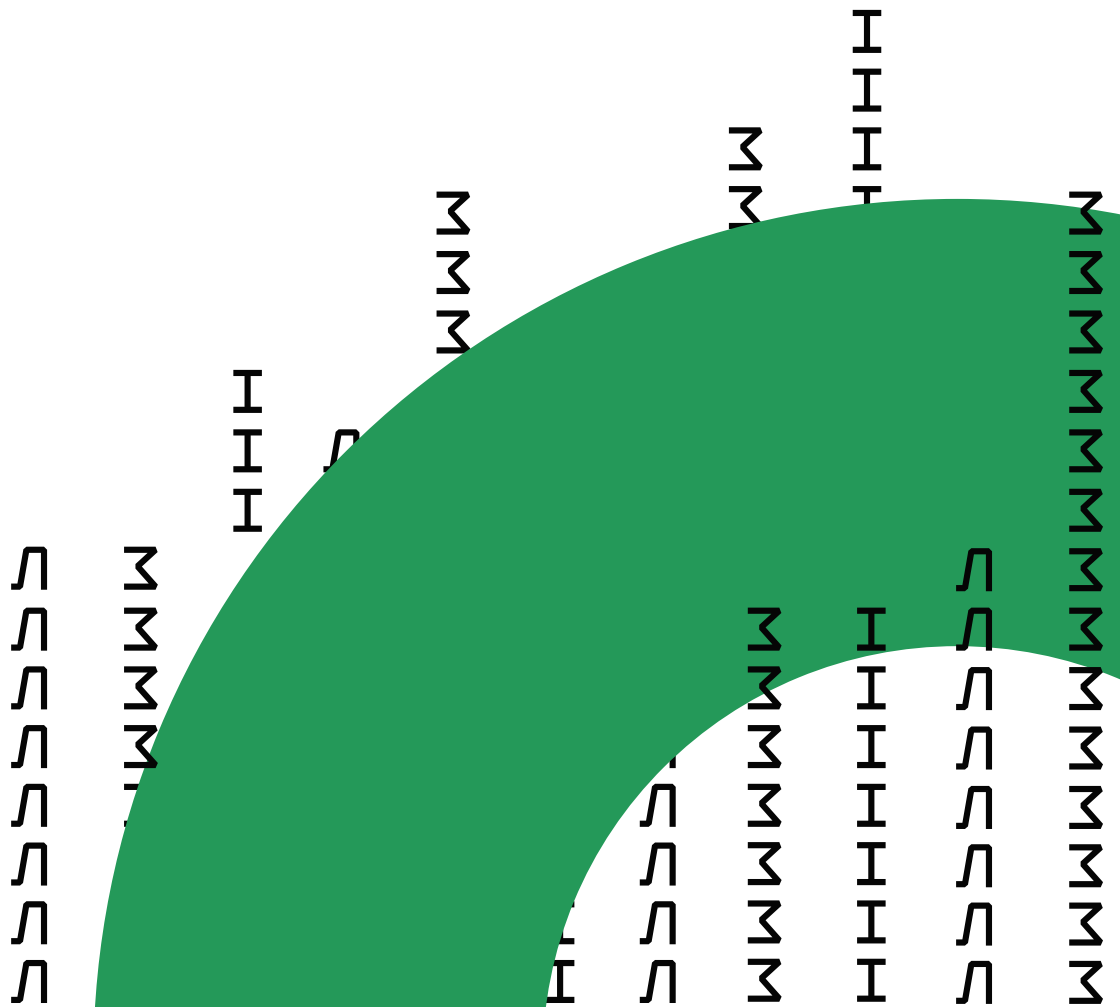


InfoBrief: What Should Law- Enforcement Reform Look Like?

ALI's Vision



I. What Is ‘Law-Enforcement Reform’?

In the sphere of the state’s internal (civil) security, there exists a range of threats that negatively affect human security, primarily physical security. Among these threats, as in any society, there is **crime**, which cannot be eradicated or overcome, given that this negative social phenomenon is a direct consequence of human nature (behaviour). However, crime as a phenomenon **can be controlled and minimised in certain areas**.

