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THE POLICE SYSTEM OF A MODERN STATE

Abstract: *In order to guarantee security to its citizens and in order to fulfill its security function, the state organizes a security system, and within the security system, a police system. In order for the police to be able to carry out tasks within their jurisdiction, the state provided them with the authority to apply coercive measures (force), which is also a basic element of the recognizability of the police function. In doing so, a modern state must find a balance between the need for internal security and the need to guarantee the maximum degree of respect for the rights and freedoms of its citizens. Therefore, its police system must be organized according to a model that will enable adequate democratic/civilian control over the work of the police, and, at the same time, will be able to respond to modern challenges, risks and security threats effectively. In this paper, we will deal with the concept of the state in a functional sense, and especially the police-security function of the state, the relationship between security and freedom, and the monopoly on the legitimate application of physical coercion. Also, the aim of the paper is the conceptual determination of the police system, that is, the overview of the genesis of the development of the concept of police and the basic models of the police system in the world. For this purpose, a methodological framework was applied in the form of a review of the existing scientific and professional literature, as well as an analysis of research papers dealing with issues of genesis and comparative analysis of the model of police systems of a modern state.*

Keywords: *police, police system, state, function, security*

1. INTRODUCTION

Security science cannot be imagined without a modern idea of the state and its functions. In an era when most security theorists are dealing with new security sectors, such as environmental, energy, or cyber security, it is not popular to talk about the work related to state police systems. The paradigmatic crisis in which the science of security has fallen has led to the fact that we have little or no discussions that, from a scientific aspect, deal with the police. Even the existing ones, unfortunately, do not leave the domain of professional discourse and professional expression. In this sense, respecting and re-examining the notion of a modern state in a functional sense, the scientific study of the police systems of modern states is imperative in the science of security. The imperative also represents a comparative approach to the study of police systems, as a prerequisite for finding the best and most functional models of police organization within the framework of a democratic state.

With its very creation, the state imposed itself as the guarantor of security, taking upon itself the obligation to protect public order. Thus, as one of the basic functions of the state, its protective or security function stands out. Furthermore, certain authors consider the state as a creation used by society to oppose shapes and sources of external or internal threats (Stajic, 2004; Jovicic & Setka, 2023). Even Aristotle argued that achieving safety and the good life is the end of the city-state²¹. Already after its creation, the state took upon itself the maintenance of public order and peace in the community. Only when it began to take care of internal order did the state become a legal institution in the full sense of the word (Milosavljevic, 1997; Jovicic & Setka, 2020). Just as the company is the most effective form of organization in a competitive economy, the state is the most effective and economical way of organizing the security and well-being of a population (Ghani et al., 2005). Security is a constitutive ingredient of a good society, and the democratic state has a necessary and virtuous role to play in the production of this good (Loader & Walker, 2007). In order to be able to guarantee security to its citizens and to be able to fulfill its security function, the state organizes the security system, and within the security system, the police system - the police.

²¹ Aristotle, "Politics" (Zagreb: Globus, 1988)

This paper consists of two basic parts. In the first part, we will deal with the functionality of the idea of the modern state, especially its police security functions. This is the oldest and most comprehensive function of the state. The state, with its creation, imposed itself as the main guarantor of the survival and safety of society, while the police developed in parallel with the development of the state administrative apparatus. Police use tools of coercion, i.e. physical force (given and enabled by the state), to protect public order, suppress crime and establish various functions within a society. In doing so, the modern state must find a balance between the need for internal security and the need to guarantee a maximum degree of respect for the rights and freedoms of its citizens. Therefore, its police system must be organized according to a model that would enable adequate democratic/civilian control over the work of the police. At the same time, it should efficiently respond to modern challenges, risks and security threats. In the second part of the paper, we will try to present the concepts of the police and the police system. The police system is an integral part of the security system of a modern state and its final formation is the result of the action of numerous factors (historical heritage, legal tradition, constitutional arrangement, how the country is territorially divided, etc.). Due to the multifactorial nature of the evolution of the police system of a modern state, it would be wrong to claim that there are two identical models in the world. Each has its specifics, advantages and disadvantages.

