

Review scientific paper

UDK: 351.74/.76:343.985

DOI: 10.7251/SOCEN2425033J

COBISS.RS-ID 140571649

Paper received: 04.03.2024

Approved work: 08.04.2024.

Dragomir Jovičić¹

WHAT THE POLICE CAN AND CANNOT DO

Abstract:

The role of the police in protecting the rights and freedoms of citizens represents a special challenge. In order to uphold the rule of law in a democratic society, those entrusted with preserving order in society must also be held accountable to the law. Every day, police officers are human rights defenders in the truest sense of the word, but in order to fulfill their duties and tasks they often have to violate the rights of those whose actions violate the rights of others. The challenge of striking the necessary balance between police powers and the rights and freedoms of citizens is not new. It is often expressed in terms of accountability, legitimately raising the age-old question – who will watch the watchmen? The subject of this paper is to clarify the relationship of the police to their powers in terms of determining what the police can and cannot do. The aim of the paper is to highlight that only lawful exercise of police powers is correct and only if police officers apply them in that way they will not be under scrutiny for accountability, at the same time creating a positive attitude among citizens towards the police as an organization.

Keywords: *police, police authority, rights and freedoms, trust, legality.*

Introduction

The more the state is in step with the development and democratic trends of the implementation of the rule of law in general and the protection of citizens' rights in particular, the more numerous and diverse are the state bodies.

¹ Dragomir Jovičić, Associate Professor, Faculty of Security Studies, University of Banja Luka.
Email: dragomir.jovicic@fbn.unibl.org

However, no matter how much the state apparatus tends to become more complex and to build some new state bodies, the fact remains that the police, as one of the most important state bodies, retains its position and role even in modern conditions. Therefore, every serious state seeks to have the highest quality police force possible. This is quite logical, considering that violence and crime threaten security, prosperity, and functioning of society. It is precisely for this reason that the police today play an increasingly significant role in protecting and maintaining public order, as a precondition for achieving economic development and the overall favourable condition of citizens.

In Bosnia and Herzegovina, a very complex (complex uncoordinated) police system is in place, where the responsibilities in the area of police affairs have not been adequately and functionally divided, but, it should be emphasized that according to the traditional approach, the organization of the police should enable the performance of the tasks related to maintaining public order and peace, protecting the basic rights and freedoms of citizens, preventing and detecting criminal activities, etc. Therefore, the organization of the police should support the efficient and fast performance of duties and tasks defined by laws and regulations, with the police of the Republic of Srpska, for example, applying about 120 laws and regulations.

In modern societies, the basic duty of the police is to support the rule of law and achieve security in accordance with applicable legislation. Since the police perform tasks that are in the sphere of interest of all citizens, and in the course of performing these tasks, they often encroach on basic human rights and freedoms, police work is subject to external and internal control. At the same time, it is important to note that with the change in the role of the police in society and the development of state administration, the tasks of the police themselves are changing also. Thus, today we have a situation where in most countries the original role of the police, which was aimed at protecting the state order, is largely aimed at protecting citizens. In line with changes in the work and way of police work, there are also changes in the organization of police agencies. In Bosnia and Herzegovina, and therefore in the Republic of Srpska, the police have undergone a series of reforms from the Dayton Agreement to the present day, but these reforms have not led to the well-organized and efficient functioning of the police, despite the fact that the majority of police officers have the required level of expertise. Unregulated relationships regarding the division of responsibilities between different levels of police agencies often lead to difficulties in police work.

Police duties and tasks in accordance with the law

The fact that the police duties are exclusively prescribed by law speaks also of their importance. In the Republic of Srpska they are prescribed by Article 5 of the Law on Police and Internal Affairs. According to the provisions of this Article, police duties include operationally professional duties aimed at:

- protecting the constitutional order from violent threats and changes, as well as ensuring the security of the Republic of Srpska in accordance with the law;
- protecting life and personal safety;
- upholding human rights and freedoms;
- protecting all forms of property;
- preventing the commission of criminal acts and misdemeanors;
- detecting criminal acts and misdemeanors;
- finding, depriving of liberty and handing over the perpetrators of criminal offenses and misdemeanors to competent authorities, etc.²

From the provisions of Article 5 of the Law on Police and Internal Affairs follows the view that police duties are not, as is very often perceived by public, aimed at punishing citizens, but on the contrary, they primarily serve to protect citizens from various attacks that threaten their personal and property security and to assist them in exercising all their rights in accordance with the law follows. (Jovicic, 2023).