The level of crime and its *perception* (people’s sense of security) fall within the direct influence of law-enforcement bodies, and both human security and the perception of security depend on the effectiveness of their work. Under these conditions, effectiveness may be undermined by corrupt practices within these bodies. And while a system affected by corruption may remain effective in certain aspects of crime control, public perceptions of crime will inevitably suffer because of the negative image of law-enforcement agencies. Conversely, attempts to improve their image through active communication of performance results will not necessarily have positive consequences, particularly in terms of real crime control.

At the same time, people’s attitudes towards the system of combating crime depend directly on two circumstances. On the one hand, law-enforcement bodies must have the proper capacity to help a person with their problem — that is, the criminal-law conflict (the criminal offence) that has occurred. Namely, they must provide support to the victim, investigate the criminal offence and restore justice by bringing the perpetrators to justice and ensuring compensation for the harm. On the other hand, it is the law-enforcement system that is *endowed with the most invasive instruments regarding human rights and freedoms*, as it has lawful powers to restrict liberty, conduct searches or seize property and so on. It is precisely here that cases of unlawful detention, torture, falsification of evidence, corruption and similar abuses occur.

Today in Ukraine, complaints about both the first and the second components are quite widespread. Depending on the type of offence (it is obvious that in cases of violent crime, a person is more likely to seek protection from law-enforcement bodies, whereas in property-related or, all the more so, in office-related offences, much less so), people assess differently the ability of law-enforcement bodies to protect their rights, that is, to guarantee their safety. For example, in 2024, 48% of companies experienced pressure from law-enforcement or regulatory bodies¹. This is because within law-enforcement agencies, there are abuses of criminal law instruments for the purpose of exerting pressure and obtaining undue benefit. This occurs within the framework of artificially initiated criminal proceedings (conducting searches, seizure and arrest of property). As a consequence, this blocks the operation of the enterprise, harming businesses and their investors. Such actions have long-term negative impacts on the Ukrainian economy and limit its development. Foreign investors often name problems with the rule of law among the reasons why they are not ready to operate in the Ukrainian market.

Thus, citizens seek support from the law-enforcement system in order to protect themselves from unlawful encroachments that negatively affect their safety, while at the same time expecting that the law-enforcement system will fulfil the duties directly assigned to it — namely, ensuring proper respect for human rights and freedoms — and not create new unlawful acts in the sphere of offences committed by officials. For this, the law-enforcement system must be effective, oriented towards the needs of people, primarily victims and use scientifically grounded approaches to forecasting and countering crime at a systemic level.

That is why **law-enforcement reform consists of these structures fulfilling their core task — countering crime that negatively affects the internal security of people in society. It concerns the institutional capacity of law-enforcement bodies² to carry out the prevention of and fight against crime**, primarily organised crime, which causes the greatest harm to the interests of society.

1 [The state and needs of business in Ukraine: results of the survey in August 2024. The survey was conducted by the Innovation Development Centre, the Entrepreneurship and Export Development Office, the national project Diia.Business and AdvanterGroup in cooperation with the Ministry of Economy of Ukraine, the Ministry of Finance of Ukraine, the Ministry for Development of Communities and Territories of Ukraine, the Ministry of Digital Transformation and the Coalition of Business Communities for the Modernisation of Ukraine. Survey period: 20.08.2024 — 31.08.2024.](#)

2 The Constitution of Ukraine uses both the term ‘law-enforcement bodies’ (Article 131-1) and ‘law-enforcement agencies’ (Article 17). Sectoral legislation uses varying terminology that requires unification. The first step towards this may be the Law of Ukraine ‘On Law-Enforcement Bodies’, the adoption of which is envisaged in para. 1.1 of the Action Plan for the implementation of the Overarching Strategic Plan for Reforming Law-Enforcement Agencies for 2023–2027. In our view, law-enforcement bodies should be understood as bodies endowed with powers: 1) to conduct pre-trial investigations of criminal offences; 2) To exercise operational-search activity (in future — criminal intelligence). At the same time, the term ‘law-enforcement bodies’ is a specific (narrower) category, whereas ‘law-enforcement agencies’ is a generic (broader) category. The latter encompasses the former and includes bodies with attested staff, uniforms, the right to carry weapons, and those that perform oversight functions of a security nature, or which are expressly designated by law as law-enforcement agencies.