2. THE SECURITY FUNCTION OF A MODERN STATE

Looking at the overall role of the state in society has always been one of the central preoccupations of scientific thought. According to Vejnovic and Obrenovic (2019), contemporary debates about the state carry the mark of epigonic or imitative, stereotyped repetition. They sound like a theoretical remake of the original modern theories and, according to these authors, they generally gloss over the fundamental issues – what is the state, what it is made of, what it is based on. They actually consider these issues to be solved within the paradigms of the existing theoretical heritage, i.e. in the works of the founders of modern thought about the state – Hobbes, Locke, Mill, Marx, Weber. If they engage in the elaboration of such issues, these discussions generally remain within the framework of the basic ideas developed by the aforementioned thinkers and theoreticians. In this sense, it is of extreme importance to talk

about the functional concept of the state and the structure of power in the state, in the light of social changes characteristic of the modern era.

It is especially important to talk about the police, as a representative of the internal power of the state, which, through the monopoly of force/coercion it possesses and the authority it enjoys in society, most directly contributes to the realization of the security function of the modern state.

The police contribute to the realization of this important function of the state by performing their functions (Milosavljevic, 1997; Setka, 2017) through the execution of tasks under the jurisdiction of the police. These tasks are performed in practice through the immediate application of police powers and police measures and actions (Talijan, Arandjelovic, Velimirovic, 2003; Jovicic & Setka, 2023).

2.1. On the Functions of the State – Security and Freedom

If we look at the state as an organism, we will conclude that it has not only organs but also functions. In the context of the topic of this paper, it is useful to mention that when functions change, it also affects the organs. For example, the evolution of the police system of a modern state has been directly influenced by the change in understanding the state functions. According to Spektorski (2000:162), in contrast to the old "static" supervision, according to which the organ was more important than the function, the modern "dynamic" understanding is that it is considered the function does not exist because the organ, but, on the contrary, the organ exists because of the function. If we are to make Spektorski's claim more specific, we can conclude that e.g. security function of the state does not exist because of the security service, but, on the contrary, security services (police included) exist to achieve the security function. In general, the concept and essence of the state cannot be determined without determining its function(s), i.e. determination of the functional concept of the state or the concept of the state in a functional sense. The division of state functions is usually adopted as it originally can be found in Isaiah's Biblical passage about God's authority and which became famous through Montesquieu's "The Spirit of the Laws". Montesquieu argues that there are three functions of government: executive, legislative, and judicial (Spektorski, 2000:162). Yet the point we must not overlook is that the government is one and indivisible. In relation to that, such understandings of state functions may be faulty. In the rest of this paper, we will try to offer a brief overview of the views of certain

theorists on the functions of the state, namely those views that do not necessarily treat state functions through the prism of the traditional division of powers.

The most influential social contract theorists - Thomas Hobbes, John Locke and Jean-Jacques Rousseau, gave their views on the role of the state in society. Hobbes argued that security was something the state had to provide and maintain. According to Hobbes, people should transfer the right to govern themselves to the sovereign and that sovereign should determine what acts are against peace and how should such acts be punished (Hobbes, 2004). At the center of Hobbes' thoughts are peace and security, but also sanctions for those who challenge or violate that security. His concept of a "security state" seems to be having a great comeback to the theoretical and practical political agenda²². Further on, according to Locke, the basic functions of the state are to prevent conflicts and guarantee the natural rights of liberty and property, with the only purpose of government being to protect the life, liberty and property of individuals (Locke, 2002). We see that Locke emphasizes security function with main referent objects: life, liberty and private property. Rousseau however claims that the main purpose of the state is to secure freedom and protect equality (Rousseau, 1978). What is in common for all three social contract theorists is that they practically bring down the state function to security and freedom, with Rousseau specifically discussing the relation of freedom and security, i.e. reconciliation of government and personal liberty.

