

THE ROLE OF ETHICS IN THE MODERN POLICE IN THE REPUBLIC OF KOSOVO

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Abstract

The explanations so far show us that the state is the bearer of security in any society. It realizes its function through legitimate powers, which its executive bodies possess and are authorized to protect public and legal order. These high-security standards arise from normative rules, namely, laws and the constitution. Without violence, the state is obliged that every individual provides basic rights and freedoms that agree with the postulates and human civilization.

In order that the individual to be able to realize these rights, their behavior should be in line with regulatory rules in the center of which lies the requirement of inviolability in the security segment. So, if we want to build a legal and democratic state, its institutions must be bearers of state dynamics as well as of change, development, and simultaneously, bearers of control over government and pressures towards it. The police as a law enforcement organ without doubt must respect the code of ethics, because without a meaningful collaboration between police and community, and without respect for the code of ethics, the police would not have civic trust, thing that would affect the citizens' insecurity and the state in general.

Keywords: *Police, ethics, violence, legal state, citizens.*

Introduced

For a society to be stable, the operation of law and order must be at the appropriate democratic level, and there is no doubt that during this process the police system has a special responsibility. The question is always raised if the police does not have the right approach in terms of its proper organization, then its power can take on dangerous proportions, especially in relation to the citizens, because such opportunities are created for the application of repressive measures, for exceeding the authorizations given to it by law, etc. Therefore, the desire of no one, but also of the institutions of power, must not be illegal and contradict the respect of freedoms and human rights. So, regarding the use of force by the police, it must be derived from the law and its implementation, as well as must be in harmony with universally recognized standards, which is a foundation for the formation of moral-ethical behavior of officers who are in the service of the law, i.e. freedom is largely a matter of law. In this way, we also come to the question of the work of the police, and this is the ethical code of its behavior during the implementation of official duties. Viewed etymologically (in Greek ethos - morality, human nature), ethics is the science of morality, namely the theory of morality, which examines the meaning, goals of moral norms, basic criteria for moral evaluation as well as the general bases and sources of morality. In a general sense, the word ethics means all norms that express certain relationships, behaviors in the profession, attitudes towards good and justice, human relationships and relationships that are

moral. As one of the general principles in the legal community, ethics is concerned with the moral characteristics of police officers, judges, prosecutors, and lawyers, etc. Moral rules mostly rely on voluntary and customary standards that guide the interpersonal relationships of individuals.

Methods:

For the needs of the work, the combined methodology from the studies of self-accusation and victimization was used and followed by the following methods: The method of legal analysis which is used to analyze the legal basis and the current legislation that regulates the strategies of preventing abuses in and by the police while not violating police ethics. The method of systemic analysis is used to study and analyze the position of legislation in the field and its position in the current legal system and statistics; The historical analysis method is used to explain the rates from the past and to compare the new rates with the historical ones; The method of theological analysis is used to explain the purpose and objectives of the study from the actual perspective of the survey and interview.

Results and Conclusions

It is known that the police of any state, whether democratic or not, have the responsibility for maintaining order and public safety. Kosovo has had the chance to go through a transition phase, where it has faced various problems and in this phase, the priority has been the creation of the Police. The Kosovo Police was established with the help of friendly countries, especially the United States of America immediately after the war. Although the Code of Ethics should be treated as a "bible of conduct" and only have a descriptive character, it concretely provides clear and applicable guidelines for general principles such as integrity, transparency, etc. There is always a question of whether a police officer or superior should lie, steal, or surrender. Accordingly, this position is based on the classical concept of the term "ethics", which is mainly related to morals and values. The current Code of Ethics of the Kosovo Police reflects, moreover, the classic, binding and descriptive nature of the objectives and obligations of the police, as well as a guiding document of the principles that should guide the daily work of the police in the implementation of duties and respect for human rights, with professionalism and a constructive approach to citizens in general. It must be based on the organizational priorities of its role and function and the definition of objectives must be preceded by a detailed study of the current situation in the Kosovo Police, this reform process must reflect the culture, tradition and history of the people, so that the programs achieve complete success.

