти зі специфічними умовами навчання, такі доплати повинні встановлюватися з урахуванням державних мінімальних гарантій відповідно до Законів України «Про вищу освіту» та «Про освіту». Доказано, що стосовно врегулювання оплати праці останні спеціальними є саме законодавчі положення, а не положення відомчих підзаконних актів, а отже, відомчі підзаконні акти не повинні застосовуватися при конкуренції правових норм. Матеріали наукової розвідки містять теоретичне та практичне підґрунтя для врегулювання спорів щодо визначення розмірів наукових доплат поліцейським

**Ключові слова:** грошове забезпечення; науковий ступінь; вчене звання; специфічні умови навчання; науково-педагогічний працівник