Max Weber also talks about the functions of the state and recognizes the following functions as basic: establishment of law - legislative function; protection of personal safety and public order - police function; protection of acquired rights - judicial function; nurturing hygienic, pedagogical, socio-political and other cultural interests and organized protection from external dangers - a defensive function (Weber, 1976).

The aforementioned Yevgeny Spektorski claims the founding aim of the state is to cooperate for the security and well-being of its population (Spektorski, 2000:23-24).

²² The resurgence of signs of "security state" happened after the terrorist attacks of September 11, 2001: distrust in both foreigners and own citizens, as well as complex procedures of passenger checks, especially in air transport (Pavlovic, 2010).

N. Viskovic (2001:36) sees the function of protecting social peace and security as one of the most important state functions, i.e. prevention of internal war between social groups and arbitrary endangerment of life, body, property, trade, family, etc.

On the other side, newer studies support the thesis of the plurality of state functions (Ghani et al, 2005). There are ten functions the modern state must realize in the “interdependent” world of today: legitimate monopoly on the means of violence, administrative control, management of public finances, investment in human capital, delineation of citizenship rights and duties, provision of infrastructure services, formation of the market, management of the state’s assets (including the environment, natural resources and cultural assets), international relations (including entering into international contracts and public borrowing) and the rule of law. The same authors state that this multidimensional role stands in marked contrast to the 19th century when states were “one-dimensional providers of security” (Ghani et al, 2005:6).

From the above, it can be concluded that the views on the function/functions of the state are somewhat different. They range from understandings according to which the state has only one function, through purely legal understandings based on the traditional division of power, all the way to pluralistic theories that distinguish between a greater number of state functions. Nevertheless, it is noticeable that the discussion about state functions, in the liberal-democratic tradition, essentially boils down to issues of security and, in this connection, the legitimate area of state action. It is obvious that the most general function of the state is actually the function of security, and that "the basic idea of the political-territorial organization of societies into states is actually the continuous search for the safety of the individual, the collective and the state from dangers that arise within them and/or come from outside" (Mijalkovic, 2011:258). At the same time, a modern state must guarantee individuals the unhindered exercise of their rights and freedoms. In this context, there are wide debates about the relationship between freedom and security (excess of freedom = lack of security and vice versa). Therefore, the level of respect for human rights in a country is expressed in terms of the most optimal relationship between freedom and security. According to the above, security can be understood as a necessity in the Hegelian sense, and when the subjective will is subordinated to the laws, then the opposition between freedom and necessity disappears (Vejnovic et al, 2022). At the same time, "the police is at the center of the problem of establishing a balance between management as an essential

function of the state, and the freedoms and rights of citizens" (Puseljic & Jelenski, 2007:7). If we look at everything presented and keep in mind what jobs the police perform, we can conclude that the work of the police is of great importance for the realization of important state functions. For this reason, the state entrusted the police with the monopoly of the use of force, which enabled it, or rather enabled the police system to perform its duties and functions in an efficient manner, thereby directly contributing to the realization of important state functions.

2.2. The Police – Force and Authority

Thomas Hobbes explained the essence of the state through power. According to Hobbes, the essence of government is not the mind or prudence, but power, command and will (Hobbes, 2004). A special case of power is authority – one of the three elements of the state and, according to modern understanding, its most important element. In a wider sense, it is a legitimate form of domination (Weber, 2014; Spektorski, 2000). Lj. Tadic determines political authority in his work "Science of Politics" as institutionalized power or ability to efficiently subordinate by persuasion or force (Zivkovic, 2002:69). Here we see that government has two pillars: moral authority and physical force, agreed by Spektorski (2000). Among all the means on which the state relies to exercise its power, the monopoly of force/coercion²³ stands out in theory. A monopoly on the means of violence has long been accepted as the primary criterion of statehood (Ghani et al, 2005:6). Max Weber (2014) wrote that a compulsory political organization with continuous operations will be called a 'state' [if and] insofar as its administrative staff successfully upholds a claim to the *monopoly* of the *legitimate* use of physical force in the enforcement of its order. In that way, he also defines that a fundamental characteristic of statehood is the claim of such a monopoly. Therefore, one of the key elements of statehood is that it represents a political organization with a monopoly on the legitimate use of physical force in society (Milosavljevic, 1997).

