

The Social and Humanitarian Function of Law Enforcement Agencies under Martial Law

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Abstract

The aim of the study was to determine the place and role of the humanitarian and social function of law enforcement agencies in Ukraine in the context of armed aggression. The research employed comparative law, a doctrinal approach, and legal modelling. The study's main results were the argumentation of the position that the humanitarian and social function of law enforcement agencies at the current stage includes the following elements. They are promoting the formation of civil society in Ukraine based on social justice; creation of conditions for its further development through the mobilisation of efforts and effective collective interaction. The research findings substantiate the proposition that the peculiarity of the activity of law enforcement agencies is that they are elements of the state mechanism and implement their main functions – law enforcement, and are also the guarantor of ensuring human rights and freedoms in the performance of a humanitarian and social function. The research focuses on an issue that is of urgent importance, both for the practical activity of law enforcement agencies and for further studies.

Keywords: Police; mission; social environment; crime prevention; cooperation.

Introduction

The relevance of the research is the importance of studying ways to find a balance between the interests of society and the state in the context of armed aggression against Ukraine. Ukrainian legislation is being adapted to new

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challenges, and the mechanism of activity of state authorities during martial law is changing: some were given additional powers, and others were given military command. The issue of the functioning of the security and defence sector of Ukraine and the related bodies under a special legal regime is no less important. The reason for this is that the modern defence sector is dominated by dual-purpose technologies that have both military and civilian applications (Sezal, 2023).

Corley and Reber (2023) state that community leaders, the police, as well as other service providers to the people and politicians will benefit from an informed understanding of the challenges of law enforcement reform as the discourse on the future of policing, as well as the safety and well-being of communities as a whole, deepens.

The problem of improving the professional activity of law enforcement agencies is relevant for all democratic countries. Repeated cases of police violence against unarmed civilians have drawn attention to the problems of its interaction with communities: it is seen as a political intervention to strengthen public trust and the legitimacy of the police (Peyton et al., 2019). This, as O'Reilly (2023) rightly notes, emphasises the importance of the police demonstrating moral relevance to the communities they serve.

In Slipchenko's (2022) opinion, it is appropriate to implement the Community Policing strategy in Ukraine, which can be defined in terms of an approach to policing as a principle of law enforcement activities that is community-oriented and also based on innovative cooperation between the police and the community for joint determination and resolution problems it faces. According to Roik (2023), the National Police of Ukraine as a system at the current stage has the following characteristics: integrity, variability, renewal, and determination.

As Patterson and Swan (2019) rightly point out, the social component in the performance of police officers is quite significant: police and social workers traditionally work together to solve community problems. Martin et al. (2023) support this point of view, noting that such cooperation of social and police services is necessary, as they quite often come into contact with people with mental disorders, the homeless, as well as those who abuse psychotropic or narcotic substances.

Chu and Haberfeld (2021) hold a similar position, noting that at the current stage, from a systematic perspective, law enforcement agencies must have face-to-face and interactive relations with their external environment to ensure the greatest effectiveness of the organisation and the legitimacy of the community itself. Fielding (2021) also emphasises the importance of communication between the police and representatives of society, stating that police forces use various

forms of communication with different purposes with different recipients and stakeholders.

It is worth agreeing with the opinion that the police at the current stage need to modernise and use the tools of the Internet and social networks for quick and effective communication with the public (Dias Kershaw, 2023). In turn, Hansen and Navarro (2023) and Jarvis et al. (2016) draw attention to the fact that not only social networks influence the attitude of society towards law enforcement agencies: conservatives have an unwaveringly positive attitude towards the police, while liberals fluctuate in their attitude from negative to positive.

