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I. Shebalkov,

Senior Researcher at the KhRIFE

ORCID: <https://orcid.org/0000-0002-8325-8327>

E-mail: shebalkov@ukr.net.

SOME ISSUES OF THE EXPERT RESEARCH OF THE ADMINISTRATION OF THE MANAGEMENT DECISION BY THE COMMANDER WHILE MILITARY FORENSIC EXAMINATIONS

Analysis of the participation of military units of the Armed Forces, law enforcement agencies and military formations of Ukraine in the fighting showed that more effective use of the combat capabilities of units and military formations in modern conditions, the decisive value is used as a factor a control. One of the main tasks of managerial activity is decision making. In many spheres of life of any person, whether a Manager at work or the commander (chief) of military unit, the decision-making process is the basis of management activity.

The purpose of this article is a study by theoretical analysis of the procedure for adoption of administrative decisions of the commander (chief) at the court of military forensic examination.

The analysis of scientific works of modern Ukrainian and foreign scientists who were engaged in the study of the theoretical and practical aspects of the process of decision-making has shown that these works contain provisions that are different from each other. For the result of the analysis was reviewed and revealed the contents of the concepts «decision», «management decision», «management activities of the commander (chief)».

It should be noted that the main activity of an officer (chief) at any level is the management activity, which determines the form, content and direction of the entire military team, because the commander's decision is the basis of the process of managing the military team.

It was also revealed the main aspects and factors that affect the decisions of the commander (chief) of military unit with the participation in the fighting. After all, during his professional activity there are tasks that are different in meaning and that are constantly changing over time. Conducted by forensic experts, the content and sequence of the commander's work in the execution of the combat mission provided opportunities for optimization of research methods, in determining the effectiveness of managerial decisions that were made by the commander using the study algorithm. The attention is focused on the existence of a deficit of scientific and methodological support of judicial expertise of the military.

Keywords: decision, management decision, management officer (chief), court of military expertise, military conflict, situational, solution, study algorithm of the decision of the commander (chief).

Formulation of a scientific problem. In modern conditions, management is of decisive importance for the effective use of combat capabilities of military formations in the performance of their combat

missions. The actions of the military units will be clearly directed only after they have been assigned specific tasks and indicated appropriate methods of warfare. Participation in the armed conflict of power agencies, military formations, and the Armed Forces of Ukraine has led to a reduction in the effective use of all capabilities in the performance of combat missions by military units. Lack of coherence and interaction between leaders of military groups, low level of training of commanders led to loss of territorial integrity of Donbass and Crimea.

It should be noted that one of the main tasks of management is the decision-making, which is the basis of management activity in the economic, production, military sphere of human life.

Analysis of recent research and publications. Recent methodological provisions on the problem of decision-making by the manager, including the commander (chief), were considered by modern scientists and covered the following issues: organization of the manager work¹; psychology of the commander's decision²; questions of the psychology of military management³; conditions of development of managerial thinking⁴; formation of the commander's tactical thinking⁵; basics of military management⁶. The purpose of the article is to investigate some issues of theoretical analysis of the order of management decision making by the commander (chief) during the conduct of military examination.

¹ Skribitska L. I. Orhanizatsiia pratsi menedzhera [Organization of work of the manager]: navch. posib. Kyiv Tsentр uchbovoi literatury. 2010 [in Ukrainian].

² Rjabchuk V. D. Psihologija reshenija komandira [Psychology of the decision of the commander]. Moskva : Voenizdat, 1976. 206 s. [in Russian].

³ Dyv.: Shemchuk V. A. Model rozvytku upravlinskoho myslennia v protsesi viiskovo-profesiinoi diialnosti komandira [Model of development of managerial thinking in the process of military-professional activity of commander]. Kyiv : NUOU, 2010. S. 114–117; Shemchuk V. A. Pedahohichni umovy rozvytku upravlinskoho myslennia maibutnikh mahistriv viiskovoho upravlinnia v systemi pisladyplomnoi osvity [Pedagogical conditions for the development of managerial thinking of future masters of military management in the system of postgraduate education]: dys. kand. ped. nauk: 13.00.04. Kyiv, 2012. 175 s. [in Ukrainian].

