

PRAVO

teorija i praksa

Godina XXXIX

Novi Sad, 2022.

Broj 3

IZDAVAČ:
**PRAVNI FAKULTET ZA PRIVREDU
I PRAVOSUĐE U NOVOM SADU
UNIVERZITET PRIVREDNA AKADEMIJA**
Geri Karolja 1, 21000 Novi Sad
Tel.: 021/400-484, lokal 109; 021/400-499

SUIZDAVAČ:
„PRAVO” DOO
Novi Sad, Geri Karolja 1
21000 Novi Sad

Glavni urednik:
Prof. dr Jelena Matijašević

Odgovorni urednik:
dr Snežana Lakićević

Sekretar redakcije:
Doc. dr Nenad Stefanović

Lektor i korektor:
Mara Despotov

Lektor i korektor za engleski jezik:
Jelena Dunderski

Tehnička realizacija i štampa:
Alfa-graf NS, Novi Sad

Ovaj broj časopisa sufinansiran je od strane Gradske uprave za kulturu Grada Novog Sada, na osnovu projekta “Publikovanje vrhunskog časopisa nacionalnog značaja (kategorije M51) za naučnu oblast pravo i politikologija”, i Ugovora o dodeli sredstava za sufinansiranje projekata, Gradske uprave za kulturu, br. X-4-2/22-150/1.

LAW

theory and practice

Year XXXIX

Novi Sad, 2022

No. 3

Uređivački odbor:

- Dr Simeon Gelevski, profesor u penziji, Pravni fakultet u Skoplju, Severna Makedonija i profesor emeritus, Pravni fakultet za privredu i pravosuđe u Novom Sadu, Univerzitet Privredna akademija u Novom Sadu
Dr Nikola Mojović, redovni profesor, Pravni fakultet, Univerzitet u Banjoj Luci
Dr Miroslav Vitez, redovni profesor, Ekonomski fakultet u Subotici, Univerzitet u Novom Sadu
Dr Milan Počuča, redovni profesor, Pravni fakultet za privredu i pravosuđe u Novom Sadu, Univerzitet Privredna akademija u Novom Sadu
Dr Dušanka Đurđev, redovni profesor, Pravni fakultet za privredu i pravosuđe u Novom Sadu, Univerzitet Privredna akademija u Novom Sadu
Dr Slavko Bogdanović, redovni profesor, Pravni fakultet za privredu i pravosuđe u Novom Sadu, Univerzitet Privredna akademija u Novom Sadu
Dr Mirko Smoljić, vanredni profesor, Sveučilište Sjever, Varaždin-Koprivnica
Dr Zdravko Petrović, advokat, Beograd
Dr Milan Palević, redovni profesor, Pravni fakultet, Univerzitet u Kragujevcu.

Izdavački savet:

- Dr Marko Carić, redovni profesor, Pravni fakultet za privredu i pravosuđe u Novom Sadu, Univerzitet Privredna akademija u Novom Sadu
Dr Mirko Kulić, redovni profesor, Pravni fakultet za privredu i pravosuđe u Novom Sadu, Univerzitet Privredna akademija u Novom Sadu
Dr Miloš Trifković, akademik, predsednik Akademije nauka i umjetnosti Bosne i Hercegovine (ANUBiH)
Dr Miodrag Orlić, predsednik Udruženja pravnika Srbije
Dr Aleksandar Radovanov, profesor emeritus, Pravni fakultet za privredu i pravosuđe u Novom Sadu, Univerzitet Privredna akademija u Novom Sadu
Dr Nebojša Šarkić, redovni profesor, Pravni fakultet Univerziteta Union
Dr Željko Bjelajac, redovni profesor, Pravni fakultet za privredu i pravosuđe u Novom Sadu, Univerzitet Privredna akademija u Novom Sadu
Dr Wolfgang Rohrbach, akademik, St. Elizabeth University of Health and Social Sciences, Austrija
Dr Arsen Janevski, redovni profesor, Pravni fakultet Univerziteta Justinijan Prvi, Skoplje, Makedonija
Dr Gordana Stanković, redovni profesor, Pravni fakultet Univerziteta u Nišu
Dr Drago Cvijanović, redovni profesor, Fakultet za hotelijerstvo i turizam u Vrnjačkoj Banji, Univerzitet u Kragujevcu
Dr Slavoljub Carić, načelnik Odeljenja za međunarodnopravne poslove, Ministarstvo spoljnih poslova.