Everyday life situations lead to numerous contacts between police officers and citizens, and the nature of police duties and tasks sometimes leads to violations of human rights and freedoms of both citizens and police officers in these situations. Although, in principle, we are all equal before the law, and the police should provide equal protection to all citizens, the achievement of this ideal is not always feasible. That is why there is additional protection of citizens' rights, which is realized through the interpretation and application of the law. Namely, citizens are allowed to do everything that is not forbidden by the law, while the state and those who enforce the law in the name and on behalf of the state have a significantly different position in interpreting the legislation. In fact, they can only do what the law expressly allows them to do, and everything else is expressly forbidden to them. In this way, they want to set boundaries for those who have more power than other members of society. Therefore, it is a way to limit those

² Law on Police and Internal Affairs, Official Gazette of the Republic of Srpska, 57/2016, 110/2016, 58/2019, 82/2019, 18/2022 – the Decision of the Constitutional Court and 55/2023

who exercise power in society, so it applies to everyone, from politicians to those who directly enforce regulations, including police officers.

According to the opinion of majority of theoreticians dealing with this issue, the police are a public service. According to one of the more commonly used definitions, the police are an organization given the general right to use coercion (force) limited by law in order to influence the behaviour of citizens. In modern democratic society, the right to use coercion is considered to stem from the need to enforce laws, and it is necessary to have a specialized state body that will do this in order to prevent “self-organization” of citizens and the application of uncontrolled force. Therefore, the police are an organization that faces problems that should be solved in the shortest possible time. In this sense, the police, as a factor of formal social control, received from the state the right to work on detecting and limiting illegal actions. However, it is crucial to emphasize that the police are not the creators or interpreters of social rules, nor do they enact laws, but are only authorized to enforce them. For this reason, scholars emphasize the role of the police in reducing the use of force and violence in society, since the police apply coercion (force) only to those who disturb public order and peace, that is, to those who do not behave in accordance with positive regulations.

“The police is an extremely important pillar of the political system and political regime. If the authorities do not have the support of the police, more serious disturbances may occur in the implementation of their decisions, in the functioning of institutions, and even a non-institutional change of authorities”. (Loubet del Bayle, 1992).

As the intention of this work is to clarify what the police can and cannot do, it is very important to emphasize the fact that the work of police officers is extremely complex. The complexity of police work arises not only from the requirement that police officers are obliged to exclude their personal beliefs and values in their everyday activities, but also from the expectation and demand that they submit to the internal discipline of the police organization and take initiative in performing their tasks and duties, even if it involves taking risks, including risking their own lives. It is known that no other activity carried out by the state through its organs is as closely associated with risks and dangers as police work.

It is important to emphasize the fact that police officers use their powers in contact with citizens for preventive reasons (in most cases, they involve perpetrators of criminal offenses and misdemeanors, such as violent persons, drunk persons, sick people and problematic persons). It follows from this context that if there are reasons for such an intervention, if it is necessary to pro-

tect people's lives and establish public order and peace, police officers must, that is, they are obliged to intervene against such individuals. However, they do not have the right of personal judgments! (Tulezi, J., 2000).

How citizens see the role of the police

Influenced by Western democracies, the term rule of law is increasingly used in our country as well, and according to the principle of the rule of law, the police have a strictly defined executive role. The police are enforcers of legal norms and are subject to legal control. The functioning of the police is tied to public order and its maintenance. Public order, in a broader sense, encompasses political institutions, human and civil liberties, and their application in practice, as outlined by the constitutional and legal frameworks. Therefore, any action against public order is an unlawful activity that most often carries the hallmarks of a criminal offense. (Dragišić, 2011).

Furthermore, the role of the police in society depends on political relations. With the increase of the state apparatus and the degree of state intervention in social relations, the influence and size of the police increase. In most countries, police functions are similar, but differ in content. The scope and nature of police activities depend on the state and social organization. (Dragišić, 2011).

