

# Police law within the system of administrative law: The need of reconciling the relationship

*Derecho policial dentro del sistema de derecho administrativo: la necesidad de reconciliar la relación*

*Lei policial dentro do sistema de direito administrativo: o necessidade de reconciliar o relação*

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## Abstract

Issues of police control and involvement are of great essence when aspects of administrative law are revealed. The issue here is that there is no way or instances where the legitimate protection of individual rights and freedom can be guaranteed without the presence of the police in ensuring that rights are protected through the respect of the rule of law. The only way this protection can be maintained is only through the operation or application of administrative law. When dealing with the concept of police law, emphasis is laid on the responsibilities this law enforcement agencies have when dealing with matters related to state security, protection of individual living in a given society, and to a certain extent, the entire public. There is no doubt that it is the role of the police to maintain peace and security within a given society, but the question we should be posing is whether their functions performed are done within the confines of respecting fundamental human rights, following the due process of the law being the fundamental and imperative basis or essence of administrative law. One thing is to ensure security, and the other one is to ensure that when enforcing this security, fundamental freedoms and rights of individuals will be respected by the supposed called law enforcement officers. It is therefore in this light that one can say, without any questioning, that under no circumstances should police law function without the intervention of administrative law, both most compliment each other, and activities of the police must be done in strict respect and compliance with that of administrative law. The protection of individual rights and liberties is the prerequisite objective of administrative law, in which the police law must observe and respect.

**Keywords:** Administrative law, approach in Ukraine, police law, reconcile, relationship.

## Resumen

Las cuestiones relativas al control y la participación de la policía son de gran importancia cuando se ponen de manifiesto aspectos del derecho administrativo. Se trata de que no hay forma o instancias en las que se pueda garantizar la protección legítima de los derechos y libertades individuales sin la presencia de la policía para garantizar la protección de los derechos mediante el respeto del Estado de Derecho. La única forma de mantener esta protección es mediante el funcionamiento o la aplicación del derecho administrativo. Al tratar el concepto de derecho policial, se hace hincapié en las responsabilidades que tienen estas fuerzas del orden cuando se trata de asuntos relacionados con la seguridad del Estado, la protección de los individuos que viven en una sociedad determinada y, en cierta medida, de todo el público. No cabe duda de que la función de la policía es mantener la paz y la seguridad dentro de una sociedad determinada, pero la cuestión que deberíamos plantearnos es si las funciones que desempeñan se realizan dentro de los límites del respeto a los derechos humanos fundamentales, siguiendo el debido proceso de la ley que es la base o esencia fundamental e imperativa del derecho administrativo. Una cosa es garantizar la seguridad, y la otra es garantizar que al hacer cumplir esta seguridad, las libertades y derechos fundamentales de las personas sean respetados por los supuestos llamados agentes de la ley. Por lo tanto, desde este punto de vista se puede decir, sin ningún tipo de cuestionamiento, que en ningún caso el derecho policial debe funcionar sin la intervención del derecho administrativo, ambos se complementan mutuamente, y las actividades de la policía deben realizarse en estricto respeto y cumplimiento del derecho administrativo. La protección de los derechos y libertades individuales es el objetivo previo del derecho administrativo, que el derecho de policía debe observar y respetar.

**Palabras clave:** derecho administrativo, enfoque en Ucrania, derecho policial, conciliación, relación.

## Resumo

As questões de controle e envolvimento policial são de grande essência quando aspectos do direito administrativo são revelados. A questão aqui é que não há maneira ou instâncias onde a legítima proteção dos direitos e liberdade individuais possa ser garantida sem a presença da polícia para assegurar que os direitos sejam