⁴ Shemchuk V. A. Pedahohichni umovy rozvytku upravlinskoho myslennia maibutnikh mahistriv viiskovoho upravlinnia v systemi pisladyplomnoi osvity [Pedagogical conditions for the development of managerial thinking of future masters of military management in the system of postgraduate education]: dys. kand. ped. nauk: 13.00.04. Kyiv, 2012. 175 s. [in Ukrainian].

⁵ Babichev P. N. Revoljucija v voennom dele i formirovanie takticheskogo myshlenija komandirov podrazdelenij (po opytu Suhoputnyh vojsk) [the revolution in military affairs and the formation of tactical thinking of unit commanders (based on the experience of the Ground Forces)]: dis. kand. ped. nauk: 13.00.08. Moskva, 1967. 175 s. [in Russian].

⁶ Rolin I. F., Kaverin O. D. Osnovy viiskovoho upravlinnia [Fundamentals of Military Management]: navch. posib. Kharkiv, 2008 [in Ukrainian].

Presentation of Research Content. No country in the world does without government, and the basis of management theory is the process of decision-making, that is, the ability to make the decision that is necessary for the implementation of management functions. Competent and professional management is manifested primarily in the form of administrative decisions in any sphere of life of the state, and of any team, including the military.

Scientific works of domestic and foreign scientists, who have studied the theoretical and practical aspects of decision-making processes, contain provisions that differ from each other and do not have a common opinion, but all of them are based on the results of objective studies of management theory and practice. To define and clarify the basic concepts of the theory of managerial decision making, which characterize the main points, their complex analysis was conducted.

Thus, according to D. Darlow: «The decision is the point where the choice is made between alternatives and, as a rule, competing opportunities». However, competing opportunities may be non-systematic and probabilistic.

As A. Dekhtyar notes in his work¹, by decision he understands: «the result of a person's mental activity that leads to any conclusion or to the necessary actions, such as complete inaction, development of any action or choice of action from a set of alternatives and its realization». Since total inaction and action are part of a set of alternatives, this definition is redundant.

Under the managerial decision A. V. Ignatiev and M. M. Maksymtsov offer to understand «the choice of an alternative by the manager within the limits of his official powers, aimed at achievement of the goals». In other words, a management decision is a «concentrated expression of the final management process».

E. A. Smirnov in his work notes that the managerial decision «always has a social character, because the collective of the company implicitly influences the process of its adoption.» When considering a managerial decision in the social aspect, the individual peculiarities of its adoption are lost or reduced, since one of the tasks of the management unit of a manufacturing enterprise includes the maintenance of its life support. Management decision-making can be an individual process, and ensuring the stability of the socio-economic system is only one of the tasks of the management entity.

As A. Kuzmin and O. Melnyk point out, a management decision is the result of economic formalization of economic, technological, social and psychological, administrative methods of management, on the basis of

¹ Dekhtiar A. Systemnyi pidkhid do pryiniattia derzhavno-upravlinskykh rishen [A systematic approach to public administration decision-making]. Visn. Nats. un-tu vnutr. sprav. 2002. Vyp. 20. S. 192–196 [in Ukrainian].

which the management system of the organization directly influences the managed¹.

V. M. Kolpakov² notes that «a management decision is a social act prepared based on variant analysis and adopted in the established order of evaluation, which has a decisive value, contains the statement of goals and justification of the means of their implementation, organizes the practical activity of the subjects and management aimed at achieving this goal. « In our view, this definition does not fully reflect the specificity of the term and does not claim universality, because the management decision does not contain the statement of goals and justification of the means to achieve them.

«A creative act of a management entity that defines the program of activities of the team to effectively solve a mature problem based on knowledge of the objective laws of the operation of the managed system and analysis of information about its state» understands under the management decision DB. Judin in his work.

So, the scientist N. Podvirna³ in his work under the managerial decision proposes to understand the process of developing and implementing a rational solution to a problem or task, or as a fixed legal act (normative or individual).

