

International Experience in Preventing Violations by Border Guard Authorities: The Case of EU Member States*

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Abstract

The relevance of this study is determined by the growing role of border services in preventing offenses amid the evolving security environment of the European Union and the implementation of integrated border management. For Ukraine, critically analyzing international experience is essential due to the ongoing armed aggression of the Russian Federation and institutional differences in its law enforcement system, which make full adoption of EU models impractical without considering national realities. The study aims to examine international practices in crime prevention within the law enforcement and administrative-jurisdictional activities of border services in EU member states bordering Russia, to identify possibilities and limits for adapting these practices to the State Border Guard Service (SBGS) of Ukraine. The object of the study is the social relations formed during law enforcement and administrative activities in crime prevention under integrated border management. Using comparative, formal, structural-functional, and systemic legal analysis, the study examines the concept and content of crime prevention, the role of integrated border management, and the functions of Frontex and EU *acquis* standards in forming common security approaches. Practices in Poland, Finland, Lithuania, Latvia, and Estonia are analyzed, highlighting differences in pre-trial investigation, procedural coercion, and migration policy. Mechanical transfer of EU models to Ukraine is deemed ineffective and risky under martial law. Instead, selective adaptation of functional elements—risk analysis, interagency coordination, and analytical tools—can enhance SBGS operations while maintaining existing power structures. Promising areas for adaptation include risk-based analytics, preventive measures, and coordinated operational practices, ensuring effective crime prevention in Ukraine.

Keywords: Crime Prevention; Law Enforcement; Administrative and Jurisdictional Activities; International Experience; Integrated Border Management; Border Service; EU Border Services

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A. INTRODUCTION

In the context of a more complex security environment, growing cross-border crime, and increasing migration challenges, border services are increasingly acting not only as state border protection agencies, but also as full-fledged law enforcement and administrative-jurisdictional entities.

The border services of European Union member states occupy an independent and strategically important place in the law enforcement system, performing functions not only of protecting the state border, but also of preventing offences, combating cross-border crime and ensuring migration security. Within the concept of integrated border management, they are vested with expanded law enforcement and administrative and jurisdictional powers, which include the use of administrative coercion, pre-trial investigation, and close interagency cooperation with the police, customs, and migration authorities. This multifunctional role of border services has led to their transformation from highly specialized security units into comprehensive EU internal security entities responsible for the preventive protection of the Union's external borders.

The main component of the European Union's policy in the field of security and free movement is Integrated Border Management (further – IBM). This ensures a thorough and coordinated approach to the protection of external borders (Nikiforenko & Vikhtyuk, 2024). The IBM concept combines preventive, law enforcement, migration, and humanitarian measures and provides for close cooperation between border services and the police, customs, migration authorities, and EU institutions, primarily Frontex (Frontex, n.d.). Its implementation aims to increase the effectiveness of crime prevention, counter cross-border crime, and manage migration flows while complying with human rights standards and ensuring the security of EU member states.

In European Union member states, this is due to the introduction of the concept of integrated border management, which combines preventive, control, and law enforcement tools, as well as the expansion of the powers of border agencies, particularly in the areas of pre-trial investigation and migration control. Particularly indicative is the experience of EU countries bordering the aggressor state, the Russian Federation, where border services operate in a mode of heightened security risks and have an enhanced law enforcement mandate.

The relevance of this study is determined by the need for scientific analysis of this international experience in terms of its relevance to the current challenges of Ukraine's national security, which is facing ongoing armed aggression from

the Russian Federation. In domestic administrative and security law science, the issue of preventing offences in the activities of border authorities is mostly considered in a fragmented manner, without due consideration of the transformation of the law enforcement functions of border services in EU countries and their administrative and jurisdictional specifics. This leads to a scientific problem, which is the lack of a comprehensive comparative legal analysis of models for preventing offences implemented by the border services of EU member states bordering the Russian Federation, and the determination of the limits of their suitability for Ukrainian realities.

The scientific value of the work lies in the systematic study of the law enforcement and administrative-jurisdictional activities of the border services of Poland, Finland, Lithuania, Latvia, and Estonia through the prism of crime prevention and integrated border management. The theoretical significance of the study lies in clarifying the content and relationship between the concepts of “crime prevention”, “law enforcement”, and “administrative and jurisdictional activities” in the context of the functioning of EU border agencies. The practical significance of the results lies in the possibility of using the formulated conclusions and generalizations in improving the regulatory and legal regulation of the activities of the State Border Service of Ukraine, as well as in the process of developing scientifically based approaches to the adaptation of individual preventive mechanisms, taking into account the conditions of martial law and national institutional characteristics.

