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CRIMINAL, PUBLIC AND SECURITY POLICY OF THE STATE: THE RELATIONSHIP OF CATEGORIES AND PHENOMENA

Summary. The conducted research gives grounds to assert that the criminological, public and security policies of the state are closely interconnected and form a complex system of mutually complementary areas of state activity. Despite the differences in the subject of regulation, goals and instruments of implementation, they are all aimed at ensuring the stable functioning of society, protecting human rights and freedoms and strengthening statehood.

It has been established that public policy is the broadest category, which covers the process of developing and implementing socially significant management decisions with the participation of the state, civil society institutions and other interested parties. Security policy is one of the key areas of public policy, focused on neutralizing threats to national interests, ensuring the security of the individual, society and the state. In turn, criminological policy is a specialized component of security policy, focused on preventing crime, minimizing criminogenic risks and eliminating the determinants of criminal offenses.

It is substantiated that the effectiveness of criminological policy largely depends on the level of its integration with other areas of public and security policy. Counteraction to crime cannot be limited only to the activities of law enforcement agencies, but requires the comprehensive use of social, economic, legal, educational and organizational measures. That is why modern criminological policy should be based on the principles of interagency cooperation, scientific validity, openness and partnership of the state with civil society. It is emphasized that in modern conditions of transformation of social relations, aggravation of internal and external threats, increase in the level of crime and complication of the security environment, the issues of forming an effective state policy in the field of ensuring law and order, public security and combating crime are of particular relevance. These processes necessitate a comprehensive scientific understanding of the content and interrelationship of such categories as criminological, public and security policy of the state.

Key words: criminological policy, public policy, security policy, European Union Advisory Mission, offenses.

Problem statement. In the current conditions of transformation of social relations, aggravation of internal and external threats, increase in crime rate and complication of security environment, the issues of formation of effective state policy in the sphere of ensuring law and order, public security and counteraction to crime are of particular relevance. These processes determine the need for a comprehensive scientific understanding of the content and interconnection of such categories as criminological, public and security policy of the state.

In the scientific literature, these concepts are often considered as independent directions of state activity, however, their content

and functional purpose indicate the presence of numerous points of intersection. Criminological policy is aimed at developing and implementing measures to prevent crime and eliminate the causes and conditions of its existence. Public policy covers a system of management decisions and practices that are formed with the participation of state institutions and civil society to meet public needs. Security policy, in turn, is focused on protecting the vital interests of the individual, society and the state from various threats.

The relevance of the study is due to the need to determine the place of criminological policy in the system of public and security policy of the state, as well as the need to develop modern theoretical and methodological approaches to their coordination in the conditions of the development of a democratic legal state. This issue is of particular importance in Ukraine, where the processes of reforming the security and law enforcement sector require proper scientific support.

The state of research on the problem. Important aspects of the essence of criminological, public and security policy of the state are highlighted by such scientists and practicing lawyers as: A. Balabanyts, V. Golina, O. Homolyako, A. Kovalenko, T. Malogolova, I. Maryniv, O. Poshedin, O. Pukhkal, M. Rudyk, S. Spilnyk. It should be noted that although the issues of understanding criminological policy, the features of security and public policy of the state were developed by scientists in the field of criminal law, criminology and political science, the issues of determining the features of the correlation of the above categories and phenomena require in-depth research.

The purpose of the article is to study the essence of criminological, public and security policies of the state, to determine the features of their correlation.

Presentation of the main material. The relationship between criminological, public and security policy should be analyzed through the prism of the concept of "general – particular – special". Within the framework of this approach, public policy is the broadest category, security policy is considered as its separate direction, while criminological policy is a specific functional element of the security mechanism. The application of this model allows for a deeper disclosure of the essence of the above categories and forms a theoretical basis for further improvement of state policy in the field of crime prevention and guaranteeing public security.

State policy is a purposeful activity of the state aimed at regulating social relations. At the same time, modern scientific approaches in the field of public administration emphasize the need to distinguish the concept of state policy from public. The latter is a broader category in its content, since it covers not only the activities

of state authorities, but also the participation of non-state institutions and other subjects of public life [1, pp. 176–179].