protegidos através do respeito ao Estado de Direito. A única forma de manter esta proteção é somente através da operação ou aplicação do direito administrativo. Ao lidar com o conceito de direito policial, a ênfase é colocada nas responsabilidades que estes órgãos de aplicação da lei têm ao lidar com assuntos relacionados à segurança do Estado, proteção do indivíduo que vive em uma determinada sociedade e, em certa medida, de todo o público. Não há dúvida de que é o papel da polícia manter a paz e a segurança dentro de uma determinada sociedade, mas a questão que devemos colocar é se suas funções são desempenhadas dentro dos limites do respeito aos direitos humanos fundamentais, seguindo o devido processo da lei sendo a base ou essência fundamental e imperativa do direito administrativo. Uma coisa é garantir a segurança, e a outra é garantir que ao fazer valer essa segurança, as liberdades e direitos fundamentais dos indivíduos serão respeitados pelos supostos chamados agentes da lei. Portanto, é sob esta luz que se pode dizer, sem qualquer questionamento, que sob nenhuma circunstância o direito policial deve funcionar sem a intervenção do direito administrativo, ambos se elogiam mutuamente, e as atividades da polícia devem ser feitas no estrito respeito e cumprimento do direito administrativo. A proteção dos direitos e das liberdades individuais é o objetivo prévio do direito administrativo, no qual a lei policial deve ser observada e respeitada.

**Palavras-chave:** Direito administrativo, abordagem na Ucrânia, direito policial, reconciliar, relacionamento.

## I. INTRODUCTION

Current tendencies such as the emphasis on the proper observance and protection of human rights, in particular during the functioning of the state system, encourage many scholars, including legal professionals, to look for and find the gaps in the activities of authoritative and power mechanism or gaps in the field of legislative consolidation of certain provisions and norms. First of all, lawyers verify the current principles of the activities of state authorities endowed with authoritative power, as well as the norms and principles of their legal regulation for the compliance with modern requirements and tendencies in the development of a democratic society.

Administrative reforms often aim to implement a public governance model suitable for a particular task, but they frequently lack empirical basis.<sup>1</sup> The problematic issues related in one way or another to the existence and daily functioning of police law as an integral sub-branch of administrative law system are no exceptions in this context. There is no doubt that police law, in its existence and origin, ensures that security should be in its prism, but when applied it must be able to respect the norms established by the administrative law, which is the one that respects the individual right and freedom of individuals. There must always be a relationship between administrative law and police law, because the police can never function independently without the presence of administrative law.

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1 M. Babšek, N. Tomažević & P. Kovač. (2020). *Administrative Reforms and the Rule of Law: Case-Law Analysis as an Inspiration for the Slovene Reorganisation of Social Work Centres*. CROATIAN AND COMPARATIVE PUBLIC ADMINISTRATION 4. 2020. Pg. 595-622.

## II. METHODOLOGICAL BASIS OF THE STUDY

Nowadays, any research should be based on the use of appropriate scientific methods, the application of which makes it possible to achieve the purpose, to justify the conclusions scientifically and to propose appropriate ways to solve the problem under study. The methodological basis of this article was the general scientific and special methods of scientific knowledge. In addition, scientific works related to the subject under study, as well as the provisions of legal acts, were used in the drafting of the article.

The methodological basis includes a set of general and specific methods of scientific cognition. The systematic approach as a general scientific method has allowed to define the problematic issues related to the police law within the system of administrative law. The logical and semantic methods used in this study provided an opportunity to consider the essence of the concept of «police law». The method of documentary analysis was used to formulate propositions and recommendations to improve the legal principles of police law. All of these methods are applied in interdependence and interconnection. The interrelated application of the above scientific methods of research made it possible to achieve that goal and to draw relevant sound conclusions. The essence of this methodology is to examine the relationship between the two basic concepts. Examining one in the absence of the other will produce adverse effects on issues related to the protection of fundamental human rights. One thing is certain in making an analysis of theory with realities. Evaluating the two concepts is one wonderful thing, situating and verifying their relationship is another.

## III. RESULTS AND DISCUSSION

### *3.1 Posing a status in providing a recognized and necessary relationship*

A certain part of recognized scholars studied the content and essence of police law as a sub-branch of administrative law, and analyzed the quality of the process of protecting fundamental rights, freedoms and legitimate interests of citizens by police law.

