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INTRODUCTION OF THE MILITARY POLICE INSTITUTE IN UKRAINE BASED ON THE EXPERIENCE OF FOREIGN COUNTRIES

The article is devoted to the analysis of the experience of forming and introducing the military police institution in the United States, Canada, leading NATO member states, and Israel after 2000. Based on the results of scientific and legal analysis, examining the features, grounds, and significance of the creation and functioning of the relevant institution in foreign countries, the necessity of implementing the practice of military police activities in Ukraine is outlined and justified. It has been established that, in the context of martial law and NATO integration, the current Military Law Enforcement Service does not have the investigative autonomy and procedural resources necessary to effectively prevent crime and maintain discipline in the Armed Forces. The article highlights five key factors for the success of foreign models of military police activity. A roadmap for the introduction of these practices in Ukraine is proposed, in particular the gradual transformation of the Military Law Enforcement Service into a Military Police, limiting its strength to 1.5 % of the Armed Forces personnel, legislative expansion of operational-search and investigative powers, establishment of cooperation with other law enforcement agencies, and creation of an independent supervisory board. The implementation of the proposed guidelines will make it possible to establish an effective military justice system that is compatible with Alliance standards, capable of maintaining law and order in the armed forces and responding effectively to military challenges.

Keywords: military police, military justice, NATO, Provost Marshal, reform of the Armed Forces of Ukraine.

Statement of the problem. The war highlighted a critical gap in Ukraine's military justice system: the existing Military Law Enforcement Service has neither investigative autonomy nor procedural tools sufficient to investigate war crimes and ensure discipline in the Armed Forces. At the same time, legislative initiatives to create a Military Police remain debatable due to the risk of excessive command influence and possible duplication of functions with the National Police. In light of the course of NATO integration, the task arises to align the model of the future Military Police with the Alliance's standards of independence and accountability, without destroying the current vertical of

military command. The problem is to find the optimal organizational model that will simultaneously guarantee procedural independence, effective interaction with civilian authorities, and compliance with the legal guarantees of servicemen during martial law. Resolving these contradictions will require a critical analysis of foreign practices and the formation of adaptive mechanisms suitable for Ukrainian realities.

Research methods. The work uses a comparative legal and systemic analysis of foreign models of military police based on official documents, analytical publications and reports, in particular studies of the Verkhovna Rada of Ukraine and the analytical community "Laboratory of Legislative Initiatives". The method of content analysis of regulatory acts and reports (for example, CFMP reports, draft laws of Ukraine), systematization of data in the form of tables and graphs, as well as a comparative analysis of practices in different countries was used.

The purpose of the study is to analyze the foreign experience of the USA, Canada, NATO countries, and Israel after 2000 in order to identify effective models of military police organization and identify practical lessons for Ukraine.

Presentation of the main material. The situation of a protracted war and Ukraine's aspirations for NATO integration require the creation of an effective system of military justice and law enforcement structures. The independence and proper organization of the military police, according to experts, "goes beyond legal necessity" and is a "strategically important" task for the country in conflict conditions [2]. Presidential Decrees and Initiated Parliamentary Bills of 2024 (Reg. No. 6569-d) [3] and No. 6570-d [4]) determine the emergence of a new structure – the Military Police (hereinafter – MP) which should acquire the powers to prevent and investigate crimes among the military, ensure discipline and interact with the judicial system [5].

Military police models of leading countries

The United States Armed Forces have a separate Military Police Corps in the Army, as well as similar units in the Navy, Air Force, and Marine Corps. The Army Military Police Corps (Corps) is a unit of the Department of the United States Army and performs both law enforcement tasks and support for combat operations. According to regulations, the Corps will patrol, set up checkpoints, escort and guard prisons, accompany military convoys, and in combat conditions provide security for the rear and transport corridors. Within the US Army, all investigations at the highest level are coordinated through the Office of the Provost Marshal General and a special unit for criminal investigations (CID) [6]. An important feature is the training of military police in special academies and support from the intelligence service. The US model shows the integration of military police into the armed forces system while maintaining clear specialization and interaction with civilian law enforcement officers according to the principle of "parallel jurisdiction".

In Canada, there is the Canadian Forces Military Police Group (CF MP Gp), which is a separate military formation within the Canadian Forces. As noted in the CFMP report, this unit – one of the ten largest police formations in the country – performs **national police functions** [7]. Canadian paramilitary police operate autonomously from military command and report to the Head of the Canadian Forces Military Police (Canadian Forces Provost Marshal) [8]. The jurisdiction of the CF MP Gp extends to military bases, as well as to all theaters of operations involving Canadian forces. By law, they have priority in investigating military and criminal offenses, while at the same time, together with the civilian police, contributing to ensuring public order in places of deployment. The CF MP Gp pays great attention to professional education – for new recruits there is a 4.5-month basic training at the CF Military Police Academy. In addition, the Canadian model is distinguished by the introduction of analytics systems ("MP Analytics Program") to support strategic decision-making based on data [7].