Criminological policy is a component of the state's social policy and is based on the provisions of the Constitution of Ukraine, the results of criminological research and the accumulated international experience. It defines the methodological foundations, principles and strategic guidelines that guide the state and its institutions in the process of implementing measures of non-repressive influence on crime [2, pp. 193–201].

The main functions of the criminological policy of the state include: information support, social and preventive activities, overcoming negative social phenomena associated with crime, as well as the implementation of sanctioning influence [3, pp. 93–97].

The criminological direction is an integral element of the policy of combating crime, which is implemented through a system of regulatory legal acts aimed at preventing, detecting and overcoming crime and its individual manifestations. In view of this, criminological policy can be considered as a strategic component of the policy of combating crime, while its other directions perform a predominantly tactical function. In the field of combating crime, it is advisable to combine two interrelated levels of activity - strategic and tactical, which are implemented both at the general level of the entire system and in relation to its individual components. At the same time, each of the branches involved in the implementation of such a policy has the opportunity not only to determine current tactical tasks, but also to form long-term strategic goals focused on achieving the final result [4, pp. 1–12].

The complexity of interpreting the concept of “public policy” is largely due to its foreign-language origin, which determines the presence of different options for translation and interpretation. For a deeper understanding of the meaning of this term, it is necessary to separately analyze the meanings of the concepts of “politics” and “public”. In the English-speaking scientific tradition, several terms are used to denote the concept of politics, in particular “policy”, “politics” and “polity”.

The concept of “politics” is used to characterize the political sphere, political processes and activities related to the exercise of power. In American scientific literature, this term can have a wider range of meanings depending on the context of application. The term “policy” usually means a political course, direction of activity or a certain line of behavior. At the same time, the phrase “policy-making” refers to the process of developing, forming and implementing political decisions. The term “polity” characterizes the state structure, form of government or organization of the political system in general. Thus, the above concepts demonstrate the multifaceted phenomenon of politics, which simultaneously covers the sphere of social activity, mechanisms for its implementation and institutional forms of organization of power [5, p. 9].

The terminological complexity of public policy research is also associated with the ambiguity of the concept of “public”. Public policy can be considered not only as an independent and holistic category, but also through the prism of various subjects of the political process, for the characterization of which the attribute “public” is used – authorities, state, institutions, leaders and other participants in social relations. Due to the diversity of meanings of the concept of “public” itself, its derived categories also have an ambiguous interpretation. These include, in particular, such concepts as “public policy”, “public sphere”, “public space”, “public

authority”, “public management”, “public institutions”, “public leadership” and “social values”.

In the scientific literature, public policy is defined as the activities of public administration bodies, which are based on mechanisms for coordinating the interests of all stakeholders and are aimed at implementing socially significant goals and solving current problems of social development [5, p. 9].

According to T. Malogolova, for a more complete disclosure of the essence of public policy, it is advisable to consider it through the category of publicity. This approach makes it possible to go beyond the exclusively state dimension and take into account the interaction of various forms of power that exist in society. Public policy is formed as a result of the combination and interaction of these power resources in the process of making management decisions. In this context, not only state authorities, but also civil society institutions, which act as full participants in the processes of managing social development and are integral components of the mechanism for implementing public policy, acquire important significance [6, pp. 203–225].

Public policy as a complex multidimensional phenomenon cannot be fully explained exclusively within the framework of political science or public administration. Its study requires an interdisciplinary approach, since theoretical concepts and methodological principles of public policy analysis are formed in various branches of scientific knowledge. To study the processes of formation and implementation of public policy, the achievements of political science are actively used, in particular the theory of group interests, political lobbying, interest groups and political networks. At the same time, a significant contribution to the understanding of these processes is made by sociology and psychology, which offer institutional, behavioral and resource-dependent approaches. No less important are the concepts of economic science, including the theories of collective action and social choice, as well as methodological approaches of modern management, which allow for a comprehensive analysis of the mechanisms of making and implementing public management decisions.

