

важливим завданням для зміцнення довіри до нотаріальної системи в Україні та розвитку правової держави в цілому.

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## DEMOCRATIC POLICING: EXPERIENCE OF OSCE PARTICIPATING STATES

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Currently, the legislator establishes the legal status of the National Police of Ukraine as the central body of executive power, which serves society by ensuring the protection of human rights and freedoms, combating crime, and maintaining public safety and order. At the same time, it is emphasized that the police act on the basis, within the limits of authority and in the manner determined by the Constitution and laws of Ukraine.

At the same time, the Law of Ukraine «On the National Police» enshrines a fundamental change in the understanding of the place and role of the police in relations the police is a central body of executive power that serves society by ensuring the protection of human rights and freedoms, countering crime,

maintaining public safety and order. The main task of the police is based on the general concept of providing services by the state to the population and is formulated as:

- 1) ensuring public safety and order;
- 2) protection of human rights and freedoms, as well as the interests of society and the state;
- 3) combating crime;
- 4) providing, within the limits defined by law, assistance services to persons who, for personal, economic, social reasons or as a result of emergency situations, need such assistance.

Such an understanding corresponds to the understanding of the police as a civil organization and contributes to the achievement of the goal of the reform – the transformation of the system of state coercion into a service. The new approach should ensure the social security of citizens, the absence of corruption, the protection of basic rights and freedoms, and the fight against crime. In other words, the bodies of the National Police acquire the characteristics of a «democratic subject» or – a «democratic police», which is new for Ukrainian society.

In democracies, it is believed that the police should be given sufficient powers to carry out their work, but the scope of these powers should not endanger the welfare of society and citizens. When solving this task, theory and practice are based on three concepts: legality, professionalism and controllability. The presence of these three conditions is mandatory for the recognition of the democratic character of the police organization, while all these three concepts must be harmonized. Professional conduct and responsibility support legality; accountability helps to make the police professional; legality presupposes the presence of broad powers in the police [2, p. 521].

An important condition for reforming the police on a democratic basis in countries freed from authoritarian regimes is the solution of a complex of issues related to the constant adaptation of police structures to social processes taking place in specific conditions of place and time. The problem of adaptation in the field of police activity is multifaceted. It covers: adaptation of police functions to new standards and priorities caused by changes in the political regime and foreign policy situation; adaptation of the police structure to the functions performed by it; adaptation of police officers to professional service, new job evaluation criteria, stressful and extreme workloads [3, p. 11–12].

We will reveal the peculiarities of the service function of the police and analyze the goals of the democratic police set out in the recommendations.

Generally, in this context the police are the most visible manifestation of government authority performing the most obvious, immediate and intrusive tasks to ensure the well-being of individuals and communities alike.

The main duties of the police are to maintain public tranquillity, law and order; to protect the individual's fundamental rights and freedoms – particularly life; to prevent and detect crime; to reduce fear; and to provide assistance and services to the public. Progress towards democratic policing is made when there is a shift «from a control-oriented approach to a more service-oriented approach», where the primary concern of law enforcement remains focused on proactive crime prevention.

Democratic police develop and implement their activities according to the needs of the public and the State and emphasize assistance to those members of the community in need of immediate help. The police must be responsive to the community as a whole and strive to deliver their services promptly, and in an equal and unbiased manner. Through their activities the police should be part of society's common efforts to promote legal protection and a sense of security.

Upon request, the police shall assist other public institutions in performing their services when prescribed by the law [4, p. 12].

The police are the most visible manifestation of government authority. Their main duties are to:

- maintain public tranquillity and law and order;
- protect and respect the individual's fundamental rights and freedoms;
- prevent and combat crime; and to
- provide assistance and services to the public.

Police officers will enhance the legitimacy of the State if they demonstrate in their daily work that they are:

- responsive to public needs and expectations; and
- use the authority of the State in the people's interest [5, p. 9].

Therefore, in all OSCE member countries, the police plays a decisive role – in terms of the effectiveness of the results of its work, its structural position in the vertical of the state, in terms of what and how it does, in terms of its influence on political and social ideas. The police are part of the public administration system.

The development of democracy is the most important element in the formation of European-style statehood. The international community supports police reforms in Ukraine only if their ultimate goal is the implementation of democratic principles of state development. Democratic law enforcement agencies and a democratic society exist in unity. Democratic law-enforcement bodies cannot be created unless the conditions for the existence of a democratic society are ensured, which includes the existence of a culture of tolerance and trust, effective legislation and effectively functioning institutions of justice. OSCE standards reveal «democratic police» from two positions: «policing as a public service» and «democratic objectives».

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