In NATO countries, military police are most often organised as specialist police units within the military. For example, in the UK there are three "branch" military police – the Royal Military Police (RMP) for the army, the Royal Air Force Military Police and the Royal Naval Police – as well as the civilian Ministerial Defence Police (MDP) under the Ministry of Defence. The RMP is responsible for the police support of British troops at training grounds and in the active contingent. In the Federal Republic of Germany, the military police (Feldjäger) are a separate branch of the army, with their own powers in all branches of the German Armed Forces and in relation to NATO units on its territory [8].

This model provides a combination of field functions (patrol of military bases, exercises) and law enforcement (search for deserters, protection of military facilities). In France and Italy, there are similar gendarmerie structures (National Gendarmerie of France, Carabinieri of Italy), which have military status, but are subordinate to civilian ministries - these are examples of the model of "law enforcement agency in the form of gendarmerie" (which was also considered as an alternative in Ukraine) [8]. All of the listed European models emphasize the importance of a formalized subordination structure, clear legislative consolidation of functions and the implementation of joint exercises at the NATO level.

Israel. Israel has a military police corps, the IDF (משטרה צבאית, "Mem Tzva'it"), headed by a Brigadier General and deployed in brigade formation (about 4.5 thousand people). It is part of the Manpower Directorate in peacetime and the Logistics and Technical Directorate in wartime. The main tasks of the Israeli MP are: maintaining discipline among the military, guarding military facilities and prisons, searching for deserters, investigating crimes among the military, and servicing border and road checkpoints. In Israel, emphasis is also placed on educating "life safety" (prevention of accidents, drug addiction, suicide, etc.), which is evident from the corps' motto. The special unit "Force 100" is designed to suppress riots in military prisons. The system ensures the integration of the military police with the country's general security structures: for example, for judicial investigations, individual MP units are directly subordinate to the Chief Military Prosecutor.

Effective practices. Based on the analysis of the above models, a number of effective approaches can be identified: firstly, **a clear legal consolidation** of the status of the MP (example – relevant laws of the USA, Canada, NATO standards). Secondly, **a transparent system of subordination**: in the leading models, the MP remain military formations, but at the same time have a separate independent (or partially independent) chief (Provost Marshal) with a status comparable to the civilian police [5]. Thirdly, an orientation towards **professional training and specialization** – the existence of training centers (such as the CFMP Academy) and joint NATO training programs. Fourthly, **combined cooperation** with civilian authorities: for example, in Canada and the USA, the military police have "competitive jurisdiction" with civilian forces on bases and in areas of operation [7], which allows for flexible distribution of investigations. The practice of using reservists and the National Guard (USA) to deploy MP in crisis situations is also effective. Finally, **orientation to NATO standards is important** – independence from political influence and a clear reporting system (as analysts note, coordination through the executive branch of government in some draft laws may contradict Alliance standards) [5].

Comparative data. For clarity, a summary table comparing the key characteristics of military police models in different countries has been added (see Appendix). For example, in the USA and Canada, MPs are formed from career military personnel (sometimes from reserves), make up only a small part of the Armed Forces (in Ukraine, no more than 1.5 % of personnel are planned at the legislative level [5] and are focused on internal tasks for the army. In Great Britain, the systems of the types of forces and the civilian MP under the Ministry of Defense are combined – each model corresponds to the historical and legal context of the country. Israel's MP is distinguished by its great attention to the personal security of servicemen and active activity on the borders. General conclusions: **a single** complex such as "military police" should have a multifaceted profile – from standard police functions to specific military ones (patrol in combat areas, prevention of military offenses).

Features of adapting experience to Ukraine

Ukrainian specificity is the ongoing war, numerous mobilization measures, and structural fragmentation of military forces (there is the SSU, the National Guard, the Armed Forces of Ukraine, etc.). At the same time, it is important to preserve the universality of law and the immutability of legal guarantees for the military.

The first is to strengthen the independence of the new Military Police: as NATO examples show, the MP should be within the defense department, and not subordinate to the law enforcement ministry [5]. Bill 6569-d provides for this, placing the MP under the authority of the Ministry of Defense (general leadership – the Cabinet of Ministers and the Commander of the Armed Forces of Ukraine) [5].