CIP – Katalogizacija u publikaciji
Biblioteka Matice srpske, Novi Sad

34

PRAVO : teorija i praksa = Law : theory and practice / glavni urednik Jelena Matijašević; odgovorni urednik Snežana Lakićević. – God. 1, br. 1 (1984)–. – Novi Sad : Univerzitet Privredna akademija, Pravni fakultet za privredu i pravosuđe u Novom Sadu : „Pravo” doo, 1984–. – 24 cm

Tromesečno.

ISSN 0352-3713

COBISS.SR-ID 5442050

C O N T E N T S

Golić Darko Matić David On certain specific features of tax procedure as a type of administrative procedure.....	1
Lakićević Snežana Popović Milan Democratization of property relations	23
Stefanović Nenad Human rights and the social position of citizens in ancient Rome	38
Kekić Dalibor Spasić Danijela Čudan Aleksandar Legal bases of the police participation in emergency situations.....	52
Iličin Svetlana Dragojlović Joko On certain criminal-legal specific characteristics of corruption in Republic of Serbia	69
Varađanin Tanja Liability of the seller from the contractual relationship regarding certain deficiencies within the sample and model sales contract.....	87
Stojković Predrag Kovačević Maja Vladisavljević Radovan The problem of synthesizing financial statements in reorganization during the bankruptcy process	99
Rapatsa Mashele A constitutional disposition of cultural male circumcision as a heritage right.....	113

Vasiljević-Prodanović Danica Kovačević Milica	
Diversion model of responding to juvenile delinquency and the role of the social welfare system.....	125
Milošević Isidora Bajčetić Marija	
Reorganization as a business philosophy.....	144
Malinović Marija Čičovački Tamara	
Legal treatment and practical experience in air quality monitoring for the City of Novi Sad	163
Rašević Milica Jakovljević Marija	
The forms of economic crime in a bankruptcy proceedings.....	175

PRAVO – teorija i praksa

Godina XXXIX

Novi Sad, 2022.

Broj 3

S A R Ź A J

Golić Darko

Matić David

O određenim specifičnostima poreskog postupka kao vrste upravnog postupka 1

Lakićević Snežana

Popović Milan

Demokratizacija svojinskih odnosa 23

Stefanović Nenad

Ljudska prava i društveni položaj građana u antičkom Rimu..... 38

Kekić Dalibor

Špasić Danijela

Čudan Aleksandar

Pravne osnove učešća policije u vanrednim situacijama 52

Iličin Svetlana

Dragojlović Joko

O pojedinim krivično-pravnim specifičnostima korupcije u Republici Srbiji..... 69

Varađanin Tanja

Odgovornosti prodavca iz ugovornog odnosa u pogledu nedostataka stvari kod ugovora o prodaji po uzorku i modelu 87

Stojković Predrag

Kovačević Maja

Vladislavljević Radovan


Problem sintetizacije finansijskih izveštaja u reorganizaciji prilikom vođenja procesa stečaja..... 99

Rapatsa Mashele

Ustavna odredba koja se tiče obrezivanja muškaraca kao kulturološkog naslednog prava 113

Vasiljević-Prodanović Danica Kovačević Milica Diverzioni model reagovanja na maloletničku delinkvenciju i uloga sistema socijalne zaštite	125
Milošević Isidora Bajčetić Marija Reorganizacija kao poslovna filozofija	144
Malinović Marija Čičovački Tamara Zakonski tretman i iskustva u praksi povodom monitoringa kvaliteta vazduha za Grad Novi Sad.....	163
Rašević Milica Jakovljević Marija Oblici privrednog kriminaliteta u stečajnom postupku.....	175

Kekić Dalibor*

 <https://orcid.org/0000-0002-0682-1139>

Spasić Danijela**

 <https://orcid.org/0000-0001-9432-5188>

Čudan Aleksandar***

UDK: 351.74: 351.759.6

Original scientific paper

DOI: 10.5937/ptp2203052K

Received: 23.07.2022.

Approved on: 06.09.2022

Pages: 52–68

LEGAL BASES OF THE POLICE PARTICIPATION IN EMERGENCY SITUATIONS


ABSTRACT: Police officers who belong to the General Police Directorate of Republic of Serbia, in addition to the numerous powers and tasks they perform, based on the Law on Police, have the obligation to participate in protection and rescue operations. Besides the aforementioned law, the police are recognized as a part of the protection and rescue forces by the Law on Risk Reduction and Emergency Management. The role of the police in emergency situations is very important, and the scope of work of the police officers is expanding over time and becoming more and more diverse, and thus more complex. The police engages in the execution of tasks aimed at the security protection of citizens' property and lives, such as rescue and evacuation from endangered areas, providing first aid, delivery of food, medicine, etc.