²³ Terms *force* and *coercion* are often used as synonyms, which they are not. First of all, coercion is a broader term and can consist of both the use of force and the threat of the use of force, with the aim of imposing certain behavior on someone. Every force contains coercion, while coercion does not necessarily contain force. The term *coercion* means the use of physical or psychological force to achieve something, to force someone to do, not do or suffer something (Djukic & Setka, 2017).

Without such a monopoly, there is no state, certainly not one that wants to guarantee the safety of its citizens. The modern state, as a performance state, functionally coordinates the interests of its citizens and, at the same time, has a decisive role. Such a state can only function if, "for every variant of conflict of interest, it is able to resolve a conflict by force, in case of necessity, that is, to implement the resolution proposal A against variant B" (Nitschke, 2002:84). It is fundamentally true that states exercise maximum control over resources and the use of force in relation to groups within it. However, the state does not represent only and exclusively a system of power. The state's use of force is governed by legal norms that can certainly be violated. Achieving a monopoly in the use of force concerns special goals, namely the preservation of internal order (police function) and external defense. This is where the principle of legitimacy comes to the fore because the population distinguishes between the force applied by the state and other forms of coercion. In this sense, the state authorized its police to act, and its monopoly was formally recognized as necessary and *de iure* (Vincent, 1987). Bittner 1970 asserts that the role of the police is inextricably tied to their unique capacity to use force against members of the populace and more important than other roles, prone to change throughout history (Bittner, 1970).

Let's return to Spektorski's (2000) position that the state function does not exist because of the organ, but, on the contrary, the organ because of the function. In the same manner, the police exist so that the state can apply physical coercion through them. The police is a state body entrusted by the state with the function of protecting proclaimed social and state values and, for that purpose, entrusted with the possibility of applying coercion. Thus, coercion became one of the most important, if not the most important, features (distinguishing element) of the police function. This means that the police cannot perform their function, ie. perform their jobs and tasks without the legally permitted possibility to use coercive measures (including force), that is, to force someone to do something, not do it, or suffer. The police do this in the name and at the expense of the state, projecting state authority onto the individual - the citizen. However, the importance of coercion to the police function should not be misunderstood, in the sense that the police only serve to apply coercion. The scope of the police function is much wider and is not always authoritative (coercive or violent) (Gruber et al, 2014). Nitschke (2022), argues the need for supranationalizing coercion. Namely, as the classic national state must be supranationalized

in order to be effective in general, so its monopoly of power dissipates outwards. This led to the development of international police bodies, such as, for example, Europol.

Bayley (1985) for example, highlights three essential elements of his definition of police, namely: physical force, internal use and collective authority. Physical force, in his opinion, is a unique feature of the police, but what makes the police specific is not the use of force itself, but the fact that it is authorized to do so. Internal use is a characteristic that distinguishes the police from the military, which is responsible for the external projection of "state power". Finally, collective authorization indicates the connection between the police and the state, that is, the people (popular sovereignty) from which it derives its legitimacy and from which it receives authorization for its actions, especially for the use of physical force. Therefore, the police is the first and most visible expression of the power and authority of the state.

3. THE POLICE SYSTEMS

The police system is an integral part of the security system, and the security system itself is a part of a larger system - national and even global. Precisely because of this, system theory provides a powerful foundation for security and, in the same way, provides a philosophical and intellectual basis for the study of police systems (Young & Leweson, 2014). The system represents a set of different elements that function as a harmonious whole to achieve a specific goal. The concept of a system includes the following elements: the set goal for which the system exists, forces and means to achieve the goal, the structure of the system elements through which individual activities are realized, a set of activities for the achievement of the goal and the function of the structural elements for the achievement of the goal (Kekovic, 2009). Therefore, the security system, as a specific system, can be defined as "an organized social system through which society organizes the function of protecting its vital values for the general progress and development of society" (Kekovic, 2009:139). It implies a built and organized set of subsystems that have a defined scope of work and apply general and special methods. The peculiarity of the security system is reflected in the fact that its subsystems are organized as systems because each has special strengths, means, methods, rules and work norms. Precisely one of those subsystems, which represents a separate system in itself, is the police system.²⁴ Also, it is the most practical