Coverage of various issues of research methodology of the scientific and educational discipline of «police law» undoubtedly had an important place in the works of Ukrainian scholars in the field of police law of the 19th to early 20th centuries. Those issues were reflected in numerous contemporary reviews of the development of literature in Ukraine, Russia and other European countries. The issues of the development

of methodology, research of its interpretation in the past and present in the domestic and foreign literature should occupy the same worthy place in the history of Ukrainian management thought. First of all, it is about the history of a special branch of the science of police law, which was called economic, or the doctrine of economic policy. That direction was called «*Volkswirtschaftspflege*» in German literature, and it was an applied doctrine of political economy.<sup>2</sup> Thus, the system of administrative law from the first attempts to define it until the moment of obtaining a scientifically sound form has traveled a historical path in a century, during which it was constantly influenced by various scientific schools as a component of the doctrine of police and then administrative law, and was periodically transformed and has acquired new forms due to that factor.<sup>3</sup> The insight of protecting individual human rights is of utmost importance. There is no way the police can function and perform their role diligently without respect for the rule of law. This has been practically the case of the Ukrainian police force by ensuring that the rights of the individuals are respected.

The study of police law currently acquires special relevance in the context of conceptual reform of the police as an integral law enforcement agency of the state. The state of Ukraine has made laudable efforts through its law enforcement officers to ensure respect for the rule of law in the implementation of the various rules and regulations. It is one thing to create the laws, another is to apply these laws. The fact is that when enforcing the law, the so-called police officers must respect the fundamental human rights of individuals.

### ***3.2 Establishing and determining the research objective***

Recognizing the place of administrative law in police activities is essential to enforce and protect individual rights and liberties within a given society. There is no way this can operate without both concepts and principles. Therefore, a research is important to establish the link with each other. The objective of this work is to determine:

- a) The place of police law in the system of administrative law;
- b) The role of police law in regulating public relations of a law enforcement nature.

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2 R. V. Kutuzov. *Theoretical-Methodological Principles of Science of Police (Administrative Law in Explaining of Ukrainian Scientists Second Half of XIX – Beginning of XX of Century*. V. O. SUKHOMLYNSKYI NATIONAL UNIVERSITY OF MYKOLAIV 2. 2014. Pp. 8-12.

3 I. S. Grytsenko. *The Main Trends of the Historical Development of the Doctrine about the System of Administrative Law (from the Policial to the Administrative one)*. SCIENTIFIC BULLETIN OF LVIV STATE UNIVERSITY OF INTERNAL AFFAIRS 2. 2008. Available at: [https://www.lvduvs.edu.ua/documents\\_pdf/visnyky/nvsvy/02\\_2008/08gispda.pdf](https://www.lvduvs.edu.ua/documents_pdf/visnyky/nvsvy/02_2008/08gispda.pdf)

Such a necessity is due to the need to establish the level of influence of police law on the current mechanism of public legal relations between citizens, on the one hand, and the subjects of state and authoritative powers, on the other hand. It will be fantastic and beautiful when the foundations of the law are established, and it will become more interesting if these objectives of the law are respected. It will be really a fallacy and a mockery of the law if the very essence of the law is not respected. Therefore, it is the obligation of the police forces in Ukraine to observe the complete application of the law in the protection of individual human rights. It becomes questionable when the police neglect the purpose of their duties by violating the very rights of those they are supposed to protect.

### *3.3 Understanding the historical aspect and development of the two concepts*

To continue with the study, we would like to note that the history of scientific points of view on the nature, contents and issues of police law originates from Western European countries, and to be more precise – from socio-historical conditions and political situations where those states have been since the 16th century. First of all, we are talking about the activities of the public authorities of that time, which were entrusted with various police functions. Thus, police activities at that time meant not only the modern functions of law enforcement officers, which are to combat and prevent crime, but also construction and firefighting activities. The term of “police law” at the time meant legal norms that regulated not only direct law enforcement, but also other socially important functions.<sup>4</sup>

Subsequently, due to the gradual development of administrative law in European countries, and due to the emergence of a large number of new and increasingly more complex social legal relations between the subjects, firefighting, urban planning and other functions not directly related to offenses and crimes gradually disappeared from the list of police functions, the norms of police law ceased to regulate them.