Modern management and management science identify two basic methods of making management decisions depending on the subject: individual or individual (decision is made by one person), and group or collective (decisions are made at a general meeting or a separate group of employees).

It should be noted that the main activity of an officer (chief) at any level is management. When considering the activity of an officer (chief) as a military leader, all his activities are primarily aimed at protecting the national interests of the state. According to the law of Ukraine: «... The national interests of Ukraine are vital interests of the individual, society and state, the realization of which ensures the state sovereignty of Ukraine, its progressive democratic development, as well as safe living conditions and well-being of its citizens»

¹ Kuzmin O. Ye., Melnyk O. H. Osnovy menedzhmentu [Fundamentals of management]: pidruchnyk. Kyiv : Akademvydav, 2003. 416 s. [in Ukrainian].

² Kolpakov V. M. Teorija i praktika prinjatija upravlencheskih reshenij [Theory and practice of managerial decision-making]: ucheb. posob. K. : MAUP, 2000. 256 s. [in Russian].

³ Podvirna N. Ukrainska natsionalna ideia: realii ta perspektyvy rozvytku [Ukrainian national idea: realities and prospects of development]. Zb. nauk.prats. Natsionalnoho universytetu «Lvivska politehnika MON Ukrainy». 2011. Vyp. 23 [in Ukrainian].

The fulfillment of the tasks of ensuring the national interests of the state creates the form, direction and content of the activity of the military collective, and requires the officer, as a leader, to have the flexibility of thinking and mobility, accuracy and error. At first glance, negligible managerial misconduct may further reduce the unit's combat readiness, material and property losses, or lead to personnel losses.

Based on the tasks facing the Armed Forces of Ukraine and military formations created in accordance with the legislation of Ukraine, the main are the preparation for warfare in peacetime and the destruction of the enemy – during the war.

The General Procedure for Making a Management Decision by the Commander (Chief), enshrined in Articles 28 and 30 of the Statute of the Internal Service of Ukraine (hereinafter referred to as Statute)¹: «... Art. 28. Uniformity is one of the principles of construction and leadership of the Armed Forces of Ukraine and is:

- giving the commander all the full authority of the subordinate authority and subjecting him to personal responsibility before the state for all aspects of the life and activities of the military unit, unit and each serviceman;

- giving the commander (chief) the right to make decisions individually, to give orders;

- ensuring the implementation of these decisions (orders), based on a comprehensive assessment of the situation and guided by the requirements of the laws and statutes of the Armed Forces of Ukraine...

Art. 30. The chief has the right to give the subordinate orders and is obliged to check their execution.

The subordinate is obliged to unconditionally obey the orders of the chief, except in cases of issuance of a clearly criminal order, and to treat him with respect»

Form of submission of the administrative decision of the commander (chief) is fixed in Art. 35 (of the Statute)²: «... The order may be given to one or a group of servicemen orally or in writing, including by means of technical means of communication.

The order must be clearly stated and must not be allowed for double interpretation»

¹ Pro Statut vnutrishnoi sluzhby Zbroinykh Syl Ukrainy [On the Statute of the internal Service of the Armed Forces of Ukraine]; Zakon Ukrainy vid 24.03.1999 № 22–23. Vidomosti Verkhovnoi Rady Ukrainy. 1999. № 548–XIV [in Ukrainian].

² Pro Statut vnutrishnoi sluzhby Zbroinykh Syl Ukrainy [On the Statute of the internal Service of the Armed Forces of Ukraine]; Zakon Ukrainy vid 24.03.1999 № 22–23. Vidomosti Verkhovnoi Rady Ukrainy. 1999. № 548–XIV [in Ukrainian].

The Charter clearly states the responsibility of the commander (chief) for the correctness (legality) of making a management decision¹: «... Article 36. The commander (chief) is responsible for the order given, its consequences and compliance with the law, as well as for not taking measures to execute it, for abuse, abuse of power or official authority.

The perpetrators are held liable under the law for issuing and executing a clearly criminal order (order)».