The use of power puts the state in a dilemma of how to organize the use of coercion (force), and on the other hand, how to supervise such a state body (the police), which is organized to use coercion. The powers of the police are actually an encroachment on human rights, and this is a question that is raised as fundamental in the state's relationship with the individual. These encroachments, or restrictions, must be necessary, proportionate, subsidiary and prescribed by law, taking into account the social and cultural context of the country in which they are enacted. According to citizens, the police have significant powers. There have been centuries-long aspirations to more precisely regulate police power with the aim of protecting human rights. Their purpose related to police functionality is secondary. On the contrary, normative protection of human rights even appears as a impediment and limitation to the functionality of police actions. State policy in modern societies is based on procedures in which there is a high degree of agreement (Behr, R., 1994). In this context, the police should be an institution at the service of society as a whole, and not just a service of state control.

As the central public security service and the most operative body in the structure of public administration, the police play a significant role in connect-

ing all social and partner entities to improve the safety of citizens and enhance the reputation of the police in society and build citizens' trust in the police. In terms of public perception of the police, the need to maintain a high level of professional integrity, ethics and tactfulness, especially in dealing with victims of punishable behaviour, is highlighted. Furthermore, this is what the public expects from the police because the police are traditionally considered the most responsible for the state of security and public order in society, although we are aware that without a partnership relationship with all social entities there is no permanent and final solution to the problem. (Vencl, K., & Jamnić, S., & Pušeljić, M., 2021).

Security is not just a simple phenomenon, on the contrary, it is a complex social phenomenon. According to Abraham Maslow, it ranks among the five fundamental human needs. The need for security is a basic psychological need. It is the need for stability, order, structure, and the need for predictability of events in the near and distant future. Thus, the feeling of personal security is closely related to every other security that a person strives for, such as economic, social, etc. (Vencl, K., & Jamnić, S., & Pušeljić, M., 2021).

We can state that citizens currently expect a visible police presence on the ground, ready to respond to every citizen call as promptly and of course as efficiently as possible. Interestingly, in most Western European countries, the police effectiveness is measured by response time. Given the broad scope of public expectations from state administration, particularly the police, it is logical that citizens expect the police to be at their service not only in matters of security but also beyond.

To uphold the intention of police as a service-oriented authority close to citizens, the Police Code of Ethics was adopted. This Code sets forth the standards and rules of behaviour of police officers and aims to indicate to police officers what is expected of them, as well as which way to approach the execution of work and other tasks. The Code determines the ethical and legal guidelines for the professional performance of police duties. The public rightfully expects lawfulness, professionalism, honesty and impartiality from police officers. In order to maintain the public's trust in honesty, professionalism, impartiality and integrity, it is important to remove any doubt that there are other motives behind the actions of police officers, as well as to apply the rules of conduct defined in the Code, both on and off duty (Amidžić, G., & Ćibić, D., 2012).

While the state is by its very nature a coercive organization, and the exposure of this state coercion to citizens is most visible through the activities of the police, the citizens, influenced by modern democratization processes, do not expect a high level of coercion from the police. Instead, they expect a more

service-oriented approach from the police. Even when the specific demands of the citizens fall beyond police jurisdiction, there is an expectation for the police to respond. Taking into account that the police activity is in the sphere of interest of all citizens, irrespective of all the differences between citizens, the police should as much as possible find ways to achieve close communication in direct contact with citizens, so that citizens have a positive attitude towards the police, as well as a good will to cooperate with the police.

Police intervention

Police intervention is one of the concepts that have long been scrutinized by various disciplines. Primarily driven by practical needs, there has been interdisciplinary examination of the concept and content of police intervention, planning of interventions with specific goals, measures taken during interventions, jurisdiction and responsibility for their execution, as well as legal, tactical and psychological rules relevant to interventions. This is partly due to the general rise in security issues globally, alongside a growing trend towards the elevation of human rights and freedoms, which various population groups often exploit for various reasons. Naturally, police activities, especially those requiring a specific intervention, must adhere to the legal framework in which the police's actions must be carried out. Therefore, from a legal standpoint, it is important that the tasks performed during and in connection with the intervention, particularly decision-making, have a legal basis. Within the overall assessment of the situation (factual and legal), the assessment of the legal position should be limited only to essential issues – the scope, content and scope of the available own (police) powers and their applicability and effect in the specific situation. (Jovičić. D., & Šetka, G., 2020).