The situation with the definition of the content and essence of police law in the territory of the Russian Empire, which included most of the territory of present-day Ukraine, was similar, but not so dynamic and developed. It should be emphasized that the first researchers of police law in Russia were recognized jurists such as Y. Kryzhanych, I. Pososhkiv, P. Hulciaiev and I. Andriievskiyi. Although those four

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4 P. D. Bilenchuk & A. A. Yarmoliuk. STRATEGY FOR THE DEVELOPMENT OF FORENSIC SCIENCE IN THE THIRD MILLENNIUM. FORENSIC ACTIVITY: CURRENT STATUS AND PERSPECTIVES OF THE DEVELOPMENT. National Academy of Internal Affairs. (2015). Pg. 194-196.

researchers had different biographies and professional activities, they were able, each in their own way, to study, to research and to formulate the first theoretical provisions on the nature, content and system of police law outside Western Europe.

It was P. Huliaiev who researched and specified the set of rights and responsibilities of police officers, and provided a detailed characteristic of each type of police activity. He also divided the system of police law into two main parts, namely: Determining the legal status of police officers during their service and determining the legal status (respectively, the set of rights and responsibilities) of citizens within their interaction with police agencies and departments.

In the context of the above theses and statements, we agree with M. I. Biiushkina, researcher of the history of administrative and legal science, in that the prominent jurist of the 19th century I. Andriievskyi, being the head of St. Petersburg University at one time, defined police activity as one that consisted of a number of actions in the field of public safety and public order in the state.<sup>5</sup>

In addition, it is emphasized that I. Andriievskyi provided a doctrinal definition of police law as a set of legislative, regulatory acts that regulate policing and mutual legal relations between police structures, on the one hand, and state and local authorities of executive and legislative branches, on the other hand.

It is important to note that Germany was the first state that allocated police law to a separate branch of administrative law. Scientific and legal achievements of German lawyers, which took place in the second half of the 17th century, were able to form in detail the components of the system of police law and to define the essence of police law in an understanding almost similar to the modern one.

Based on the above-mentioned, it is stated that the German interpretation of the term «police law» and its system became a model for further research of police law. Over time, the characteristics and classification of the police law system adopted in Germany as a result of the continuous development of administrative law were later taken over by other European states. In particular, the German experience has been successfully implemented by France, Austria, Switzerland and many other European countries belonging to the Romano-Germanic legal system.<sup>6</sup>

We should remember that a significant contribution to the creation and further development of a structured system of police law was also made by Ukrainian

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5 M. I. Biiushkina. *Formation of the Science of Police Law (xvii Century-80s of the xix Century)*. ACADEMIC BULLETIN 14. 2011. Pg. 11-14.

6 O. S. Pronevych. *Organizational and Legal Grounds of Police (Militia) of Germany, Poland and Ukraine: A Comparative Legal Analysis*. Thesis for a Doctor's Degree by Specialty 12.00.07. Administrative Law and Procedure; Financial Law; Informational Law. Kharkiv National University of Internal Affairs. (2011). Pg. 22-28.

jurists. Occupying the positions of professors of several national universities, such specialists in the field of jurisprudence as V. Levytskyi, Professor of Kharkiv University from the Department of Police Law, and A. Antonovych, Professor of Police Law of St. Volodymyr University of Kyiv, defined in their scientific works the content and essence of police law. They also successfully argued in favor of the importance of research and development of that sub-branch of administrative law. For example, V. Levytskyi emphasized the high level of influence of political and historical science on the development and formation of police law. The scholar argued that the emergence of the police law system was due to the relentless progress of social legal relations between the subjects and their increasingly diverse complication.<sup>7</sup>

In parallel, the historical development of statehood and political culture around the world is recognized as the catalyst for the emergence of police law. These two powerful processes have led to the fact that an increasingly multifaceted and diverse society, complicated by the problems of statehood and state building, needed a structure that would ensure peace and rule of law in society, and thus would protect each member of such a society from unlawful encroachments, actively opposing the commission of crimes and protecting public safety.