Literature Review

The current academic debate on the prevention of offences in the activities of EU border services demonstrates a growing interest in integrated border management and technological innovations within the external borders of the European Union. The law enforcement and administrative-jurisdictional activities of the border services of EU member states bordering the Russian Federation (Poland, Finland, Lithuania, Latvia, and Estonia) have been little studied. Some general aspects are reflected in Wagner (2021), who noted the integrated border management of the Union as a mature model of cooperation and coordination in the form of a comprehensive, multidimensional, and collective response between a very diverse set of countries with different norms, interests, and priorities.

Bigo et al. (2025) highlighted the main aspects of the evolution of the European border security regime. Frontex analytical reports, in particular the

Frontex (2024b), provide a systematic assessment of the threats and megatrends shaping external border security. De Leo (2025) highlighted the historical development of EU competences in the field of IBM, as well as the challenges of cooperation between national and European law enforcement agencies. Khoury and Hendow (2025) focused on digitization and analytics in border surveillance systems.

Chackiewicz et al. (2022) introduced a typology of authorities and institutions involved in combating cross-border customs crime at the external borders of the European Union. Pettersson Fürst (2024) focused on discussing the possible consequences of the further expansion of border surveillance and the difficulties arising from the restoration of external and internal borders in light of current integration. Bermejo-Casado et al. (2025) focused on law enforcement agencies (further – LEAs) operating at Europe's frontiers, which play a key role in the implementation of migration policy.

Empirical and methodological foundations for predicting illegal border crossings are developed by Bosco et al. (2025) through the prism of mixed models that combine machine learning with qualitative expert opinions to support migration management policies. The interdisciplinary works of Yang et al. (2024) provide a classification of automated decision-making systems at EU borders and consider the threats of human rights violations, which is an important component of current discussions on the law enforcement activities of border services.

Zadorozhnyy (2023) focused on issues of international cooperation between Ukrainian law enforcement agencies and the European Border and Coast Guard Agency (Frontex) to intensify efforts to strengthen security at Ukraine's borders. Kushnir et al. (2023) studied the transformation in the field of protection of Ukraine's state border, associated with changing threats at the state border and the reorientation of the activities of executive authorities towards European principles, which necessitated research into the administrative activities of the State Border Service of Ukraine. Ukrainian researchers Mykhaylik et al. (2025) analyzed the impact of immigration law reforms on criminal dynamics among illegal migrants in Europe, emphasizing the importance of administrative and jurisdictional mechanisms of border policy.

Despite this, there is a lack of specialized comparative studies in the scientific literature that systematically examine the differences in the functional and legal status of the administrative and jurisdictional powers of the border services of the aforementioned states, as well as their implementation in practical activities. This creates a methodological gap between regulatory, functional

models and empirical practices, which requires further scientific study.

Research Objectives

The purpose of the study is to conduct a comprehensive analysis of international experience in preventing offences in the law enforcement and administrative-jurisdictional activities of the border services of European Union member states bordering the Russian Federation, to identify the possibilities and limits of adapting certain elements of this experience to improve the effectiveness of the State Border Service of Ukraine in the context of ongoing armed aggression. To achieve the goal of the work, it is planned to sequentially solve several intermediate scientific problems: first, systematization and clarification of the content of the concepts of “crime prevention”, “law enforcement”, and “administrative and jurisdictional activities” in the context of the activities of EU border authorities; second, a comparative analysis of the organizational models, powers, and procedures of the border services of Poland, Finland, Lithuania, Latvia, and Estonia; third, an assessment of the suitability of international experience for implementation in the Ukrainian context, taking into account the ongoing armed aggression of the Russian Federation and the institutional characteristics of the State Border Service of Ukraine.

B. METHODS

The study was conducted through a multi-component review of legislative acts, provisions of the border services of Poland, Finland, Lithuania, Latvia, and Estonia, as well as data from international institutions, in particular European Commission (2025), the European Commission, and the Council of the EU (2025), which regulate integrated border management. Comparative legal, formal legal, structural-functional, and systemic analyses were used, which made it possible to systematize the common and different aspects of the organizational schemes of border services, their law enforcement and administrative-jurisdictional rights. The analysis was based on the systematization and critical evaluation of the information obtained, which made it possible to outline the practical and theoretical value of European experience for improving the work of the State Border Service of Ukraine.

C. RESULTS

Prevention of offences in the activities of border authorities is considered as a system of preventive measures and procedures aimed at preventing

administrative, criminal, and migration offences in the border area and on the territory of the state (Kushnir et al., 2023).

In the European Union, the administrative and jurisdictional activities of border services are perceived as a separate but closely related law enforcement area aimed at ensuring compliance with legislation in the field of migration, cross-border trade, access control, and border protection.