In carrying out police duties, the police must respect everyone's right to life, even though the execution of police duties may lead to loss of life as a consequence of the use of police force. One of the primary objectives of the police in modern (democratic) society is combating crime, in most of the member states of the Council of Europe it is not exclusively the task of the police. Performing these tasks demands that the police maintain a certain balance between police efficiency and respect for the basic human rights of perpetrators of unlawful acts, as well as other individuals, victims and witnesses. In order to carry out police work, the police may use force only when it is necessary and only to the extent necessary to achieve a legitimate goal.

In today's democratic society, there's often a paradox, as the police are simultaneously expected to provide both greater security and greater freedom

for individuals. In this regard, some authors argue that the police have a dual role in a democratic society. On one hand, they protect our security, such as our property, ensuring safe travel, protecting us from attacks, and on the other hand, they protect even basic human rights such as freedom of speech and assembly. According to these views, the police have a legitimate right to limit our freedom, such as by following, interrogating, searching, and detention. Society expects the government to serve citizens, but the police often provide “services” undesirable to citizens - orders, fines and arrests. Namely, when expectations from different sources are harmonized, then in deciding on the parameters of what and how the police should work - the obstacles are minimal. If expectations are different, conflicts over the role of the police can arise. (Borovec, K., & Dunaj, A., M., 2022).

Indeed, police duties are carried out in various ways, some of them are performed without any intervention towards citizens, while others require police intervention, i.e. the application of police powers. In most cases, police interventions are completed without endangering the personal safety of police officers and without the use of coercive measures. It's also worth noting that a number of police interventions result in criminal acts against police officers, that is, endangering their personal safety. (Milidragović, D., 2015).

Considering the diversity of police duties and tasks, the police are in a situation to intervene in various areas of their work. However, police interventions seem most visible in the area of restoring disturbed public order and peace, which is particularly relevant to citizens given the implementation of measures precisely according to a larger number of citizens, of special interest. Here it is necessary to emphasize that the police always aim to avoid intervention, i.e. to prevent the participants of the public meeting from disrupting public order and peace. However, in practice, it often happens that the police are forced to intervene in such situations for specific reasons. And it can be said that the primary objective of the intervention of police units in cases of violations of public order and peace is to restore legality, that is, public order and peace in the interest of all citizens. (Stajić, Lj., & Stevanović, O., 1995).

What happens when the police go beyond what is allowed by the regulations?

In modern conditions, every state has an interest in ensuring that its agencies carry out their tasks in accordance with the law and in the interest of citizens. Given its activity, the police are under special scrutiny both by the citizens and by the state. Through their activities, the police often en-

croach on the basic human rights and freedoms, hence, it is crucial that they perform these important tasks in the general interest, while respecting every citizen.

Police officers have a unique role in enforcing the law on behalf of society and represent an institution empowered to use force against citizens. The police have considerable power, since no other government agency has the legal ability to detain citizens, search their personal belongings, physically attack them, or deprive them of rights and freedoms. For these and numerous other reasons, it is not surprising that police organizations are subject to constant scrutiny by the general public (Paraušić. A., 2020).

The use of force by the state must be limited, and when force is used, it must be in accordance with the normative framework established by the state in the prescribed procedure. Therefore, the police are a specialized state body that has such powers, the use of which can lead to consequences that cannot be rectified later. Hence, it is more important that the police work legally and professionally than other state bodies. Precisely for this reason, it is imperative to have a quality system of oversight and control over the work of the police. (Jovicic, D., 2021).

In that regard, we can say that the main goal of police control in a democratic legal state is to determine whether the police act in accordance with society's expectations based on law. In case of discrepancies between the regulations and the practical action of the police, appropriate measures are taken, including accountability measures (Kavran. D., 1991). In all of this, it is not only important whether the police are subject to formal and legal control and accountability, but whether such control and responsibility are realistically achievable. In this way, a distinction is made in the literature between "controlled" and "uncontrolled" police systems. The former are those subject to the operation of social mechanisms for controlling and establishing police accountability, and the latter are characterized by the complete absence or existence of lifeless mechanisms for police control (Vasiljević. D., 2013).