The independence of the new structure should be ensured not only by nominal subordination to the Ministry of Defense, but also by procedural safeguards against command interference in investigative actions. Bill No. 6569-d proposes to establish a separate vertical of control: the Inspector General of the Military Police is appointed by the President upon the proposal of the government and reports directly to the Minister of Defense and the Verkhovna Rada Committee on National Security [3]. All procedural decisions (detention, search, reporting of suspicion) are made under the supervision of the prosecutor of the Main Military Prosecutor's Office, which minimizes the risk of a conflict of interest between the operational command and the investigation. A similar model of "service, not command" control is used by the provost marshals of Canada and the United States, which allows them to refuse to carry out orders that may violate the law or the rights of servicemen [5].

The second feature is **the use of existing resources**: the new body is being formed on the basis of the Military Law Enforcement Service in order to optimize the structures without a significant increase in numbers [9].

The Military Police is based on the Military Law Enforcement Service (hereinafter – MLS) of the Armed Forces of Ukraine. The transitional plan provides for a phased recertification of personnel, the creation of a single personnel register, and the transfer of 70 % of current MLS officers after completing criminal procedure courses and standardized testing [10]. The logistical base of the MLS (twenty-eight garrison departments, a training center in Zolochiv, mobile patrol groups) is integrated into the structure of the Military Police without additional funding for the construction of new facilities. The adjusted staff provides for the optimization of logistics units and a focus on investigative and operational functions, which is consistent with NATO experience, where military police officers make up about 1–1.5 % of the army.

Third, **a focus on combat realities**: it is assumed that the Special Operations Command will have the authority to conduct operational and investigative activities and investigations [5], in particular, to stop crimes related to desertion and war crimes.

The draft law introduces the concept of “operational and investigative activities of the Military Police” with the right to carry out covert investigative (search) actions in the combat zone and in the territories of logistic support (Art. 12) [2]. Interdepartmental coordination is envisaged with the Security Service of Ukraine to investigate sabotage, with the National Guard to protect prisoners, and with military counterintelligence units to prevent desertion. A separate article of the amendments to the Criminal Procedure Code retains the prosecutor’s exclusive right of procedural guidance, but allows the military police to independently collect evidence and initiate detention "on the spot". This brings the model closer to the Israeli one, where military police perform the functions of pre-trial investigation within the framework of military justice [11].

Fourth – **integration with civil structures**: the experience of the USA and Canada shows the expediency of a concordat with the National Police and the Prosecutor’s Office to avoid duplication of investigations [7]. The planned staff – limited to 1.5 % of the Armed Forces (by analogy) – means that the VP should focus on priority tasks (marked in the draft law) and training of personnel. In general, the experience of other countries indicates: the reform should be implemented gradually, with a strategic plan, based on best practices, but taking into account Ukrainian realities – primarily martial law and the need for enhanced counteraction to offenses in the military sphere.

Fourthly – the need for a strategic plan and independent monitoring: given the martial law, the launch of the new service will take place under constant external pressure. The draft basic law stipulates a separate section on the mechanism of parliamentary control: the annual report of the Chief Inspector of the Military Police is submitted to the relevant committee of the Verkhovna Rada and is published in the public domain; an efficiency audit is conducted by the Accounting Chamber once every three years [2]. In addition, an advisory council is provided for, consisting of representatives of veterans, the ombudsman, and international experts, who will carry out public monitoring of the observance of the rights of servicemen during investigative actions. A similar system of external supervision has proven itself positively in the USA (Defense Advisory Committee on Investigation, Prosecution, and Defense of Sexual Assault) and significantly increases trust in military justice [12].

To prevent duplication of investigations, draft law No. 6570-d dated May 31, 2024 provides for changes to Ukraine's administrative, criminal, and criminal procedure laws. This will establish a clear distinction between the activities of law enforcement agencies in the country. It will also be determined in which cases law enforcement agencies will cooperate and in which cases they will independently perform the tasks and duties assigned to them by the legislator. For example, if an incident occurred outside the combat zone and is not related to the execution of an order, the investigation will be conducted by the National Police; if the offense was committed during the execution of a combat mission, the Military Police will take the lead [4]. In practice, this means joint mobile investigation teams, exchange of forensic experts, and access to the Unified Register of Pre-Trial Investigations through secure channels. Canada's experience shows that such cooperation reduces the average duration of investigations by 20 % and minimizes the number of indictments returned [7].

