






Police and civil society partnership: Peculiarities of implementation in modern conditions

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Abstract: The purpose of the article is to find out the peculiarities of the implementation of partnership relations between the police and civil society in modern conditions, based on the analysis of current Ukrainian and foreign legislation, as well as scientific literature. Partnership as a type of social interaction is characterized by the authors of the article. The essence of the term “partnership” in modern foreign science is analyzed. The main features of the partnership model of interaction of subjects are characterized, with an emphasis on the partnership between the police and civil society institutions. The main components of the mechanism of partnership interaction between the institutions of the State and civil society institutions in the field of law enforcement are considered. The experience of different countries related to the partnership of law enforcement agencies and civil society institutions is described, with the aim of promoting the formation of effective forms of partnership between the police and civil society institutions in modern Ukraine. The importance of building in Ukraine an effective partnership model of cooperation between the police and civil society institutions in modern Ukraine is emphasized. The importance of public participation in the implementation of state functions in the field of security in modern conditions is proved. The importance of trust for effective partnership is emphasized.

Keywords: Law enforcement function of the state, Police, Civil society, Interaction, Partnership relations.

1. Introduction

The formation of a partnership model of relations between the state and civil society institutions is one of the integral components of modern state-building in Ukraine. The basis of this process is the principles of social partnership, the essence and features of which are manifested in different state and legal systems in different ways.

It is well known that public order and public security are impossible without the participation of citizens. Any modern state usually stimulates and develops civic activity of the population in every possible way, based primarily on the natural desire of people to unite in order to protect themselves, their loved ones and property from criminal attacks.

The actualization of the problem of expanding the range of forms of interaction between law enforcement agencies in general and the National Police in particular with public associations and citizens in solving law enforcement problems is due to a number of objective prerequisites. First of all, we are talking about trends in the formation of civil society. Therefore, law enforcement officers are subject to quite reasonable requirements to be carriers of democratic, legal and moral values, experience and skills of open, equal dialogue on law enforcement issues, and to have the ability to constantly search for and meet public needs in the law enforcement sphere.

The issue of relations between the state and society in the current environment is of particular relevance, primarily due to the martial law regime in Ukraine and the desire of civil society to participate in addressing socially significant issues in various areas of public life.

Partnerships in the field of security and defense between the police and the public are of fundamental importance for Ukraine under martial law. After all, under martial law, the level of crime in the territories where hostilities are taking place or temporarily occupied by the Russian Federation increases, accompanied by looting, sabotage, etc. In such circumstances, effective crime fighting is possible only through close cooperation between the police and the local community.

Society seeks to actively participate in the activities of the state, forming unique forms of communities to help and support state structures, especially during the full-scale armed invasion of Ukraine by the Russian Federation and the occupation of certain parts of its territory. Given the positive results of cooperation with individuals and civil society institutions in various spheres of life, the state allows representatives of Ukrainian society to take an active part in public administration and creates conditions for possible partnership with its institutions.

The purpose of the article is to determine, based on the analysis of current Ukrainian and foreign legislation, as well as scientific literature, the specifics of partnership relations between the police and civil society in modern conditions.

The main objective of the study is to identify the main principles and areas of cooperation between the National Police of Ukraine and civil society on the basis of partnership in modern Ukraine.

2. Literature Review

While researching the issues of police-civil society partnership, the authors of this article analyzed various scientific sources that discuss modern concepts of police-community relations, as well as the specifics of partnership implementation both in Ukraine and abroad.

First of all, we are talking about Anisimov's dissertation [1], in which the scientist revealed the essence of partnership relations between public authorities (including law enforcement agencies) and civil society. The scientist defined these relations as a complex process that involves the implementation of mechanisms of mutual control and legal restrictions. Particular attention in his scientific work is paid to the partnership between the territorial bodies of the National Police and territorial communities, an integral part of which is: the development of dialogue and mutual understanding between the police and the community, ensuring transparency of police activities, effective implementation of functions and tasks of police activities, joint analysis of the level of crime in the region and ensuring an effective system of prompt response to criminal and administrative offenses.

In their research, Khatniuk and Hurkovska [2] systematized modern scientific views on the general legal principles of interaction between the National Police of Ukraine and the public. The authors concluded that the effectiveness of organizing and ensuring the protection of public order and security is impossible without the assistance and participation of the public. It is the support of the public for the activities of the national police units that is the key to preventing crime.

In the article Kozhukhar [3] described the building of partnerships between civil society institutions and the police, identified and characterized the main principles of their interaction. The scientist concluded that Ukrainian society is developing a common understanding of responsibility for the safety and quality of life in communities. An important role in this is played by the existence of a

legislative basis for the development of a strategy for police interaction with the population, as well as the participation of local governments in ensuring and supporting law enforcement activities.

