

The Role of Legal Mechanisms in Cooperation between the Police and Local Self-Government in Controlling the Observance of Public Order

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Abstract

The purpose of the conducted research was to determine the role of legal mechanisms for monitoring the observance of public order in the context of the interaction of police officers with local self-government bodies. To determine the legal framework for collaboration between the police and regional self-government, formal legal and comparative methods, analysis of legal acts, and abstract and logical methods were used. The forms of interaction between the police and local self-government in controlling the observance of public order are identified in the article, and recommendations for improving such cooperation are formulated. It was determined that in order to improve the proper mechanisms of interaction between police officers and local self-government bodies, it is recommended to adopt a normative document on the legislative consolidation of the mechanism of interaction in the field of public safety and order in ordinary and emergency situations. It is recommended that the responsible entities and mechanisms for monitoring the state of this interaction be identified.

Keywords: interaction, cooperation mechanisms, local self-government, police, legal regulation, public order, cooperation

Introduction

The safety of the living environment, physical safety, provision of education and health depend on the state of public law and order (Mosis, 2023). An important factor influencing the state of public order in cities and villages is the interaction between the police and local authorities representing. This is especially true in Ukraine, where Russia's invasion on

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24 February 2022 caused severe changes in the country's life (Pluhatar & Lelet, 2023). This has necessitated a review of all social and economic processes to strengthen defence capabilities and maintain public order, especially in areas bordering the frontline. Maintaining public order at the local level requires local governments and law enforcement agencies, including the National Police, to cooperate practically. A proper legal framework for such collaboration is needed to address security issues effectively. However, the legislation in this field is currently not clear and specific, and the potential for cooperation is not fully exploited. This ambiguity in legislation creates obstacles to practical collaboration between the police and local authorities. A lack of clarity can lead to misunderstandings, problem-solving delays and failure to achieve optimal results in maintaining public safety.

By examining the legal mechanisms of cooperation between the police and local self-government in controlling the maintenance of public order, this study expands the concept of policing. In our understanding, policing encompasses initiatives to prevent crime, regardless of their governmental or non-governmental origin. Policing includes using powers to enforce laws, protect persons and assets, and respond to events and emergencies (Skogan & Frydl, 2022; Sausdal, 2019). It is worth noting that thanks to technological progress, the work of the police has been significantly transformed. With the help of the latest technology, the police have improved such areas as investigation, crime, and surveillance (Smith, 2023). Scientists will define police activity as a strategic practice to maintain public order, enforce laws, and provide security. It includes such functions as patrolling, crime prevention, crime detection, traffic enforcement, community involvement, and maintaining public trust. (Nokleberg, 2020).

Important aspects in today's society are the formed ideas about militarization, optimized accountability, militarization, and the fight against terrorism. The quality of policing directly impacts community trust, cooperation, and support, making it essential. Understanding and maintaining the relationship between the police and local government is critical to upholding the rule of law, preventing crime, and ensuring the well-being and safety of the community. These relationships involve complex dynamics, perspectives, and collaborative efforts between the police and their communities. They are at the heart of modern policing. They are defined by the mutual understanding and trust between police and society to provide security successfully, enforce the law, and maintain public order. Therefore, studying the legal mechanisms underpinning such cooperation is highly relevant.

Literature review

Legal regulation of cooperation between the police and local self-government in controlling the observance of public order is a well-developed issue. In particular, Nikitin (2022) analyses the peculiarities of interaction between the National Police of Ukraine and other actors of the security and defence sector, including local self-government bodies, under martial law. In the work, considerable attention is paid to the concept of such interaction and the opinions of scientists regarding its forms. At the same time, insufficient attention has been paid to the legal regulation of cooperation between the police and local self-government. The work does not contain proposals for improving such regulation, which is its weak point Nikitin (2022). In the work of Bondar (2024), a lot of attention is also paid to the theoretical aspects of the interaction between the police and civil society. Instead, insufficient attention is paid to the practical aspects of such interaction in the work.