Keywords: *emergency, police, law, jurisdiction, protection and rescue, police officer.*

* Associate professor, University of Criminal Investigation and Police Studies, Belgrade, Serbia,
e-mail: dalibor.kekic@kpu.edu.rs

** Associate professor, University of Criminal Investigation and Police Studies, Belgrade, Serbia,
e-mail: danijela.spasic@kpu.edu.rs

*** Full professor, University of Criminal Investigation and Police Studies, Belgrade, Serbia,
e-mail: aleksandar.cudan@kpu.edu.rs

 © 2022 by the authors. This article is an open access article distributed under the terms and conditions of the Creative Commons Attribution (CC BY) license (<https://creativecommons.org/licenses/by/4.0/>).

1. Introduction

An emergency situation is a state that arises by declaration from the competent authority when the risks and threats or the resulting consequences for the population, the environment and material and cultural assets are of such scope and intensity that their occurrence or consequences cannot be prevented or eliminated by the regular action of the competent authorities or services. which is why it is necessary to use special measures, forces and means to mitigate and eliminate them with an enhanced work regime (Law on Disaster Risk Reduction and Emergency Management, 2018). Any form of emergency situation can threaten human lives, cause great material damage and losses, but also degrade or completely destroy the environment.

Considering the existing circumstances and the time and possible size of the affected areas, and the fact that the existing structures determined to prevent an emergency situation, but also to rehabilitate the possible consequences, cannot fully respond to those requirements, it is therefore necessary to involve other social and state institutions entities, such as a police organization (Šikman & Amidžić, 2014). The regulations relatively clearly define the duties and obligations of the police and they relate to the provision of assistance to state administration bodies, local self-government bodies, as well as legal and natural persons in case of general danger caused by natural disasters, but also other forms of endangering citizens and society in general.

The question now is to what extent the police are normatively, organizationally, professionally and staff trained to deal with emergency situations. Also, the competence and preparedness for an efficient and effective way of transitioning to working conditions in emergency situations is questionable, with the fact that tasks and obligations are carried out in a convenient way and that the potential disruption of the information system is compensated by the application of measures and procedures that best suit the context of emergencies situation.

The role of the police during and after emergency situations is a very current topic, considering its role during regular situations. Although police officers are faced with a variety of extraordinary events every day, most of them are not so significant in terms of endangering the lives of citizens, but also of police officers, such as, for example. emergency situations (Cvetković, 2014). In their work, researchers Rojek and Michael (2007) conducted qualitative research, which included an examination of the behavior, attitudes

and perceptions of police officers about their activities during the elimination of the consequences of the hurricanes in Louisiana and Mississippi in 2005. Generally speaking, there are tasks that the police will undertake regardless of the emergency situation. These tasks can be every day and partly routine, but they can also be uncharacteristic and unexpected. Some of the uncharacteristic tasks of police officers during emergency situations would be: securing buildings from which citizens were evacuated, securing and delivering food and water to evacuees, etc.

2. Affairs and tasks of the police in emergency situations

Researcher Kennedy gave an overview of what a police organization should look like and who assigned it significantly during an emergency situation and what is their relationship to, for the police, characteristic activities. According to his opinion, police officers undertake various affairs and tasks: protection of life and property of citizens, regulation and control of traffic, control of a large number of people, rescuing and searching for the injured, issuing warnings and notifications, participating in evacuation.

Most researchers agree that at different stages of an emergency situation, the police will take the full range of emergency measures that will be needed to eliminate the immediate danger to people and property. Among other things, they will take certain measures and actions that the competent authority is unable to do (Law on Police, 2016). Bearing in mind the police duties prescribed by the existing Law on Police, one can easily see the duties that will be performed in emergency situations. Both uniformed and non-uniformed police officers are involved in eliminating the consequences of emergency situations. However, if special circumstances require it, employees for special or specific duties, whose jobs are directly related to police affairs.

It is very important to think about how police officers will perform their duties in emergency situations. From there, it is questionable how police officers will perform patrol and officer's activities in an environment that is not typical of the forms of danger they are used to. This implies that in such an environment, which is in high-risk conditions, investigations are carried out, they provide first aid to injured people, but with a probable lack of resources, especially human resources. These are the reasons for a different approach to the organization and require managers to come up with special plans, perform appropriate theoretical and practical training, acquire adequate equipment, etc.