So, the study aims to determine the socio-humanitarian function of Ukraine's law enforcement agencies under martial law. The aim involves the following research objectives:

1. Identify the social function of the state and its connection with the social and humanitarian function of law enforcement agencies of Ukraine under martial law;
2. Study the role, forms, and methods of social and humanitarian activity of law enforcement bodies under a special legal regime in Ukraine;
3. Analyse the models of the organisation of law enforcement activities in foreign countries, and identify their features and differences depending on the type of the country's legal system.

Literature review

Social processes in the country are causing large-scale transformations: not only society itself is adapting to new conditions, but also government bodies, including law enforcement agencies. In turn, new challenges involve not only the creation of new and updating of existing legislation but also the theoretical understanding of various branches of state and social life and the continuing changes to develop effective practical recommendations.

The study of Dzhura (2023) is worth noting, who states that the list of elements of the mechanism of legal support of the social function of the state includes two main elements: its regulatory, legal support, and its subjects. The first is carried out through the creation of legal norms and their corresponding regulatory legal acts in the social sphere, which regulate the behaviour of the subjects of legal relations, and the second, which must also include the system of law enforcement agencies, is determined by the variability of the state's spheres of activity, its tasks and the number of powers provided for by the legislation.

According to Bokshorn and Voloshanivska (2023), the social function of state and law enforcement agencies in the context of armed aggression against Ukraine requires revision. Among other reasons, one of the obstacles to the

effective operation of the latter and their performance of functions is the imperfection of the current Ukrainian legislation, which is characterised by the uncertainty of the systemic and functional purpose of law enforcement agencies. This situation does not contribute to the further implementation of reforms, locally coordinated activities, the observance of human rights and the maintenance of public order.

Kravchenko and Beglaryan (2023) share this point, noting that there is an urgent need to revise the current Ukrainian legislation that regulates the social security of law enforcement officers for its compliance with both international standards and the existing national legal and economic environment. Insufficient social security for law enforcement officers, especially under martial law in Ukraine, causes them to improperly fulfill their professional duties and provokes corruption risks. In turn, the appearance of this negative phenomenon in society cancels the implementation of reforms and the development of the state in all spheres of social life. Furthermore, Granholm Valmari et al. (2023) rightly emphasise that police officers often face stressful social situations during their official duties, and their professional activity is risky, which must be considered when providing them.

It is worth noting that the social security problem of law enforcement officers is not a problem unique to Ukraine. Tyson and Charman (2023) point out that in recent years, policing in the UK has been accompanied by controversies over issues of fairness, integrity, trust, and widespread concern about police misconduct. At the same time, the police in England and Wales faced another growing problem – the maintenance of police officers – because of the continuing effects of budgetary control and the global pandemic.

Gender equality in the police system is no less important. Keddie (2022) notes that recent attention to gender equality in paramilitary organisations has increased after numerous reports of a high level of discrimination based on gender, sexual harassment, and predatory behaviour. Doardo (2023) deals with a similar topic, noting that it is necessary to implement appropriate reforms, fight against widespread intimidation, discrimination, and institutional sexism, and restore public trust for the police to fully implement its social function. Improving outcomes for women and girls requires a comprehensive transformation of the police.

Singh (2022) also supports the need for sufficient social security for law enforcement officers, stating that the police are the main representative of the entire system of law enforcement agencies and realise the criminal process. Low trust in the police negatively affects the legitimacy of the authorities, and this attitude towards them is particularly problematic in violently divided societies or

those states experiencing armed conflict. Hu et al. (2020) hold the essential opinion that the research into the outlined issue is important to achieve good communication between the police and society: theoretical explanations and justifications should be provided to understand the various effects of elements of social capital on the cooperation of the public with the police, as well as it is necessary to discuss possible ways of promoting such cooperation at the level of national governments.

According to Staller et al. (2022), one of the options for increasing the effectiveness of this cooperation is the training of police officers, which involves providing them with appropriate knowledge, competencies, attitudes, and values. According to Miller (2023), not only the functions of law enforcement agencies have changed, but also the very meaning of this concept. The police is currently the body that is authorised by the state and society to act following the duty provided by law to manage public relations and processes in response to an emergency. Melkamu and Teshome (2023) noted that the lower the population of a certain area is towards the police, the less effective it will be in reducing crime. On the contrary, the unfavourable perception of the procedural justice of the police by residents will be greater.