As I. V. Bogdanyuk noted in his research²: «... the regularities of the decision-making process and the issue of optimization of the decision are the subject of scientific researches, which are conducted in two directions. The first direction was reflected in decision theory. The second area examines the behavioral aspects of human decision-making and is the subject of psychological decision-making theory ...». Based on the above, the process of managerial decision-making by the commander (chief) is complex and multifaceted. Management decision making by the commander (chief) depends on the tasks facing the military unit, the moral, physical and psychophysiology state, both individual soldiers and the entire unit, their combat training, the state of military equipment and weapons, the ability of personnel to effectively use the tasks assigned. The process of management, that is, the decision-making, puts forward requirements for the personality of the officer (chief), namely his personal qualities (education, experience, his mental abilities, ability to predict and analyze a situation that can change instantly). Also, the officer (chief) in decision making should consider the possible risks (negative consequences due to wrong decisions), as well as the interdependence of the decisions taken, when one decision leads to the necessity of making several equally important decisions.

During research on decision making by the commander (chief) in the framework of the military expertise, it is found that most officers (chiefs), when making any decision, make this majority intuitively, considering a considerable number of factors, namely: real conditions, personal experience and knowledge, features of intelligence, information about circumstances. The analysis of the decision-making process by commanders based on the same conditions and elements of the situation makes it possible to state that the decision taken may be different in content.

¹ Ibidem.

² *Bohdaniuk I. V.* Sudovo-ekspertne doslidzhennia zmistu pryiniattia rishennia komandyrom taktychnoho rivnia. Teoriia ta praktyka sudovoi ekspertyzy ta kryminalistyky [Forensic expert study of the content of decision making by the tactical level commander]: Zbirnyk naukovykh prats. Vyp.17. 2017 [in Ukrainian].

Performed by I. V. Bohdaniuk researches the content and sequence of work of the commander (staff) in organizing the execution of combat (service-combat) tasks and the conclusions drawn based on this study, give reason to note the following:

1. The decision-making process is one of the most difficult stages in all the management activities of the commander (chief) to organize the execution of combat (service-combat) tasks and relates to mental work.

2. The decision, as the final action plan of the commander to accomplish the task, which determines the order of use of available forces and means in the future battle (actions), is made according to the methodology, which is based on determining the conclusions of the assessment of the elements of the situation.

3. Comparison of the conclusions drawn on individual elements in the process of clarifying the task, assessing the situation and tactical calculations allows you to finally determine the necessary components of the decision and make it.

The above statement, considering the peculiarities of the objects of study, enables the expert in conducting a military study of the commander's decision, considering the analysis of all established factors and evaluation of the elements of the situation, to conclude on the legality and expediency of the decision by the commander.

It should be noted that in order to improve and improve the methodology of forensic research during the conduct of military research, the KhRIFE experts initiated and performed research work on the topic: «Methodology of forensic research of the work of commanders (headquarters) and military formations in the preparation and execution combat (service-combat) tasks»¹, in which the authors defined the essence of the concept:» ... the technique of forensic military examination – a system of methods, techniques and techniques used in a specific and the necessity of studying the objects of forensic military examination for solving expert tasks in order to establish facts pertaining to a subject of a certain kind, type or subspecies of forensic examination...», as well as certain methods of research were proposed and algorithm of forensic research of work was developed commander (chief) for making management decisions.

According to the proposed algorithm, the solution of the questions posed for the decision of the judicial military expertise on the study of the

¹ Metodyka sudovo-ekspertnoho doslidzhennia roboty komandyriv (shtabiv) i viiskovykh formuvan pry pidhotovtsi i vykonanni boiovykh (sluzhbovo-boiovykh) zavdan [Methods of forensic research of the work of commanders (headquarters) and military formations in the preparation and execution of combat (service-combat) tasks] [in Ukrainian].

work of commanders (chiefs) of military formations in the preparation and execution of combat (service-combat) tasks should be organized as follows:

1. Determine how and based on which ordinance combat documents of the unit assigned a combat (service-combat) task, by examining the content of all documents sent by the senior commander (or instructions).

