

FUNCTIONAL PURPOSE OF THE NATIONAL POLICE BASED ON THE EXAMPLE OF FOREIGN COUNTRIES

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Annotation. The article examines the functional purpose of the National Police of Ukraine in the context of democratic transformations and the state's European integration aspirations. Particular attention is paid to the analysis of foreign experience in the functioning of the police in Germany, France and the UK as examples of effective models of law enforcement activity. The main functions of the police are determined, in particular: protection of citizens' rights and freedoms, ensuring public safety, combating crime, preventive work and cooperation with the public. The generalization of foreign practices allowed us to identify priority areas for improving the activities of the National Police of Ukraine, in particular, strengthening its service function, accountability and professionalism. The possibilities of implementing positive international experience in the Ukrainian system of law enforcement agencies are outlined.

Key words: police, functions, functional purpose, foreign experience.

1. Formulation of the problem.

In the current conditions of rapid integration processes, there is an objective need to implement effective mechanisms of cooperation not only between states, but also between their individual structures – government bodies, institutions and organizations. This applies to all spheres of public life, including the security sphere. Law enforcement activities, as an integral part of public administration, require special attention, since its effectiveness directly affects stability and security both within the state and at its borders.

These issues are becoming particularly relevant in the context of martial law introduced in Ukraine, caused by the large-scale armed aggression of the Russian Federation. In such circumstances, effective coordination between security structures, law enforcement agencies and state authorities is becoming critical for ensuring internal security, protecting public order, countering sabotage, crime and information threats. The realities of wartime require efficiency, coordination of actions and high efficiency of all elements of the law enforcement system.

Ukraine, being on the path of reforming the public administration system, is actively working on building modern and effective institutions. Among them, the central place belongs to law enforcement agencies, in particular the National Police, which performs a wide range of tasks: from combating crime and maintaining public order to protecting the rights and freedoms of citizens. The activities of the police are key in building public trust in public authorities and ensuring internal security.

2. Analysis of scientific publications.

The issues of the functional purpose of the National Police of Ukraine were addressed by such scientists as Koroleva V.V., Ulynets V.I. Bysaga Yu.M., Belova M.V., Fridmansky R.M., Kovaliv M.V., Yesimov S.S., Lozinsky Yu.R., Grigorenko I.A., Yarmaki Kh.P., Yarmaki V.Kh., Pronevych O.S., Banchuk O.A., Tovpyga L.M., Hrytsenko V.G., Nikolenko L.M. and other scientists.

3. The purpose of the article is to study the functional purpose of the National Police of Ukraine in the context of democratic transformations and European integration aspirations of the state, as well as to analyze the foreign experience of the functioning of the police of Germany, France and Great Britain as examples of effective models of law enforcement activities, with the definition of the main functions of the police.

4. Presentation of the material.

Analyzing the functional purpose of the National Police of Ukraine, it should first of all be emphasized that one of the key tasks of the modern stage of development of civil society is to guarantee the rights and freedoms of man and citizen. This aspect is becoming particularly relevant in the context of the European integration of Ukraine, which involves the adaptation of internal institutions to democratic standards [1].

Therefore, the functions of the National Police should be understood as the key areas of its activity, through which the tasks are implemented and the main goal of the police service is achieved – ensuring security, maintaining public order and protecting the rights of citizens [1].

In this context, the reform of the National Police is an important instrument of state policy aimed at changing the paradigm of the functioning of law enforcement agencies: from a punitive apparatus to a service structure focused on protecting the rights of citizens and ensuring public safety.

The experience of developed countries shows that the functional purpose of the police is much broader than simply maintaining law and order. In most democratic states, the police perform the following basic functions: prevention and investigation of offenses, ensuring public order and providing assistance to the population. It is the combination of these areas that allows for the effective implementation of the main goal of the police – ensuring the safety of citizens [2].

As part of the study of the functional purpose of the National Police using the example of foreign countries, attention should be paid to the provisions set out in the Appendix to Recommendation Rec (2001)10 “On the European Code of Police Ethics”. According to this document, in a democratic society built on the principles of the rule of law, the main functions of the police include ensuring public order, supporting public security, protecting human rights and freedoms, provided in particular by the European Convention on Human Rights, preventing and solving crimes, as well as providing assistance and services to the population [3]. The current trend towards a pragmatic rethinking of the tasks of the police in many countries leads to an expansion of its competence – both at the regulatory level and in practical activities. This indicates the adaptation of the police to new challenges facing society and the strengthening of its role as a multifunctional institution of public security.