The role of police ethics in creating public trust

In order to live up to the public's trust, the police must demonstrate professionalism and integrity by adhering to a code of professional ethics. Faced with limited resources and the need to prioritize action, the police must use their judgment in law enforcement (Lewis, 2006; 11). The judgment of the police, however, "is permissible and desirable only when it is in the interest of justice" and in accordance with the directives and code of professional conduct. This code should reflect the highest ethical values expressed in the limitations and obligations of police work. The police must demonstrate a high degree of integrity in the performance of their duties, be willing to resist temptations to abuse police power and adhere to these values. The police must perform their duties competently, honestly, impartially and efficiently, taking care only of the public

interest and of the people they serve. Police officers must properly care for and maintain their equipment and use financial resources efficiently. Police officers must refrain from any outside activity that may affect the impartial performance of their police duties or that may lead the public to suspect such. Police officers must not allow their personal interests to influence their public position and it is their responsibility to avoid such conflicts of interest. They must never exploit their position for personal or family gain, or for relatives, friends, and persons or organizations with whom they have or have had ties (Council of Europe, 2006; 26).

The importance of the ethical example and its dimensions in society

The changes that have taken place during the construction of the legal and democratic state, as well as in the construction of the transparent and civil society in the future, definitely also affect the police system, before which great organizational, strategic, and operational challenges are presented.

At the center of all these changes is the question of efficient human protection from the violation of his basic rights and freedoms, which have been inaugurated in all relevant international documents, as well as in state constitutions. If the state does not provide the appropriate level of security, then absolutely we cannot talk about the individual freedoms of a society. For this reason, all modern states first try to regulate this field, as well as the bodies that are specifically authorized to use the power of violence, in order to protect citizens from offensive sources and forms. Therefore, in every state there are citizens who, with their own behavior and actions, violate some segments of security, and with this also the freedoms of citizens (Pusić, 2009; 240). Since the state is the bearer of the security function, it through its organs must take the necessary measures, where by interfering with the freedom of the individual, the risks that can lead to the highest level of security disorder are eliminated. Requirements for the maintenance of internal security necessarily result in a new presentation. Democratic police forces can no longer rely only on their legitimate power, but they also need the support of citizens. Therefore, the central problem of the democratic society is how to optimally maintain the proportionality between freedoms and security. For this reason, every government must be held accountable to its citizens. In this sense, the police system must take full responsibility for its actions before the authorities, when matters from the security field are in question. The insufficient understanding of the role of the police in a democratic society increases the complexity and limits the legality, as well as the fulfillment of operational duties in a responsible and professional manner. It is important to understand that the police system also exists two times, in the present, but also to understand in a restrained way the future time of police work since it is continuously in the line of fire of public opinion and criticism. In this regard, many questions are posed to the police system, such as:

- how today's police in modern society defines its role, especially in the case of political conflicts (demonstrations);
- what strategic and tactical opportunities do the police have in a democratic society;
- where the police see their place in the state;
- is it an instrument of politics, or is it considered an independent body, with the function of maintaining public order and rules, respectively internal security;
- how much power does the police system possess, who has the power in this apparatus, respectively, in what way is the control over the power of the police apparatus carried out;

- does the police see itself as an instrument of pronounced power, which tries to be instrumentalized rather for the purpose of implementing political interests?

These are some questions that explicitly point to the responsibility of democratic institutions when we are dealing with the formation of police philosophy, with which, in a strategic-operational sense, the right balance must be achieved in the requirements for security and the protection of freedoms. In short, the only balance which will ensure that the police power is based and applied as little as possible in the permitted legal authorizations, and that only it is manifested through social-preventive activities, which will prevail in the operative-practical action towards the citizens. Thus, by protecting internal security as a fundamental goal of the state, the police system will legitimize its power, but on completely new democratic principles. With a new strategy and doctrine of action, the police need space, where their work will gain its full democratic meaning and content.

In this way, police actions will acquire a desired dimension, and its full justification will be achieved during concrete work, in complicated circumstances when it sees man as "the possibility of responsible freedom", or as Franklin D. Roosevelt said in 1944, "freedom means acceptance of human rights everywhere". Since the police system tries to become an integral system of the community, and not an apparatus with a monopoly of violence brought to life by the citizens, with a new mediation with the citizens in order to build credibility and a higher framework with the community in solving problems of common interest. This enables direct control and supervision by citizens, especially when the legality and ethics of police activities are in question. Starting from this, we come to the important question: the question of the formation of the ethical form of the police, which has recently become the main question in the implementation of concrete police activities. The democratic society requires a new approach in the implementation of police ethics, as one of the most important factors in the construction of the new work strategy of the police system.