Gugelmin et al. (2023) note that when the police perform a social function, it is important for them to observe the principle of insignificance as a tool for restraining the punitive power of the state, avoid criminalising behaviour with little social consequence, and focus their resources and the criminal justice system as a whole on more high-profile cases. Rudhanto (2022) emphasises that based on social theory, the effectiveness of policing can be determined by such indicators as the productivity of police officers, their accountability and moral desire to develop the community, to strengthen trust between citizens through the main mechanism of their level of satisfaction with the police institution based on their provided services.

According to Meershoek (2023), the conscientious attitude of society towards police officers in the Netherlands is determined by their conscientious performance of their duties, which is based on their clear compliance with the law and the desire to actively cooperate with the population, which causes citizens to have a positive, trusting attitude towards the police. In the USA, there is a partnership model of interaction between the police and representatives of society, but according to Williams and Paterson (2020), it does not sufficiently consider current challenges and needs to be reformed. At the current stage, when society is redefining itself, a pressing issue is whether there is sufficient conceptual understanding of policing to fully support its development rather than simply adhere to a common understanding of its functions.

Corley and Reber (2023) hold a similar point of view, noting that trust in law enforcement agencies is key to public cooperation in the fight against crime and increasing police accountability in the USA. The main factors that influence the level of trust between the police and society are the following: belonging of the public to a certain ethnic group (distrust of the police is higher among African Americans and Latinos in the United States) (Brunet et al., 2023). Schiff et al. (2023) also argue that support for police reform is primarily related to partisanship and ideology combined with race.

Marszałek-Kawa and Holovko (2023) note in their study that a high level of political culture is an equally important factor in building communication between the police and citizens. The Estonian police system underwent a reorientation towards cooperation between it and civil society in three main directions: closeness to people, openness of the police, high discipline, and lack of corruption.

Methods

The research was carried out in stages to achieve its goals and objectives. A separate task was fulfilled at each stage to substantiate the hypothesis about the importance of the humanitarian and social function of the police in Ukraine. The research procedure can be divided into 3 independent stages: preparatory, initial, main, and final (Figure 1).

The method of comparative law, doctrinal approach, and legal modeling were used for the research.

The method of comparative law was applied to study the main models of law enforcement activity at the current stage, depending on the type of country-specific legal system. The use of comparative law made it possible to find out that the scope of powers in the performance of a social function by law enforcement agencies of those countries that belong to the continental legal family is much wider than that in the countries that belong to the Anglo-Saxon legal system.

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| <p>Preparatory. The search for studies of the researchers from Ukraine, the USA, and the EU countries on the issues of the social function of the police at the current stage. Identification of the advantages and disadvantages of the interaction between the police and society. Suggesting the models of such cooperation and their outline.</p> | <p>Initial. Study and analysis of the material selected for the research, identification of common and distinctive features, which were provided by the researchers of Ukraine, the USA and EU countries. Description of the social function of the police in these countries. Study of the social function of the state and its relationship with the social function of the police. Analysis of the models of cooperation between the police and society.</p> | <p>Main. Substantiating the research hypothesis. Comparing the research results with the results of the analysed material. Arguing the proposition that in most cases, when comparing the studies of the researchers from Ukraine, the USA and EU countries, the social function of the police is considered as an integral part of a democratic legal state.</p> | <p>Final. Drawing conclusions based on the research results that the social function of the police, both in Ukraine and in other states, is inextricably linked with the state's duty to ensure and protect human rights and freedoms.</p> |
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Figure 1. Research stages

Source: developed by the author

The doctrinal approach was used to find out that two sub-functions can be distinguished within the humanitarian and social function of law enforcement agencies: operational, which directly relates to their performance of law enforcement tasks, and public, which involves the provision of different social services to the population by law enforcement agencies.