2.1. Police in emergency situations

Regardless of the type and scope of the emergency, police officers will have specific tasks. In the event of an intense and short-term emergency, the police will be dedicated to the following tasks: traffic and people control, search and rescue, property protection. In emergency situations that tend to grow and increase in intensity, the police first participates in issuing emergency warnings, participates in evacuation, implements active and passive property protection measures, intervenes and regulates traffic.

During an emergency situation, the police organization must also undergo minor organizational and structural changes. Namely, the police organization as a state administration body has a clearly established, templated communication system, a clearly established way of decision-making, along with a clearly established culture of subordination and responsibility. However, in order for such an organization to effectively respond to the impending danger, it is necessary to adapt to the newly created circumstances. Strategic, and partly coordinating (middle) management should mobilize the entire human potential for the execution of tasks, regardless of the usual schedule of work and tasks. Working hours must be completely changed and adapted to the nature and requirements of the emergency situation. In this sense, it is clear that the police organization is an adaptable organization to the given conditions and can effectively respond to the assigned tasks and tasks. Regardless of the preparedness of police officers and their training, the level of operation, the application of appropriate measures and the execution of assigned tasks, they would still encounter serious problems and situations imposed on them by the environment and context of an emergency situation. The police are forced to function in a completely changed milieu of the environment. In that case, the police work in conditions of high risk, which occasionally tends towards uncertainty, pressed by short deadlines, but also by the loss of autonomous action. All of this affects the administrative structure of the police organization, communication channels, and finally decision-making, which is perhaps the most significant variable factor in the work of the police during emergency situations. It is this impact that can be considered, if it is seen in different stages such as: warning, mass engagement, reorganization and cleaning (Quarantelli, 1997).

During the warning, the decision depends on the available time for warning and evacuation. If there is enough time to implement the necessary measures and actions, the problems in decision-making will be minimal, but in reality, time is much less, and thus the problems in decision-making increase - the level of

stress, as well as the emotional jump. In this stage, decision making is generally well organized, but only if it is well planned, and well-prepared contingency plans. The most important measures that need to be implemented are alerting the population, evacuations and property protection of citizens who were forced to leave their residences and households. From this point of view, it is all very simple, but in practice it can be a serious problem. In such conditions, police officers will have to make a large number of important decisions independently (Cvetković, 2014).

In the stage of mass participation of police officers, which starts at the moment when the consequences of an emergency situation are present, it is expedient to make a large number of decisions from one's own and others' scope of work. Conflicts often occur between different organizations due to unclear division of labor, i.e. unclear responsibilities and scope of work in emergency situations. Thus, there may be a conflict of jurisdiction between the commissioner and members of the civil protection and members of the police station, because in such condition's priority is given to civil protection. It very often happens that individuals in the police make arbitrary decisions, which are not their responsibility. This happens because, due to the situation, their managers are not able to supervise their work completely, although they are responsible for the work of their subordinates. Likewise, superior police officers, under pressure from higher authorities, often issue a large number of orders that are not typical for the police. Under these conditions, the normal flow of decision-making will be interrupted. It often happens that the optimal distribution and deployment of police forces is not achieved, so many tasks important for this stage are neglected, such as regulating and controlling traffic, guarding the property of citizens who have evacuated, etc.

After this stage (after a few hours from the beginning of the emergency), the stage of reorganization begins. This is when duties are formalized, shifts are reorganized and police officers perform tasks that are not typical for them and do not belong to their established scope of work. At the end of this period, police officers return to their familiar jobs and tasks in the patrol and police-walk area and the security sector. Reasonable decisions are made, and most activities are mostly under control. Police officers in these conditions will mainly be tasked with preserving property and preventing theft, although this problem is mostly secondary in emergency situations. What appears to be a rational decision is to commit more police personnel and assets to security tasks.

Within the fourth stage, which usually starts after a day and can last longer. By the beginning of this stage, most of the police officers have already

returned to their usual jobs and tasks, according to the daily work schedule. The participation of the police in this stage is minimal and mainly focused on traffic regulation, increased supervision of the security sector, etc. Therefore, the jobs characteristic of police officers continues with a special emphasis on a different context.

2.2. Police involvement during the Covid-19 pandemic

The need for police involvement was especially expressed during the Covid-19 epidemic. In accordance with the regulations, during the state of emergency, there is a possibility to restrict certain human rights of citizens, and the powers of the police are expanded. The actions of the police in a state of emergency must be exclusively proportionate to the goal of the measures taken, as well as fully subordinated to the rule of law (Stevanović, et al. 2012). After the end of the state of emergency, the police should maintain public order and peace with the condition that they have great public trust. If that trust is debatable on any grounds, serious problems can arise in the work of the police.