Most researchers consider the maintenance of public order to be the leading function of the police, which has become the foundation for the development of other areas of its activity. This approach allows not only to better understand the place of the police in the system of public administration, but also to adapt the best international practices to Ukrainian realities in the process of further transformation of the security sector [4].

Let us focus on the experience of leading countries representing the main legal families identified in legal science. Let us start with the continental (Roman-Germanic) legal family, which has been formed in Europe since the 12th century. Among its most prominent representatives are France and Germany, whose experience is extremely valuable in the context of the analysis of police functions [5, p. 131].

In the process of forming the police institution in Europe, the so-called “Kreuzberg decision” (Kreuzberg-Urteil) of 1882 played a key role, according to which the police lost the right to interfere with the freedoms and property rights of citizens without a clear legislative justification. It was from this moment that the principle was established that the state can restrict the rights of individuals

solely for the purpose of protecting the public interest, and only later, under the influence of international standards, did the police begin to include the provision of services [6, p. 91].

The police occupy a key position among state authorities both in the Federal Republic of Germany and in most other democratic countries. Its activities are based on the provisions of the Basic Law of the Federal Republic of Germany of May 23, 1949, which are detailed and specified in numerous regulatory legal acts, in particular in over five hundred federal laws, such as "On Police", "On Cooperation" and other legislative documents of the state [7].

The police of the Federal Republic of Germany are represented by the following main structures: the Federal Criminal Police, the National Police, the Federal Border Police and the Federal Office for the Protection of the Constitution. Its organizational structure corresponds to the federal structure of the country and the administrative-territorial division. The federal police includes, in particular, the Federal Border Service, the Bundestag Police Service and the Federal Criminal Service [5].

The key structural unit of the Federal Police of Germany is the Federal Border Police, which is directly subordinate to the Ministry of the Interior of the Federal Republic of Germany. Its main areas of activity include the protection and control of the state border, the fight against organized crime, combating illegal migration and drug trafficking, ensuring the security of strategically important objects, conducting investigations in the field of ecology, as well as maintaining law and order in rail and air transport [8, pp. 63-64].

The police structures of Germany operate within the Ministry of the Interior, which coordinates most domestic processes. The Federal Criminal Police Office (BKA) is part of the structure of this ministry (Department R – Police Affairs) and is directly accountable to the Minister of the Interior. The BKA's central office is located in Wiesbaden (state of Hesse), with a branch in Meckenheim near Bonn. The agency's structure is clearly structured in accordance with the main areas of its activity. The BKA's management body is headed by the president, and the operational staff includes the vice president, the heads of the three main departments (on crime control, analytics, state and personal protection), special commissioners for information security, public order support, gender issues and internal audit [9, p. 290].

Within the police system, there is a division into the general police, which deals with minor offenses, and the criminal police, which deals with serious crimes. At the federal level, the functions of coordination and support are performed by the Federal Criminal Police Department. In addition, in some investigative actions, an investigating judge participates, who, on the basis of a prosecutor's submission, can carry out judicial actions, in particular, make decisions on arrests [10].

According to the provisions of the Constitution of the Federal Republic of Germany, an important role in the organization and functioning of police agencies is played by the federal structure of the state, which is determined by the historical features of the development of individual federal states. In most cases, the police structure of each state includes a state criminal service, a police department of constant readiness and other units. The German police are entrusted with the following functions: ensuring public order and security both within the country and at its borders; detecting and investigating criminal offenses; maintaining internal security; preventing crime; legal education of the population and informing about security measures; protecting the population and providing assistance during emergencies (natural disasters, man-made accidents, military conflicts); as well as participating in civil defense measures [5, p. 336].

The interaction of the police with the prosecutor's office deserves special attention, which in the German model of criminal justice has a key functional importance. The investigation of criminal offenses is carried out under the procedural guidance of the prosecutor, who not only approves the tactics of investigative actions, but also provides mandatory instructions, regardless of the internal hierarchy of the police department. This approach allows to ensure the unity of law enforcement practice and avoid abuses.

Functional coordination between the police and the prosecutor's office also involves periodic discussion of typical errors identified during the pre-trial investigation, which contributes to the improvement of the professional level of both parties. The prosecutor not only controls the course of

the investigation, but also makes key procedural decisions: whether to transfer the case to court or close it due to insufficient evidence or the minor nature of the offense [10].

