THE POLICE AS THE PRIMARY GUARANTOR OF SECURITY IN THE STATE

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Abstract: Security can be understood as one of the most important, or primary, human needs, and it is closely related to other existential needs. Broadly interpreted, in modern society, it can be said that the security implies order in society, i.e. a condition in which neither the state nor its citizens are threatened by any danger. Achieving this condition requires adherence to applicable laws and regulations, which essentially implies the functioning of the rule of law. Since man became a conscious being, one of the key needs has been the need for a necessary level of security. Consequently, since the birth of the state, people began to create specific services (bodies) entrusted with important tasks of interest to the community (state) and all its members. The most visible state body tasked with the role of ensuring security is the police. Therefore, the police were created together with the state and since its inception, they have been a body of coercion in the hands of the ruling elite, with the goal of maintaining the concept of public order. Today, the level of security in society is shown statistically, i.e. through the ratio between the number of crimes and misdemeanours (negative security incidents) and the number of solved crimes and misdemeanours, i.e. it is reflected in the efficiency of state bodies responsible for prevention and repression of all negative security phenomena. The police are one of the most important state bodies for maintaining the necessary level of security. However, the responsibility for the state of security in the country cannot solely rest with the police. This responsibility must also extend to other state bodies, especially to those responsible for dealing with cases referred to them by the police.

Keywords: police, police function, competence, assessment of the security situation, security, state

Introduction

In modern conditions, the state has numerous functions. Today, one of the most important functions of the state is undoubtedly the security function. A large number of state bodies, among which the most visible to citizens is the police, fulfils this function in the name of and on behalf of the state. The police are a specialized state body that applies a wide range of regulations while fulfilling their crucial role in society. (Jovičić, 2023:9). Contemporary society

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has become highly complex and dynamic, which is especially reflected in the security segment. Thus, it can be concluded that the dynamic security environment, new dangers (challenges) and threats, as well as modern forms of crime, pose new challenges for police organizations. In this context, many authors discuss the changes and adaptations of police organizations and police officers to new social circumstances. This leads us to the conclusion that not a single police organization is exempt from social changes (Borovec & Dunaj, 2022:102). It is essential for the police to follow social changes, and to adapt to them in order to be able to adequately fulfil their primary role in society, i.e. to perform its fundamental functions. If we define the police function as the actions of the police in practice while carrying out their regular duties (Jovičić, 2005, Subošić, 2020, Jovičić & Šetka, 2023), we can conclude then that the adaptability of the police to new social circumstances and challenges also depends on its effectiveness in fulfilling its fundamental functions (more precisely, the effective performance of police duties).

Given the fact that the state has entrusted the police with the authority to use coercion in the execution of the tasks within their competence, it is clear that the police function carries also a coercive character. The application of coercion is necessary in the performance of a significant portion of police duties. While coercion is an important tool in policing, it is not the primary characteristic of the police function, nor does it imply that the police exist solely to apply the coercion. It is important to keep in mind that the police function can be viewed and defined differently in theoretical sense, but its essence consists of performance of duties aimed at maintaining and enhancing the internal security of a state. If we classify police duties based on the areas in which they are applied and in terms of achieving the objectives of police actions, we could identify the following functions of the police: social, administrative, criminal, misdemeanour, and regulatory. Through the execution of all these functions, the police facilitate the fulfilment of significant functions of the state (Milosavljević, 1998; Jovičić & Šetka, 2023), with particular emphasis on the security function of the state.

The concept of the state

Few concepts in the field of social sciences have been as frequently and diversely debated as the concept of the state. For centuries, the state has been studied as a highly complex social phenomenon from various perspectives: philosophical, legal, political, sociological, economic, and others. The origin, essence, function, role, and justification of the state have been studied by most philosophers, legal scholars, political scientists, and sociologists from Antiquity to the Present Day, whether as a standalone issue or within the context of other subjects (Savić, 2005).

The state is the fundamental and the most important form of political organization of any class-based society. It is a historical creation. It is an organization of the ruling class governed by a special law, possessing a monopoly on physical coercion through which it subjects the population within a certain territory to its sovereign authority, thereby maintaining relationships that serve the interests of the ruling class. Thus, the state is a territorial organization that exercises power over a certain number of inhabitants within a certain part of the territory, where the size of the territory and the population count are not critical factors. The essential elements of the state are the people, the authority, and the territory.