During a state of emergency, the police perform tasks and tasks from their scope of work, with organizational-structural changes and changes in functioning, in accordance with the regulations that regulate the issues of such states and the most urgent transition to normal ones (Stevanović, 2019). The police adapt its function to the turbulent social conditions, in a way that intensifies the appropriate methods and forms of work. In those social situations, she primarily engages in the execution of tasks and tasks from her scope of work for the protection of people and property (Declaration on the Police).

In a state of war, state of emergency and state of emergency, by decisions of the competent authorities, which were made in accordance with the Constitution and the law, the scope of the police can, exceptionally, be temporarily expanded. This implies that certain units of the police organization (mostly those for special purposes) and police officers can (not a rule) be temporarily engaged in the performance of traditionally non-police tasks (Stevanović, 2019). This primarily refers to the possibility of engaging special purpose police units in support of members of civil protection and fire-rescue units (First Supplementary Protocol, Law on Disaster Risk Reduction and Emergency Management).

The possibility of expanding police authorizations in a state of emergency is related to the implementation of regulations and decisions of

competent authorities on measures that, in those states, deviate from human and minority rights guaranteed by the Constitution. Both when deciding on these measures and when implementing them, it is necessary to respect the prescribed restrictions, among which the most important are: the declaration of the appropriate state as a prior legal issue, the selectivity and limitation of the measures (some human rights cannot in any case be limited or to suspend), non-discrimination of measures, limitation of their duration and respect for the principles of necessity, necessity and proportionality in their application (Constitution of the Republic of Serbia, 2006). The competent state authority is obliged to inform the public about the public declaration of a state of emergency and the state of emergency situations, as well as about the material, temporal and spatial scope of the implementation of declared emergency measures. The state is obliged to inform other states, through the UN Secretary General, about the human rights that have been suspended or limited, about the reasons why this was done and, in particular, about the inclusion of police forces in the armed forces in war (Stevanović, 2019).

During the corona epidemic, the role of the police has obviously changed. In addition to performing regular duties and tasks related to the preservation of public order and peace, suppression of crime, security of the state border and others, the police was engaged in the implementation of the ban on movement and the control of isolation measures. The legal acts, on the basis of which the restrictive measures were introduced, have been transformed several times. This leads to the conclusion that there was no clear plan to contain the epidemic and adapt to the situation, since there was a lack of medical information about Covid-19 (Đokić et al., 2020).

At the beginning of the crisis, the police had the task of informing citizens who arrived in Serbia from abroad about the home quarantine, that is, about the obligation to stay at home for 14, then 28 days. After that, the police monitored compliance with the implementation of this measure, especially after the introduction of the state of emergency. In case of violation of the measure, the police submitted criminal charges to the prosecutor's office. The police are allowed to issue orders to the infected or those who are suspected of being infected to stay at their address of residence or residence, with the obligation to report to the competent health institution. Citizens are checked to see if they are in home isolation by calling them on a landline, and sometimes by going to their home address.

Persons who violated the measure of health supervision and quarantine were punished. That worked better than informing citizens who had traveled from abroad before the declaration of the state of emergency that they had

to stay at home. This is a consequence of relativizing the problem and slow decision-making to prevent the spread of the infection.

In every legal system, the choices and dilemmas faced by the authorities in the conditions of dangerous epidemics, which also applies to the police, are classified into five main categories: the implementation of quarantine or a complete blockade; finding alternatives to the arrest and detention of criminal suspects; support and assistance to medics; dealing with new forms of crime, such as the sale of counterfeit medical and protective equipment; and police information on social networks, especially in countries where insulting the government or causing social unrest is a criminal offense (Stone, 2020).

Police officers must clearly identify how to properly communicate with the community and enforce regulations. They should be prepared to answer many questions, such as those about the availability of testing kits, travel restrictions, quarantine and isolation, and personal safety measures. The role, but also the obligation, of all security services is to keep their members focused on informing the public about current restrictions and encouraging citizens to comply with state and local health recommendations and regulations (Jones, 2020).