Saxton et al. (2020) note that community policing involves cooperation in providing a safe environment for all, including citizens actively engaged in their affairs. Other authors have expressed similar thoughts (Elliffe & Holt, 2019). Nokleberg (2020) describes the importance of community engagement and maintaining public trust in policing. Zozulia (2020) examined how the interaction between the police and local governments in law enforcement was formed and developed. Zavalnyi (2018) provided a general overview of this interaction and recommended certain forms of its application. Dniprov (2018) proposed developing a systematic methodology for organising police interaction with local self-government and the community and enshrining it in regulations. Shevchenko (2022) proposed the creation of a local (municipal) police force. These independent police structures would be financed from the local budget and subordinated to specific services and powers corresponding to local conditions. According to the author, this would lead to the MIA's decentralisation and allow local governments to independently influence the state of public order.

A thorough study of the legal, economic and organizational foundations of the interaction between local self-government bodies and the police was conducted by Basko et al. (2024). The strengths of this study are the provision of specific recommendations for improving cooperation between local self-government bodies and the police in areas close to military operations (Basko, et al, 2024).

In his work, Volokitenko (2022) investigated the normative and legal basis of the interaction of the territorial police with local self-government bodies and public formations. The author found that ensuring public order is one of the most essential functions of the state and its law enforcement agencies. The author

defines the role and place of the National Police and local self-government bodies in the state's law enforcement system. The researcher concludes that to perform the tasks entrusted to the police effectively, the National Police of Ukraine should cooperate with other state bodies, local self-government bodies, legal entities and individuals. The author proposed supplementing the draft Law of Ukraine's "On Combating Crime" with a separate section regulating the interaction between public authorities and the police.

It should be noted that the concept of the relationship between the police and local governments has been transformed with greater recognition of the police as an effective method of solving crime problems (Egwunye, 2022; Abiloye et al., 2024). The outlined actions should emphasize the promotion of cooperation with the community, as well as the establishment of partnerships between law enforcement agencies and other organizations (Igiehon, 2022). Facilitating the active participation of representatives of public organizations can form effective cooperation between its representatives and the public police. (Akpa, 2024).

The authors' publications above only cover some aspects of the legal cooperation mechanisms between the police and local self-government. Some of the conclusions previously formulated in the scientific literature require additional analysis. Scholars still need to address some shortcomings in the legislation related to the procedure for coordinating the decisions of local authorities with the police. In particular, the role of legal mechanisms in cooperation between the police and regional self-government in controlling the observance of public order in wartime still needs to be better understood.

Objectives

This article *aims to* define the role of legal mechanisms in cooperation between the police and local self-government in controlling the observance of public order (in the example of Ukraine).

Research questions:

- establish the legal basis for cooperation between the police and local self-government in controlling the observance of public order;
- define the forms of interaction between the police and local self-government in controlling the observance of public order;
- to formulate recommendations for improving legal mechanisms for cooperation between the police and local self-government in controlling the observance of public order.

Methods

The research procedure

A comprehensive approach was chosen to analyse the study's legal and regulatory framework and literature sources. Based on this analysis, the authors identify the problems of legal regulation of police cooperation with local self-government. To overcome the issues identified, recommendations for improving the legal regulation of this cooperation are formulated.

The research procedure can be depicted using the following diagram:

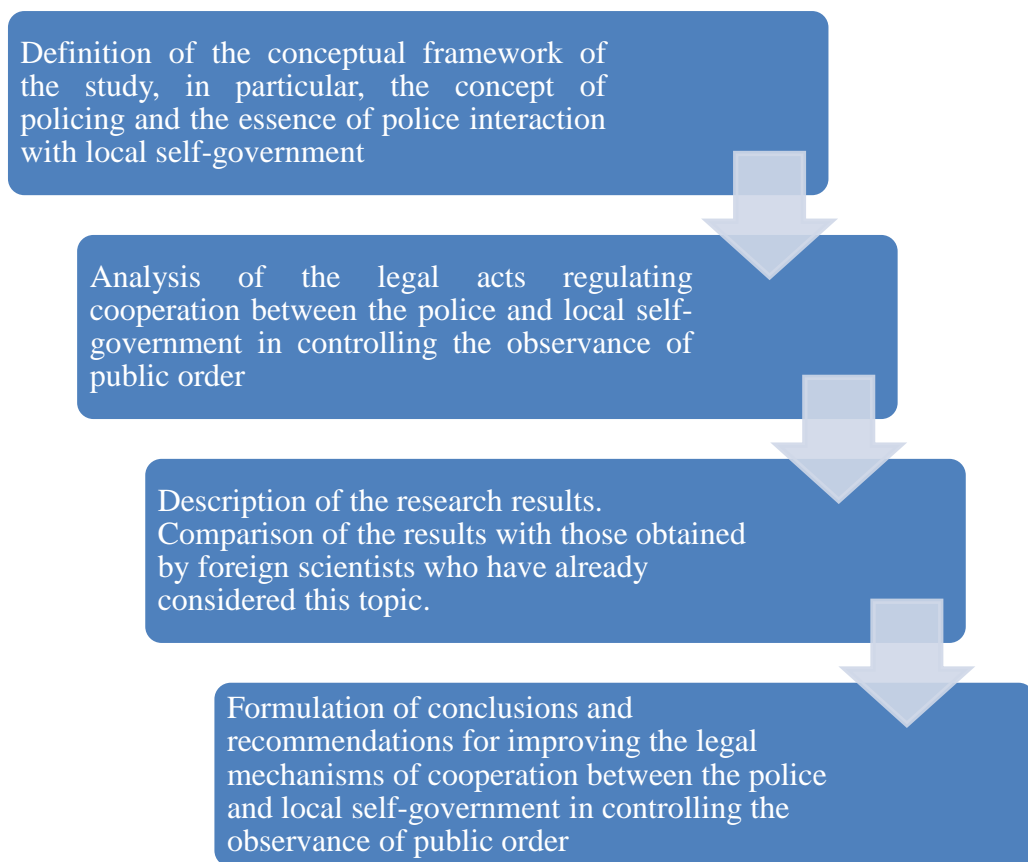


Figure 1. Scheme of the study

Methods

The study uses several methods: formal legal, comparative, abstract-logical, and method of analysis of legal acts. The methodological basis of the study is the dialectical method, which allows analysis of cooperation between the police and local self-government in controlling the observance of public order and examines the problems of legal regulation of collaboration between the police and local self-government in controlling the observance of public order. Comparative and formal legal methods were used to study the legal basis of such cooperation. Particular attention is paid to the interpretation of legal norms when studying the content of regulations. The abstract-logical method was used to formulate theoretical generalisations and conclusions of the study. The use of these methods was conditioned by an integrated approach, which made it possible to study the issues raised regarding the unity of their social content and legal form.

Sampling

For this study, we analysed the legal acts that form the legal basis for cooperation between the police and local self-government in controlling the observance of public order, in particular the Constitution of Ukraine, the Laws of Ukraine “On Local Self-Government in Ukraine”, “On the National Police”, etc. The central hypothesis in this paper is that maintaining public order at the local level is impossible without practical cooperation between local self-government and law enforcement agencies, particularly the National Police. At the same time, imperfect legal regulation and a lack of clearly defined mechanisms for such cooperation reduce its effectiveness. This ambiguity in legislation creates obstacles to practical collaboration between the police and local authorities. A lack of clarity can lead to misunderstandings, problem-solving delays and failure to achieve optimal results in maintaining public safety.

Results

The legal basis for the activities of local self-government bodies in the area of public security is provided by the provisions of the Constitution of Ukraine (Verkhovna Rada of Ukraine, 1996), the Law of Ukraine “On Local Self-Government in Ukraine” (Verkhovna Rada of Ukraine, 1997) the Law of Ukraine “On citizens' participation in the protection of public order and state border” (Verkhovna Rada of Ukraine, 2000) and other regulatory acts, including local ones, adopted by local self-government bodies. However, some of these legislative acts must be clarified and supplemented, as they contain gaps and inaccuracies that complicate their application and negatively affect public safety in municipalities. For example, the Law of Ukraine “On Local Self-Government

Bodies” does not clearly state that councils are empowered to approve development programmes, including targeted programmes on community safety.

The Law of Ukraine, “On the National Police,” also contains specific provisions on police cooperation with local self-government. According to Article 5 of the Law on the National Police, the police must constantly inform local self-government bodies about their human rights protection, crime prevention, and public safety activities. The need for such interaction is also supported by Article 11 of the Law, which states that police activities should be carried out in cooperation with the population, territorial communities and public associations to meet their needs. The Law on the National Police does not regulate all aspects of police interaction with other state bodies; some of these are addressed in the Law on Public Control over the Activities of the National Police in Ukraine, which provides open meetings with local self-government bodies for cooperation and public information. The second part of Article 9 of this law states that the police leadership should inform state and local authorities, as well as the public, about its activities in the protection of human rights and the fight against crime (Verkhovna Rada of Ukraine, 2015b).

