



Citizenship and Being a Citizen: Legal Stipulations and Subjective Perspective of Police Officers

Občianstvo a byť občanom: právne stanoviská a subjektívny pohľad policajných dôstojníkov

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The manuscript was received on 14. 11. 2019 and was accepted after revision for publication on 02. 12. 2019

Abstract:

This paper presents analysis of the legal documents regarding interpretation of citizenship regarding activities of a police officer, and presents some data from an empiric study carried out in 2019. The purposes of the empiric study was to examine to which degree police officers and future police officers conceptualise themselves as citizens, and to which extent they participate in citizen's entitlements and their manifestations.

The analysis of the legal documents revealed that there are no direct and straightforward stipulations on the interpretations and the manifestations of citizenship, while a police officer and his/her activities are at the focus. Legal documents directly related to requirements for activities and behaviour of a contemporary police officer do not use the term itself. However, a number of requirements and expectations, that may be related to the term 'citizenship' are listed both at the level of acts, and other documents.

The empiric study, based on quantitative research strategy revealed several issues for concern. Though just a part of data is presented. However, it is worth noting that for the clarification of the reasons and motives for some answers, further studies are needed. Interviews, focus groups may provide more in-depth insights into some aspects.

Keywords: Police officer, citizenship; citizen

Abstrakt:

Tento dokument predstavuje analýzu právnych dokumentov týkajúcich sa výkladu občianstva týkajúcich sa činnosti policajného úradníka a uvádza niektoré údaje z empirickej štúdie vykonanej v roku 2019. Účelom empirickej štúdie bolo preskúmať, do akej miery si policajní dôstojníci a



budúci policajní dôstojníci predstavujú svoju rolu občana a do akej miery sa podieľajú na občianskych právach a ich prejavoch.

Analýza právnych dokumentov odhalila, že neexistujú priame a priame ustanovenia o výklade a prejavoch občianstva, zatiaľ čo stredobodom pozornosti je policajt a jeho činnosť. Právne dokumenty, ktoré priamo súvisia s požiadavkami na činnosť a správanie súčasného policajného dôstojníka, nepoužívajú samotný pojem. Niekoľko požiadaviek a očakávaní, ktoré môžu súvisieť s výrazom „občianstvo“, je však uvedených na úrovni zákonov a iných dokumentov.

Empirická štúdia založená na kvantitatívnej výskumnej stratégii odhalila niekoľko problémov. Uvádza sa však iba časť údajov. Je však potrebné poznamenať, že na objasnenie dôvodov a motívov niektorých odpovedí sú potrebné ďalšie štúdie. Rozhovory, cieľové skupiny môžu poskytnúť podrobnejšie informácie o niektorých aspektoch.

Kľúčové slová: *policajný dôstojník, občianstvo, občan*

Introduction

While analysing documents that stipulate requirements for the activities of a contemporary police officer, regarding the citizenship and relation to this concept for police officers it is obvious that the issue is not directly addressed in most legal documents. The documents, while not explicitly using the term “citizenship“, however, extensively emphasise the notions, ideas, and concepts that are related to the term “citizenship”.

The **purpose** of this paper is to present analysis of legal documents concerning interpretation of citizenship in relation to the activities of a police officer and to present some data from an empiric study carried out in 2019.

The **purposes** of the empiric study was to examine to which degree police officers and future police officers conceptualise themselves as citizens, and to which extent they participate in citizen’s entitlements and their manifestations.

Methods of theoretical critical analysis and the questionnaire (for an empiric research) were employed for the development of this paper.

1. Citizenship and Being a Citizen: Legal Stipulations and Subjective Perspective of Police Officers

Ethical and moral education of future law-enforcement officers (police officers) is one of the main (though still very important) factors enhancing the level of confidence the public has for the law enforcement system (police). The process is surely a two-directional path, that is, the level of ethical consciousness of the general public also has an impact on the morality of police officers. Therefore, to construct the education of police officers that adheres to all expectations and requirements of the public nationally, internationally and professionally, is a challenge. If we apply historical perspective, the dimensions were more or less accepted under the Soviet regime: the prevalence of the state over individuals, and surely over their rights whenever the confrontation between the two were at hand, also intolerance, very rigidly structured lines of hierarchy. Thus, there was a need to conceptually re-construct this approach.

