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Partnership Relations Between the National Police and the Community in the De-Occupied Territories of Ukraine

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Abstract The purpose of the article is to determine the essence and features of partnership relations between the National Police and the community on the basis of current Ukrainian and foreign legislation, different opinions of scientists, and empirical data, as well as to identify the main problems and propose effective methods of solving them in the de-occupied territories of Ukraine. The methodological basis of the study is comparative legal and systemic analysis, formal legal method, interpretive method, as well as methods of analysis and synthesis. The partnership of the National Police with the population was characterized and its features were revealed. In the context of the research topic, individual points of view of scientists regarding building an effective partnership between the police and the community were considered. Such legal categories as "occupation", "de-occupation" and "reintegration" of territories were characterized and their features were distinguished. The problems of organization and functioning of partnership relations between the National Police and the community were considered. A conclusion was made about the importance of cooperation with active residents of the community in the de-occupied territories with the National Police in order to more effectively prevent new crimes. Taking into account the current legislation and positive international experience in this field of legal relations, optimal directions and forms of interaction between the National Police of Ukraine and public formations in the de-occupied territories were proposed.

Index Terms partnership, relations, police, community, martial law, armed aggression

I. Introduction

The military aggression against Ukraine, which began on February 24, 2022 and is still ongoing, has significantly increased interest in the problems of organizing interaction between the National Police, its structural units and the population of the country. Today Ukraine lives in difficult conditions of struggle against the armed aggression of the Russian Federation. Every day, law enforcement bodies record the facts of deliberate gross violations of the laws and customs of war - war crimes [1]. In the context of martial law and Ukraine's systematic integration into the European Community, ensuring law enforcement and public safety has become particularly important.

In the de-occupied territories of Ukraine, many new scientific areas are being formed related to the activities of the police as a subject of partnership relations with the population. These areas include the problems of social interaction caused by external factors such as the occupation of certain territories, their de-occupation, changes in the socio-political situation in the country, and the development of democratization pro-

cesses in society and the state, including the police.

By the beginning of 2022, the institution of police-community partnerships was developing quite rapidly. Thus, the population helped police officers in protecting law and order and public safety, and various programs in this area were functioning and developing. During the occupation of certain territories of Ukraine, it became virtually impossible to continue the relationship between the community and the police. In the de-occupied territories, the proximity to hostilities and constant shelling also became an obstacle to the functioning of most forms of partnerships. In addition, the deterioration of the physical and psycho-emotional state of the population, partial disruption of management activities and management relations between bodies of different legal statuses, both vertically and horizontally, have become demotivating factors for the existence of these relations at the level of territorial communities.

As is known, proper interaction of the National Police with the public is an important aspect of building public trust in the police in any modern country. The police play a key role

in ensuring security and protecting the rights and freedoms of citizens. However, the vast majority of social functions can only be effectively performed if there is public trust in the police. One of the main ways to build trust in the police is through its interaction with citizens.

Since February 2022, some territories of Ukraine have been occupied by the aggressor country, the Russian Federation. Most of them have now been de-occupied by the Armed Forces of Ukraine. However, during the occupation, horrific things happened in these territories - torture of civilians, murders, theft of property, rape, etc. After the de-occupation, the civilian population that remained in these territories suffered from psycho-emotional disorders, despondency, various kinds of fears, etc. In addition, most of these territories are still under systematic shelling by the aggressor country, which is currently affecting the establishment of an effective partnership between the police and the community.

During the martial law regime, including in the de-occupied territories, the experience gained in the pre-war period is the basis for the interaction between the National Police and the community. Furthermore, additional functional responsibilities have emerged, its powers have changed somewhat, and the scope of work has increased. Under these circumstances, the partnership between the police and the community is becoming increasingly important, as only with mutual assistance and support can we defeat the enemy, restore the territorial integrity, freedom and sovereignty of Ukraine, and protect the rights and freedoms of its citizens.

II. Literature Review

Studying the issues of partnership between the National Police and civil society institutions, the authors of the article analyzed many scientific and other sources that consider not only partnerships between these entities, but also discuss issues of interaction between law enforcement agencies and society in general.