Using the method of legal modeling, it was found that the social functions of the state, which also determine the social functions of its law enforcement agencies, can be considered in a broad sense about all spheres of society's life or a narrow sense with the performance of social functions in a social sphere only. The application of the right modeling technique made it possible to create a model of the humanitarian and social function of law enforcement agencies in Ukraine, which provides for two levels: the higher one, related to their integrative social function, and the lower one, which correlates to their service social function.

Results

The changes that have taken place in the social consciousness of a person at the modern stage imply that there are not only material conditions for the existence of an individual but also spiritual ones: the role of a person in society, his authority, his independence of values and their significance for society. The

latter assumes that the social functions of the state can be studied in a broad and narrow sense (Figure 2).

Following the distinction between the understanding of the social function of the state in a broad and narrow sense (Figure 2), it is considered appropriate to define the social function in the first case as the activity of the state to regulate social relations and social processes that unite the community of people into a certain unity. From this perspective, the social function is all types of state activity that it carries out about society. In the second case, the matter is about the activity of the state, which it implements within the scope of a special sphere of life – in the social sphere. The latter can be defined as the existence of a person in which social groups, individuals, institutions of power and public organisations interact concerning a person's social status, his role in public life, the conditions of his life, and lifestyle. In turn, at the current stage, there are two main models of law enforcement activity in democratic states, depending on how they perform their social function and the type of legal system of the state (Figure 3).