In European Union countries, the administrative and jurisdictional work of border services is considered an important means of implementing state policy in the field of border protection and preventing violations of the law. It includes monitoring compliance with migration and border legislation, the use of administrative penalties, paperwork, verifying the legality of persons' stay, and preventing violations of border crossing rules. European approaches emphasize the integration of administrative and jurisdictional tasks with law enforcement activities and cooperation with other state and international institutions, which makes it possible to ensure comprehensive supervision, rapid detection of dangers, and effective response to possible threats to border security, while preserving the principles of legality and human rights.

The activities of border services are based on a combination of three interrelated functions: preventive, control, and repressive, each of which plays a specific role in ensuring the security of the state border. The preventive function consists of preventing offences by analysing risks, monitoring cross-border flows, carrying out preventive measures and inter-agency coordination, which makes it possible to neutralise threats before they actually materialise. The control function ensures constant monitoring of compliance with legislation, verification of documents and procedures, and prompt detection of violations, while the repressive function is aimed at responding to offences that have already been committed, applying administrative or criminal sanctions and initiating appropriate legal proceedings (Polovnikov, 2020).

Frontex (2024), the European Border and Coast Guard Agency, plays a crucial role in standardizing the activities of the border services of EU member states. Frontex has developed Guidelines for Common Minimum Standards for Border Surveillance, which promote the harmonization of practices among member states within the framework of integrated border management (Guidelines, 2024a).

Within the framework of its cooperation with EUAM Ukraine, Frontex is working to promote European standards for integrated border management (IBM), including the exchange of experience and information surveillance

(Frontex, 2024).

The theoretical and legal aspects of crime prevention, the combination of preventive, control, and repressive functions, as well as the administrative and jurisdictional mechanisms of border authorities, form the basis for analyzing specific models of national border services in EU member states. Of particular importance is the experience of countries bordering the Russian Federation, where border services combine the classic security function with extended law enforcement powers, particularly in the areas of pre-trial investigation and administrative supervision.

Let us consider a detailed analysis of the organizational structure, legal status, and practical powers of the border agencies of Poland, Finland, Lithuania, Latvia, and Estonia, which allows us to assess their effectiveness in preventing offenses and the possibility of adapting certain elements of this experience in Ukraine.

Republic of Poland

Legal status of the Polish Border Guard (Ministry of the Interior of Poland, n.d.). The Polish Border Guard (Ministry of the Interior of Poland, n.d.) is an armed and state-formed service subordinate to the Ministry of Internal Affairs and Administration of the Republic of Poland and responsible for protecting the state border on land and at sea, as well as for organizing and conducting border control. The SG functions as a police force in terms of its powers and status, which are determined by national laws and Poland's participation in the Schengen Union and the EU, including powers to prevent illegal border crossings, smuggling, and other security threats (Ministry of the Interior of Poland, n.d.).

Powers to prevent administrative and criminal offenses. Straż Graniczna has a range of powers aimed at preventing offenses, including monitoring compliance with border and migration rules, detecting attempts at illegal migration, human trafficking, smuggling, and other offenses. The formation of the SG was prompted by changes in border protection following Poland's accession to the EU and the Schengen area, which significantly expanded the scope of its law enforcement activities and interagency cooperation.

The Border Guard also performs administrative functions related to border control and the implementation of migration surveillance procedures, including the imposition of administrative sanctions in the event of violations of border or migration legislation.

In addition, the Border Guard (Ministry of the Interior of Poland, n.d.)

performs police functions, which include border control, detention of persons, enforcement of coercive measures within its competence, and cooperation with the national police and other services to ensure public peace in border regions.

The Republic of Finland

The role of the Finnish Border Guard in the national security system. The Finnish Border Guard (2026) is a key component of the state's national security system, subordinate to the Ministry of the Interior. It is responsible for guarding Finland's external borders, border control, preventive activities in the field of crime prevention, and ensuring readiness to respond to emergencies related to threats to state security.

Republic of Lithuania.

Model of the Lithuanian State Border Guard Service. The Lithuanian State Border Guard Service (Republic of Lithuania, 2000) is the central authority responsible for protecting external borders, border control, and ensuring state security. The SBGS functions as a law enforcement agency with a combination of preventive and repressive functions, integrating into the national security system and cooperating with the police, customs authorities, and military units.

Procedural and migration powers. The Lithuanian Border Guard Service has procedural powers that allow it to carry out administrative and pre-trial checks on border-related offences. The SBGS controls the processing of documents, checks the legality of foreigners' stay, has the right to impose administrative sanctions and initiate criminal proceedings within its competence. These powers provide a comprehensive combination of preventive and repressive activities, which is a characteristic feature of European border management models (State Border Guard Service of Lithuania, 2026).

Republic of Latvia

Legal basis for the activities of the Latvian State Border Guard. The Latvian State Border Guard is an independent law enforcement agency under the Ministry of the Interior, responsible for protecting the state border, border control, and preventing offenses. The activities of the SBG are regulated by the National Law on Border Guard and EU regulations in the field of integrated border management (IBM), which ensures the harmonization of national policy with European standards (State Border Guard Republic of Latvia, n.d.).