Any lack of ethical principles in modern society necessarily implies direct influence and interference in the field of basic rights of citizens. The Council of Europe has been quietly considering questions related to police ethics for a long time. However, it is known that Europe still does not have a police code of ethics. In the scientific meetings which are held on the subject of police ethics, it is indicated in the request of the construction of a universal codex of police ethics. The importance of this question requires the analysis of existing standards which have been accepted in several countries. This is the reason "why all restrictions of freedoms which are based on the law cannot exceed the minimum necessary to achieve a just state. Freedom can be limited only to enable freedom. To man as an individual, even if he has made a lot of mistakes and in case of conflict with the law, he should be treated with respect, as his human dignity requires" (Markus, 1994; 144-147).

Thus, it is clear to us that the police as a state institution in modern society, in addition to the close connection with the law in daily practice, is also closely connected with the power structures and is in direct contact with the citizens. Therefore, the views of some authors who consider police ethics as one of the main pillars of democratic processes, especially in the necessary connection with the state and citizens, are not surprising. The tendencies of the police as a public service are at the service of the citizens. In order to build this relationship of trust, it is appropriate to establish the ethical code of professional behavior with a moral component. The

shaking of trust in police ethics also requires new strategy and tactics in order to increase the credibility of citizens, which is the key determinant of police efficiency. There is no efficiency of police work without the corresponding ethical dimension. If the requirements for the police system to be in harmony with its protective role in society, and not to limit human rights and freedoms, then we return to the central question, which is the provision of sufficient security of the community, where all aspects of the freedoms established by the constitution can be expressed. In order for public opinion to gain certain convictions about the humanized and democratic work of the police, its ethical codes must be operational promotions based on those matrices of concrete behaviors, which will be continuously processed, in agreement with the development of civil society and its future orientation. If the police organization does not actively follow the changes, it will not be able to fulfill its legal and constitutional function. Therefore, the ethical model of police behavior must respect the logic of changes and be forward-looking, to clearly respond to all the security challenges that accompany modern society, because the ethical behavior of the police is in the last instance a reflection of the entire police system, as well as of the citizens themselves and they are partly responsible for their non-communication with the leaders directly or through their representatives in the power bodies, to demand responsibility for the activities of police injustices, regardless of the cases in which the activity takes place. No statistical record can influence the image of the police "as much as the character and collective experiences of citizens from individual contacts with members of the service", nor "the police service can enjoy a better epithet than that of its weakest member" (Ibler, 1971; 54).

Ethical policing

The police is an institution of vital importance for a democracy. Through law enforcement, the police make it possible for no individual or group of individuals to impose public order and harm the interests of citizens. By engaging with the interests of citizens, their ability to control crime, and their ability to do so in accordance with the law, the police enable democracy to survive, but the rules for enforcing the law can be contradictory. Police officers must stop, arrest and, if necessary, physically neutralize or, as a last resort, physically eliminate citizens who are involved in illegal activities. The rules are numerous and complex and there is ambiguity and disagreement on how to assess whether the police have correctly implemented these laws and rules. How will the police be evaluated, for example, in an anti-narcotics operation, when an informant signals that a suspected trafficker has drugs in his home? Should the police search the house without a court warrant or risk that the suspected trafficker may leave with the drugs while the procedure for obtaining the court warrant is initiated? What if there are no drugs and when the police enter the apartment the suspect confronts the police with weapons and casualties are caused? Such dilemmas are frequent in police work, and the dividing line between legal action and illegal action is very thin.