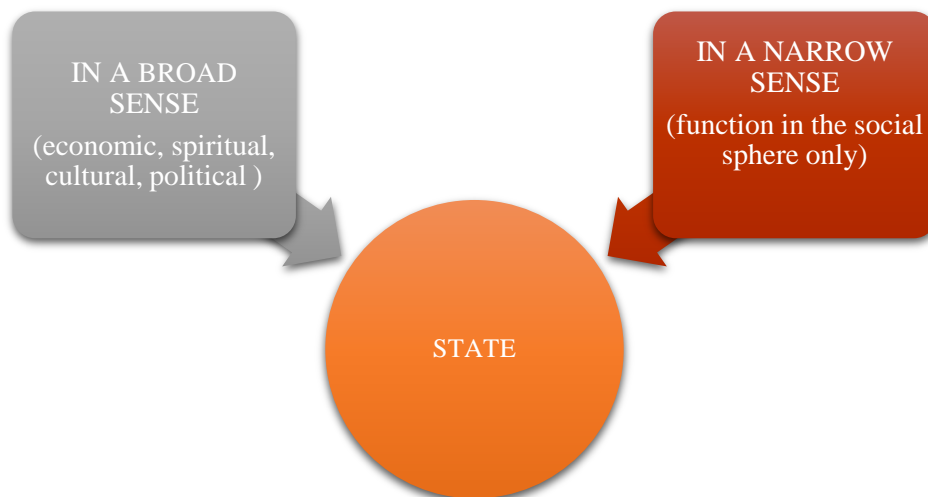


Figure 2. Social functions of the state in a broad and narrow sense

Source: developed by the author

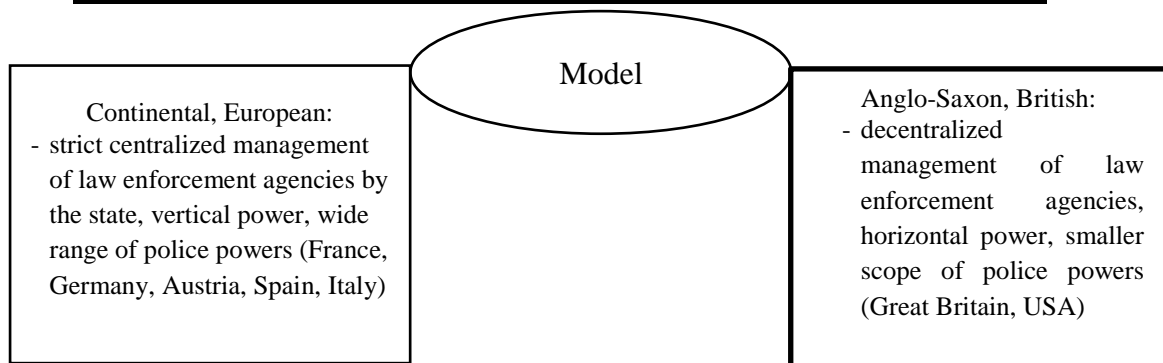


Figure 3. Basic models of law enforcement activity

Source: developed by the author

Each of the models presented in Figure 3 has its legal boundaries defined by the differences between the two legal systems: Romano-Germanic and Anglo-Saxon. According to the competences of the police and the tasks it fulfills in the countries indicated in Figure 3, additional sub-functions of the social function of law enforcement agencies can be defined as operational and public. The first is law enforcement; its tasks are prevention and fighting against illegal acts, and the second involves providing social services to the population.

Following the preceding, it is possible to generate a model of the humanitarian and social function of law enforcement agencies in Ukraine (Figure 4).

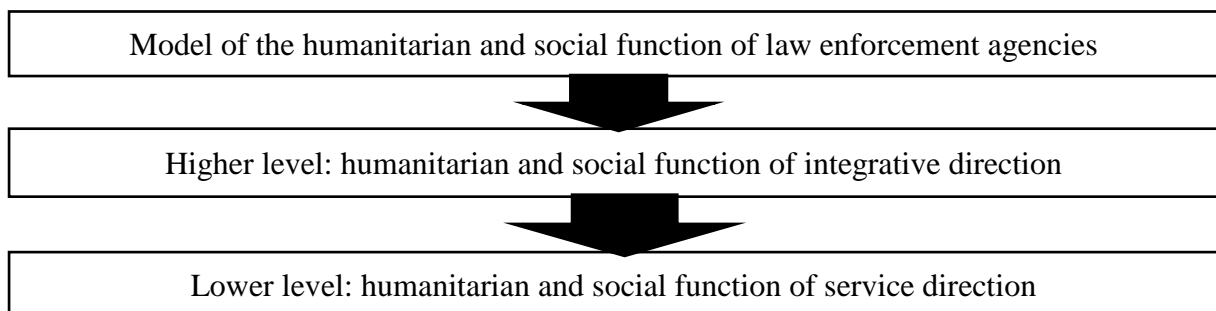


Figure 4. The Model of the humanitarian and social function of law enforcement agencies in Ukraine

Source: developed by the author

The first level, which is indicated in Figure 4, includes the humanitarian and social function, the tasks of which are the consolidation of society, modelling the behaviour of its members and the legal awareness of the entire population of a

certain state based on the social function of law. This level is the most important for Ukrainian society at the current stage, because, within its limits, the social function is conditioned by the need to resist the destructive influence of external and internal factors that can potentially threaten its integrity and development. The second level, which was defined in Figure 4, includes those tasks of the humanitarian and social function that involve assistance, protection, support of vulnerable and weakly protected population groups, as well as the creation of appropriate conditions, which can be defined as comfort for the entire social environment.

To solve the above-mentioned tasks, it is necessary to focus on changing the context of professional training of law enforcement officers, on reformatting their training regarding the use of authority in their professional activities in the future, shifting its dominant focus from the immediate cessation of crime to active preventive measures that can affect those factors of the social situation that directly provoke crime.