In accordance with the Law on Police and Internal Affairs Police, police officers are authorized to use force when necessary. The law stipulates that they can use various means of coercion - physical force, official baton, tear gas, stun guns, and firearms, while at public gatherings they can also use special equipment for groups - water cannons and special vehicles. However, it must be noted that the law has also set certain limitations, so police officers are only allowed to use force for official purposes, and never for personal ones. The means of coercion (force) must be applied gradually, that is, from the mildest to the most severe, and before using the means of force, police

officers are required to issue a warning, if possible. If acting within the scope of their powers, the police officers cannot be held criminally, disciplinary, or materially liable.

Although the legal regulations are clear, situations where the police exceed their authority are not uncommon, even to the extent that it qualifies as so-called police brutality. Police brutality or police violence is a term used to describe unjustified or intentional harassment, verbal assault, physical/emotional injury, property damage, or death resulting from interaction with the police. Police brutality is a form of police abuse involving inappropriate violence by police officers. It is an extreme form of police violence that involves the physical injury or death of a person or animal. The term “police brutality” was coined by American newspapers during an arrest in Chicago in 1872.³ So, it can be said that police brutality is the excessive use of force or the use of force that is not justified or reasonable under certain circumstances.

Police violence or police brutality in criminology is a term that denotes the excessive, unauthorized, or unjustified use of physical or psychological force against citizens. There are various forms of police misconduct, including false arrests, intimidation, political repression, sexual abuse, or corruption. The use of force is permitted only under specific conditions and to a reasonable extent, with police brutality being prohibited by law and is sanctioned worldwide. Despite that, it is present in all countries of the world, including ours. It can be argued that despite presenting itself as a moral authority and beacon of human rights and freedoms, the United States of America faces a different reality, with police brutality being one of its aspects. Namely, according to the data of the organization monitoring police violence in the 2022 report, police officers killed 1,176 people in the USA. This figure includes all those killed by the police, either by firearms or by other means.⁴

So, in the case of excessive force, a police officer has used force of a greater intensity than necessary to end a legitimately initiated action. Such a case occurs when coercive measures are not employed in accordance with the principle of proportionality, and proportionality is the other side of legality, since the intensity and amount of their application were not adjusted to the source and form of the threat. On the other hand, in cases of police brutality, in addition to exceeding the permitted level of force, the force used is not supported by legitimate police action. This further implies the conclusion that police brutality

³ <https://kancelarijainic.rsprekoraceње-ovlašćenja>, accessed on 15 March 2004

⁴ <https://pisjournal.net/policijska-brutalnost-u-sad-u-2022-godini-ubili-1-176-osoba/>, accessed on 15 March 2024

is also related to those cases in which police officers use coercive means even though they have no right to do so (Kesić. Z., 2018).

In the event that a police officer uses force against citizens without grounds, or in any other way insults or threatens citizens, fails to respond to citizens' calls for action in cases within the police jurisdiction, citizens have the opportunity to file a complaint against the specific police officer. Additionally, citizens have other options available, such as addressing the ombudsman, and of course the possibility of filing a lawsuit against a police officer or the Ministry of Internal Affairs in cases of seeking compensation for damages.

The role of the police is certainly changing, as is the concept of state administration. New functions are being introduced, and instead of exercising authority, the emphasis is increasingly placed on the service function. Over time, a growing number of authors emphasize the service-oriented nature of the police, and today the police are defined as a public service established in accordance with the law and responsible for maintaining and enforcing the law, preserving public order and providing assistance in emergencies. In democratic societies, alongside traditional tasks of prevention, repression and detection of crime, preservation of public order, respect for the law and protection of the basic rights of individuals, the police also provide social services that help the efficient performance of other activities (Subošić. D., & Vukašinović - Radojičić. Z., 2007).