Article 2 of the Law of Ukraine “On the National Police,” defines the police's direct and immediate tasks (Figure 2).

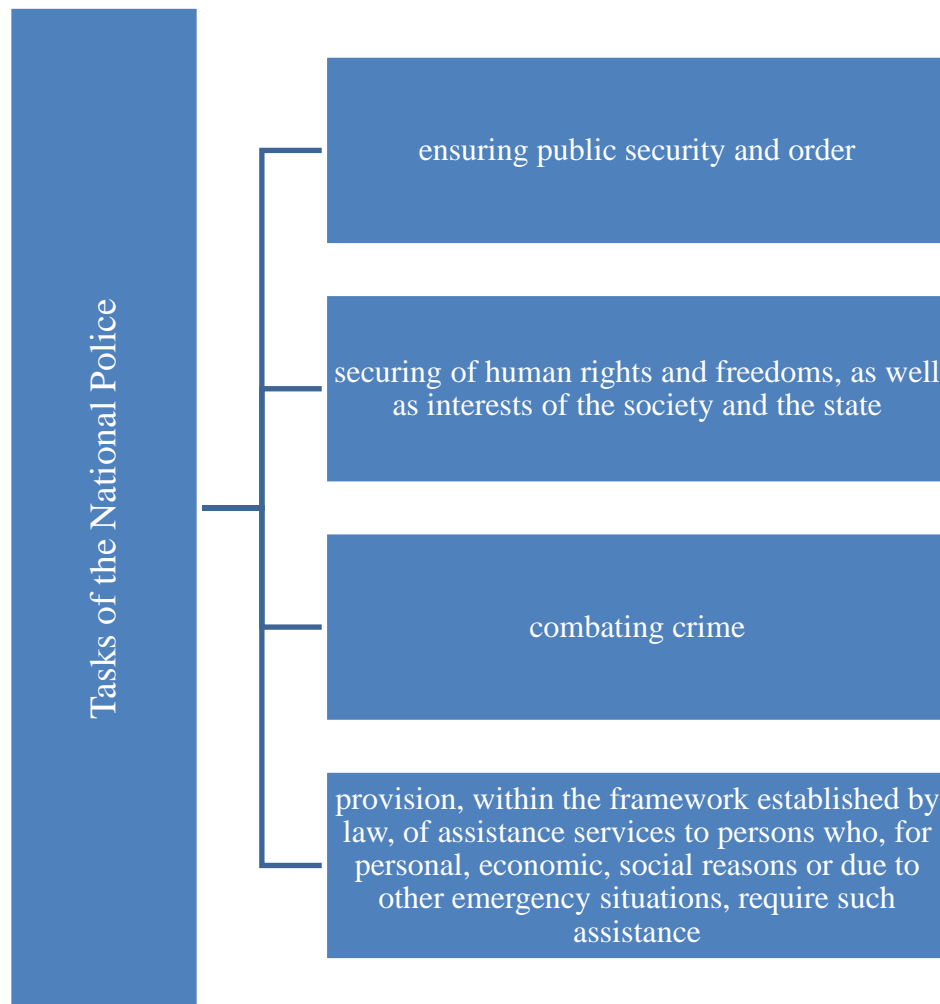


Figure 2. Direct and immediate police tasks according to Article 2 of the Law of Ukraine “On the National Police”

The specifics of the National Police's activities during martial law are defined by the Law of Ukraine “On the Legal Regime of Martial Law” (Verkhovna Rada of Ukraine, 2015a). According to this law, the police provide support to the military, courts, prosecutors and judicial authorities; inform the military administration about the legal situation; fight crime; protect public order and law and order; and have additional powers defined by the Constitution and Law of Ukraine No. 7147 of 15.03.2022 On Amendments to the Laws of Ukraine “On the National Police” and “On the Disciplinary Statute of the National Police of Ukraine” (Verkhovna Rada of Ukraine, 2022). The same law provides for

additional coercive measures, such as using technical means, including crewless aerial vehicles and special software for analysing photo and video materials, to identify individuals and vehicle licence plates.