Thus, in her article, O. I. Bezpalova revealed the peculiarities of the implementation of the law enforcement function of the state by civil society institutions [2]. In addition, the scientist proposed ways to intensify the activity of civil society institutions in the implementation of the law enforcement function of the State; revealed the peculiarities of the activity of public formations of law enforcement orientation, volunteer organizations, as well as their powers in the context of the implementation of the law enforcement function of the State.

In a joint scientific publication, V.I. Teremetskyi and S.O. Dmytrenko supported a broad approach to understanding the content of the law enforcement function of the state, according to which its components are not only law enforcement (human rights) activities, but also activities aimed at creating conditions for the optimal functioning of legal institutions, the effective exercise of the rights and freedoms of individuals and other subjects of law and the fulfillment of their legal obligations [3].

O. Bandurka and others considered the problems of developing cooperation between the internal affairs agencies

of Ukraine and citizens. The scientists emphasized that any participation of citizens in the establishment of law and order and crime prevention should be considered as an inalienable right of everyone to protect life, health, and property from criminal attacks. However, such an aspiration must necessarily be supported and encouraged by law enforcement agencies and other public authorities [4].

The study by O. Diachuk examines the legal basis of police-community relations and proposes joint programs for the performance of law enforcement functions [5]. The researcher also analyzed various forms of partnerships between the police and the community and proposed programs for implementing interaction between them.

N. Lebedieva and A. Tkachov in their scientific publication considered practical interaction between the police and the community as a guarantee of citizen security in Ukraine [6]. The scientists characterized one of the forms of police interaction, namely the service of district police officers with the community, considering it an important element of citizen participation in ensuring public safety in communities through the establishment of police cooperation with the population, involvement of citizens in the prevention of offenses, combating crime, etc.

I. Kazanchuk in her article studied theoretical aspects of the implementation of the principle of interaction between the National Police of Ukraine and the population on the basis of social partnership [7].

In the scientific publication V. O. Keidaliuk summarized the experience of Germany, the USA, Great Britain, and Sweden in the interaction of civil society institutions with the police [8]. The scientist concluded that, having different traditions and historical experience, foreign countries use the resources and innovations available to them to maximize the effectiveness of public security in the interests of citizens and society by implementing the concept of social partnership between the police and citizens.

Thus, the scientific works of these scholars are mainly aimed at studying the goals, objectives, forms and methods of partnership relations between the population and the National Police of Ukraine in the context of reforming the system of the Ministry of Internal Affairs. However, the interaction between the police and the community, which was introduced and functioned in peacetime, is not being fully realized today. One of the reasons for this is the identification of defects in the mechanism for citizens to exercise law enforcement functions in the field of public order and public security in the de-occupied territories, which need to be eliminated.

Based on the above, the purpose of this study is to identify the main problems and develop optimal directions and forms of interaction between the National Police of Ukraine and the community (citizens) in the de-occupied territories of Ukraine in order to build public trust in the police and establish cooperation between them in terms of law enforcement in general and public order protection in particular.

III. Methodology

The object of this study is the partnership relations between the National Police and the community in the de-occupied territories of Ukraine.

The authors of this article analyzed the current legal acts regulating partnership relations between the police and the public in peacetime, as well as the scientific works of Ukrainian and foreign scholars who have studied the essence and features, methods and principles of formation and implementation of partnership in this area of legal relations.

In the course of the study, the author used general scientific and specifically legal methods of scientific cognition. The following general scientific methods were used: analysis, synthesis, analogy, generalization, etc. Thus, the method of analysis allowed to consider the individual components of the study and determine their characteristics and relations. The synthesis method allowed the data obtained to be systematized and used to draw conclusions and generalizations. The method of analogy made it possible to conclude that legal systems based on similar features are similar. The method of generalization contributed to the understanding of the subject as a complex structure where all elements interact with each other.

Regarding specifically legal methods of scientific knowledge, the article focuses on various types of scientific analysis. Legal analysis, comparative legal analysis, law enforcement practice analysis, documentary analysis and epistemological method were used.