Administrative and tort jurisdiction of border authorities. The SBG exercises administrative and tort jurisdiction, including the imposition of penalties, restrictions on the right to cross the border, and the initiation of

administrative proceedings in cases of violations of border and migration legislation (European Migration Network Estonia, 2025).

Role in the EU internal security system. The Latvian Border Guard is integrated into the EU's internal security system through cooperation with Frontex and other member states (Republic of Latvia, n.d.). The SBG ensures the implementation of uniform control standards at external borders, facilitates information exchange, joint operations, and responses to cross-border threats, thereby enhancing the effectiveness of both the national and European security systems.

The Republic of Estonia

Integrated model of police and border guard services. In Estonia, border surveillance and law enforcement responsibilities are consolidated within the National Police and Border Guard Board (Police and Border Guard Board of Estonia, n.d.). This structure allows for border surveillance with police functions (Republic of Estonia, 2024).

Prevention of crime as a component of police activity. Preventing offences is a key component of the PPA's activities. Its tasks include: monitoring compliance with legislation when crossing the border, detecting and preventing illegal migration, smuggling and other criminal and administrative offences.

The updated Council of the European Union (2024), the gradual introduction of the Entry/Exit System (EES) (2025), and the strengthening of Frontex's operational powers (2025) within the framework of Integrated Border Management demonstrate the EU's development from traditional border surveillance to a multifaceted model of crime prevention.

Within the EU member states bordering the Russian Federation (Poland, Finland, Lithuania, Latvia, Estonia), these regulatory changes are particularly important, as it is at their external borders that enhanced preventive mechanisms are being tested: extended powers of border authorities in the field of administrative jurisdiction, involvement in pre-trial proceedings, use of procedural coercion measures, and the merging of border, migration, and police functions. Thus, the EU's global experience in preventing offences by border agencies is not a set of separate national practices, but a unified model created under the influence of EU developments, Frontex criteria and the Union's common security policy.

An examination of the national models of border service activities in Poland, Finland, Lithuania, Latvia, and Estonia reveals both common features and specific characteristics of their law enforcement and administrative-jurisdictional activities. In all cases, there is a noticeable integration of preventive, control, and repressive functions. Active interaction with the police, customs, and migration authorities, as well as the use of modern technologies for risk assessment and crime prevention, are also evident.

A comparative review of methods used by border services of EU member states to prevent offences allows us to identify effective practices that ensure the security of external borders in different national contexts. Although all the countries studied – Poland, Finland, Lithuania, Latvia, and Estonia—combine preventive, supervisory, and punitive functions in the work of border authorities, differences in legal status, limits of authority for preliminary investigations, administrative and judicial mechanisms, and the use of technology form specific national approaches. The systematization of these models makes it possible not only to outline common standards of EU border security, but also to consider which components of international experience can be adapted to enhance the effectiveness of crime prevention in the State Border Service of Ukraine in the context of the ongoing armed aggression of the Russian Federation.

Having examined the national models of border guard services in Poland, Finland, Lithuania, Latvia, and Estonia, a number of common features can be identified in their law enforcement and administrative-jurisdictional activities. Regardless of their legal status and national characteristics, all services combine preventive, supervisory, and punitive functions, which allows for a comprehensive approach to protecting the state border and preventing offenses. In addition, they share active cooperation with the police, customs authorities, and EU institutions, the use of the latest technologies and analytical systems for threat assessment, as well as compliance with legal principles and procedural guarantees, which ensures a high degree of effectiveness and legality in the work of border services.

To illustrate the common and distinctive features of the law enforcement and administrative-jurisdictional activities of the border services of EU member states, a comparative table (Table 1) has been compiled. It allows for the systematization of key aspects of the activities of the border authorities of Poland, Finland, Lithuania, Latvia, and Estonia in the following main areas: law enforcement and administrative powers, preventive, control, and repressive functions, interagency integration, and the use of modern technologies. This

approach makes it possible to quickly assess which elements are common to all models and which differ depending on national characteristics and security conditions.

Table 1.