2. Investigate the procedure for finding out (awareness) of the task received by the commander and determine what conclusions he has made.

3. Investigate the order and content of the unit commander after finding out a combat (service-combat) task.

4. Investigate the procedure for the assessment of the situation (it should be borne in mind that the results of the situation assessment commander make conclusions and outlines individual elements of the decision), paying attention to:

- a) evaluation of the enemy;

- b) an assessment of its units, units and support units;

- c) evaluation of neighbors;

- d) terrain assessment;

- e) considering the weather, the time of year, the time of day and their impact on the preparation and conduct of combat (performance of combat mission).

5. To analyze the decision of the commander, which made based on the assessment of the situation and information on his report to the senior commander.

6. To investigate the concept of battle (actions), which is the basis of the decision and depends on the task received, the place of the unit in the battle order of higher formation and is to determine the order and ways of accomplishing the task.

7. Investigate the order of the commander's decision on his work card.

8. Investigate the content of the commander's combat order.

9. Investigate the organization of subordinate unit interaction.

10. Investigate the order of practical work of the commander in subordinate units.

11. Investigate the organization of comprehensive support (intelligence, ammunition replenishment, maintenance, supply of fuel and lubricants, etc.).

12. Investigate management organization.

13. Investigate the order of action of the unit commander in combat.

14. Investigate the procedure for reporting to the senior commander, paying attention to the frequency and content.

15. Investigate (if necessary) the content of immediate reports to the senior commander.

The algorithm of forensic expert study of the work of the commander (chief) on management decision making is offered, scientifically substantiated, its application is scientifically proved and will give confidence to the expert that his conclusion will be true (correctly reflects the true state of affairs) and can serve as evidence in criminal proceedings. At present, this technique is undergoing testing in the KhRIFE forensic practice.

Conclusions. In any sphere of public administration, the decision-making process, i.e. the ability to make decisions, cannot be overestimated. Of interest is the role of the commander (chief) in making managerial decisions in the execution of professional tasks to resolve issues of strategic and tactical nature, as well as problem-management situations during the military service. So, the decision-making by the commander (chief) is done individually because of the choice of options of action from the set of alternatives under the influence of external factors in most cases intuitively. It is the understanding of the course of these processes, during the conduct of judicial military expertise allowing the expert to apply his special knowledge, experience, intuition and creative thinking, using rational logic and scientific experience, to conduct research on the appropriate decision by the commander (chief) and to determine its correctness.

Considering the current situation in the east of Ukraine and the total number of forensic investigations conducted in the framework of criminal proceedings on war crimes and crimes, the use in the expert activity developed by specialists of Kharkiv Research Institute «Methods of forensic expert study of the work of commanders (staffs) and military formations in the preparation and execution of combat (service-combat) tasks» is timely and helps to increase the reliability of expert opinions. But in view of the nature of offenses and crimes in the military sphere (their variety and number), as well as the lack of a significant number of necessary methodological developments, it is advisable to continue to carry out research work on the development and improvement of scientific and methodological support of expert activity focused on solving forensic military examination.

References

- Babychev, P. N. (1967). *Revolutsiya v voennom dele I formirovanie takticheskogo mishleniya komandirov podrazdeleniy*. dis... Candidate ped Sciences: 13.00.08. Moskva, 1967. 175 [in Russian].
- Bogdanuk, I.V. (2017). *Sudovo-erspertne doslidzhennyy zmistu priynyattyya rishennyya komandirov tartichnogo rivnya*. Collection. *Theory and practice of forensic examination and criminalistics*. Vp.17. 2017 [in Ukrainian].