Thus, the method of legal analysis allowed the author to study the legislative framework governing police-public relations in the joint performance of law enforcement functions. The method of comparative legal analysis made it possible to identify standard and distinctive features in the implementation of partnerships between the police and the public in different countries. Through the analysis of the practice of relations between law enforcement agencies and society, specific partnership programs were studied in order to identify and eliminate gaps. The documentary analysis allowed us to analyze scientific publications, legislative acts and other official documents containing information on police-community interaction in the performance of the police law enforcement function.

The epistemological method was used to clarify the content of police-community partnerships. The logical and semantic method contributed to deepening the conceptual apparatus, identifying the essence and specifics of relations between police officers and the public on law enforcement and public safety in the de-occupied territories of Ukraine.

IV. Results and Discussion

Today, the state is the only entity authorized to carry out legislative regulation of social relations and, accordingly, to apply legitimate coercion to ensure human rights and freedoms [9, p. 267].

“The rapid development of scientific ideas about the relationship between society and the state, the tasks of public administration agencies on the formation and implementation

of state policy in all spheres of public life, the implementation of internationally recognized requirements for state authorities’ activities into national law...” [10, p. 1] necessitate the relevant scientific development of the problems of partnership relations between the National Police and the community.

The interaction between the police and the community on the basis of partnership dates back to the 1960s as a concept. It was first introduced in the police units of the United States of America. In the first half of the twentieth century, most units in the United States operated under the so-called “professional” model of policing. According to this model, local police departments used standard operating protocols and focused on investigating crimes. With the onset of social unrest in the United States in the second half of the twentieth century, crime rates increased dramatically. Law enforcement agencies and local leaders began to reconsider the role of police departments in public safety management and to make reform efforts to reduce crime by improving relationships and building partnerships between citizens and police [11].

Gradually, the philosophy of police functioning has changed from a reactive model to a proactive one. That is, instead of responding to existing challenges and their consequences, the police began to spend their efforts on preventing crime and establishing partnerships with the public. It was found that full communication contributes to the early detection of a possible deterioration of the crime situation in a particular region, becomes an obstacle to deviant behavior at the very beginning, and helps to collect evidence and testimony more effectively if an offense has already been committed [11].

Eventually, these efforts led to the introduction of a new concept in the United States called community policing. It was characterized by more informal relations between the police and the community, a less rigid hierarchical structure, and attempts to prevent the root causes of crime. The adoption of the new approach occurred gradually between 1970 and 1980. By the early 1990s, most cities in the United States had already begun to apply the principles of community policing [12].

As is known, community policing is a philosophy or organizational strategy that encourages cooperation based on partnership between the police and local communities. Its goal is to most effectively prevent and address crime, fear of crime, threats to the physical safety and peace of the local population, as well as disorder and the destruction of good relations. The goal of cooperation is to improve the quality of life of all members of the local population [13].

It should be noted that partnerships are manifested in the forms of “interaction” and “relationship” between the police and the community. Only with the correct application of partnership (interaction and relationship) between these subjects, the level of criminal offenses will decrease in Ukraine and a sovereign, independent, democratic, social and legal state will be fully realized.

Interaction is the process of mutual influence of elements on each other, the most general, universal form of movement

and development [14]. The police and civil society play a special role in the interaction process. The following features of community-police interaction can be identified:

- 1) it is a coordinated activity of different actors that carry out joint actions. Coherence has a fundamental impact on joint actions, uniting them into a single whole - the system;
- 2) multi-subjectivity, since interaction involves at least two parties in joint coordinated actions. Moreover, each of these parties may be represented by several participants;
- 3) united efforts of its subjects, which determines the relations of cooperation between them. The latter are conditioned by the common goals and interests of the interacting parties, as well as the tasks and means derived from them;
- 4) can take place only on the initiative (active actions) of at least one of the parties, since the desire or need for interaction is not enough;
- 5) equality of the parties, their independence from each other in the subordination relationship due to the fact that interaction implies mutual (partnership) nature of relations, and the latter, being relations, are carried out within the framework of cooperation;
- 6) legality.