The relationship between the concepts of “state policy” and “public policy” depends on the features of the mechanisms of their formation and implementation. In the scientific literature, these categories can be considered as identical or as having different meanings. State policy acquires the characteristics of public when the state acts as one of the subjects of activity in the public space and exercises managerial influence through interaction with other participants in social relations. In this sense, public policy is a broader category, since it covers not only the activities of state authorities, but also the political and managerial practices of non-state organizations, public associations, joint state-public institutions, as well as private structures and agencies [7, pp. 106–112].

Regarding security policy, I. I. Maryniv emphasizes that, despite the significant number of international treaties, conventions and organizations designed to maintain international peace and stability, the issue of security continues to remain one of the key challenges of our time. This is due to a number of factors, including the proliferation of nuclear weapons, the presence of international and intrastate conflicts, armed confrontations of various scales, terrorist threats and other global risks. Under such conditions, states are forced to direct significant financial resources to the formation and implementation of an effective security policy capable of ensuring the protection of national interests and the stability of society.

Current trends indicate the growing role of international cooperation in the field of security. More and more often, states are pooling their own resources, potential and financial capabilities to jointly respond to security challenges. A prime example of this approach is the activities of the European Union, which pursues a common policy in the field of security and international cooperation. The EU aims to maintain peace, develop diplomatic relations, promote international trade and ensure sustainable development both within the union and beyond. An important tool for implementing these tasks is also the European Neighborhood Policy, which provides for active interaction with partner states and contributes to strengthening security and stability in neighboring regions [8, pp. 80–86].

The Council of the European Union has adopted a decision to extend the mandate of the EU Advisory Mission for Civilian Security Sector Reform in Ukraine until May 31, 2027.

Since 2014, EUAM Ukraine has been actively engaging with Ukrainian state institutions to promote the establishment of an effective, transparent and accountable civil security system. The mission's activities aim to strengthen the rule of law and develop the institutional capacity of bodies responsible for ensuring public security.

The main areas of EUAM's work are to provide strategic recommendations and practical assistance in implementing reforms in accordance with European standards, international principles of good governance and the protection of human rights. Particular attention is paid to Ukraine's implementation of its obligations related to the process of integration into the European Union. As part of its activities, the mission provides advisory, training and organizational support to Ukrainian institutions, in particular the Ministry of Internal Affairs of Ukraine and the National Police of Ukraine. Currently, EUAM offices operate in Kyiv, Lviv and Odessa, as well as a mobile unit. At the same time, the mission's offices in Kharkiv and Mariupol have temporarily suspended their work.

In its conclusions of 21 March 2024, the European Council confirmed its unwavering position on supporting the processes of recovery, reconstruction and post-war development of Ukraine in cooperation with international partners. In addition, the expansion of the capabilities of the EUAM in Ukraine was positively assessed, which creates the prerequisites for strengthening support for law enforcement agencies in the de-occupied and adjacent territories, as well as for intensifying reforms in the field of security and law and order in the context of Ukraine's further progress towards membership in the European Union [9].

In the context of the armed aggression of the Russian Federation against Ukraine, the implementation of an effective sanctions policy is of particular relevance. In this regard, an important task is the harmonization of national sanctions legislation with the relevant legal mechanisms and practices of the European Union. At the same time, among the issues that, in the opinion of the European Commission, require further settlement, there remain the improvement of state policy on preventing and countering the illicit trafficking of weapons, ammunition and explosives, as well as the completion of the ratification process of the Rome Statute of the International Criminal Court and related international legal documents. The significance of these issues is due to the fact that they belong to the range of key aspects that will be assessed during the negotiation process regarding Ukraine's accession to the European Union [10, pp. 18–27].

The national security of the state may be threatened by various actions, processes, phenomena or events that can negatively affect the sovereignty, territorial integrity and stability of the functioning of the state. Such threats include factors that can harm the life and health of citizens, their property, disrupt the operation of critical state systems and infrastructure, cause economic losses or create obstacles to the realization of national interests.

