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FUNCTIONAL CHARACTERISTICS OF POLICE IN A MODERN DEMOCRATIC STATE

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Annotation. The article discusses the role of police in modern democracies, focusing on their core functions and how to categorize them. It highlights the need to balance public safety with individual rights as law enforcement adapts to societal changes.

The author reviews various scholarly perspectives on police functions, tracing how these views have evolved since the Soviet era towards a more democratic approach. The paper examines the legally defined duties of Ukraine's National Police and how these shape the police's functional priorities.

Emphasizing crime prevention as a key police function in democracies, the author proposes a new classification system for police functions. This system includes five main areas: prevention, protection, crime response, service provision, and information sharing.

The article explores «function» as a legal concept, particularly in relation to policing. It notes that police functions stem from and serve to accomplish their assigned tasks.

In conclusion, the author offers a new definition of police functions in modern democracies, stressing their transparent, apolitical nature and focus on crime prevention and rights protection.

Key words: police functions, democratic state, National Police of Ukraine, law enforcement activity, classification of functions, preventive activity, protection of public order.

Problem statement. In modern democratic society, the role of the police as a guarantor of security and law and order takes on special significance. The functions of the police, their essence and diversity reflect not only the specifics of law enforcement activities but also the general level of development of democratic institutions in the state. Understanding these functions is key to effectively organizing the work of law enforcement agencies and ensuring a balance between protecting public interests and respecting the rights and freedoms of citizens.

The study of police functions in a democratic society requires a comprehensive approach that takes into account both the traditional tasks

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of law enforcement agencies and the new challenges they face in the context of globalization, technological progress, and changing nature of crime. The classification of these functions allows not only to systematize police activities but also to identify priority areas for its development, evaluate the effectiveness of work, and determine ways for improvement.

Thus, the relevance of this study is due to the need for constant updating and adaptation of police functions to changing conditions of social life. In the context of building a rule of law state and civil society, the question of how the police can effectively perform their duties while remaining within the framework of democratic principles and respect for human rights becomes particularly important. Analysis of the essence and classification of police functions will allow for a better understanding of the role of this institution in the system of public administration and its interaction with the public.

Therefore, **the goal of our research** is to analyze the essence and classify the functions of the police in a modern democratic state, determine their features and significance for ensuring law and order and protecting citizens' rights.

Analysis of the source base. The issue of the functional direction of police bodies is a topic widely studied in legal science. In particular, such scholars as V. Averyanov, N. Arabadzhi, O. Bandurka, D. Belov, Yu. Bytyak, Yu. Bysaga, K. Bugaychuk, D. Denysyuk, M. Kolodiy, V. Korolyova, O. Pronevych, O. Yarmysh, and other scientists have dedicated their works to this subject.

Presentation of research material. As D. Denysyuk and V. Korolyova aptly note, «the functions of the police in scientific terms are a complex and multifaceted issue that can be revealed as an independent category of police, which derives from its essence and reflects its purpose in society. The researcher proposes to understand the functions of law as the main directions of law's influence on social relations, reflecting its essence and social purpose in society, as well as ways of organizing social relations. Functions are directly aimed at fulfilling the tasks facing society. Functions reflect the content of executive power activities, largely characterizing the essence of the state and its social purpose. The formation of a rule of law state, strengthening of legality and law and order require improvement and enhancement of the work of the National Police bodies, whose main task is to serve society by ensuring the protection of human rights and freedoms, combating crime, maintaining public safety and order. Therefore, police functions should primarily be directed at conducting preventive and prophylactic activities against criminal and other offenses [1, p. 69].

We agree with V. Korolyova's position that the functional purpose of the police has a fundamental character, as it determines its role and significance for the development and building of civil society and the state itself, and that police functions are derived from tasks and reveal the content of the National Police of Ukraine's activities. In this regard, police activities are carried out in two directions: internal and external. A definition of the functions of the National Police of Ukraine is proposed as legally defined and established

directions of activity of police subjects, which are interconnected and coordinated and aimed at solving the tasks set before it. Based on the analysis of the Law of Ukraine «On the National Police», V. Korolyova identifies two blocks of main police functions: internal organizational and external» [1, p. 69, 70].