²⁴ The police in every country is the mainstay of the security system, but the account for the state of security, no matter what it is, the account cannot be placed solely on the police. A comprehensive approach to the analysis of the

branch of security - public safety (Jovicic and Setka, 2020) that implies a direct relationship between police and the citizens and community. So, the relationship between the security system and the police system is hierarchical, while the police system is a subsystem of the state security system.

Although the first outlines of the police organization and function are visible in the epoch of the original human communities, the origin of the police, as a structured organization, is linked to the old century and the origin of the state and private property (Roberg et al, 2004; Gacinovic, 2015). In general, the concept of the police is inextricably linked with the concept of the state. This thesis is best supported by the fact that, etymologically, the word "police" comes from the term "polis" (Greek: city, also state). Basically, the entire state activity of the Greek city - the state, i.e. the polis, excluding the judiciary and the army, was simply denoted by one name - *politeia*, police (Jovicic, 2021).

The broadly defined concept of police, in the sense of the entire administrative function of the state, was in use until the end of the 18th century in France, Germany and some other countries. After the French Revolution, the idea of popular sovereignty won, as the source and justification of state power (Gacinovic, 2015). By shaping this principle in the process of building a modern state, the concepts of modern police and police systems were gradually built. Until then, the police meant almost the entire state administration, with a dual function - to take care of the internal security of the state and society (protective function) but also to enable social progress and the well-being of the population (Subosic, 2017). In the course of the 19th century, there was a differentiation of these functions and the professionalization of the work of the administration, which was subordinated to legal and political control. Numerous tasks of an administrative nature are excluded from police competence and are entrusted to special departments, while at the same time, the concept of police is reduced to the function of eliminating internal threats in the state, i.e. the tasks of maintaining public order and peace and suppressing crime (Jovicic, 2023). Of course, the function of the police has its sub-functions, which today represent the elements of the police system of a modern state and which include numerous specificities

security situation, therefore, includes the evaluation of the work of the police, but also of other factors in the security system (Puseljc & Jelenski, 2007).

characteristic of different countries.²⁵ Such differentiation of the police function, but also of the organization, is a consequence of the action of numerous factors or "numerous compromises between conflicting principles and ideas" (Kunic, 2008). The thing is, it is a very dynamic area of state administration subject to frequent changes, conditioned by increased security risks, national reform projects and platforms for the fight against crime (Franulovic et al, 2011).

Bearing in mind the function (functions) of the police, as well as the postulates of the general theory of the system and the theory of the security system, the police system, in the end, can be defined as a specific and dynamic subsystem of the state's security system, with established mutual relations of its parts, organized for the efficient performance of public affairs security and other internal affairs, i.e. the performance of police functions - criminal, misdemeanor, administrative, normative and social. The function of the police system includes goals (e.g. protection of society from crime) and tasks (traffic control and regulation, maintenance of public order and peace, administrative and legal tasks, etc.). It is achieved by special forces (police officers and police units) using special means (police powers). An important feature of the police system is the monopoly of physical coercion, which is exclusively entrusted to the police by the state.

Every sovereign state has the right to organize the police in a way that suits its needs and socio-political circumstances. Namely, the position, role and organization of the police are regularly the result of the action of certain factors that have their own specificities in every society (Milosavljevic, 1997). The basic condition for the functioning and development of police organizations in the modern environment is the construction and existence of an adequate model that will have a satisfactory level of flexibility (Cvetkovic, 2010). Such a model should enable a timely and effective reaction to modern security challenges, risks and threats, with the most rational use of state resources. There is a wide range of police system models in the world, each of which has specific characteristics that make it possible to distinguish it from the police system of any other country. Therefore, there are no two completely identical police systems. In order to get a structural division of police systems we can combine classifications made by Raymond B.