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At the dawn of Independence three decades back, it was of critical importance to reconstruct and construct anew the core of values, models and competencies of a police officer whom citizens would trust their rights, personal and property safety. At some point, certain tensions on the bases of values between the officers who served under the old system and the ones who just joined the system were noted, especially, in an everyday practice. These considerations include police officer's orientation, conceptualisation of being a citizen himself or herself, because the concept of citizenship is a complex one, including both certain moral orientation (as responsibility), certain cultural and historical and also professional standing (e. g. respect for human rights, loyalty for a state and its order) .

At that time, constructing the law-enforcement (police) system, reformation of the education of future law enforcement officers and building the society orientated towards democracy and human rights were happening simultaneously. On one hand, reliable international support was available; on the other hand the state was facing international and sometimes even internal threats.

One of the first objectives to achieve the tasks above was to construct the legal basis, which had to be aligned with experiences of older democracies in the European continent and in other western countries, e.g., USA. One of the examples on the complexity of the objective is the fact that human rights under the Soviet regime were really not given the central part of the legal system, and therefore, the idea of human right-orientated society, state and public institutions as well as respect for democracy and citizenship had to be constructed, theoretically conceptualised and practically implemented with creation and adoption of central legal acts, establishing practices, also, re-conceptualisation and re-configuration of the education.

At the same time the practices had to be changed without any delay, i.e. immediately, because the public expected better services as a manifestation of the changed reality. Moral obligations concerning private immediate gains and the profits were discussed. Immediate gains and the profits had some impact on the position that the public had on the system and police officers; and, as in Soviet regime the culture was quite widely spread. People had developed certain neutrality towards this culture and to some extent lowered the level of expectations during the first years of Independence; this situation had to be changed urgently.

Joining the EU gave an impetus for the Lithuanian society not only to review and re-conceptualise its national legal framework, but also at the same time to reflect on the way the national legal bases may systematically be complemented and at the same time enriched by the legal frameworks of other countries and the international agreements, specifically, the agreements that constitute the bases for the functioning of the EU itself. Philosophy of law, principles of democracy, humanism, core contents of being a citizen were revisited again. Analysis of the situation in countries that enjoyed a longer history of respect for democracy and human rights and in-depth conceptualisation was explored in order to identify the goals to be pursued in Lithuania. This conceptualisation is important in order to define the inter-relations between citizens and law-enforcement.

Public order in many cases is a list of unwritten rules that are based on ethical notions of coexistence in a certain territory at a certain historical moment, and in a certain historical context. Stability and accountability are among the several

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characteristics of the situation when the public order operates. Surely, law-enforcement officer has to both know those rules and to help to maintain them in order to contribute to stability.

Lithuanian state legal framework addresses citizenship both in Constitution [5] and in a special act (An Act on Citizenship [6]), however, the direct and straightforward implications and requirements on conceptualisation in the axis police officer-citizenship are lacking. Further on we will demonstrate that the missing link rather takes a form of used terms, as opposed to the contents and the essence of the concept.

The purpose of the Code of Ethics of Police Officer [7] in Lithuania is to stipulate guidelines for an ethical behaviour of a police officer, to assist implementation of ethical practices within the system while interacting with wider public; these practices will contribute to a significant degree to a generally high reputation of the system and the authority any police officer holds in communities and in a state. The Code was either developed, or related to many stipulations outlined in the Constitution of the Republic of Lithuania, The Act on the Statute of Internal Service, The Act on Police Activities [8] and other legal and strategic documents, adopted by the Government of the Republic of Lithuania and discussed internationally (e.g., at the level of the EU, the Charter of Police Officers and the Code of Ethics of Police Officers) [4].

The Code emphasises that the service in police is based on the main principles of ethics of the profession, namely respect for an individual and a state, the principle of justice, honesty, responsibility, objectivity, transparency. Respect for human rights is emphasised.

The Code stipulates that it is imperative to protect each individual's rights and freedoms; to ensure protection of each detainee's rights and to ensure provision of medical assistance if there is a need; that intolerance for torture or any demeaning actions is imperative; that exercise of force is legitimate only in cases of necessity and only in order to implement legally valid purposes. Police officer is not allowed to interfere with the private life of individuals except in cases of unavoidable necessity and only in order to implement legally valid purposes. Police officers have to maintain professional reputation, respect human rights of individuals notwithstanding their religion, race, ethnicity, social status, political or other beliefs, perform in an integral way, to protect vulnerable individuals and groups. Moreover, it is expected that a police officer will preserve justice, objectivity, legality in everyday activities, will implement orders of superiors in a timely and precise manner, and will report the orders that are in conflict with the Constitution of the Republic of Lithuania and other legal acts to superiors next in line.