Common and distinctive features of law enforcement and administrative-jurisdictional activities of the border services of Poland, Finland, Lithuania, Latvia, and Estonia

Country	Law enforcement powers	Administrative and jurisdictional powers	Cooperation and integration
Poland	Pre-trial investigation, detention, police functions	Fines, restrictions on the right to cross the border, administrative proceedings	Cooperation with police, customs services, and Frontex
Finland	Control, detention, operational measures	Administrative restrictions, document checks	Coordination with police, military, and EU agencies
Lithuania	Pre-trial checks, operational measures	Administrative sanctions, migration control	Cooperation with police and Frontex
Latvia	Police functions, detention of persons	Administrative and tort jurisdiction, fines	Cooperation with national police and Frontex
Estonia	Police functions, pre-trial checks	Administrative sanctions, document control	Close integration of police and border guards

Source: compiled by the authors based on (Ministry of the Interior of Poland, n.d.; Finnish Border Guard, 2026; State Border Guard Service of Lithuania, 2026; European Migration Network Estonia, 2025; Republic of Estonia, 2024)

The border services of all five countries combine security, law enforcement, and administrative and jurisdictional activities, performing a range of preventive, control, and repressive functions. Common features include police powers, administrative and jurisdictional activities, active interaction with the police, customs and international structures, and the use of digital and analytical tools for risk assessment. At the same time, the models differ in the scope of pre-trial powers, the degree of integration with military units, and the level of digitalization. These observations provide a basis for further assessment of the possibility of adapting European experience to the conditions of the State Border Guard Service of Ukraine.

Although the border services of Poland, Finland, Lithuania, Latvia, and Estonia demonstrate significant similarities in their general approach to preventing offenses, their national models differ significantly in terms of specific powers. The most striking differences are in the areas of pre-trial investigation, the use of procedural coercion, and the implementation of migration policy,

which determine the degree of autonomy and effectiveness of border services in specific security conditions. Table 2 provides a clear comparison of these differences and an assessment of the characteristics of national models in the five EU member states.

Table 2.
Differences in the powers of the border authorities of EU member states

Country	Pre-trial investigation	Application of procedural coercion measures	Implementation of migration policy
Poland	Authority to conduct pre-trial investigations of certain criminal offenses (smuggling, illegal migration, human trafficking)	Detention of persons, conducting interrogations and investigative actions within the scope of competence	Broad administrative powers, imposition of sanctions, deportations
Finland	Cases of pre-trial investigation limited by law; main investigative activities carried out by the police	Procedural measures are carried out jointly with the police or within clearly defined limits	Control of the migration regime mainly in cooperation with the police and migration authorities
Lithuania	Authority to conduct pre-trial checks and operational measures in relation to offences at the border	Detention, checks, interrogations within the scope of competence	Administrative and pre-trial powers regarding migration, sanctions, deportations
Latvia	Limited pre-trial investigation, main function performed by the police	Procedural measures within the law, mainly in cooperation with the police	Migration control and documentation in cooperation with the police and migration authorities
Estonia	Powers for pre-trial checks as part of integrated PPA (police + border guard)	Application of procedural coercive measures in administrative and criminal proceedings	Integrated implementation of border control, law enforcement, and migration functions

Source: compiled by the authors based on (Ministry of the Interior of Poland, n.d.; Finnish Border Guard, 2026; State Border Guard Service of Lithuania, 2026; European Migration Network Estonia, 2025; Republic of Estonia, 2024)

An examination of the similarities and differences in the activities of the border services of EU member states, as well as their powers in the field of pre-trial investigation, the application of procedural measures, and the implementation of migration policy, allows us to assess not only the effectiveness of individual models, but also their functional place in national security systems (Wagner, 2021).

For the border services of EU member states bordering the Russian

Federation – Poland, Finland, Lithuania, Latvia, and Estonia – the security factor of the border plays a decisive role in shaping their powers and organizational structure. Extensive external borders with a state that is considered a potential source of hybrid threats and cross-border crime force border authorities to combine classic security functions with expanded law enforcement powers.

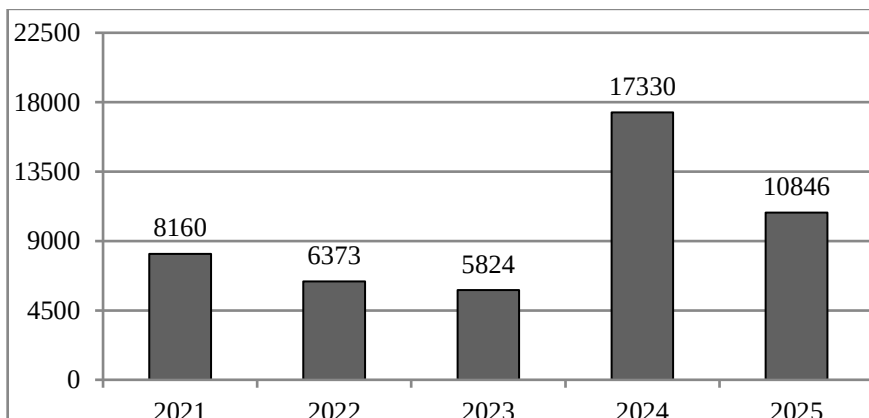
This security factor manifests itself in several key aspects:

1. Acquisition of powers relating to pre-trial investigations. Border services acquire the right to conduct pre-trial checks and investigations of offences related to smuggling, illegal movement and trafficking in human beings, enabling them to respond rapidly to security threats.
2. Application of procedural coercive measures. In situations of increased threat, border authorities have the right to detain individuals, conduct interrogations, and take other procedural actions, ensuring a rapid response to violations.
3. Enhanced coordination and integration with other security agencies. In the event of a threat from a neighboring state, border services work closely with the police, customs services, military units, and EU institutions (in particular the European Commission, 2025).
4. Adaptation to specific security conditions - includes comprehensive measures that combine preventive activities with operational steps.