Thus, the functions of the police in the German states are implemented in close partnership with the prosecutor's office, which ensures the effective functioning of criminal justice at the regional level, and also forms a high degree of accountability, transparency and trust in the law enforcement system as a whole.

Another example worthy of attention is France – a representative of the continental legal system, where the police play a key role in ensuring public order, protecting citizens' rights and upholding the rule of law. A feature of the French model is the clear division of police structures into the National Police and the Gendarmerie, which have similar powers, but operate under different administrative jurisdictions. The National Police is subordinate to the Ministry of Internal Affairs and performs tasks of patrolling, ensuring order in cities, traffic control, checking documents, and also participates in investigative and search activities under the control of judicial authorities [11]. The Gendarmerie, in turn, is a paramilitary structure that falls under the jurisdiction of the Ministry of Defense. Its functional purpose includes not only ensuring the safety of citizens in rural areas (mainly in communities with up to 20,000 inhabitants), but also performing civil protection tasks, responding to emergencies, and conducting preventive and information work among the population. If necessary, the Gendarmerie also performs the functions of armed protection of citizens [12].

In the UK, the police organization has another unique model, based on the general English legal tradition and not enshrined in a single constitutional document, but regulated by a number of acts and customary norms. The country's police system is decentralized, with autonomous units in each administrative-territorial unit. In London, for example, the Metropolitan Police and the City of London Police operate, which are headed by commissioners. In addition to the classic tasks of combating crime, the Metropolitan Police is responsible for protecting members of the government, the royal family, diplomatic institutions, and also coordinates measures to counter terrorism.

The functional division in the British police is clearly structured. Within the units, functional areas are distinguished: operational activities, personnel work, personnel training, scientific research, information and analytical support, expertise, etc. In addition, there are a number of specialized central and regional services – in particular, the National Intelligence Service, forensic services, the Criminal Information Database (PNC), research and analytical centers under the Ministry of Internal Affairs. These structures provide not only efficiency, but also the depth of analytical support for law enforcement activities [11]. At the same time, it is worth noting that the functional purpose of the UK police is not only to ensure law and order, but also to maintain public trust through close interaction with citizens. Such interaction is implemented through the concept of "policing by consent" – policing by consent, which forms the basis for the legitimacy of the police and contributes to its effectiveness. This principle assumes that police officers perform their duties with a mandate from society, acting not as a forceful instrument of the state, but as partners of citizens in ensuring security. However, modern challenges, such as racial bias, abuse of force and new technologies, change the nature of this interaction, emphasizing the need to adapt functional approaches to the changes in the social context. Thus, the strategic goal of the police is not only to maintain order, but also to ensure respect for human rights, transparency, accountability and justice in everyday activities [13].

Comparing the functional models of the police in the above countries, a number of positive practices can be identified that can be useful for improving the work of the National Police of Ukraine. For example, the German experience of close cooperation of the police with the prosecutor's office allows to shorten the terms of investigation, reduce bureaucratic barriers and ensure procedural accountability. In turn, the French and British models demonstrate the advantages of narrow specialization of police units: due to a clear distinction of functions, the burden on each employee is reduced, the level of professional training and the quality of task performance are increased.

Thus, a multi-level police structure with the division of functions between different institutions has a positive impact on the effectiveness of law enforcement activities in general. For Ukraine, this can become a guideline in the formation of a more flexible and effective model of functional management in the field of public security.

5. Conclusions.

In the context of modern security challenges and the processes of European integration of Ukraine, the functional purpose of the police is gaining particular relevance. An analysis of the activities of the National Police of Ukraine indicates its gradual transformation from a punitive body to a service-oriented institution aimed at protecting human rights, ensuring public order and guaranteeing public safety. Such an evolution meets international standards and contributes to strengthening citizens' trust in the law enforcement system.

Comparing the Ukrainian model with the experience of Germany, France and the United Kingdom allows us to identify a number of effective practices that can be adapted in the domestic context. In particular, it is worth paying attention to:

- the German model of integration of the police and the prosecutor's office, which ensures procedural efficiency and legal accountability;
- the French approach to the separation of police and gendarmerie functions depending on the territorial specifics and the level of threats;
- the British concept of "police by consent", which forms the basis of trust between society and law enforcement officers.

In general, successful modernization of the police in Ukraine requires a comprehensive approach that includes regulatory, organizational and personnel support, strengthening interaction with other authorities, development of professional ethics and a system of public control. The implementation of best international practices should take into account national characteristics and current security challenges, in particular, martial law conditions.

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