Modern changes in the global security environment necessitate Ukraine to review its strategic approaches to ensuring national security and defense. This requires adapting defense policy to the latest challenges, updating basic strategic documents and improving public administration mechanisms in the security sector. At the same time, the development of international cooperation is gaining importance, which should become one of the key factors in strengthening Ukraine's positions in the international arena as a sovereign, democratic and legal state.

Special emphasis in the near future should be placed on strengthening the country's defense potential. This involves further modernization of the Armed Forces of Ukraine, development of the defense-industrial complex, expansion of cooperation with international partners in the field of creation of modern weapons and introduction of advanced technologies. No less important direction remains ensuring the proper level of cybersecurity and formation of an effective system of countering hybrid threats, the role of which in modern military-political conflicts is constantly growing [11, pp. 5–15].

Conclusions. The conducted research gives grounds to assert that the criminological, public and security policies of the state are closely interconnected and form a complex system of mutually complementary areas of state activity. Despite the differences in the subject of regulation, goals and instruments of implementation, they are all aimed at ensuring the stable functioning of society, protecting human rights and freedoms and strengthening statehood.

It has been established that public policy is the broadest category, which covers the process of developing and implementing socially significant management decisions with the participation of the state, civil society institutions and other interested parties. Security policy is one of the key areas of public policy, focused on neutralizing threats to national interests, ensuring the security of the individual, society and the state. In turn, criminological policy is a specialized component of security policy, focused on preventing crime, minimizing criminogenic risks and eliminating the determinants of criminal offenses.

It is substantiated that the effectiveness of criminological policy largely depends on the level of its integration with other areas of public and security policy. Counteracting crime cannot be limited to the activities of law enforcement agencies, but requires the comprehensive use of social, economic, legal, educational and organizational measures. That is why modern criminological policy should be based on the principles of interagency cooperation, scientific validity, openness and partnership of the state with civil society.

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Дунас М. Кримінологічна, публічна та безпекова політика держави: співвідношення категорій та явищ

Анотація. Проведене дослідження дає підстави стверджувати, що кримінологічна, публічна та безпекова політика держави перебувають у тісному взаємозв'язку та утворюють складну систему взаємодоповнюючих напрямів державної діяльності. Незважаючи на відмінності у предметі регулювання, цілях та інструментах реалізації,

усі вони спрямовані на забезпечення стабільного функціонування суспільства, захист прав і свобод людини та зміцнення державності.

Встановлено, що публічна політика є найбільш широкою категорією, яка охоплює процес вироблення та реалізації суспільно значущих управлінських рішень за участю держави, інститутів громадянського суспільства та інших заінтересованих суб'єктів. Безпекова політика виступає одним із ключових напрямів публічної політики, зосередженим на нейтралізації загроз національним інтересам, забезпеченні захищеності особи, суспільства та держави. У свою чергу, кримінологічна політика є спеціалізованим складником безпекової політики, орієнтованим на запобігання злочинності, мінімізацію криміногенних ризиків та усунення детермінант кримінальних правопорушень.

Обґрунтовано, що ефективність кримінологічної політики значною мірою залежить від рівня її інтегрованості з іншими напрямками публічної та безпекової політики. Протидія злочинності не може обмежуватися лише діяльністю правоохоронних органів, а потребує комплексного використання соціальних, економічних, правових, освітніх та організаційних заходів. Саме тому сучасна кримінологічна політика повинна базуватися на принципах міжвідомчої взаємодії, наукової обґрунтованості, відкритості та партнерства держави з громадянським суспільством.

Наголошено, що у сучасних умовах трансформації суспільних відносин, загострення внутрішніх і зовнішніх загроз, зростання рівня злочинності та ускладнення безпекового середовища особливої актуальності набувають питання формування ефективної державної політики у сфері забезпечення правопорядку, громадської безпеки та протидії злочинності. Вказані процеси зумовлюють необхідність комплексного наукового осмислення змісту та взаємозв'язку таких категорій, як кримінологічна, публічна та безпекова політика держави.

Ключові слова: кримінологічна політика, публічна політика, безпекова політика, Консультативної місії Європейського Союзу, правопорушення.

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