According to summary data from Frontex and national border services, in 2021–2025, the EU’s eastern land border was characterized by an increased level of administrative and criminal offenses (Figure 1).

Figure 1.

Dynamics of offences along the eastern border route with the EU



Source: compiled by the authors based on (Frontex, 2023, 2025)

The sharp jump in violations in 2024 is abnormal and reflects a change in threats associated with the general escalation of the situation on the eastern flank of the EU in the context of the ongoing aggression by the Russian Federation. The decline in 2025 indicates that border services have adapted to the new conditions by strengthening operational preventive measures.

The results confirm the main conclusion of the study: the models of crime prevention used by EU border services are formed in conditions of relative stability and crisis response, but not full-scale war, which limits their direct applicability in the Ukrainian context and requires selective, critically considered adaptation. The security aspect of the border with Russia has been the main impetus for expanding the law enforcement functions of border services in EU member states (Securing Europe's borders in an era of rising complexity, 2025).

D. DISCUSSION

The experience of EU member states in the field of law enforcement and administrative and jurisdictional activities of border services demonstrates effective models of combining preventive, control, and repressive measures, integrating law enforcement and administrative functions, and applying modern digital and analytical tools. For Ukraine, which is in a state of ongoing armed aggression by the Russian Federation, this experience is a valuable guideline for improving the effectiveness of the State Border Service, improving the system of crime prevention and integrated border management (Nikiforenko & Vikhtyuk, 2024).

The results obtained allow us to generalise that the international experience of crime prevention by the border services of EU member states is formed within the framework of stable security environments, institutionally mature law enforcement systems and the functioning of the concept of integrated border management as a comprehensive administrative and legal regime. The prevention of offences in the activities of EU border services is based on a combination of risk-oriented analytics, interagency coordination, preventive tools, and expanded administrative and jurisdictional powers, including elements of pre-trial investigation.

The discrepancies identified with individual studies can be explained, firstly, by differences in the initial security conditions: EU member states, even those bordering the Russian Federation, operate outside the regime of full-scale war; secondly, by differences in the legal nature of border services, which in the EU are integrated into internal security and police systems, while the State

Border Service of Ukraine performs largely militarised and defensive functions; thirdly, by varying degrees of separation between border and migration powers.

The objective was to critically assess the capabilities and limitations of applying EU international experience in the work of the State Border Service of Ukraine and to verify the thesis about the unsuitability of mechanically transferring European models of law enforcement under conditions of ongoing armed aggression by the Russian Federation. The conclusions reached fully prove the thesis put forward. The introduction of models developed in peaceful or crisis-limited circumstances, without regard to the military background, would lead not to a strengthening of preventive potential, but to a disconnection of border management and a blurring of responsibilities among security actors.

At the same time, the study has a number of limitations. First, the analysis focuses on EU member states bordering the Russian Federation, which does not allow the conclusions to be extrapolated to all EU border models. Second, it mainly uses regulatory, legal, and institutional analysis without empirical data on operational activities, access to which is limited. Third, the results reflect the state of legal regulation in a dynamic security situation, which necessitates their further refinement.

The practical significance of the results lies in the possibility of using them to develop the administrative and jurisdictional activities of the State Border Service of Ukraine through selective adaptation rather than copying European experience. This primarily concerns the introduction of risk-oriented analytical models, strengthening interagency coordination, standardising preventive procedures, and improving legal mechanisms for responding to border offences, taking into account the martial law regime (Ganba, 2020).

The experience of EU border services is undoubtedly valuable, but directly and mechanically transferring their models to Ukraine is impossible due to a number of objective factors. Unlike EU member states, Ukraine is in a state of ongoing armed aggression by the Russian Federation, which creates constant security risks and requires adaptive, operational, and flexible approaches to border management.

Analysis shows that not all EU practices can be directly implemented in the national context, as the effectiveness of models in EU countries is due to a stable security climate, a higher degree of independence of border units, and resource capacity. In particular:

1. Legal and organizational context. In EU countries, border services have the right to conduct pre-trial investigations and have integrated law enforcement

and migration functions. In Ukraine, the State Border Service is limited in these powers, which requires legislative adaptation.

2. Security context. EU models are designed for a stable environment. While Ukraine is facing active armed aggression from the Russian Federation, this limits the possibilities for the direct application of standard procedures.