The state is the primary organization in the global society and, as such, possesses political and sovereign authority grounded in the monopoly of armed power. It regulates the most significant social relationships and performs specific functions. Therefore, it is the state that regulates the collective life of its people. By enacting legal regulations, state authorities coercively direct important social relationships. Through these legal regulations, the state produces certain effects within society, protecting specific interests and values. Various theoretical perspectives exist on this matter, but a well-founded view suggests that the state apparatus is a special type of organization primarily dedicated to maintaining peace and security within the political community, possessing the means to apply physical coercion when necessary. This is the fundamental goal or purpose of the state, to which, in modern times, other objectives such as promoting the material and spiritual well-being of society, are added. To achieve these goals in life, they are distributed across various tasks performed by different state bodies (Jovičić, 2018), among which the police hold a special position given the nature of the activities within their jurisdiction.

The state is an organization with a monopoly on physical coercion, which is applied in the name of and on the behalf of the state. The state applies coercion through its specialized bodies, with the police being certainly the most visible to citizens as the body that enforces coercion on behalf of the state. Therefore, there is no doubt that the state, as an organization having a monopoly on physical coercion, forcibly directs or regulates significant, conflicting and complex interpersonal relationships through its decisions that are binding on all members of a society (Jovičić, 2018). We can conclude that the state is an organization that corresponds to global society, has political and sovereign authority based on the monopoly of legal physical coercion as well as on economic and ideological power. It governs a precisely defined population and territory and regulates the most important social relations through legal norms, fulfilling various historical functions – ranging from conquest and defence against other societies, exploitation and repression of its own people, to the increasingly prominent role of protecting peace, security, and freedom, and achieving the well-being of all members of society (Savić, 2005).

The concept of the police

The origin and historical development of the police are directly linked to the origin and development of human civilization. The term police itself is derived from the Late Latin language (*politia*). This term is associated with the word *polis* and *politeia*, characteristic of the ancient polis. It was used in meanings that are different and much broader than the modern understanding of this word. However, it is undeniable that the term police in its modern meaning first appeared in the 16th century, during the reign of the French king Francis I (Milosavljević, 1997). Regarding the usage of the term police, it is noticeable that it has been used in various contexts throughout history. In any case, the term police entered broader usage in European countries only in the 17th and 18th centuries, denoting a rational state organization, essentially the entire state administration (Jovičić, 2023).

At the end of the 19th century, the police function was separated from the responsibilities of other sectors of interior administration. The function of the police now encompasses the tasks of maintaining public order and peace, and combating crime. Today, the term police is used in various meanings both in our country and in others. Generally,

definitions of the police tend to emphasize its organization and function. In an organizational sense, the term police primarily means a state body with all its organizational elements. In a functional sense, the term police denotes a body exercising state power which is entrusted to the police in order to ensure the security of the state and its citizens, thus fulfilling a very significant function. In our legal system, the police could be defined as a body of state administration whose primary task is to protect public order, that is, to perform tasks related to the security of the state and its citizens by maintaining public order and peace, preventing and repressing crime, and carrying out other duties within its jurisdiction (Jovičić, 2023).

Modern understandings of the concept of the police are categorized into two groups. The first primarily refers to the function of the police in society, while the second one focuses on coercion as its fundamental characteristic. Through a functionalist approach, the concept of the police is understood as a social organization created and maintained within the political process, aimed at ensuring dominant conceptions of maintaining public order. On the other hand, the coercive concept defines the police as a mechanism for distributing undisputed force, that is used according to the practical understanding of a particular situation. Finally, there is also a synthetic approach to defining the police, according to which its basic characteristics are its social function and means of coercion. Such an approach leads to a definition according to which the police represent a function that is entrusted to specific members of the community to prevent and suppress the violation of rules that are dominant in the community, and under certain conditions to do so through the use of means of coercion (Subošić, 2020).

Modern societies have been characterised by generic assumptions that invoke 'the police' as an essential requirement for the maintenance of order, without which society would be, to some degree or other, reduced to chaos (Reiner, 2013; Williams & Paterson, 2020). Therefore, in contemporary circumstances, it is widely accepted that order in the society cannot be imagined without the existence of the police.