Ethical decision making

The police officer is the voluntary embodiment of the state's morality. The latter is codified in the system of laws and norms and is set in motion through the actions of police officers, who by performing their work implement the morality of the state and make it possible to implement the laws and ensure public order. Therefore, it is very important for police officers to be clear about which behavior is right and which is wrong, because every decision they make reflects the values

that the state embodies. Many police officers feel that state laws intended to regulate their behavior can be overridden if it is done for good. Others think that the state is not grateful enough for their work or does not care enough for them, therefore, they allow themselves to use the powers and authority that the state gives them to meet their professional or personal needs (Manuali i Etikes y Integritet Policor, 2016; 16). Emphasized attitudes that imply institutionalization and normativity in the formation of new ethical-moral values in the international plan have some limitations. In the words, we must start from the fact that every society creates its own morality in accordance with the internal order, requirements and opportunities. So, when we examine the importance of morality in the framework of international relations, the highlighted points must be respected. Therefore, the formation of the desired democratic moral norms should "be informed not only by the demand for the existence of some states, but of all humanity, and also that in international relations the existence of others should not be harmed, which represents the minimum without which everything could disappear" (Masleša, 2008; 186-189).

We can say that the balance of strength and power is a concrete historical reality, which has existed and which will exist as long as new forms of trust are not found at the international level. This means, the establishment of operative-assurance and ethical mechanisms which will contribute to the limitation of the use of power, and in the foreground emphasize the greater interconnectedness of states. With the new concept of the collective insurance system, with the respect of basic human rights in the frameworks of international-legal and political-security relations, it is possible to talk about the development of ethical perspectives, institutional mechanisms in the international community, with basic tendencies to create the optimal pluralistic democratic society. One of the institutional mechanisms is the police system (Wright, 1955; 474).

In addition, the critical scientific analysis to date, as well as the great interest in the advancement of the ethical dimension in police philosophy, have shown the failure of traditional strategy, organization and leadership deeply rooted in closed bureaucratic police structures. Police ethics cannot be examined outside of political, social, legal action and the organizational concept of the action of police structures in a society. The expected behavior of the police should be based on the conviction that their basic duty is to protect, not to restrict, human freedoms. Any violation of human dignity leads to undemocratic behavior of police forces. The police must provide security to the public, which is fundamental for the expression of all activities in a pluralistic society (Kube, 1990; 122).

In this direction, one of the main tasks of the United Nations has been the intensity of activities for the adaptation of basic documents which will contain democratic, value-ethical and professional-legal elements in order to protect and respect the fundamental rights and freedoms of citizens. The legal and ethical standards established at the international level (the code of conduct of law enforcement officials and the Declaration for police) for police action have created an important framework for the conceptualization of police ethics. It has been estimated that the ethical standards of police officers are a better guarantee than certain police actions that agree with the demands of some individual liberties (Brailard, 1974; 103).

For the importance of ethics in police activity, we did this research using a total of 280 questionnaires with ten questions that have to do exclusively with police ethics during their

activities.

Does the Kosovo Police have a high degree of integrity?	
declare with YES that the Police of Kosovo has a high level of integrity,	231
are declared NO	30
have no answer.	19

Is there sufficient training for the code of ethics in the Kosovo Police?

In the question regarding the training of the Kosovo Police on the code of ethics, it appears that the population is not aware of how much the Police has been trained on the code of ethics. In this case, from the received questionnaires, we have the following answers

190 scan answers,

68 declare with YES that they have Police training,

22 are declared NO.

How efficient is the Kosovo Police without the relevant ethical dimension?

220 declare NO, sharing the opinion that without the ethical dimension the Police cannot be efficient in its work,

37 declare with YES, that the Police can be efficient even if they do not follow ethics,

23 answer scans.

How capable is the Police of Kosovo to carry out their duties in an honest and impartial manner?

249 have declared with YES that the Police of Kosovo is able to perform its duties in an honest and impartial manner,

21 declare with NO that the Police of Kosovo is not competent in its duties,

10 answer scans.

Have the Police used their position for personal or family benefits?

262 declare with NO that the police have not used the position for personal or family benefits,

15 response scans

3 state with YES that police officers use their position for personal and family benefits.

37 declare with YES, that the Police can be efficient even if they do not follow ethics,	
23 answer scans.	
249 have declared with YES that the Police of Kosovo is able to perform its duties in an honest and impartial manner,	
21 declare with NO that the Police of Kosovo is not competent in its duties,	
10 answer scans.	

262 declare with NO that the police have not used the position for personal or family benefits,	
15 response scans	
3 state with YES that police officers use their position for personal and family benefits.	

Do you think that the Kosovo police, by not applying professional ethics, can violate the freedoms of citizens?

255 declare with YES that if the police do not apply professional ethics then they can violate the freedoms of citizens,
15 answer scans, 10 declare NO and think that non-implementation of ethics does not violate citizens' freedoms.