Overall democratic changes, especially in the last decades, have also influenced the establishment of new mechanisms for civilian oversight over state institutions in general and, of course, over the police, which are entrusted with the power for legal use of coercion in carrying out their duties and tasks. Therefore, with the development of democratic society, methods and forms of oversight over the police work have also developed, where, unlike vertical control over the police work, which refers to control by citizens, horizontal control is entrusted to state institutions. In addition to parliament, judicial oversight, and independent bodies, executive authorities also carry out civilian oversight (Jovicic, D., 2021). This means that when police officers exceed their statutory powers, there is a wide range of different entities that control their work and, of course, after the control has been carried out through the establishment of procedures and procedures, those police officers who exceeded their authority are held accountable.

Conclusion

As much as there are differences in the understanding of the police and its role, the fact remains that the police is a public service, an indispensable

part of state administration and represents an organization that has the general right to use legally limited force in order to correct the behaviour of its citizens (Cajner Mraović, I., & Puhovski, Z., 2005). As such, the police possess the characteristics of a specific culture. The police profession involves belonging to a complex system with clearly defined rules, legal regulations, and hierarchical features. As previously stated, the police profession is considered particularly stressful, because police officers are often exposed to violence, disturbing and negative elements of society, which is a risk for their physical and psychological health. During the actions and actions of police officers, the law is the basis and foundation, and police officers are obliged to ignore their personal attitudes, values and emotional experience. By performing their duties and tasks, police officers are obliged to protect citizens, and in that way they take various risks, including those for their own lives (Cajner Mraović, I., & Puhovski, Ž., 2005). In police action, apart from the legal framework for the application of police powers, force must be timely, appropriate and proportionate to the threat, that is, the least threatening to human rights and freedoms. Therefore, police officers are often in situations of control and assessment of the justification of actions within the police organization (internal control) and possible comments from the public about specific actions. On the other hand, police officers also have a civilian life, which is often marked by the professional role they perform during their work and the environment that recognizes them as police officers even when they are not at their job. So, all of this affects the development of police culture (Baboselac - Marić, M., 2014).

Citizens can have a certain animosity towards the police, and the police officers themselves contribute to this to the greatest extent by their actions, especially if they violate the basic human rights and freedoms of citizens through unauthorized actions. Certain police tasks contain elements of coercion that can limit certain rights of citizens. However, these restrictions can be solely for the purpose of protecting certain social values (Pušeljčić, M., & Jelenski, M., 2007). The higher the level of legality and professionalism in police work, the lower the level of animosity and all other forms of negative attitude of citizens towards the police.

Therefore, we can conclude that the police may apply their powers, which are precisely prescribed in the laws, and elaborated in more detail in the by-laws. This means that the police apply their powers in accordance with the law, in the manner prescribed by law. And which indicates that police officers may not apply police powers contrary to what is prescribed, especially if they include the use of coercive means (force). Although all this is precisely regulated by law, this does not mean that in practice there are no cases in which the

police go beyond their powers, but in such cases those police officers who have specifically exceeded their powers are subject to various forms of responsibility. This, of course, depends on the type of excess and the extent of the excess of authority, so responsibility can also include criminal responsibility, which of course happens in practice.

Conclusion

Despite the differences in understanding the police and their role, it is a fact that the police are a public service, an indispensable part of state administration, and represent an organization possessing the general right to use lawfully limited force to correct the behaviour of its citizens (Cajner Mraović, I., & Puhovski, Ž., 2005). As such, the police possess characteristics of a specific culture. The police profession involves membership in a complex system with clearly defined rules, legal regulations, and hierarchical features. As previously noted, the police profession is considered high-stress, particularly because police officers are often exposed to violence, disturbing, and negative elements of society, posing risks to their physical and mental health. In carrying out their duties, law is the foundation and cornerstone, and police officers are obligated to set aside their personal beliefs, values, and emotional reactions. By performing their duties and tasks, police officers are required to protect citizens, thereby assuming various risks, including risks to their own lives (Cajner Mraović, I., & Puhovski, Ž., 2005). In police actions, in addition to the legal framework governing the exercise of police powers, force must be timely, appropriate, and proportionate to the threat, or at least the least restrictive to human rights and freedoms. Therefore, police officers are often in situations of control and assessment of the justification of actions within the police organization (internal control) and possible public comments on specific actions. On the other hand, police officers also have civilian lives often marked by the professional role they perform during their work and the environment that recognizes them as police officers even when they are not on duty. Thus, all of the aforementioned factors contribute to the development of police culture (Baboselac – Marić, M., 2014).