As we know, the Western Balkans have experienced significant turbulence during various historical periods. These turbulences and different historical contexts have profoundly influenced the role that the police have played in previous social systems as well as in the current socio-political environment. In particular, the work of the police in our region was influenced by certain historical periods that had a strong impact on the functionality of the police and the relationship between citizens and the police. (Dimovski, Šetka & Đukić, 2018). In those periods, the role of police officers in society changed, as well as the relations they had with citizens. However, regardless of these changes, the police have consistently remained one of the key factors for the realization of the security function.

The security function and the role of the police in its implementation

It seems that the most evident foundation of security as a fundamental function of the state was provided by the German scholar Wilhelm von Humboldt at the turn of the 18th to the 19th century in his work *Ideas for an Attempt to Determine the Limits of the Effectiveness of the State*. In this work, Humboldt poses the question: "To what end ought the whole apparatus of the state to aim, and what limits ought to be set to its activity? In response to this question, he states: "The true scope of the effectiveness of the state could be defined as everything that it could do for the benefit of society..., with the state's effort not to interfere in the private affairs of citizens wherever they have no direct connection with the violation of one person's

rights by another. Also, he believes that "the provision of security, against both external enemies and internal dissensions must constitute the purpose of the state" (Humbolt, 1991; Pavlović, 2018).

Security is not a simple phenomenon, on the contrary, it is a complex social phenomenon. According to Abram Malow, it is one of the five basic human needs in general. Therefore, the need for security is a fundamental psychological need. It is the need for stability, order, structure, as well as the need for predictability of events in the near or distant future. Consequently, the feeling of personal security is closely linked to every other type of security that people strives for, such as such as economic or social security. The issue of security has preoccupied both individuals and human society as a whole since their inception. It is an existential and eternal question. It is an existential issue because, without the ability to achieve security at a fundamental level, survival is not possible, and it is eternal because threats are constant, so the security function is also permanent (Tatalović & Bilandžić, 2005).

Despite being a fundamental social need, security is understood and interpreted differently by both theorists and practitioners. Thus, when the need for security is viewed in a social context, it is important to point out that security does not mean living in a reality filled with law enforcement officers, who are ready to preempt any deviant activity at any moment and overcome ill-intentioned fellow citizens. Rather it means living everyday life and at the same time not thinking about how safe it is to walk down a street, at what time it is or is not advisable to leave the house, and whether you should spend money on technological security measures. So, in a metaphorical sense, the content of the concept of civil security, can be described as being able to walk and drive peacefully through all parts of the city and country, taking children to any sporting or cultural event without worry, shopping without fear of where money or cards are kept, or taking a flight or riding a city bus without fear of terrorist attacks (Matić, 2005).

Security is a fundamental need for society as a whole and for each of us individually, regardless of any differences. While security is not the only aspect of our lives, as achieving a desired quality of life requires a broad spectrum of different elements, it can be said that without safety everything else becomes insignificant (Jovičić & Šetka, 2020). Security is an objective that every social community and state strives for, and at the same time it is a daily need and desire of all members of the social community: It is a crucial and essential condition for order and peace that enables stable social development and preconditions for the development of society and the state in general. In essence, the state has a role to ensure personal and property security (safety) to both its citizens and legal entities, and it fulfils this role through its specialized bodies. This function is therefore systematically achieved through the collective efforts of a number of state bodies, but among them, the most visible role and the most important for citizens is the role of the police.

The state, especially the modern one, has numerous functions. Among these functions of the state, the security function of the state is the most visible and undeniably the most important and it is achieved through a significant number of its specialized bodies, with the police being the most visible for citizens. The police participate in the implementation of the security function of the state through the implementation of their functions: social, administrative, criminal, misdemeanour, and normative. In every democratic society, the police organization represents the basic pillar of citizens' security, which further points to the conclusion that the task of the police is to ensure relations in society in which citizens will feel

safe. The police is a separate entity within the state administration body and is part of the state apparatus of force, i.e. in its work it has the possibility to use coercion (means of force permitted by law) in the performance of its duties.