II. What Are the Key Components of Law-Enforcement Reform?

In the context of European integration, Ukraine continues the process of aligning its legislation with the EU *acquis communautaire*, as well as implementing the enlargement-policy recommendations contained in the European Commission's Enlargement Reports (2023, 2024, 2025) under **Chapter 24 'Justice, Freedom and Security'**. It is in this chapter that the focus is placed on organised crime, cybercrime, drug-related crime, the fight against terrorism and international cooperation in this field (Europol, Eurojust), as well as other aspects of **combating serious crime**.

In addition, the issue concerns not only the institutional capacity of law-enforcement bodies to counter crime, but also the **instruments for the strategic prevention of crime and for the prioritisation of law-enforcement resources** through the introduction of planned and consistent criminal policy³. Thus, the introduction of European mechanisms for assessing threats posed by such crime (SOCTA⁴, IOCTA⁵), information exchange with European law-enforcement bodies (SIENA, SIENA-CT, cooperation with Europol and Eurojust) and the implementation of intelligence-led policing concepts is envisaged. In other words, the issue concerns **strategic planning in the sphere of combating crime**.

In addition to institutional capacity and the strengthening of the analytical component (strategic planning), the discussion also concerns a **review of criminal procedural powers and of the infrastructure of criminal justice**. The former includes improving the system of investigative jurisdiction over criminal offences, improving alternative measures for resolving criminal-law conflicts (for example, international practice with transactions), transforming the institution of operational search activity into criminal intelligence, introducing safeguards against the abuse of procedural rights and so forth. The latter includes implementing a system for compensation of victims of violent crimes, improving the system for ensuring the safety of participants in criminal proceedings and expanding the whistleblowing framework to a broader range of offences committed by officials, as provided by the relevant EU Directive 2019/1937 and so on.

Thus, Ukraine's European integration commitments are directed towards building a more effective law-enforcement system that will be oriented towards consistent and effective criminal policy, the prioritisation of criminal proceedings and the allocation of resources to counter serious crime. At the centre of such a system will be the victim and their need for compensation for harm, rather than solely the criminal prosecution of the offender at any cost.

Law-enforcement reform consists of **three key areas**:

1. **strengthening the institutional capacity of law-enforcement bodies in countering serious crime;**
2. **improving the system of strategic planning in the sphere of combating crime — the introduction of a system of criminal policy;**
3. **reviewing the criminal procedural powers of the prosecution service and of law-enforcement bodies and, more generally, the infrastructure of the criminal justice system.**

3 [For details, see: Krapyvin Y. Criminal policy and strategic planning in combating crime: prospects and what European integration has to do with it. JustTalk, 12.11.2025.](#)

4 Serious and Organised Crime Threat Assessment.

5 Internet Organised Crime Threat Assessment.

III. What Is the State (Public) Policy in this Sphere?

The main document in the sphere of reforming law-enforcement bodies is the **Overarching Strategic Plan for Reforming Law-Enforcement Agencies as Part of the Security and Defence Sector of Ukraine for 2023–2027**⁶ (the OAS) and the **Government’s Action Plan**⁷ aimed at its implementation (the OAS Action Plan).

Certain provisions of the OAS are reflected in the **Rule of Law Roadmap**, approved by the Cabinet of Ministers of Ukraine in May 2025.⁸ At the same time, implementation of the OAS is one of the measures under Chapter 24 of the EU acquis.

Certain measures are also included in the Plan for the Ukraine Facility⁹, in the State Anti-Corruption Programme for 2023–2025¹⁰ (a new programme is currently being prepared by the NACP) and in sectoral documents (the Strategy for Combating Organised Crime, the Prosecution Service Development Strategy for 2025–2028, the National Strategy for the Protection of Children’s Rights in the Sphere of Justice until 2028 and others).

Achieving comprehensive reform of law-enforcement bodies on the path towards European integration is possible only on the condition that all measures provided for in these documents in the sphere of state policy are implemented, as they concern, at the same time, amendments to legislation, the resolution of institutional problems, the introduction of strategic planning practices and so forth.

By contrast, addressing individual components — whether personnel matters (the introduction of competitive selection procedures and so on), or the expansion of powers, or institutional practices — will not have the proper effect given the unsystematic and fragmented nature of such reforms.