Studying the development of police law, M. N. Kurko, P. D. Bilenchuk and A. A. Yarmoliuk made the following conclusions:<sup>8</sup>

1. The beginning of the science of police (later — administrative) law was laid by Cameralistics (from the German term of «Kameralien» — «science of public administration»), the science on finances, economics, and management;
2. Functions of police law from mid-19th century to early-20th century were to ensure the safety of human beings, society, public order and the fight against crime. This understanding of the functions of the police has virtually remained unchanged in many countries around the world till the present day;
3. The science of police law in Ukraine was developed almost exclusively within the following universities: Lviv (founded in 1661), Kharkiv (1805),

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<sup>7</sup> *Ibidem*. Pg. 6-24.

<sup>8</sup> M. N. Kurko, P. D. Bilenchuk & A. A. Yarmoliuk. *The Science of Police Law in Ukrainian State Building: Origins, Milestones, Historiography, Current State and Ways of Priority Development*. OUR LAW 4. 2015. Pg. 20; P. D. Bilenchuk. TRAINING OF LAWYERS OF THE NEW GENERATION IN THE XXI CENTURY: WORLD EXPERIENCE AND REALITIES OF THE UKRAINIAN CLASSICAL UNIVERSITY. Dakor Publishing House. (2014). Pg. 503; P. D. Bilenchuk. *Conceptual Principles of Providing Criminal Justice by the Latest Means of Cognition*. VICHE 12. 2013. Pg. 5-7.

St. Volodymyr University of Kyiv (1834), Novorosiisk in Odesa (1865), Chernivetskyi (1875).

According to M. N. Kurko, P. D. Bilenchuk and A. A. Yarmoliuk, it is necessary to actively revive the science of police law in Ukraine and to recognize police law as an independent branch of Ukrainian law. European and world experience should be applied, since police law in European countries is considered one of the most important branches of public law, which is studied on a par with constitutional, administrative and civil law. But we should remember about national values, customs and traditions.<sup>9</sup> Taking the above into account, it can be argued that the quality of the analysis of police law by Ukrainian law scholars, as a sub-branch of administrative law, is at a fairly high level. This fact is also confirmed by the positive feedback addressed to the research works of domestic jurists.

In general, national law schools have been able to formulate quite clearly the basic provisions on the nature, content and characteristics of police law as a sub-branch of administrative law, in a version close to Western European doctrinal interpretations. It is important to emphasize that such impressive achievements of Ukrainian legal science have been made despite the fact that there is still no official legislative interpretation of the term of «police law» in the current national legislation as of 2020.

### *3.4 Extent of application of administrative law in police activities*

The general and acceptable rule is that the issue of administrative law appears in the national scientific community, but it has long been a daily reality for police structures in Western countries. We should note the orientation (focus) of policing on keeping human and civil rights and freedoms, and also the provision of services to the population. Thus, there is a gradual reorientation of police agencies (and law enforcement agencies in general) from intimidation institutions and strongholds of the authoritative regime into legal, democratic and transparent institutions, which are increasingly focused on serving each member of society. And, based on this fact, we can say that there is an urgent need to adjust national legislation so that it can offer new quality activities of police agencies to provide administrative services. And such amendments in legislation can be rational only if there is an active development of research in the field of police law.

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9 P. D. Bilenchuk & A. A. Yarmoliuk, *supra*, note 8.