- Dechtyar, A. (2002). Sustemniy pidchid do priynyattya derzhavno- upravlinskih rishen. *Visn. National un-th o affairs*. Vip. 20. 192–196 [in Ukrainian].
- Derlow, D. (2001) *Klyuchovi upravlinski rishennya tehnologiya prinyattya rishen*. Kyiv: Allow; Science thought, 2001. 242.
- Ignateva, A.V. Maksimtov, M. M. (2001). Issledovanie system upravlsnnya : study allowance for high schools. Moskva: UNITI-DANA, 2001. 160 [in Russian].
- Kolpakov, V. M. (2000) *Teoriya I praktika priynyatiya upravlencheskih resheniy: study allowance*. Kyiv: MAUP, 2000. 256 [in Ukrainian].
- Kuzmin, O. E., Melnik, O. G. (2003) *Osnovi menedzhmentu*. Kyiv: Akademvidav, 2003 [in Ukrainian].
- Metodika sudovo-erspertnogo doslidzhennia roboti komandirsv (zhtabiv) i viyskovich formuvan pri pidgotovtsi i vikonanni boyovih (sluzhbovo-boyovih) zavdan*. [in Ukrainian].
- Shemchuk, V. A. (2010). *Model rozvytku upravlinskogo mislenny v protsesi viyskovo-profesiynoyi dsyalnosti komandsra*. Materials of sciences. Pr. seminar «Development of Psychological Competence of Officials in Solving the Tasks of Military and Social Work». National Unitary Defense of Ukraine. Kyiv: NUOU, 2010. 114–117 [in Ukrainian].
- Podvirna N. *Ukrainska Natsionalna idea: realii ta perspektivi rozvytku* Collection of scientific works. *National University «Lviv Polytechnic of the Ministry of Education of Ukraine»*. Whip 23, 2011 [in Ukrainian].
- Pro Natsionalnu bezpeku Ukraini*: Law of Ukraine dated June 21, 2018 № 2469–VIII [in Ukrainian].
- Pro Statut vnutrishniy sluzhbi Zbroynih Sil Ukraini*: Law of Ukraine dated March 24, 1999 № 22–23. *Information from the Verkhovna Rada of Ukraine*, 1999. № 548–XIV [in Ukrainian].
- Rolin, I. F., Kaverin, O. D. (2008). *Osnovy viyskovogo upravlinnya*. Teaching manual. Kharkiv, 2008 [in Ukrainian].
- Ryabchuk, V. D., Kovalev, V. D. (1976). *Psikhologiya resheniya komandira*. Moskva: Warenizdat, 1976 [in Russian].
- Shemchuk, V. A. (2012). *Pedagogichni umovy rozvytku upravlinskogo myslenny maybutnih magistriv viyskovogo upravlinnya v systemi pislyadyplomnovi osvity: dis...* Candidate ped Sciences: 13.00.04. Kharkiv, 2012. 175 [in Ukrainian].
- Shramchenko, A. F. (1973). *Voprosy psikhologii upravlinny viyskamy*. M. 1973 [in Russian].
- Skribitska, L.I. (2010). *Organizatsiya pratsi menedzhera*. Kiev. Center for Educational Literature. 2010 [in Ukrainian].
- Smirnov, E.A. (2001). *Upravlencheskie resheniya*. E. A. Smirnov – Collection «Question-answer» Moskva: INFRA-M, 2001 [in Russian].
- Yudin, D. B. (1989) *Vichislstelnie sistemi teorii prinyatiya rtsheniy*. Moskva: Science [in Russian].

І. Л. Шебалков

**ДЕЯКІ ПИТАННЯ ЕКСПЕРТНОГО ДОСЛІДЖЕННЯ ПРИЙНЯТТЯ
УПРАВЛІНСЬКОГО РІШЕННЯ КОМАНДИРОМ (НАЧАЛЬНИКОМ)
ПІД ЧАС ВИКОНАННЯ СУДОВИХ ВІЙСЬКОВИХ ЕКСПЕРТИЗ**

Наведено зміст понять «рішення», «управлінське рішення», «управлінська діяльність командира (начальник)». Розкрито порядок прийняття рішення командиром (начальником). Зазначена можливість судових експертів визначати доцільність рішення, яке прийняте командиром, шляхом застосування алгоритму дослідження. Акцентовано увагу на існування дефіциту науково-методичного забезпечення судових військових експертиз.

Ключові слова: управлінське рішення, управлінська діяльність офіцера (начальника), судова військова експертиза, збройний конфлікт, оцінка обстановки, рішення.

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