Analysing the above legal acts allowed us to formulate a list of cooperation between the police and local self-government in controlling the observance of public order (Figure 3).

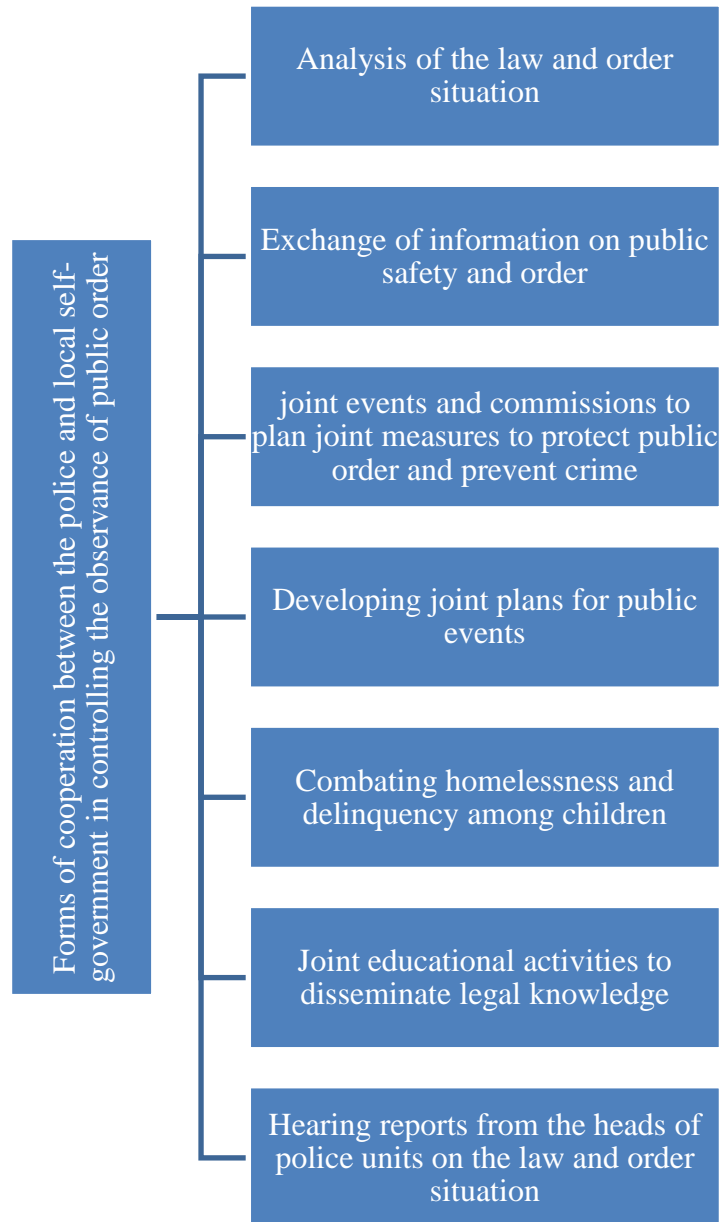


Figure 3. Forms of cooperation between the police and local self-government in controlling public order

At the same time, these forms of cooperation acquire their peculiarities under martial law. Analysing the legislation and mechanisms of operation of the police and local self-government allows us to identify the following main ways of their cooperation under martial law at the regional level (Figure 4).