Thus, interaction is seen as the mutual influence of subjects, which is carried out through specific activities, based on certain actions that, being oriented towards other people, affect their life, interests and cause a response.

Interaction is also a process of mutual influence of people or groups on consciousness, value orientations, attitudes, and not only on each other's behavior. It arises due to various ways of implementing joint activities and joint participation of its subjects, who sometimes enter into complex relationships to establish public solidarity with law enforcement agencies.

In Ukraine, there is currently no legal act regulating the interaction of civil society with the National Police. However, some legislative and bylaw acts partially regulate this. For example, Article 36 of the Constitution of Ukraine enshrines the right of Ukrainian citizens to freedom of association in political parties and public organizations for the exercise and protection of their rights and freedoms and satisfaction of political, economic, social, cultural and other interests [15]. The Law of Ukraine "On the National Police" regulates the interaction of the public with law enforcement agencies. This refers to Article 11 "Interaction with the public on the basis of partnership" and Article 88 "Interaction between heads of territorial police bodies and representatives of local self-government bodies" [16].

According to Art. 1 of the Law of Ukraine "On the participation of citizens in the protection of public order and the state border", citizens of Ukraine have the right to create public associations to participate in the protection of public order, assist law enforcement agencies and officials in preventing and suppressing administrative and criminal offenses, protecting the life and health of citizens, the interests of society and the state from unlawful encroachments [17].

In order to regulate the activities of district police officers and community police officers, the Ministry of Internal Affairs of Ukraine approved the relevant Instruction [18]. Paragraph 1 of Chapter II of this instruction states that the activities of these police units should be based on the principle of interaction with the population on the basis of partnership and aim to cooperate with citizens, public organizations, institutions, and enterprises of various forms of ownership. In addition, the main task of these police units is to interact with state and local authorities, the population and public order protection groups formed in accordance with the current legislation.

The large-scale invasion of the territory of Ukraine by the armed forces of the Russian Federation has led to a real threat to the state sovereignty, territorial integrity, democratic and constitutional order and other national interests of the state. The full-scale invasion of the territory of Ukraine by the Russian Federation became the basis for the introduction of martial law in Ukraine, which is aimed at uniting and interacting not only state bodies, but also local governments, territorial communities and citizens to counter military aggression. Rocket attacks on civilian infrastructure, terror and attacks on the population, and active hostilities on a large part of the country's territory have led to a significant number of criminal offenses against the foundations of national security, as well as peace, human security and international law and order.

In connection with these events, the problem of building a partnership model of relations between law enforcement agencies, in particular the police, and public associations and citizens on public order protection, especially in the de-occupied territories, has become acute.

According to the 4th Hague Convention respecting the Laws and Customs of War on Land (1907) [19], occupation begins with the establishment of effective control over the occupied territory and the formation of an occupation administration, and ends when the effective control over the territory is lost. De-occupation involves the implementation of military and political measures aimed at regaining state control or establishing control by international organizations over the previously occupied territories.

In accordance with the provisions of the IV Hague Convention of 1907 [19], the IV Geneva Convention relative to the Protection of Civilian Persons in Time of War (1949) [20] and Additional Protocol I, the occupying power is obliged to take all necessary measures to ensure order in the occupied territory. In addition, it is prohibited to commit any acts of violence, intimidation, coercion, torture, collective punishment, hostage-taking, deportation of civilians from the occupied territory, etc. [21]. Unfortunately, cases of violation of these prohibitions by the Russian Federation as an occupying power are not unique.

Thus, it was after the de-occupation of certain Ukrainian territories that the facts were revealed that the Armed Forces of the Russian Federation tortured the civilian population during the occupation, incited them to interact with them, including using weapons, raped, robbed, threatened, humili-

ated, took hostages, re-equipped separate rooms in the torture chamber (a number of such torture chambers were discovered after the de-occupation), Ukrainian children and civilians were deported from the occupied territory. In addition, after the de-occupation, mass graves were discovered in the liberated territories.