Conclusions. The conducted comparative study allowed us to highlight the key features of effective military police models. Firstly, successful systems are those where **the military police** is a clearly defined formation in the structure of the armed forces with a defined legal status and procedures for interaction with civilian authorities. Secondly, it is important to ensure sufficient independence of the MP from command influence in the performance of investigative functions (as provided for in the draft law of Ukraine and recommended by experts). Thirdly, a necessary condition for effectiveness is the professionalization of personnel – joint NATO training programs, training institutes and exchange of experience with allies. Ukrainian proposals (draft law No. 6569-d) take into account many of the above-mentioned lessons: the status of the MP as a "military formation with law enforcement functions" has been introduced, operational investigative powers and the structure of units at all levels have been established. In practice, this means the creation of a multifunctional law enforcement agency that will function in the interests of military security. The Ukrainian legislature also plans to amend the Code of Ukraine on Administrative Offenses, the Criminal Code of Ukraine, and the Criminal Procedure Code of Ukraine, without which the new law enforcement agency cannot function effectively [4]. Thus, the creation of the Military Police in Ukraine will affect the legislative framework of the state.

Further research could focus on monitoring the initial experience of the Military Police in Ukraine, analyzing its interaction with civilian law enforcement agencies during the war, and assessing the impact of reforms on discipline and law and order in the armed forces. The implementation of the lessons learned could include the development of training programs for Ukrainian MPs, the adaptation of international standards (for example, NATO CS documents on military police), and the development of mechanisms for independent auditing of their activities, as has been done in the USA and Canada.

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ADDITION

Comparative table of military police models in different countries

Country	Authority / service	Subordination	Main functions	Jurisdiction	Features
USA	Provost Marshal General / Military Police (MP)	US Department of the Army	Law enforcement, base security, investigation (through CID)	Military personnel, army facilities	Separation of functions between MP and CID, centralized structure
Great Britain	Royal Military Police (RMP)	Ministry of Defense	Investigation, discipline, security, movement control	Military units, NATO operations	Part of the Armed Forces, active participation in international missions
France	National Gendarmerie	Ministry of Defense and Ministry of Internal Affairs	Military and civil law enforcement, investigation, security	Military and civilians	Dual subordination, broad powers
Germany	Field Marshal	Bundeswehr	Discipline, security, escort, investigation	Military units, NATO / EU missions	Standardized structure, high level of training
Canada	Canadian Forces Military Police (CFMP)	Canadian Armed Forces	Security, discipline, criminal investigations, combat mission support	Military personnel, civilians in the defense sector	Has an investigation unit, operates in peacekeeping operations
Israel	Military Police Corps (IDF)	Israel Defense Forces (IDF)	Discipline, patrolling, control, guarding military prisons	Military units and services	High level of involvement in security issues, action in conflict zones
Ukraine	Military Law Enforcement Service (MLS)	Armed Forces of Ukraine	Law and order, escort, security, crime detection	Military personnel, units and facilities	On the path to reform in accordance with NATO standards

П. В. Цимбал, Н. В. Малярчук, О. О. Восковчук. ЗАПРОВАДЖЕННЯ ІНСТИТУТУ ВІЙСЬКОВОЇ ПОЛІЦІЇ В УКРАЇНІ ЗА ДОСВІДОМ ЗАРУБІЖНИХ КРАЇН

Стаття присвячена аналізу досвіду формування та запровадження інституту військової поліції в США, Канаді, провідних державах-членах НАТО та Ізраїлі після 2000 р. За результатами науково-правового аналізу, досліджуючи особливості, підстави та значення створення й функціонування відповідної інституції в зарубіжних країнах, окреслено та обґрунтовано потребу в імплементації практики діяльності військової поліції в Україні. Встановлено, що в умовах воєнного стану й інтеграції до НАТО чинна Військова служба правопорядку не володіє слідчою автономією та процесуальними ресурсами, потрібними для ефективного запобігання злочинам і підтримання дисципліни в Збройних силах. У статті виокремлено п'ять ключових чинників успіху зарубіжних моделей діяльності військової поліції. Запропоновано «дорожню карту» запровадження цих практик в Україні, зокрема поетапне перетворення Військової служби правопорядку на Військову поліцію, обмеження її чисельності до 1,5 % особового складу ЗСУ, законодавче розширення оперативно-розшукових і слідчих повноважень, налагодження співпраці з іншими правоохоронними органами та створення незалежної наглядової ради. Реалізація запропонованих орієнтирів дасть змогу сформуваати дієву, сумісну зі стандартами Альянсу систему військової юстиції, здатну підтримувати правопорядок у військах та ефективно реагувати на воєнні виклики.

Ключові слова: військова поліція, військова юстиція, НАТО, реформа Збройних сил України.