IV. Which Components of Law-Enforcement Reform Are Priority Areas?

4.1 Key measures for strengthening the institutional capacity of law-enforcement bodies in countering serious crime:

- ▶ adoption of the Law of Ukraine ‘On Law-Enforcement Bodies’, which will define the legal framework for the functioning of law-enforcement bodies and will unify their status and powers;
- ▶ introduction of merit-based principles for the selection of candidates to managerial positions in law-enforcement bodies, including the heads of these bodies (the National Police, the SBI, NABU);
- ▶ reform of the Security Service of Ukraine through the gradual removal of pre-trial investigation functions, which will transform it into a classical counterintelligence body;
- ▶ strengthening the institutional capacity of analytical units of law-enforcement bodies;
- ▶ strengthening the internal security system of law-enforcement bodies and the procedures for conducting internal investigations and disciplinary proceedings;

6 [Overarching Strategic Plan for Reforming Law-Enforcement Agencies as Part of the Security and Defence Sector of Ukraine for 2023–2027: Decree of the President of Ukraine No. 273/2023 of 11.05.2023.](#)

7 [Action Plan aimed at implementing the Overarching Strategic Plan for Reforming Law-Enforcement Agencies as Part of the Security and Defence Sector of Ukraine for 2023–2027: Order of the Cabinet of Ministers of Ukraine No. 792 of 23.08.2024.](#)

8 [Certain issues of ensuring the negotiation process on Ukraine’s accession to the European Union under Cluster 1 ‘Fundamentals of the EU Accession Process’: Resolution of the Cabinet of Ministers of Ukraine No. 475 of 14.05.2025.](#)

9 [Plan for the Ukraine Facility. 2024–2027.](#)

10 [On the Approval of the State Anti-Corruption Programme for 2023–2025: Resolution of the Cabinet of Ministers of Ukraine No. 220 of 04.03.2023.](#)

- › strengthening the institutional capacity of authorised units within the criminal justice system responsible for preventing and detecting corruption and granting them the powers necessary for effective monitoring and for supporting the implementation of anti-corruption programmes;
- › improving the system of accountability and transparency of law-enforcement bodies.

4.2 Key measures for improving the system of strategic planning in the sphere of combating crime — the introduction of a criminal policy system:

- › introduction of a system of strategic planning in the sphere of combating crime — criminal policy — which will encompass both prevention and the fight against crime;
- › introduction of European strategic planning instruments: the Serious and Organised Crime Threat Assessment (SOCTA) and the Internet Organised Crime Threat Assessment (IOCTA);
- › introduction of a system for collecting alternative data forming the knowledge base on crime: crime surveys, victimology surveys and so forth;
- › improvement of the criminal statistics system;
- › introduction of criminal policy documents: 1) national priorities for combating crime (long-term, high-level criminal policy for a period of 5–10 years); 2) strategic priorities of law-enforcement bodies (medium-term criminal policy — annual plans); 3) priorities in individual criminal proceedings (short-term criminal policy), which constitute part of the management system in this field.

4.3 Key measures for reviewing the criminal procedural powers of the prosecution service and law-enforcement bodies and, more generally, the infrastructure of the criminal justice system:

- › improving the system of investigative jurisdiction as a means of determining the specialisation of law-enforcement bodies;
- › introducing detectives into all law-enforcement bodies;
- › introduction a common performance evaluation system for detectives and others, who are involved into the crime investigation, which is oriented to the quality of data, not only quantity;
- › expanding the discretionary powers of the prosecutor for the purpose of implementing the measures provided for by criminal policy;
- › improving alternative measures for resolving criminal-law conflicts (for example, international practice of transactions);
- › introducing into the CPC of Ukraine the principle concerning the abuse of procedural rights;
- › improving the system for guaranteeing the safety of participants in criminal proceedings;
- › establishing a compensation fund for victims of violent crimes;
- › reforming the system of forensic expert activity in criminal proceedings;
- › adopting the Law of Ukraine 'On Criminal Intelligence', which will transform the institution of operational-search activity by delimiting it from criminal procedural, intelligence and counterintelligence activity;
- › full implementation of the provisions of the Convention on Cybercrime and its Second Additional Protocol, including the introduction into the CPC of Ukraine of the concept of electronic (digital) evidence (by analogy with the Commercial and Procedural Code of Ukraine, the Civil Procedural Code of Ukraine and the Code of Administrative Proceedings of Ukraine), criminalisation of cyberviolence and so forth.

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