D. Denysyuk makes a fair conclusion that in democratic societies based on the rule of law, the police perform traditional functions, namely prevention, combating, detection of crime, ensuring public peace, maintaining public order, and protecting fundamental human rights. Also, in a democratic society, the police provide various social services that accompany their other activities, the police have their own discretion in performing these functions, help maintain the values of democracy, and themselves profess such goals [2, p.115; 3, p. 24]. The scholar identifies 12 functions of modern police, including 1) social (service), 2) preventive and prophylactic, 3) criminal procedural, 4) operative-search, 5) permissive, 6) protective, 7) material and technical support, 8) international cooperation, 9) information support, 10) scientific-methodical, 11) personnel, social and legal protection [2, p. 117].

O. Pronevych notes that in Soviet legal science, militia functions were considered in the context of the repressive (class) orientation of its activities and views the functions of modern police as reflecting the directions of its activities, which are manifested as: 1) administrative function (administrative-executive; executive-coercive); 2) operative-search; 3) criminal procedural (investigative); 4) preventive-social (prophylactic (preventive-prophylactic), social-service; 5) protective [4, p. 142-145].

In modern Ukraine, the main component of the Ministry of Internal Affairs system is the National Police of Ukraine. According to the Law of Ukraine «On the National Police», the National Police of Ukraine is a central executive body that serves society by ensuring the protection of human rights and freedoms, combating crime, maintaining public safety and order.

According to the resolution of the Cabinet of Ministers of Ukraine dated October 28, 2015, No. 877, the National Police is a central executive body whose activities are directed and coordinated by the Cabinet of Ministers of Ukraine through the Minister of Internal Affairs and which implements state policy in the areas of ensuring the protection of human rights and freedoms, interests of society and the state, combating crime, maintaining public safety and order.

Here's a translation of the provided text:

The activities of the police are directed and coordinated by the Cabinet of Ministers of Ukraine through the Minister of Internal Affairs of Ukraine according to the law. The tasks of the police, according to Article 2 of the Law of Ukraine «On the National Police» and Article 3 of the Cabinet of Ministers of Ukraine Resolution «On Approval of the Regulation on the National Police» dated October 28, 2015, No. 877, are to provide police services in the areas of:

- 1) ensuring public safety and order;
- 2) protection of human rights and freedoms, as well as the interests of society and the state;

3) combating crime;

4) providing, within the limits defined by law, assistance services to persons who, for personal, economic, social reasons or due to emergencies, need such assistance;

5) submitting proposals to the Minister of Internal Affairs regarding the formation of state policy in these areas.

In its activities, the police are guided by the Constitution of Ukraine, international treaties of Ukraine ratified by the Verkhovna Rada of Ukraine, this and other laws of Ukraine, acts of the President of Ukraine and resolutions of the Verkhovna Rada of Ukraine adopted in accordance with the Constitution and laws of Ukraine, acts of the Cabinet of Ministers of Ukraine, as well as acts of the Ministry of Internal Affairs of Ukraine issued in accordance with them, and other regulatory legal acts [5].

N. Arabadzhi, analyzing the law enforcement function of the National Police of Ukraine, summarizes that the police, in accordance with its assigned tasks:

- carries out preventive and prophylactic activities aimed at preventing offenses;

- takes measures to detect criminal and administrative offenses;

- stops detected criminal and administrative offenses;

- provides timely response to statements and reports of criminal and administrative offenses or events;

- conducts pre-trial investigation of criminal offenses within the defined jurisdiction;

- takes measures to ensure public safety and order on streets, squares, in parks, stadiums, railway stations, airports, sea and river ports, and other public places;

- provides protection of state-owned objects in cases and manner determined by law and other regulatory legal acts;

- participates in state protection;

- carries out operational and investigative activities in accordance with the law.

The law enforcement activities of the National Police of Ukraine include measures aimed at protecting the rights and freedoms of citizens and the state, ensuring public safety and order, combating crime in the legislative, executive-administrative, and practical law enforcement areas [5, p. 13].

K. Bugaychuk, considering the National Police of Ukraine as a subject of implementing the law enforcement function of the state, notes that the National Police of Ukraine implements the law enforcement function of the state in a special form inherent to it within the limits and procedure determined by the current legislation of Ukraine. The implementation of the law enforcement function of the state by the National Police of Ukraine is carried out in three main areas: legislative, executive-administrative, and practical law enforcement [6, p. 30].