Thus, in recent years, scholars have paid sufficient attention to the phenomenon of “civil society” and the functioning of civil society institutions in Ukraine. However, despite this, the theoretical and legal aspects of the formation of partnerships between state (especially law enforcement) bodies and civil society, taking into account the martial law regime in Ukraine, require in-depth study.

3. Methodology

The study is based on the works of Ukrainian and foreign scientists dedicated to understanding the essence and features of the partnership between the police and civil society. During the writing of this article, general scientific and special legal methods of scientific knowledge were used, which contributed to the disclosure of the subject of research. Thus, first of all, it is about the application of the anthropological method, which helped to clarify the essence, types and forms of interaction between police bodies and territorial communities, as well as its importance in maintaining law and order. The synergistic approach was applied during the analysis of scientific and practical problems in their interrelationship and integrity, selection of the main and essential, determination of the nature of connections in relations between the police and the population. The hermeneutic approach made it possible to apply the interpretive techniques of the "hermeneutic circle" using various methods of legal interpretation for the analysis of legal texts, their interpretation, which contributed to a deeper understanding of the components of the principle of legal certainty.

Some specifically legal methods were also used, which include various types of scientific analysis. For example, the method of legal analysis allowed us to study the legal framework that regulates police-public relations in the joint performance of law enforcement functions in modern Ukraine. The method of comparative analysis helped to study the practice of implementing partnerships between the police and the public in different countries and identify common and distinctive features. Through empirical analysis of the practice of law enforcement agencies' relations with society, specific partnerships for ensuring law and order were studied, taking into account the martial law regime, in order to identify and eliminate gaps. The method of documentary analysis allowed the author to study scientific publications, legislative acts and various official documents containing information on police-community partnerships, taking into account domestic and international experience.

On the basis of consideration of the genesis of the concepts of partnership relations between citizens and the police in developed countries, the peculiarities of the functioning of the police institute were revealed, and the factors contributing to the growth of citizens' trust in the police were clarified. The analysis of the experience of developed countries made it possible to determine that the success of the implementation of a socially oriented model of police activity in them is largely ensured by political, historical and socio-cultural aspects.

4. Results and Discussion

The reality of public life in Ukraine has been different models of relations between the state and society. The ideas of opposition between the state and society, the state absorbing civil society or civil society absorbing the state have lost their relevance. Practice shows that cooperation between the state and civil society is at the center of modern social relations.

In today's environment, which is a new stage of social development, the state and civil society, in order to ensure the fullest possible protection of private and public interests, closely interact in various directions and forms of mutual targeted influence on each other within certain limits of intervention, mutual assistance, mutual control, mutual responsibility and cooperation in the implementation of state functions.

The relationship between the state and civil society institutions is a type of social partnership, the subjects of which are citizens, on the one hand, and the state, on the other. The essence of partnership and its distinctive characteristics are the subject of special attention of social scientists and statesmen.

In the dictionary literature, partnership is defined as cooperation, mutual trust and interaction between individuals and organizations necessary to achieve a common goal [4]. Some scholars often consider partnership as a form of organization or as a characteristic of political institutions [5].

R. W. McQuaid and D. Lewis consider partnership as a way of cooperation, mutual trust and interaction between people and organizations necessary to achieve a common goal. Scientists believe that partnership is associated with the relationship between two or more stakeholders that combine different resources to jointly achieve common goals [6; 7].

Other scholars note that in the modern world, partnerships have become widespread in the field of governance [8; 9], as well as in formal and political institutions [10; 11]. This type of cooperation is most often formed in accordance with the main activities of the government [11]: the formation and implementation of partnership ideas largely depends on the legal provisions of the current legislation, on the government's determination of the incentives that encourage innovation.

P. Evans emphasizes that the peculiarity of partnership relations is the complementarity of the subjects of cooperation and the determinism of their interactions by the official authorities [9]. The complementarity of partners is aimed at “eliminating problems” and effectively finding a solution to a specific social problem. Success in solving socially significant problems strengthens cooperation, confirming that partnerships “can be established in a short time” [12].

The analysis of research by Ukrainian and foreign scholars makes it possible to identify the following main features of partnership: equality of partners, mutual trust, self-organization of the parties, voluntary participation in partnership, mutual benefit of participation in partnership, complementarity of one partner with another, publicity and openness of partnership activities.

Analysis of the practice of interaction between state authorities and the community in Ukraine and other countries shows that the participation of the self-organized public in the planning and management of long-term public programs minimizes the conflicts of interests of various subjects and contributes to the dominance of the interests of society as a whole.