Citizens can have a certain animosity towards the police, and the police officers themselves contribute to this largely by their actions, especially if their unauthorized actions violate the basic human rights and freedoms of citizens. Certain police tasks involve elements of coercion that can restrict certain rights of citizens. However, these restrictions can be solely for the purpose of protecting certain social values (Pušeljčić, M., & Jelenski, M.,

2007). The higher the level of legality and professionalism in police work, the lower the level of animosity and all other forms of negative attitude of citizens towards the police.

Therefore, we can conclude that the police are entitled to exercise their powers, as precisely defined in the laws, and elaborated further in regulations. This means that the police apply their powers in accordance with the law, in the manner prescribed by law. This implies that police officers must not act contrary to prescribed standards in applying police powers, especially if they involve the use of coercive means (force). Although all of this is precisely regulated by law, it does not mean that there are no cases in practice where the police exceed their powers. However, in such cases, those police officers who have specifically exceeded their powers are subject to various forms of accountability. This, of course, depends on the type and extent of the exceeding of powers, so accountability can also involve criminal responsibility, which, naturally, occurs in practice.

Literature:

1. Амиџић, Г., Ћибић, Д., (2012), Полицијска тактика, Banja Luka
2. Baboselac – Marić, M. (2014), Obilježja policijske kulture, Police and Security, no. 3., Journal of the Ministry of Internal Affairs of Croatia, Zagreb.
3. Behr, R., Modernizacija društva i policijske aktivnosti, Conference Proceedings: Police in Society in Transition, Zagreb, 1994.
4. Borovec, K., Dunaj, A. M., Police and Security journal, No. 2., Različitosti u pogledima na poželjne kompetencije policijskih službenika, Zagreb, 2022
5. Васиљевић, Д., thematic proceedings – Положај и улога полиције у демократској држави, Контрола полиције у демократској правној држави, Belgrade, 2013
6. Venc, K., Jamnić, S., Pušelj, M., Protection and Security journal, No.1, Policija kao temelj sigurnosti, Zagreb, 2021
7. Драгишић, З., Систем националне безбедности Републике Србије, Belgrade, 2011
8. Јовичић, Д., Шетка, Г., Јавна безбједност, Banja Luka, 2020
9. Јовичић, Д., Контрола над радом полиције, Banja Luka, 2021
10. Јовичић, Д., Наука о полицији, Banja Luka, 2023
11. Кавран, Д., Наука о управљању (организација, кадрови, руковођење), Belgrade, 1991

12. Кесић., З., NBP – Journal of Criminalistics and Law, Полицијска бруталност и тортура – сличности и разлике, Belgrade, 2018
13. Loubet del Bayle, J.L. (1992). La police - Approche socio-politique. Paris: Montcherstien.
14. Милидраговић, Д., Security journal, No. 3, Угрожавање безбедности припадника полиције у извршавању полицијских послова, Belgrade, 2015
15. Параушић. А., Journal of Criminology and Criminal Law, 1-2/20, Интегритет полиције и повреде интегритета полиције, Belgrade, 2020
16. Pušeljic M., Jelenski M., Police and Security journal No. 16., Policijski sustavi – realizacija policijske funkcije kroz ustroj, Zagreb, 2007
17. Стајић, Љ., Стевановић, О., Грађански немири, Belgrade, 1995
18. Субошић. Д., Вукашиновић – Радојичић. З., Security journal No. 4, Статусна обележја полицијске организације у Србији, Belgrade, 2007
19. Tulezi, J., Policija i javnost, Zagreb, 2000
20. Cajner Mraović, I., Puhovski, Ž., Handbook for Citizens – Police and Citizens, Zagreb

Regulations and other sources:

1. Law on Police and Internal Affairs, Official Gazette of the Republic of Srpska, 57/2016, 110/2016, 58/2019, 82/2019, 18/2022 – the Decision of the Constitutional Court and 55/2023 <https://kancelarijainic.rs>прекорачење-овлашћења, accessed on 15 March 2024

<https://pisjournal.net/policijska-brutalnost-u-sad-u-2022-godini-ubili-1-176-osoba/>, accessed on 15 March 2024