The beginning of the implementation of the European integration course and the new system of social and legal protection of citizens in Ukraine arose the problem of social and legal protection of law enforcement officers. Besides, the role of law enforcement agencies is different in totalitarian and democratic law-based states (Table 1):

Table 1

Differences in the role of law enforcement agencies, depending on the country's political regime

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| Law enforcement agencies in totalitarian states | An independent element of the state mechanism with its apparatus and relevant links. Repressive and punitive functions prevail. |
| Law enforcement agencies in democratic states | The activity is regulated by the state, but not focused on the realisation of its will. Tasks to ensure law and order and public safety, prevention and control of crime, provision of a wide range of social services to the population prevail. |

Source: developed by the author

So, the study of the organisation and activities of law enforcement agencies of states with established democratic traditions has theoretical and practical significance regarding the introduction of modern forms and methods of law enforcement in Ukraine.

Discussion

Based on the research results, the social function of the modern state can be defined as its activity aimed at minimising differences in its citizens' access to public goods to ensure society's stability (self-preservation). This point of view is in line with Dzhura's (2023) findings, who notes that ensuring the social function of the state aims at meeting the social needs of the population and promoting the social development of a certain society.

The results of the conducted research indicate that, first, law enforcement agencies can be classified as the most active entities that protect the population's rights. Second, the function of law enforcement agencies is not only social but also humanitarian. Bokshorn and Voloshanivska (2023) hold a similar point of view, noting that law enforcement agencies must act within the scope of the law and ensure justice, considering the rights and interests of the subjects of police relations.

An important issue in the context of armed aggression against Ukraine is the problem of legal and social security of law enforcement officers, as several significant restrictions are provided for by their legal status. This point of view is also supported by Kravchenko and Beglaryan (2023), who state that the proper performance of the duties by law enforcement officers presupposes their decent financial support.

The study results confirm that the humanitarian and social function of law enforcement agencies involves the latter's active interaction with members of the public. This point of view is also supported by Hu et al. (2020), who assume that participation in public life, social trust, and cohesion among society representatives can increase public willingness to cooperate with the police by cultivating public spirit or trust in the government. However, the study's results do not coincide with the conclusions made by Bell (2019), who notes that interaction between society and the police is variable and situational. Therefore, the social role of the police cannot be the main one. The reason for the disagreements regarding the social role of the police is a different approach to studying the interaction of law enforcement agencies and society in Ukraine and the USA because of the historical, legal, and political differences.

According to the results of the research, it was found that the dominant punitive function of law enforcement agencies is characteristic of states with a totalitarian regime, and their social function is more common in democratic law-based countries. A similar statement is made in the study by Miller (2023), who notes that police bodies are characterised by different powers and duties in countries with different legal regimes.

So, the research hypothesis that among the functions of law enforcement bodies, the humanitarian and social function can be defined as the most important, as the one that most fully enables the implementation and protection of human and citizen rights and freedoms, was confirmed.

Conclusion

The relevance of the results of the conducted research is that the modern period in the development of Ukraine due to the influence of external and internal factors, can be characterised by one main process: the reformation of the economic, social, political, and legal foundations of public-state life continues. As a result of the conducted research, we can conclude that a correct understanding of the social function of the state is necessary for the most correct and complete understanding of the humanitarian and social function of law enforcement agencies.

The practical significance of the obtained research results is that the conclusions can be used to improve the current legislation and create new legislative and by-law legal acts that regulate the activities of law enforcement agencies in Ukraine. The outlined problems are relevant for further research concerning the emergence of new public security challenges in the context of armed aggression against Ukraine and, therefore, require additional study.

Recommendations:

- The priority for use in a human-oriented world is such a communication model between law enforcement agencies and society as social dialogue.
- A police officer must be clearly aware of the importance of his powers, understand the degree of responsibility assigned to him by the state, when performing his social and humanitarian function.
- At the state level, it is necessary to strengthen and actualise the model of such social dialogue on the scale of the entire country, as it is optimally effective for building a harmonious civil society.
- It is necessary to solve this task at two levels: within the framework of the education system and the framework of the activities of state representatives (including law enforcement officers) using the model of social dialogue.

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