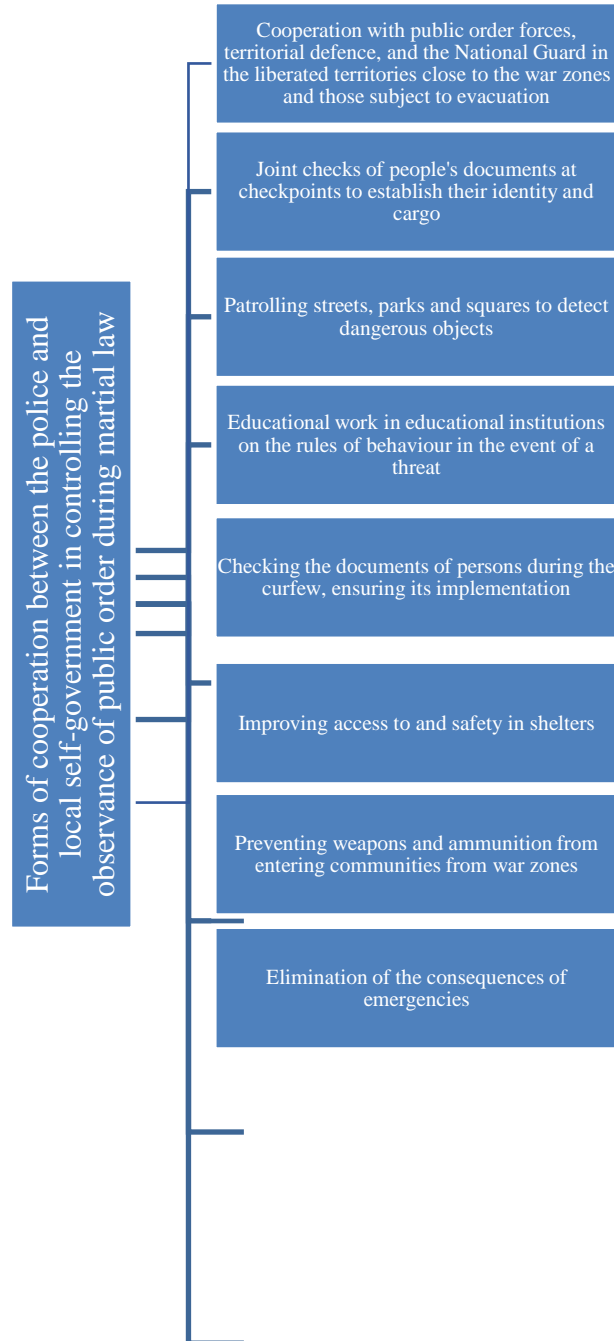


Figure 4. Forms of cooperation between the police and local self-government in controlling public order during martial law at the regional level

The analysis of the above-mentioned legal acts has shown that the legislation contains only general provisions and forms of cooperation between the police and local self-government in controlling the observance of public order. Instead, the procedures for such cooperation, working methods, funding rules and other aspects still need to be clarified and require further regulation.

Many factors, ranging from historical to contemporary issues, influence the cooperation between the police and local governments in policing and create a complex relationship between law enforcement and the public. A combination of socio-economic, cultural, historical, legal, and political factors determines the level of trust, cooperation, and interaction between the police and local governments in Ukraine.

The socio-economic conditions of a community significantly impact this relationship. Factors such as income, education, and employment determine perceptions of the police. Higher education and income levels are generally associated with more positive attitudes towards law enforcement. At the same time, lower socioeconomic status can lead to negative attitudes towards the police due to feelings of marginalisation and injustice.

Cultural and historical factors also play an essential role. Different ethnic groups, with their traditions and histories, have different perceptions of the police. Cultural norms and values influence expectations about the police's role in society.

The practices of law enforcement agencies, including their methods of performing their duties, also determine relations with the community. Honest, fair and transparent policing fosters trust and cooperation. In contrast, abuse of power or misconduct can undermine these relationships.

The legal and policy framework also determines the nature of the relationship. Effective law enforcement within the law promotes trust and legitimacy. The media also influences public perceptions of the police.

In general, the relationship between police and local governments is shaped by various social, cultural, historical, legal and political factors that create complex interactions between law enforcement and the public. It is essential to improve cooperation between the police and local authorities to foster positive interaction. To do this, one of the critical aspects is to assess the level of trust and perception held by community members. Initiatives focusing on transparency, openness, and effective communication aim to rebuild and strengthen this trust.

Discussion

The concepts outlined in this paper are controversial in the academic community. Thus, in this study, policing encompasses initiatives to prevent crime, regardless of their governmental or non-governmental origin. However, there are

different opinions on this legal phenomenon in the scientific literature, which only sometimes coincide with the one presented in this study. For example, Rudhanto (2022) notes that “policing” includes more than just police forces. It is essential to consider the informal actors, such as parents, churches, employers, spouses, friends, neighbours, professional groups, etc., who contribute to maintaining order. As we can see, Rudhanto's opinion aligns with the one presented in this study. Cummins (2020), on the other hand, sees the police as a public service agency that enforces law and order and prevents and detects crime. Selmini (2020), on the other hand, views policing as a mechanism for regulating behaviour based on authoritative power and physical coercion by law enforcement officers. It aims to preserve the social fabric and protect people and their property by promoting social harmony and preventing crime.