### 3.5 Modern practicalities of the functioning of the police in administrative activities

The term of «police law» has no official state (legislative or judicial) interpretation. Instead, it is represented only by the doctrinal definitions of some jurists, whose field of study lies mainly in the field of administrative law. In particular, scholars bring the so-called «police» law closer to the system of administrative law. This can be explained by the fact that this sub-branch of administrative law has a close connection with the state and authoritative mechanism of the country. Moreover, the activities of the police in any state are either subordinated to the central authorities or are subject to the elected agencies of local self-government. Based on the above statement, it can be emphasized that the activities of any agency endowed with police functions and powers are not possible without the interaction with the authorities of the state.<sup>10</sup>

Thus, regarding doctrinal definitions as the only interpretations of the current term of «police law», it should be noted that there are several positions of scholars in this regard. One of the simplest, concise, but, according to some jurists, not quite complete definition is the position revealing the essence of police law, given by the famous jurist K. S. Bielskyi, who argues that police law is an organized set of administrative and legal norms that carry out the legal regulation of public relations on a regular basis in the field of public safety and public order.<sup>11</sup> As mentioned above, a number of domestic scholars in the law field and law-enforcement sphere believe that such a definition is not sufficient, complete or detailed. That is the reason why researchers of police law are recommended to consider simultaneously several doctrinal definitions of this term.

According to M. K. Bunhe, police law consists of legal norms that govern public relations in regard to the common good, i.e. welfare and security. These norms are established and maintained by the police authorities, established in unions that arise between people (political, local and personal).<sup>12</sup> In our opinion, it is not entirely correct to say that they are “established and maintained by the police authorities”, since police officers, on the contrary, are obliged to comply with the legal norms enshrined in the laws regulating police activities.

The position of jurist Y. V. Fomin is very important, because he revealed the term of “police law” in his scientific works. Thus, the scholar clarifies that it is a set of

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10 Artem Solomakha. *Retrospective and Perspectives of Police Law in Ukraine*. ADMINISTRATIVE LAW AND PROCEDURE 11. 2015. Pg. 285.

11 K. S. Bielskyi. *On the System of Administrative Law*. STATE AND LAW 3. 1998. Pg. 6.

12 Y. S. Shemshuchenko et al. (Eds.). *Anthology of Ukrainian Legal Thought*. POLICE AND ADMINISTRATIVE LAW. Yurydychna Knyha. (2003). Pg. 382-383.

administrative and legal norms that can regulate public legal relations, which could or may take place during the performance of their direct and immediate functions by state law enforcement agencies (including the police). Besides, the author specifies that the outlined activities of law enforcement agencies include a number of different types of protection and security of the rights, freedoms and legitimate interests of citizens. For example, they include the actions of police agencies to prevent and combat crimes and offenses.<sup>13</sup> Regarding the structure of police law as one of the sub-branches of administrative law, it should be noted that its main content are the legal norms that carefully describe and regulate the activities of police agencies and their internal organizational structure.

As a socio-legal category, jurist I. I. Mushket noted that police law is a certain protective system that is subject to legal regulation by administrative and legal norms and is enshrined in the current legislation. Moreover, it is noted that police law in a developed democratic state with a real rule of law must be provided by a system of effective guarantees by the state, which would protect the norms and principles of police law, as a sub-branch of administrative law, from various encroachments. Police law, in its essence, is an effective mechanism that regulates public legal relations only when it manages to qualitatively combine both the personal needs and interests of the subjects, and urgent and acute important problems and issues of public nature. But it means that quality management of such processes must function to achieve this purpose.<sup>14</sup>

### *3.6 Implementing and enforcing administrative laws*

As for the methods to implement the norms and principles of police law in practice, it should be emphasized that this is done by a harmonious combination of various means of compulsory impact permitted by national law and persuasion activities by the subjects of authoritative powers. Therefore, the quality of the described processes and management actions directly depends on the level of transparency of public authorities in a country, as well as on the level of its socio-economic, political and social development. It is confirmed by the fact that the activities of police officers are controlled and accountable to the public only in those countries, where the rule of rights, freedoms and legitimate interests of individuals prevails, and the words «democracy»

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13 Y. Fomin. *Police Law and Police Legislation as a Legal Basis of Internal Affairs Agencies' Activity*. LAW AND SAFETY 41. 2011. Pg. 90-95.