The following conditions are necessary for partnership relations between the police and civil society: actions in accordance with the legal provisions of normative acts; non-interference in the competence of the authorized bodies of the parties, defined by law; interaction on an equal basis; making agreed decisions. In addition, the formation of a model of partnership between state authorities and the community requires constant dialogue and efforts on both sides.

Communities in Ukraine are empowered to act in various spheres of life. Thus, together with the state authorities, they can participate in: countering extremism, incitement to ethnic and religious hatred, and the growth of interethnic tensions; development of management decisions on the national policy of Ukraine; work on the prevention of criminal offenses, ethnic conflicts, manifestations of interethnic intolerance or hostility; exercise of public control; activities aimed at raising civic awareness and harmonization of interethnic relations.

The coexistence of the modern state and civil society develops as a complex process in which ensuring security and law and order becomes a task not only for the state but also for society as a whole, and the state, as an entity with power, allows civil society to penetrate into its sphere of activity by allowing civil society institutions to solve socially significant tasks in the law enforcement sphere.

Interaction between state bodies and society is also carried out in the law enforcement sphere. In all developed countries, civil society institutions actively cooperate with law enforcement agencies when solving the tasks of ensuring internal security. After all, only with the support of the public can today's law enforcement agencies effectively resist crime and successfully protect the rights and freedoms of people and citizens.

When organizing the interaction between the police and civil society in Ukraine, it is necessary to take into account the peculiarities of life realities that create certain obstacles in the implementation of partnership. In determining the directions and forms of partnership, the primary task is to develop a comprehensive concept of socialization of law enforcement activities, an important component of which should be a complex of measures of an organizational and legal nature, which contribute to the

strengthening of social foundations in the conduct of activities related to the protection of public order, and the creation of effective mechanisms of interaction institutions of civil society and the state in this process [13].

Identification of the mechanisms for the formation of partnerships between the police and civil society in modern Ukraine is of

- Theoretical and methodological significance due to the need of theoretical jurisprudence for new doctrinal approaches reflecting the current level of knowledge about civil society, its interaction with the State and implemented models of cooperation between police and civil society institutions in the field of law enforcement, the role of the public in preventing offenses and combating crime;
- Practical significance related to the complex multi-subjective composition of civil society and the qualitative heterogeneity of the practice of interaction between the police, socially active citizens and civil society institutions in the field of law enforcement, which problematize issues related to granting non-governmental organizations the right to participate in law enforcement and human rights activities, interaction between the police and civil society institutions in the field of implementation of the law enforcement function of the state, participation of self-organized public in ensuring security and law and order.

The establishment of police-society partnerships is recognized as one of the main tasks of the Organization for Security and Co-operation in Europe [14]. Therefore, the desire for police-society partnership is enshrined in the legislation of modern democratic states. At the same time, the mechanism for implementing partnerships between civil society institutions and the state in the area of law enforcement has several components:

- Subjective, i.e. the range of entities involved in the implementation of the law enforcement function of the state;
- Normative, i.e., legal acts that are the basis for regulating relations between state and civil society institutions;
- Functional. These are the areas of joint activity and organizational forms of interaction between the state and civil society [15].

The foundations of partnership between the police and civil society institutions are enshrined in the Declaration on the Police of the Parliamentary Assembly of the Council of Europe [16], as well as in the following legal acts of Ukraine: The Constitution of Ukraine [17], the Law of Ukraine “On the National Police” [18], the Law of Ukraine “On the Participation of Citizens in the Protection of Public Order and the State Border” [19], the Order of the Ministry of Internal Affairs of Ukraine “On Approval of the Instruction on the Organization of Activities of District Police Officers” [20], the Order of the Ministry of Internal Affairs of Ukraine “On Approval of the Instruction on the Organization of Response to Applications and Reports of Criminal, Administrative Offenses or Events, as well as Prompt Information in the Bodies (Units) of the National Police of Ukraine” [21], the Order of the Ministry of Internal Affairs of Ukraine “On Approval of the Instruction on Organization of Work of Juvenile Prevention Units of the National Police of Ukraine” [22].

Almost all public authorities undergo changes in their powers, rights and obligations, procedures and procedures during martial law. The National Police of Ukraine is no exception: a significant number of amendments have been made to the legal acts governing its activities, which regulate the functioning of this body during martial law [23]. For example, amendments to Article 23 of the Law of Ukraine “On the National Police” led to a significant expansion of the powers of police officers.