While there is a stipulation that a police officer should not express personal political preferences, at the same time, which is most important for the focus of this paper, there is the stipulation that a police officer is entitled to the same rights and freedoms as any citizen, and, most importantly, many requirements for activity of a police officer may be directly related to concept of citizenship. The important dimension should be mentioned here: while the citizenship and relation to this concept for police officers is not directly addressed in many of the legal documents, stipulating activities of police officers, there is an important note to make. The documents, while

not explicitly using the term citizenship““, however, emphasise extensively the notions, ideas, concepts that are related to the term ‚citizenship‘. For example, ideas of loyalty to the state and its interests; prioritising the interests of citizens and residents and the state are also emphasised while national security, e.g., in An Act on National Security is discussed [9]. Similarly, we will find legal stipulations on the importance for a police officer to prelate in a genuine and ethical, reliable and helpful manner to communities, citizens, residents and the state in the Statute [10]. Respect for human rights, the rights to determine the individual paths of self-fulfilment are at the core of the values of the European Union (e.g., Constitutional Treaty, Part III- The Charter of Fundamental Rights, which mainly re-iterated the stipulations in earlier documents) [2].

Surely, in the context of recent events, starting with the results of the Referendum in the UK in 2016, the challenges for the European Union are quite different at the moment, than they had been before the event. However, as Tulmets put it: the EU relies on „the level of the policy discourse on common values and conditionality, the level of the philosophy of partnership” [1], and the input, full participation of all citizens, including police officers is important.

There is a paradox of the terms “citizenship”, “citizen” not being used directly. However the contents, related concepts and features being at the focus while describing requirements for a contemporary police officer are worth further investigation, though the first attempts have already been implemented [3].

This core stipulation that is the entitlements of a contemporary police officer for citizenship was at the core of the empiric study, the results of which are presented further on. It is important to note that the study was conceptualised, the survey was developed and then implemented as a part of an on-going international study.

The questionnaire was developed by an international team led by prof. dr. Beata Krzywosz-Rynkiewicz and prof. dr. Anna Zalewska (Poland); it was implemented in several countries. In Lithuania the study was implemented during Winter-Spring of 2019; however, in Lithuania mostly police officers already in the force and future police officers were invited to participate.

Quantitative research strategy was used.

The questionnaire consists of 3 parts. Parts 1 and 2 are related to activities of respondents and Part 3 is related to respondents’ assessment of the situation in the country. The questionnaire consists of 44 questions on citizenship, concepts and experiences. Also, the demographic data is requested to be provided. Respondents were invited to share their contributions using the Likert scale: from Definitely disagree- to Disagree- to Rather Agree to Definitely Agree.

Due to the extensive data received, only a part of the results is presented in this paper.

One of the **purposes** of the empiric study was to examine to which degree police officers and future police officers conceptualise themselves as citizens, and to which extent they participate in citizen’s entitlements and their manifestations.

2. Results of the empiric study

Almost 300 police officers from all over Lithuania and future police officers (students at the Academy of Public Security at Mykolas Romeris University) were invited to participate in the survey. The survey was carried out as an anonymous questionnaire. Master degree students (Ms. D. Bisigirskienė and Ms. E. Videikė) supported the activity, regarding access to police officers in service.

286 responses were received. 149 men, and 137 women filled in the survey. 214 of them were police officers, the rest were future police officers, students at the Academy. 15 respondents were 18-23 years old; 32 of them were 24-26 years old, and the rest were older than 27.

While asked “Do you have a sense of national identity?“, an absolute majority of respondents identified themselves as having developed the identity (282 respondents, which accounts for 98,6% of respondents). Not surprisingly, based on the fact that the respondents represent either police officers in the service or in studies, majority shared that the rule of law has to be upheld. Results show that respondents associate themselves to some degree with activities of a citizen, because 90,2% of respondents follow the rules; however just 57,3 % of them voted in elections, and also just above 55,3 % would want to participate in making world a better place (Fig.1).

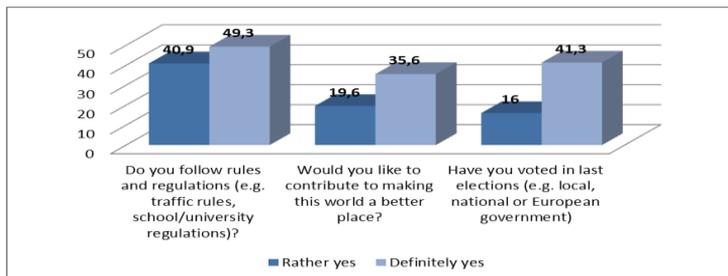


Fig.1. Respondents on their own activities as citizens, in per cent (%) (Source: Author)

Similarly, the results on other issues also provide materials for considerations (Fig.2).