Active hostilities and the lack of access to the territories where criminal offenses were committed by law enforcement agencies of Ukraine led to problems at the stage of pre-trial investigation, in particular regarding: the peculiarities of conducting certain procedural actions (in particular, remote interrogation of witnesses, review and storage of information from open sources), making and processing procedural decisions (including access to court), conducting pre-trial investigation in the absence of the suspect (in absentia), restoring lost materials of criminal proceedings, improving the system of protection of witnesses, victims, professionals working with this category of proceedings, changing the terms of investigation of this category of proceedings (the terms should not expire at least until the de-occupation of the territories where illegal actions were committed).

For example, since 2023, according to statistical information on the state of war crimes and the results of the prosecutorial and investigative activities of the Prosecutor General's Office of Ukraine, almost 11,000 war crimes have been investigated in Kyiv region. In Kharkiv region, the bodies of 936 people were found after the de-occupation, 739 of whom were civilians. Investigations revealed 21 torture chambers and spontaneous mass graves of 451 people, 429 of whom were civilians. The abduction or disappearance of more than 1,007 civilians has been documented. In the city of Kherson and in the liberated areas of Kherson region, the existence of 10 torture chambers has been preliminarily confirmed. Facts of abduction or disappearance of 1232 people have been documented [22].

These facts show that by such actions, the Russian military violated international law and committed war crimes against the civilian population of Ukraine. This was also made possible by the ineffectiveness of Ukrainian legislation and the impossibility of legitimate partnerships in these territories. After the de-occupation of certain territories of Ukraine, reintegration processes began. A set of measures was introduced to establish the political power of the country against which the aggression was directed [23]. In particular, the National Police of Ukraine began its activities in these administrative-territorial units in accordance with the current legislation of Ukraine.

The full-scale armed attack by the Russian Federation on Ukraine prompted the civilian population to unite, provide mutual assistance and support. This was manifested in the form of volunteering, charitable and humanitarian aid, free legal services and medical care, transportation of people from "hot" spots to a safer place, etc.

The Ministry of Defense of Ukraine has created a platform for volunteers who help the Armed Forces of Ukraine. The goal of the project is to unite and coordinate the actions of

all volunteers working to meet the needs of the Armed Forces of Ukraine in general and the territorial defense forces in particular. The platform allows real-time tracking of volunteers' ability to meet specific needs of the Ukrainian army.

The new social realities in the de-occupied territories of Ukraine currently show that the most important indicator of the police's activities, as well as those of other state bodies, in ensuring human and civil rights and freedoms is the proper exercise of various powers and duties in compliance with the law. An important role in the prevention and detection of criminal and administrative offenses is played by numerous law enforcement-oriented public organizations, volunteers, voluntary associations, etc.

With regard to the forms of communication (partnership) between the community and the police in the de-occupied territories, the main areas of interaction between these entities are: development and implementation of joint plans and individual activities (for example, holding socio-political events - rallies, etc.); joint study of the state of public opinion and offenses; exchange of information of mutual interest; joint development of proposals (recommendations) on combating criminal offenses and strengthening law and order; holding joint events in the field of legal propaganda and training of citizens who participate in ensuring law and order.

In addition, we believe that private security companies should be involved in the implementation of law enforcement measures (including on a contractual basis), as well as the National Police of Ukraine. The United States, Japan, and Western European countries have effective experience of partnership between police and civil society institutions based on specialized programs. In these countries, the main principle of police activity is the principle of "active social partnership", which involves the integration of civic activity into the law enforcement system. Citizens are not only aware of their high mission of fulfilling their civic duty to strengthen law and order, but also have serious resources at their disposal to take independent actions.

Among the collective forms of citizen participation in law enforcement and crime prevention are the following:

- establishment of law enforcement and crime prevention centers (Japan) [24];
- "The Academy", Pittsburgh, Pennsylvania [25];
- organization of patrolling public places (Thailand, Bangkok) [26];
- creation of voluntary groups and other law enforcement-oriented public formations, "Citizen Volunteer Program", "Citizens on Proactive Patrol" (Great Britain, USA, Estonia) [27; 28; 29];
- creation of community safety partnerships (CSPs) (UK) [30].