According to Pears and Shields (2022), the police can be viewed as a public service or social institution that aims to enforce law and order, prevent and detect crime, and ensure the safety and security of the community. Scientists claim that “police service” encompasses the individual organisations or bodies responsible for policing duties in a given area. These services may have different structures and sizes, but their primary purpose is to provide law enforcement services to the community. They include essential functions such as patrolling, crime prevention, detection, traffic enforcement, community participation and public trust (Wallace & Neptune-Figaro, 2023).

Razak (2023) argues that policing is fundamentally about serving the community and protecting its interests, which includes helping and supporting people in difficult situations, combating crime and maintaining social harmony. Awuah et al. (2021) see police services as an institution that aims to ensure public safety and order by acting within the law and providing services to the community. Ekaabi et al. (2020) emphasise that police services manifest public administration aimed at maintaining public safety and order, including effective administration, policy formulation and implementation, and service delivery to the community.

Cummins (2020) claims that police services are specific organisations or agencies that conduct police activities within a jurisdiction. While these services may vary in structure and size, their primary purpose is to provide law enforcement services to the community. According to Cummins (2022), a career as a police officer requires specialised knowledge, skills, and training, including understanding legal concepts, executing investigative tactics, and interacting effectively with diverse populations. We can agree with the latter point.

DiSalvo (2022) sees police services as a means of governance aimed at regulating and controlling society, including exercising power, enforcing the law,

and resolving conflict. Yesufu (2022) argues that police services function as an instrument of social control, using coercion and the possibility of punishment to maintain the social fabric.

Pluhatar and Lelet (2023) suggest that cooperation between the police and local self-government bodies ensures unity of action, mutual support and joint efforts to solve common problems successfully. This cooperation should include the coordination and development of joint activities, as well as ensuring effective coordination in terms of goals, objectives, place and time of joint initiatives in the field of providing the legal regime of martial law on the territory of Ukraine.

Many researchers generally express similar opinions on the practicality of more detailed legal regulation of cooperation between the police and local self-government. For example, Volokitenko (2022) suggests improving the legal regulation of the interaction mechanism between police units and local self-government bodies in public order and security. He proposed to supplement the draft Law of Ukraine “On Combating Crime” with a separate section that would regulate crime prevention in this area and the organisation of interaction between public authorities on related issues. Other researchers have expressed similar opinions (Pyshna, 2022; Korniienko, 2022).

At the same time, there are also opinions about improving such cooperation that we cannot agree with. For example, Shevchenko (2022) believes that enhancing cooperation between local self-governments and the police depends on changing their organisational structure. He proposes the creation of a regional (municipal) police force. This independent police structure would be financed from the local budget and subordinated to specific services and powers appropriate to local conditions. On the one hand, this will lead to decentralisation of the MIA and allow local governments to independently influence the state of public order.

Conclusions

Cooperation between the police and local self-governments is therefore essential to upholding the rule of law, preventing crime and ensuring the well-being and safety of the community. This relationship involves complex dynamics, perspectives and joint efforts between law enforcement organisations and communities. They are the foundation of modern policing and are defined by the mutual understanding and trust between the police and the public to provide security successfully, enforce the law and maintain public order. At the same time, Ukrainian legislation contains only general provisions and forms of cooperation between the police and local self-government in controlling public order.

Procedures for such cooperation, working methods, funding rules and other aspects still need to be clarified and require further regulation.

Prospects for future research may include proposals to regulate the competencies of participants in such cooperation and mechanisms for bringing responsible actors to justice.

Recommendations

- to adopt the Regulation on Interaction of Territorial Police Units with Local Self-Government Bodies in the Field of Control over the Observance of Public Order;

- to regulate in detail in the document mentioned above the mechanism of interaction in the field of public security and order both in normal conditions and in emergencies, including martial law;

- identify responsible entities and a mechanism for monitoring the state of this interaction.

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