18,3% of respondents participate in charity activities that involve monetary contributions, and a very similar percentage (19,3%) of respondents provide non-material assistance to other members of the society. It remains to be contemplated, and probably, applying other than quantitative research methods to identify the reasons. The results are surprising, especially if the current context of young people participating in ecological and similar activities is considered.

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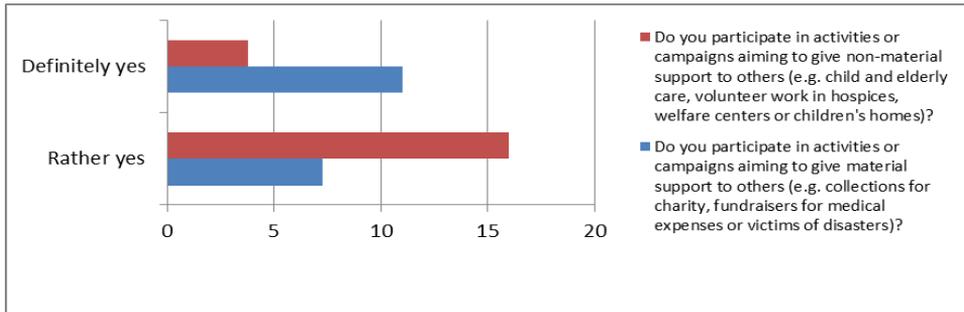


Fig.2. Respondents on their civic activities, in per cent (%) (Source: Author)

Regarding activity as voters, the results provide important and urgent matter to consider: even among highly educated young people, the ones who studied law and whose primary professional obligation is to uphold rule of law in a democratic state, do not act upon their right to vote.

Respondents note the improvement of the situation of democracy in recent years in the country (Fig.3).

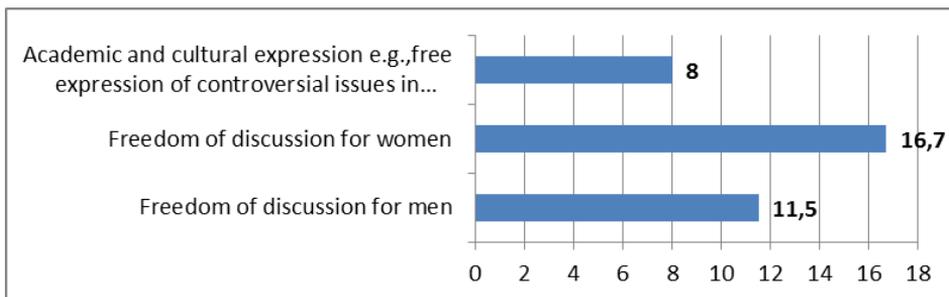


Fig. 3. Respondents on changes in society, in per cent (%) (Source: Author)

The data may be interpreted in several ways. On one hand, the percentage of respondents who note the improvement of freedom is not high. On the other hand, the results with this regard may mean that the situation in the country has been quite good to start with, and therefore the need for improvements is not really critical.

Conclusion

The analysis of the legal documents, especially national (Lithuanian) revealed that there are no direct and straightforward stipulations on the interpretations and the manifestations of citizenship, while a police officer and his/her activities are at the focus. Legal documents directly related to requirements for activities and behaviour of a contemporary police officer do not (or rather very seldom) use the term itself. However, a number of requirements and expectations, that may be related to the

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term ‘citizenship’ are listed both at the level of acts, and other documents (e.g., Code of Ethics). This dichotomy is worth further investigation at a theoretical level.

The empiric study, based on quantitative research strategy revealed several issues for concern. Though just a part of data is presented. However, it is worth noting that for the clarification of the reasons and motives for some answers, further studies are needed. Interviews, focus groups may provide more in-depth insights into some aspects.

For example, it remains to be clarified why just over half of respondents voted in recent elections, and also just above a half would want to participate in making world a better place. Similar concerns should be investigated further. Approximately one fifth of respondents participate in charity activities that involve monetary contributions, and a very similar percentage of respondents provide non-material assistance to other members of the society. In a contemporary world of solidarity and participation, these results seem to diagnose some sort of ‘solidarity fatigue’, which should be at the core of concern for those of us, who are in the business of educating law enforcement officers.

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