It is known that the concept of building and functioning of the police involves partnership, trust, communication and dialogue between this body and citizens. However, public trust in the National Police of Ukraine depends on the success of the police in the field of legal protection of citizens, as well as on the level of public interaction with law enforcement agencies [24]. In peacetime, the concept of “community policing”, which involves a partnership between the police and the community to ensure

security and law and order, was quite successful in Ukraine. This concept was implemented through certain programs, activities, etc., through which the community helped police officers to prevent criminal and administrative offenses, ensure law and order, thereby increasing trust in police officers.

Interaction between the police and the public has become even more fruitful during the war. During the martial law regime, the partnership between the community and the police performing law enforcement functions has grown significantly. The reason for this was the intensification of criminal groups and an increase in the number of offenses committed (looting, sabotage, collaboration, carrying and storing firearms or cold steel, etc.)

According to Pronevich, the general definition of the idea of community policing is the police's awareness of the need to take into account the public's opinions and wishes in defining and evaluating their work, cooperation with the public to identify and solve local problems, which should be focused on crime prevention [25].

Bondar emphasizes that in the context of the Community Policing concept under martial law, community involvement in the joint fight against crime becomes critically important. The organization and activities of the police based on interaction with the public, including the implementation of socially oriented principles and cooperation with the authorities and citizens, creates the basis for the successful implementation of the Community Policing concept, in particular during martial law [26].

The search for innovative forms of partnership between the police and civil society in law enforcement is based on the experience of different countries where the police operate on the basis of the principle of “active social partnership”, which involves the integration of social activity into the law enforcement system. The activities of community policing and problem-oriented policing are of interest.

After analyzing the positive practical experience of partnerships between the police and civil society in different countries, the authors of this article conclude that it is possible and appropriate to use it in Ukrainian state-building. This includes:

- Implementation of criminal prevention at the level of local governments and communities in various forms (creation of network communities of citizens involved in law enforcement and crime prevention (Japan, the Netherlands);
- Patrolling public places by self-organized citizens (UK, Germany, Canada);
- Creation of public formations of law enforcement orientation, first of all, voluntary militias (UK, USA, Estonia, Israel);
- Formation of a police reserve (USA);
- Cooperation with private security companies (Peru);
- The practice of police cooperation with religious organizations in the fight against crime (Interfaith Task Force of the Roseville Police Department (USA, California).

In addition, the experience of the following special programs is of interest for the development and more effective implementation of partnership between the police and civil society in Ukraine:

1. Neighborhood Watch (England and Wales). Neighbourhood Watch is the largest volunteer-led crime prevention charity, with over 60,000 active volunteers and more than 2 million households. The main tasks of this organization are:

- To act as a point of contact with residents, their local policing team, other local coordinators and partners to receive and cascade information relevant to their scheme members;
- To encourage their members to report suspicious incidents and / or criminal or anti-social behaviour to the police or local authority;
- To support their local police and other agencies to identify local issues and solve problems where there are community concerns [27].

2. Safe City (Poland). The main goal of the SAFE-CITIES project: to help to protect public spaces by providing a security and vulnerability assessment framework supported by an interactive platform. The specified project operates and is coordinated by governmental and non-governmental institutions

as well as technology companies, in close cooperation with executive and law enforcement authorities as well as multi-sectoral stakeholders [28].

3. Pathfinder (Denmark). Pathfinder is a Deferred Caution and Deferred Charge scheme run by Devon and Cornwall Police. The diversion scheme aims to reduce harm and re-offending through the use of interventions with a strong community focus [29]. Pathfinder has a community focus and was established as the response to the strong evidence for reduced reoffending, as a result of Checkpoint (Durham Constabulary). Pathfinder's current structure is 1 manager, 2 supervisors, 14 keyworkers (They are recruited from a range of backgrounds to ensure a mixed skill set. These include Police, Probation, Education, Drug and Alcohol and Domestic Abuse Services) and 3 support officers. Pathfinder also utilises volunteers to support participants to seek and engage with voluntary activity in their communities.

5. Conclusions

The issue of partnerships between the police and civil society is relevant, especially during the martial law regime in Ukraine.

The modern concept of law enforcement is based on the principles of collective responsibility for security, which has led to the need to change the "crisis" model (dealing with consequences) to the "social partnership" model (prevention), which is implemented through a "problem-oriented" approach to solving problems of the population that fall within the competence of the police related to public order and crime prevention.

Today, effective police activity, primarily in terms of preventing crimes and offenses, is impossible without the trust and support of citizens. At the same time, such trust is based on public opinion, i.e. expectations related to the activities of the police in providing public security services, which determines the socially oriented vector of its functioning.

Achievement of positive results in the implementation of state policy and public functions in the field of public security is possible only if there is a partnership model of cooperation between the police and civil society institutions based on mutual trust, self-organization of the parties, voluntary participation, complementarity of partners, legal equality of the parties, publicity and openness of activity.

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