3. Resource provision. Many innovative EU approaches require significant financial and human resources, which is a limitation for Ukraine.

4. Cultural and institutional characteristics. The organizational traditions and internal procedures of Ukrainian border authorities differ from those in Europe, which requires adapting the models to national realities.

The implementation of EU border service experience in Ukraine is promising but limited. Successful implementation requires the gradual use of practices, combining them with national characteristics, legislative principles, and taking into account the conditions of ongoing armed aggression by the Russian Federation. Only such a systematic approach will ensure increased border security and prevention of violations.

An analysis of the models of activity of the border services of EU member states allows us to identify key differences from the Ukrainian border management system. The main aspects that determine the specificity of European models are the presence of pre-trial investigation powers and the combination of security, law enforcement, and migration functions within a single service or integrated structure. Table 3 clearly demonstrates these differences, highlighting aspects that need to be adapted when implementing European experience in the Ukrainian context.

Table 3.

Key differences between EU border services and the Ukrainian model

Area	EU border services	State Border Service of Ukraine	Explanation
Pre-trial investigation	Authority to conduct pre-trial checks and investigations of certain categories of criminal offenses	Limited law enforcement status, pre-trial investigations are carried out by the police and other law enforcement agencies	The EU provides border guards with the ability to respond quickly to cross-border crimes
Combination of functions	Combination of security, law enforcement, and administrative-jurisdictional functions within a single service or integrated structure (e.g., Estonia – PPA)	Partial combination of the functions of the State Border Guard Service and the State Migration Service, but with a division of powers	In the EU, the same services perform border control, law enforcement, and migration control functions, while in Ukraine these functions are formally separated

Source: developed by the authors

Effective adaptation of EU experience to Ukrainian realities requires a systematic and phased approach (Nosach et al., 2022). The security of the state, the development of its economy, and human potential depend on the effectiveness of Ukraine's state border management. The development of an effective state border management system will promote cross-border cooperation, increase state and local budget revenues, tourism, and simplify other forms of legal movement of persons, services, and goods. At the same time, Ukraine's state border must be reliably protected from all types of illegal activities that threaten national security, stability, and development (Cabinet of Ministers of Ukraine, 2019).

The ongoing armed aggression of the Russian Federation largely determines the specifics of the legal regime for the protection of Ukraine's state border. In such conditions, border authorities are forced to operate in conditions of increased threat, which requires the adaptation of legislation and rapid response to new security challenges.

Main implications for the legal regime of the border:

1. Strengthening the control powers of border guards. Within the framework of martial law and increased threat, border guards are granted the right to respond quickly and make greater use of control measures, including enhanced inspection of vehicles, cargo, and persons crossing the border.
2. Improving clearance and inspection procedures. In conditions of active combat operations, stricter control procedures are being implemented to ensure national security.
3. Application of temporary emergency measures. Legislation regulating border protection provides for the possibility of introducing temporary restrictions, prohibitions, or limited movement in border areas.
4. Strengthening integration with other law enforcement agencies: cooperation between the border service, police, military units, and intelligence agencies to respond quickly to threats and ensure security in border regions.

Thus, the international experience of EU border services demonstrates the high effectiveness of institutionally integrated, law enforcement-oriented, and technologically supported models of crime prevention. At the same time, this experience requires critical adaptation if it is to be used in Ukraine, taking into account the differences in the legal status of the State Border Guard Service, the

division of powers between state authorities, and the conditions of ongoing armed aggression by the Russian Federation.

E. CONCLUSIONS

An analysis of the activities of the border services of EU member states shows the formation of a comprehensive, multi-level model for preventing offences, based on a combination of law enforcement, administrative, jurisdictional, and preventive instruments. A key element of this model is the concept of Integrated Border Management (IBM), which ensures systematic interaction between border services and police, migration, customs, and intelligence agencies at both the national and supranational levels.

International experience shows that the prevention of offences in the border area in EU countries is not limited to a purely security function. On the contrary, the border services of Poland, Finland, Lithuania, Latvia, and Estonia are vested with broad law enforcement powers, including the right to conduct pre-trial investigations, apply procedural coercion measures, and implement elements of migration policy. This allows them to respond quickly to cross-border crime, illegal migration, hybrid threats, and violations of the state border regime.

The experience of the border services of EU member states that share a border with the Russian Federation, namely Poland, Finland, Lithuania, Latvia, and Estonia, is often considered to be most similar to the Ukrainian situation due to common security challenges. At the same time, critical analysis shows that the significance of this experience for Ukraine is limited and cannot be perceived as direct experience for implementation.