Do you think that proper police education directly affects the implementation of ethics by the police?

267 declare with YES that the proper education of the police directly affects the implementation of ethics,
9 scan response,
4 declare with NO that education has no influence on the implementation of ethics in the police.
In the framework of police work, is the general security or the freedom of the citizens more important?
256 declare with YES that the Police of Kosovo mostly take as a basis the general security of the citizens' freedom,
24 state that the police mostly consider the citizens' freedom as a basis.

Do you think that the state is not sufficiently grateful for the work of the police, so they can allow themselves to exceed their authorizations and violate police ethics?

199 declare with NO that the state is not grateful for police work, therefore the police can exceed their powers even violating police ethics,
81 declare with YES that the state does enough and is grateful for the work of the police.

Is the police force one of the important factors in the construction of the new work strategy of the police system?

257 declare with YES that police ethics is an important factor for building a new work strategy in the police system.
23 are declared NO.

Conclusions

It is known that the police of each state whether democratic or not, has the responsibility for maintaining public order and safety. Kosova has had the chance to go through a transition phase, where was faced with various problems and at this stage the priority was the establishment of the

Police. Kosova Police was established with the help of friendly countries, particularly the United States shortly after the war. Although the Code of Ethics should be treated as the "bible of behavior" and to have only descriptive character, concretely provide clear and applicable instructions to the general principles such as, for example integrity, transparency, etc. Always a question arises whether a police officer or superior should lie, steal, be submitted? Respectively this attitude is based on the classic concept of the term "ethics", which is mainly related to morals and values. The current Code of Ethics of Kosova Police, reflects moreover, classic character, binding and descriptive of the objectives and obligations of the police, and is a guiding document of the principles which should guide the daily work of the police in the implementation of duties and respect of human rights, with professionalism and a constructive approach towards citizens in general. Kosova Police, despite that is one of the institutions with greater credibility in the region, in order to increase the performance level there is always a need for reforms, which should be based on the organizational priorities of its role and function, and setting targets should be preceded by a detailed survey of the current situation in the Kosova Police, this process of reforms should reflect the culture, tradition and history of the people, in order for programs to achieve full success. Based on this research, we come to the conclusion that the police of Kosovo is highly valued by the population, which thinks that the police of Kosovo has high integrity, but it is important to say that the population does not have sufficient knowledge about the trainings that are organized for professional ethics in the framework of the police. regarding the violation of their rights and freedoms, even the vast majority declare that if professional ethics are not respected, then the freedoms and rights of the citizens are violated. The declarations largely show that the Kosovo Police conducts its activities in an honest and impartial manner, not abusing their position for personal or family benefits, despite the fact that the state is not sufficiently grateful for the police activity. It is important to note that from the statements of the population we can conclude that good education directly affects the rise of professionalism and maximum respect for freedoms and human rights. Regarding the importance of police ethics, the statements of citizens give special importance to police ethics, being sure that ethics is an important factor for the construction of the new work strategy in the police system in Kosova.

Within the police should be an evaluation of human resource policies, and these policies should be consistent in terms of planning and deployment of staff should be based on criteria of professional preparation, individual performance, and needs of the organization. Kosova Police should establish a mechanism for measuring individual performance for all police officers, but also the mechanisms for measuring the performance of the organization as a whole, to measure the quality of security services provided for all citizens. Naturally, it means that police cannot do any act of corruption, nor be involved in acts of corruption or bribery, and must not tolerate these kinds of behaviors from other police officers. Police honor, as an ethical principle, is an important question to the democratic work of the police. Acts of corruption and any misuse of authorizations are acts that do not correspond to the nature and profession of police work. Besides this, any action of police officers or leading employees who have personal interests by abusing their position (bribes, dishonest profit, blackmail, small gifts, etc.) are considered as denigrating acts for the police system and also reflects the bad image of the institution before the world. In relation to this, the police should urgently oppose this evil, which often happens even in the Kosova Police. In order for police to be able to respond to their tasks at the appropriate professional level, must be educated, because police are required greater abilities and knowledge,

high professional standards, appropriate legal authorizations, informal authorizations, a certain independence, professional pride, high criteria when hiring, and without being politically influenced.

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