The police have long been the central public security service and the most operative body within the structure of public administration. It plays a significant role in connecting all other entities with the aim of enhancing the security of citizens, elevating the reputation of the police in society, and building public trust in the police. Regarding the very public perception of the police, there is a recognized need to maintain a high level of professional integrity, ethics, and tactfulness, particularly when it comes to victims of illegal behaviour. Citizens (the public) expect exactly such conduct from the police, since in the eyes of citizens, the police are the primary body responsible for the state of security and public order in society. However, it is clear that without close cooperation with all social entities, permanent and final solution to the problem cannot be achieved (Vencl, Jamnić & Pušeljić, 2021). Without collaboration with citizens, it is difficult to expect the police to be fully effective in fulfilling their duties and tasks, especially in preventing the most serious forms of crime (Popović & Šetka, 2024).

The police fulfil their role in the realization of the security function through the realization of its functions, as previously mentioned, and the police realize their functions through the performance of their duties with the application of police powers.

It is conditionally possible to list several key types of duties from which it is clearly seen that the police play a significant role in the realization of the security function. Slobodan Miletić and Sreten Jugović, through an analysis of the domestic legal system, identified five primary groups of police duties, namely: protection of state security; protection of human rights and citizen security; control (prevention) and suppression (repression) of crime; protection of public order and peace; and administrative internal affairs. In addition to these primary duties, they also mention special tasks that greatly influence the implementation of the security function. Those tasks of the police are: securing public gatherings, protecting certain individuals and objects, ensuring road traffic safety and control, control of crossing and protection of the state border, ensuring the security of the position of foreign nationals, and controlling weapons and ammunition, as well as explosive materials. (Miletić & Jugović, 2009). Considering these primary groups of police duties, we can conclude that the police are one of the fundamental state bodies that guarantee the security of the state and its citizens though their work.

Furthermore, in theory, as with most social phenomena, there are various perspectives, and this is certainly true regarding the police and its role in society. One of these perspectives identifies three different approaches to the nature and role of the police in society, namely the liberal, conservative and radical approach or point of view. According to the liberal point of view, the police is essentially a neutral body tasked with maintaining internal order and protecting individual rights and freedoms. According to this view, the police forces operate within a broad consensus and possess a strong legitimacy based on the belief that the police support social stability and ensure personal safety. The overriding concern of the police is the protection of citizens from one another, as they strictly deal with the protection of the rule of law and do not have a broader political function. The conservative view emphasizes the role of the police in upholding the authority of the state and ensuring that its powers are enforced throughout the community. This point of view highlights the significance of the police as a

coercive body capable of controlling social and civil disturbances. Therefore, the police are seen as a mechanism of political control. The radical view of police power is much more critical than the previous one. According to it, the police force serves as an instrument of repression for the benefit of the state rather than the interest of the population, functioning more in the service of elites than the masses. The role of the police in society is also influenced by the nature of the police system within which it operates, as well as the ways in which the government uses the police. Based on these factors, a distinction is often made between civil and political policing.[12]

Theoretical interpretations suggest that the state can be viewed as a coercive organization that manifests its coercion through the actions of its organs. Therefore, there are state bodies whose basis of action is based on state coercion which falls within their jurisdiction. The police, as a specialized state body, has been entrusted by the state with a special type of coercion. In addition to the fact that the state placed coercion under the authority of the police, which the police use to execute their duties, the state has prescribed through legislation that when any state body is unable to carry out its activities as prescribed, the police are called upon to assist. Therefore, the police do not only use coercion to perform their own duties, but also to facilitate, of course, when necessary and in accordance with the law, the smooth performance of the duties by other state bodies. From this, it becomes evident that the police play a broader role in fulfilling the state's security function, as their work supports other state bodies in carrying out their tasks, thereby contributing to the realization of the security function of the state of other state bodies.

Providing assistance to other state bodies or legal entities during the exercise of their public powers is a significant activity of the police. Assistance, in this context, refers to aiding another body or legal entity in the exercise of public authority. The assistance is a complex police activity that encompasses a range of various pre-planned measures and actions, the application of which depends on the nature and flow of the assistance. In most cases, this involves the use of multiple powers and various operational-tactical measures and actions, such as identity verification, collecting information, issuing warnings, issuing orders, temporary restricting movement, detaining individuals, enforcing blockades, making arrests, applying coercion, and similar actions (Jovičić & Šetka, 2020).