The legislator, according to the Law of Ukraine «On the National Police,» has authorized the police in Ukraine to perform preventive, administrative,

operational-search, criminal procedural, executive, and protective functions. Therefore, it is necessary to establish which of the functions listed in the special Law corresponds to the prevention of offenses, which, in our opinion, should be the basis of all police activities in a democratic state. Therefore, we will first focus on the concept of «police function» in order to correctly determine its essence for the police of a democratic state.

Regarding the essence of function as a legal category, a significant number of scientific works are devoted to this issue. As L. Zamorska notes, in the literature, the concept of «function» is used in different meanings. In particular, in biology, function is a specific activity of an organ or the entire organism (function of the liver, gallbladder, etc.). In other sciences, function is the direction of action of any system (for example, in cybernetics). Thus, the term «function» is quite multidimensional, suitable for characterizing any dynamic structures, which, in turn, is determined by the specifics of the cognitive tasks of the sciences in which it is used (mathematics, biology, sociology, jurisprudence). However, in most cases, function is associated with the directed influence of a system (structure, whole) on certain aspects of the external environment. In legal science, the concept of «function» characterizes the social role of law, under which is understood either the social purpose of law, or its directions of legal influence on social relations, or both together [7, p. 4; 8]. Here we draw attention to the scientist's statement that in the process of revealing the content of any function of law, it is meant that the purpose of law and the directions it influences are interdependent, and at the same time, the directions influenced by law are determined by the purpose of law, which the state assigns to it. The social purpose of law is determined by the needs of social development, according to which laws are created aimed at consolidating certain relations, their regulation or protection [7, p. 4].

Considering the qualitative characteristics of the functions of law, L. Zamorska identifies the following main ones:

- 1) the function of law is determined by the essence of law itself, which is determined by its purpose in society. However, the scientist warns that the function is simultaneously not only a manifestation of the immanent qualities of the essence, it cannot be considered only as their «projection,» one cannot mechanically connect the functions and essence of law, since the function of law itself has a certain degree of independence;

- 2) the function characterizes the direction of the necessary influence of law on social relations, that is, such influence without which society at this stage of development cannot exist (regulation, protection, consolidation of a certain type of social relations);

- 3) the function expresses the most essential, main features of law and is aimed at implementing the tasks facing law at this stage of its development;

- 4) the function of law represents, as a rule, the direction of its active action, so one of its important features is dynamism;

- 5) constancy as a necessary feature of the function of law characterizes stability, continuity, quite long-term action. The function is constantly

inherent in law, but this does not mean that the mechanism and forms of its implementation remain unchanged, which change and develop according to the needs of practice.

Korolyova V., studying the functions of the police as a legal category, emphasizes that the latter are determined by the directions of police activity, functions are derived from tasks [9, p. 71]. We fully agree with this understanding of function as a legal category and will proceed from this thesis. At the same time, it should be noted that given that the categories of «task» and «function» differ as a whole and a part, where the category of «task» is broader than the category of «function,» the latter serves to implement the tasks set before the law enforcement body, which leads to the fact that several functions can be used to implement one task, it will be appropriate to analyze not only its tasks defined by the legislator but also obligations to determine the functional orientation of the police.

Important for identifying police functions is the generalization of their characteristic properties, which will allow forming and determining the functional orientation of modern police. Thus, we can distinguish the following characteristic features of police functions in a modern democratic state:

1) preventive (prevention of offenses, which consists in taking preventive measures aimed at identifying potential offenses and preventing their commission);

2) protective (consists in taking measures related to the protection of rights and legitimate interests of individuals and citizens; public order and safety; interests of society and the state, etc.);

3) combating crime (direct detection of offenses and identification of offenders; taking measures to stop them);

4) service (consists in taking measures related to organizing assistance within the framework of task implementation);

5) informative (organization of work with population groups, explanation and information).

Conclusions. The above allows us to propose an author's definition of the concept of «functions of the police of a modern state,» which we propose to understand as directions of influence of police activity on social relations that reflect the essence of the state-political regime of the state.

At the same time, the functions of the police of a modern democratic state are those directions of influence of police activity that are formed by the state transparently, without political bias, and implement tasks related to the prevention of offenses, taking measures to protect the rights and legitimate interests of individuals, society, and the state.

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