14 I. I. Mushket. THE GENESIS OF "POLICE LAW" IN THE CONTEXT OF THE EVOLUTION OF LEGAL SYSTEM: HISTORICAL AND THEORETICAL ANALYSIS. Doctoral Thesis, Nizhny Novgorod Academy. (2003). Pg. 26-55.

and «transparency» of public authorities are not politically biased slogans, but rather represent the daily routine of legal, developed and democratic countries.

In regards of the goals and the fundamental orientation of police law, it can be stated that the main purpose of the police agency activity in a democratic country is to ensure an adequate level of protection of the rights, freedoms and legitimate interests of every person. Accordingly, the ultimate purpose is to create and maintain a positive level of harmonious interaction between the subjects of public legal relations in the state and society.

One of the first steps that should be fulfilled by the representatives of state law enforcement agencies, in order to begin the process of establishing the regime of legal norms functioning provided by police law, is to combat criminal acts and lawlessness. This is the reason why legislative provisions must meet the criteria of rationality and reasonableness for the effective impact of legal norms on the relationship between the police and citizens. Therefore, they should not create any gaps or conflicts in the legislation. In this perspective, it is worth taking into account the position of the Constitutional Court of Ukraine, which stressed in 2005 that legal norms must meet such requirements as certainty, clarity and unambiguity, since otherwise they cannot ensure its uniform application and does not preclude unlimited interpretation in law-enforcement practice and inevitably leads to arbitrariness.

Based on this research, it can be pointed out that in the modern conditions of the reform of the police, which began in 2015, the police law is of particular importance. This statement is due to the fact that the scientific developments of scientists who study the problems of the development and functioning of the police have an important role in the improvement of the activities of this state law enforcement body. The function of the police is one of the functions of the state government in the field of maintenance of security and public order, law enforcement, protection, shelter, and services to the community. There are three core functions of the police, i.e. law enforcement, order maintenance, and service function.<sup>15</sup>

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15 Rudi Antariksawan & Muhammad Mustofa. *The Direction of Police Community Policy in the Prevention of Traffic Accidents in Polda Metro Jaya*. JURNAL CITA HUKUM (INDONESIAN LAW JOURNAL) 1. 2020. Pg. 17-32. <https://doi.org/10.15408/jch.v8i1.13762>

## IV. PERSPECTIVE AND THE WAY FORWARD IN RECONCILING THE TWO CONCEPTS

Thus, police law can indeed be considered as a full-fledged sub-branch of administrative law. It is an integral part of the administrative and legal system, and it is quite closely connected with the subjects of administrative and legal relations, as well as with the norms of administrative law. The development of police law and the directions of its research depend on the priorities of police activity, and its goals and objectives. Those events and changes that have taken place in Ukraine during the last ten years can be considered as a clear confirmation of this reality. Namely, as a result of radical reforms of both the domestic police and, to some extent, other law enforcement institutions of the state, there has been a serious reorientation of these departments into organic elements of a democratic constitutional state. The priority of the latter is providing services to citizens within their authorities (protection and security of human rights and freedoms), as well as providing them with a number of public administrative services. Therefore, as a result of the reform, there was an intensification of scientific and legal research in the field of police law, which was mainly focused on studying and analyzing the possibilities of police units to be maximally transparent, efficient and useful in their daily functioning both for society as a whole and for each of its members.

In this context, examples of successful international experience of several Western countries, which have managed to create a high-quality and rational system of police law that ensures the effective functioning of police units, are extremely useful for domestic scholars interested in researching the essence and characteristics of the formation and further development of police law.

## V. REFERENCES

Artem Solomakha. *Retrospective and Perspectives of Police Law in Ukraine*. ADMINISTRATIVE LAW AND PROCEDURE 11. 2015.