Assessment of the security situation

Whether the state fulfils the function of security is best determined through an assessment of the security situation in that specific state or society. In this sense, it is essential to conduct an adequate security assessment, which itself is a process of intellectual and practical activity. This process involves drawing conclusions about the subject of the assessment based on verified and organized facts and data, using scientific methods and experiences. Therefore, a security assessment could be understood as an analysis of certain factors that, either individually or collectively, influence the level of security in a certain environment or society. Additionally, it includes an analysis of the organization and readiness of the security system (service) to confront threatening activities.

In all democratic societies, the state of security in the country serves as a measuring unit, that is, a standard on the basis of which, in a qualitative sense, but based on quantitative

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[12] Available at: https://www.kcns.org.rs/agora/uloga-policije-u-drzavi/, viewed on 9 June 2024.

indicators, the effectiveness of the police in society is measured. Although the police in every democratic state is the fundamental pillar of the security system, the responsibility for maintaining security cannot rest solely on the police organization. It can be said that the security environment in a state is influenced, on one hand, by negative or harmful security phenomena, which are defined as illegal and antisocial behaviours in society. On the other hand, the state of security is also shaped by positive or beneficial security phenomena, namely the actions of the police and all other entities in the national security system aimed at preventing the occurrence of negative security phenomena, as well as self-protective actions of citizens with the assistance of the police. A comprehensive approach to analysing the state of security in a country involves evaluation the performance of the police, as well as other factors within the security system. The evaluation of the state of security and making an assessment of the state of security, while taking into account both positive and negative security phenomena, is the best indicator of the actual security situation in the country (Pušeljić & Jelenski, 2007).

Assessment of the state of security based solely on statistical indicators gives results only in the short term. Such indicators often do not reflect the actual security situation in the country and are particularly at odds with the sense of security felt by citizens. Unfortunately, it appears that, at the current moment, at least in our country, more and more police organizations are assessing security conditions exclusively based on statistical indicators that are frequently adjusted (manipulated) in order to present a more favourable image of security. Therefore, it is crucial to emphasize that the assessment of the security situation must be grounded in the principle of objectivity. An objective assessment of the security conditions provides an answer to whether the state's security function is being fulfilled in line with the needs of its citizens and legal entities.

Therefore, security, as a basic social requirement, is very "expensive" today. It requires a substantial amount of material and technical resources, as well as personnel. Some theorists like to say that the more expensive security becomes, the less of it there is.

Conclusion

In all modern states today, including the Republic of Srpska, the police function as a public state service. It is organizationally and functionally part of the Ministry of Internal Affairs of the Republic of Srpska. Despite certain organizational differences (no two countries in the world have identical police organizations), in all democratic states, the police are the guarantor of a stable security environment. This role can be understood as the state's commitment to meeting the fundamental needs of its citizens, with the need for safety and overall security being among the most critical. In order for the situation in society to be at the necessary level of stability, the state provides material resources that are allocated to the police organization. Clearly, these resources must be spent rationally in order to maintain the security situation as expected.

However, given the changes in the way of social life through the process of transition, one should be aware of the fact that the police do not hold a monopoly on security "services" in society. Today, numerous state agencies contribute alongside the police to the achievement of security, and beyond these state bodies, other entities outside the public sector that can also make and do make a certain contribution to achieving a favourable overall state of security. These include the private security sector which has been present in our country

for three decades. But even though there is a considerable number of different state bodies that through their activities contribute to achieving a favourable security environment, as well as non-state actors operating in this important area, the police remain the most visible and important entity in the eyes of the citizens from whom citizens expect to be available at all times, providing security services whenever needed. The police provide security services to the citizens by performing their duties through the exercise of their authority, thereby significantly contributing to the realization of the security function of the state. Also, the police make an important contribution to the realization of the security function of other state bodies by providing them with assistance in the execution of their duties.

Taking everything into account, and considering the broader context of our socio-political system, it is clear that the police are the basic state body that primarily influences the realization of the security of the state and its citizens. The police often enable other state bodies to fulfil their role in society through their actions and the performance of their own duties. Of course, in order for it to be successful in performing its duties, it is essential that other state bodies also fulfil their roles and positively influence the work of the police, ensuring that their function is fully realized.

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