Another negative phenomenon that Ukraine is currently facing is collaboration. This refers to persons who deliberately assist (help) the armed forces of the Russian Federation or the aggressor state as such. First of all, this is cooperation between Ukrainian citizens and the enemy in the interests of the invading enemy to the detriment of the state of which the

person is a citizen or its allies. Such “assistance” is manifested in the following ways:

- providing the Russian military with the information they need about the location of the Armed Forces of Ukraine, their equipment, etc. by taking photos, video, transmitting geolocation, etc;
- providing food, household assistance, accommodation, and promotion of a better life in the Russian Federation;
- disclosure of information about patriots of the country of which the collaborator is a citizen, etc.

Citizens of Ukraine who witnessed the actions of a collaborator or suspect a person of collaboration with the aggressor state should immediately inform the Security Service of Ukraine for further verification and appropriate measures against such a person. In this way, the partnership between the public and law enforcement agencies is being traced. This problem is particularly relevant in the de-occupied territories. After all, some citizens of Ukraine, while under occupation, defected to the enemy, cooperated with the occupation administration and committed criminal offenses. Identifying such individuals after de-occupation (if they have not left for the Russian Federation) is important, as they may continue to help the aggressor. Therefore, the primary task of the police and the population is to identify traitors-collaborators and bring them to justice in accordance with the current legislation.

V. Conclusions

In the context of countering the armed aggression of the Russian Federation against Ukraine (including in the de-occupied territories), the issue of organizing activities and interaction between law enforcement agencies (especially the National Police of Ukraine) and local governments, territorial communities, and the population in order to prevent, detect, investigate criminal offenses, protect public order, uphold state sovereignty, preserve the integrity of Ukraine, protect constitutional rights, democratic system and other national interests is relevant.

Through the involvement of community members (e.g., joint patrols, territory surveillance, and timely reporting to law enforcement) in the de-occupied territories, the police will be able to more effectively prevent new offenses. As a result, there will be less work involved in responding to crimes and investigating criminal offenses. Cooperation with active residents will help to enlist the support of the community and build trust between its residents and the police. Solving problems that concern the community contributes to a positive image of the police. By cooperating with the community, the police have the opportunity to raise awareness of their work (e.g., the limits of police competence or alternative ways to solve problems). This will further reduce the workload of police officers.

There are many forms and directions of interaction between the structural units of the National Police and civil society organizations in the de-occupied territories. Among the optimal areas and forms of such interaction are the following:

- joint analysis of the state of law and order and the dynamics of offenses;
- prompt exchange of information and positive experience;
- mutual information and improvement of legal literacy of the population;
- participation in the preparation and examination of documents, analytical reviews and drafts of legal acts;
- development and implementation of joint target programs in the field of law enforcement;
- creation of special councils, committees, commissions, information and analytical centers for the interaction of the police and public structures in the field of law enforcement;
- planning and conducting joint events (including seminars, conferences, round tables) on law enforcement and crime prevention;
- coordination of efforts during the implementation of programs to protect the rights and freedoms of citizens;
- involvement of civil society organizations in the implementation of programs and activities to ensure law and order;
- monitoring of public opinion regarding police activities;
- assistance to the police in the protection of public order (conducting joint raids, patrolling, taking turns of members of territorial communities at polling stations during elections), suppression and investigation of criminal and administrative offenses;
- implementation of public control over police activities (for example, public councils at territorial law enforcement bodies);
- informing citizens about the activities of the police and territorial communities in the field of law enforcement, including using the capabilities of the Internet;
- interaction with religious, national organizations and mass media;
- participation in legal and educational work with police officers, prevention of violations of the law among personnel, recruitment of personnel, selection of applicants for positions;
- encouragement of members of territorial communities, freelance police officers and citizens who distinguished themselves in the protection of public order;
- police report to the public on the work done, etc.

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