I. I. Mushket. THE GENESIS OF "POLICE LAW" IN THE CONTEXT OF THE EVOLUTION OF LEGAL SYSTEM: HISTORICAL AND THEORETICAL ANALYSIS. Doctoral Thesis, Nizhny Novgorod Academy. (2003). Pg. 26-55.

- I. S. Grytsenko. *The Main Trends of the Historical Development of the Doctrine about the System of Administrative Law (from the Policial to the Administrative one)*. SCIENTIFIC BULLETIN OF LVIV STATE UNIVERSITY OF INTERNAL AFFAIRS 2. 2008. Available at: [https://www.lvduvs.edu.ua/documents\\_pdf/visnyky/nvsvy/02\\_2008/08gispda.pdf](https://www.lvduvs.edu.ua/documents_pdf/visnyky/nvsvy/02_2008/08gispda.pdf)
- K. S. Bielskyi. *On the System of Administrative Law*. STATE AND LAW 3. 1998.
- M. Babšek, N. Tomaževič & P. Kovač. (2020). *Administrative Reforms and the Rule of Law: Case-Law Analysis as an Inspiration for the Slovene Reorganisation of Social Work Centres*. CROATIAN AND COMPARATIVE PUBLIC ADMINISTRATION 4. 2020. Pg. 595-622.
- M. I. Biiushkina. *Formation of the Science of Police Law (xvii Century-80s of the xix Century)*. ACADEMIC BULLETIN 14. 2011. Pg. 11-14.
- M. N. Kurko, P. D. Bilenchuk & A. A. Yarmoliuk. *The Science of Police Law in Ukrainian State Building: Origins, Milestones, Historiography, Current State and Ways of Priority Development*. OUR LAW 4. 2015.
- O. S. Pronevych. *Organizational and Legal Grounds of Police (Militia) of Germany, Poland and Ukraine: A Comparative Legal Analysis*. Thesis for a Doctor's Degree by Specialty 12.00.07. Administrative Law and Procedure; Financial Law; Informational Law. Kharkiv National University of Internal Affairs. (2011). Pg. 22-28.
- P. D. Bilenchuk. *Conceptual Principles of Providing Criminal Justice by the Latest Means of Cognition*. VICHE 12. 2013. Pg. 5-7.
- P. D. Bilenchuk. TRAINING OF LAWYERS OF THE NEW GENERATION IN THE XXI CENTURY: WORLD EXPERIENCE AND REALITIES OF THE UKRAINIAN CLASSICAL UNIVERSITY. Dakor Publishing House. (2014).
- P. D. Bilenchuk & A. A. Yarmoliuk. STRATEGY FOR THE DEVELOPMENT OF FORENSIC SCIENCE IN THE THIRD MILLENNIUM. FORENSIC ACTIVITY: CURRENT STATUS AND PERSPECTIVES OF THE DEVELOPMENT. National Academy of Internal Affairs. (2015).
- Rudi Antariksawan & Muhammad Mustofa. *The Direction of Police Community Policy in the Prevention of Traffic Accidents in Polda Metro Jaya*. JURNAL CITA HUKUM (INDONESIAN LAW JOURNAL) 1. 2020. Pg. 17-32. <https://doi.org/10.15408/jch.v8i1.13762>
- R. V. Kutuzov. *Teoretical-Methodological Principles of Science of Police (Administrative) Law in Explaining of Ukrainian Scientists Second Half of XIX — Beginning of XX of Century*. V. O. SUKHOMLYNSKYI NATIONAL UNIVERSITY OF MYKOLAIV 2. 2014. Pp. 8-12.

Y. Fomin. *Police Law and Police Legislation as a Legal Basis of Internal Affairs Agencies' Activity*.  
LAW AND SAFETY 41. 2011. Pg. 90-95.

Y. S. Shemshuchenko et al. (Eds.). *Anthology of Ukrainian Legal Thought*. POLICE AND ADMINISTRATIVE  
LAW. Yurydychna Knyha. (2003).