²⁵ Prof. Dane Subotic attempts to define the police from a genetic aspect, stating that the police represent "a unity of function and structure that arose, survived and developed for the purpose of maintaining internal order in the human community and security protection of the order of government in society" (Subotic, 2013:17).

Fosdick and R.I. Mawby into three basic models of police systems: continental, English (Anglo-Saxon) and colonial (Milosavljevic, 1997). It should also be said that every police system is determined by the conditions in which it was built and in which it evolves. At the same time, the most essential "condition" and starting point for the functional organization of the police is the state of security in the country.

Every police system is determined by numerous external and internal factors. Among the external factors, the following stand out: the system of executive power, the form of political organization, the territorial organization of the state, security conditions, security needs, and security policies, as well as the size of the territory and the number of inhabitants, the length and characteristics of the state border, and a number of other cultural, economic, social, political and other environments in which internal affairs authorities operate. The most important internal factors that determine the organization of the police (police system) are: strategies, guidelines, goals of the police, jobs and tasks of the police, and organizational resources available to the police (Puseljić & Jelenski, 2007; Franulović et al, 2011; Jovićić & Setka, 2023). We can distinguish individual police systems by the organizational models which are the result of the process of differentiation of the state administration. There are several basic models of police organizations, and the most common division is into: closed and open, simple and complex, centralized and decentralized, and complex coordinated and complex uncoordinated police systems (models).

4. INSTEAD OF A CONCLUSION

As we could see from the previous presentation, the police system is an integral part (subsystem) of the security system, which each modern state harmonizes with its own constitutional and political arrangement, security conditions and needs. The model of the police system of a specific country is a reflection of the centuries-old influence of numerous factors: historical, cultural, sociological, political and security. We define the police system as a specific and dynamic subsystem of the security system with established mutual relations of its parts, organized for the efficient performance of public security and other internal affairs, i.e. the performance of police functions - criminal, misdemeanor, administrative, normative and social. The function of the police system includes goals (e.g. protection of society from crime) and various tasks (control and regulation of traffic, maintenance of public order and peace, civil

status, etc.). In addition, and for the purpose of realizing the enumerated functions of the police and, therefore, the police security functions of the modern state, the police have been given the exclusive right to apply coercive measures, including force. The modern state is being tested: how to effectively deal with modern security challenges, risks and threats, and at the same time guarantee the maximum degree of respect for the rights and freedoms of its citizens? Therefore, it is very important to find and establish an optimal model of the police system that will adequately respond to the basic need of a democratic society, which is to find a balance between security and freedom.

The model of the police system of the state must be harmonized with the constitution and the territorial-political division of the state. In addition, the responsibilities between its elements (the police agencies that make it up) must be clearly demarcated. The division of responsibilities between individual parts of the police system is all the more important if it is a complex and cumbersome police system, and especially if it is a police system established in complex state communities.

Finally, it is very important to point out the fact that the police system is dynamic, as we have already said, and as such is subject to change. It is not a static category. Like any other social system, it depends on its environment and must adapt to that environment. The police system of a modern state depends both on internal (political, security) conditions in the state and on external political factors, i.e. regional and even global security dynamics. What should be singled out as a global tendency is certainly the "opening" of police systems to the outside, primarily in terms of the emergence of new forms of regional and international police cooperation. A modern state cannot fulfill its security function if it does not cooperate with other states. Common problems (transnational organized crime, terrorism, illegal migration) require joint action by states. The further evolution of the police system of a modern state must go in that direction. Therefore, in present conditions, the police system should be modern, flexible and adaptable to new security challenges, risks and threats. It should be open to its surroundings (society) and ready to actively exchange information with foreign police systems. It should be organized in accordance with the constitutional arrangement of the country. It should be functional (i.e. formed to effectively provide security service to citizens) and efficient in performing police

work, thus directly influencing the realization of its functions and directly contributing to the realization of important functions of the modern state.

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