It is noted that the border services of Poland, Finland, Lithuania, Latvia, and Estonia operate as integrated law enforcement entities, combining crime prevention with administrative, jurisdictional, and procedural measures. At the same time, the effectiveness of these models is due to a stable security environment, institutional stability, and resource assistance from the European Union, which fundamentally distinguishes them from the working conditions of the State Border Service of Ukraine.

It has been argued that the experience of EU member states bordering the Russian Federation is of limited relevance to Ukraine due to the ongoing armed aggression by the Russian Federation, the legal regime of martial law, and the different distribution of law enforcement and migration powers. The mechanical

transfer of European models of law enforcement to the Ukrainian context is not only ineffective but also potentially risky in terms of the stability of the security sector:

First, despite increased security threats, these countries operate within the stable legal order of the European Union, which does not provide for full-scale combat operations on their own territory. Even under hybrid pressure from the Russian Federation, the legal regime for border protection in these countries remains largely peaceful, allowing for the implementation of standard preventive and law enforcement mechanisms that are incompatible with the conditions of active armed aggression in which Ukraine finds itself.

Second, the border services of these states have much broader law enforcement and procedural powers, particularly with regard to pre-trial investigations, the use of procedural coercion, and the implementation of migration policy. This combination of functions is the result of a long institutional evolution and harmonisation with the EU *acquis* and does not correspond to the current model of division of powers between the State Border Service of Ukraine, the National Police and the State Migration Service.

Thirdly, the level of resource, technological, and personnel support for the border services of EU member states significantly exceeds Ukraine's capabilities under martial law. The use of complex digital platforms, analytical risk management systems, and interagency integration mechanisms requires stable funding and institutional stability, which in Ukraine is limited by the priorities of the defense sector.

Fourth, the security environment of Poland, Finland, Lithuania, Latvia, and Estonia, despite their borders with Russia and hybrid threats, is fundamentally different from that of Ukraine. These states are not in a state of full-scale armed conflict, and their legal regime for border protection remains within the peaceful administrative and legal order, which allows for the use of classic preventive and law enforcement tools. Ukraine, on the other hand, is operating under martial law, where border protection is effectively part of defense activities, which makes most European procedures conceptually unsuitable.

Fifth, the border services of these countries are full-fledged law enforcement agencies with procedural powers to conduct pre-trial investigations, apply procedural coercion measures, and implement migration policy. In Ukraine, however, such a concentration of functions does not exist and cannot be recreated without a radical transformation of the entire system of internal affairs

bodies, which in wartime is not only unrealistic but also a potentially destabilising factor.

Therefore, the experience of EU member states bordering the Russian Federation can only be used as a guideline for strategic development, rather than as a model for direct borrowing. Its application in Ukraine is possible only through the selective adaptation of individual instruments for the prevention of offences, taking into account the legal regime of martial law, the peculiarities of the national security system and the division of powers between law enforcement agencies.

Despite the widespread thesis in scientific and applied research about the advisability of borrowing the experience of the border services of EU member states bordering the Russian Federation, this approach needs to be substantially revised. A thorough analysis shows that these models are only partially relevant to Ukraine and cannot be considered functionally or legally equivalent in the context of the ongoing armed aggression by the Russian Federation.

As a result, the experience of EU member states bordering the Russian Federation cannot be considered a model for full or even systematic implementation in Ukraine. Its significance is limited to a conceptual and orientational function, allowing for the borrowing of individual instruments and approaches only on condition that they are thoroughly adapted to the legal regime of martial law, the defensive orientation of the activities of the State Border Service of Ukraine, and the actual division of law enforcement powers between the security sector agencies.

The results of the study are of significant importance for the further development of the administrative and jurisdictional activities of the border service, as they allow for a rethinking of its role in the national security system in the context of ongoing armed aggression. The analysis of international experience has shown that the effectiveness of preventing offences at the border depends not on the formal expansion of powers, but on a clear regulatory definition of administrative and jurisdictional functions, their coordination with other law enforcement institutions and the ability to act in a crisis legal regime.

A critical review of European models of law enforcement allows us to form realistic directions for the development of the administrative and jurisdictional functions of the Ukrainian border service, which do not involve the mechanical borrowing of pre-trial investigation powers, but at the same time strengthen the preventive potential of border control. This refers, in particular, to the expansion of administrative response tools, risk-based selection of control objects, and

interagency coordination.

As a result, the findings of the study contribute to the formation of a conceptually new model of administrative and jurisdictional activities of the border service, focused on the prevention of offences, legal certainty and the adaptation of international experience to Ukrainian realities, rather than on the formal expansion of law enforcement powers.

It has been proven that the prospects for using international experience lie not in the formal expansion of the law enforcement powers of the State Border Service, but in the development of the administrative and jurisdictional component of its activities, the strengthening of preventive mechanisms, a risk-oriented approach to control, and the improvement of interagency cooperation. This approach meets both the security needs of the state and the principles of the rule of law.

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