The authorities must have an insight into how clear the guidelines of the police officers are on the prescribed procedures regarding the isolation and quarantine of infected members of the community. Police officers should be briefed on how to detain or isolate a person suspected of being infected, including how to deal with situations where a person does not follow orders. The police should clearly define how they will handle arrests during an epidemic, especially in the event of a total lockdown. It is also necessary to determine the location to which people who do not follow the health orders would be evacuated. These locations should ensure compliance with physical distancing regulations, as well as other requirements, depending on the nature of the infection (Kekić & Milenković, 2020).

Thus, with regard to the previous pandemic, inspectors of the Service for Combating Organized Crime (Služba za borbu protiv organizovanog kriminala – SBPOK) filed criminal charges against suspects for abuses during the procurement of vaccines against „swine flu” at the end of 2009. After the pre-trial proceedings, which were conducted with the Prosecutor’s Office for Organized Crime, the police collected material evidence of embezzlement, interviewed witnesses and obtained extensive documentation from all competent institutions. Special tasks and tasks performed by Serbian police units in the conditions of an infectious epidemic relate to: maintaining order and controlling entry and exit from hospital and quarantine facilities, providing

transportation and escorting drivers with medical supplies and pharmaceutical vehicles, and providing disinfection points and access points. endangered areas, announced by the Government of Serbia. The border police closely cooperates with the customs service, phytosanitary inspection and veterinary inspection. The border police must ensure the smooth passage of goods, materials, vehicles and people, but when an epidemic of an infectious disease is declared on the territory of Serbia, various restrictions are introduced. The ALERT system informs EU countries that there is a risk of infectious diseases on the territory of Serbia.

The legislation of the Republic of Serbia recognizes the criminal acts of spreading fake news and causing panic. Furthermore, the Criminal Code provides for the criminal offense of violating the prohibition of isolation in case of large epidemics. These were the central tasks of the MUP during the pandemic. Anyone who did not find himself at the address where he should be in home isolation was notified to the sanitary inspector and the competent prosecutor's office, and in accordance with their decisions, he was further processed in the sense of whether he will be held liable for misdemeanor or criminal charges. Supervision of persons infected with the corona virus or suspected of being infected was carried out by the inspection bodies of the Ministry of Health, while the control of persons to whom a decision on isolation was issued was carried out by the police. The police were also in charge of enforcing the temporary restriction of freedom of movement, the so-called curfew (Kekić & Milenković, 2020).

One of the problems faced by the police during the COVID-19 epidemic is the prescribed criteria on the basis of which the MoI issued curfew permits, as they are suspected of being misused for political purposes. Although it is prescribed that the Ministry of Interior issues movement permits, in practice they were also issued by other ministries, public companies or municipal headquarters for emergency situations, which caused additional confusion, both among citizens and police officers. Often, the police did not properly respond to calls from citizens who reported curfew violations. There is also doubt about the politically neutral behavior of the police.

Frequent changes in regulations made the work of security agencies, especially the police and the prosecutor's office, difficult, which performed most of the work in the field related to the specific tasks of controlling the movement of the population and implementing health surveillance and quarantine measures. Due to legal inconsistency and almost daily changes in regulations, police officers and prosecutors were not completely sure, and often did not even know which regulation was in force that day, or which rules

were in force at the time of the procedure. In his work as a policeman, he often had to act on the basis of statements from press conferences, and not on the basis of an act published in the Official Gazette. It was similar in the practice of the prosecution.

3. Regulating the participation and role of the police in emergency situations

The Ministry of Internal Affairs (MoI) is counted among the subjects of the system of disaster risk reduction and emergency management, and as a potential holder of the system. Within it, the Ministry of Interior performs numerous tasks of state administration, including authoritative representation in individual situations, i.e. performing administrative activities.

Emergency Management Sector was formed within the MoI to perform extensive and very complex and diverse tasks aimed at protecting and saving people, material goods and the environment, reducing and eliminating the consequences of natural disasters, technical, technological and other accidents and dangers such as which are: floods, snowfalls, avalanches, hail storms, earthquakes or landslides, fire and explosions, accidents and unexploded ordnance, chemical, physical or biological accidents. For this purpose, the Sector performs tasks of a normative, administrative, organizational-technical, preventive, preventive-technical, educational, informative-educational, organizational-planning and other nature. In its composition, the Sector has: 1) departments formed according to the functional principle at the headquarters of the Sector (Department for General Legal Affairs and International Cooperation; Department for Preventive Protection, Department for Fire and Rescue Units, Department for Risk Management and Department for Civil Protection), 2) National training center for emergency situations and 3) regional administrations (or departments) organized according to the territorial principle (Handbook for preparing professional exams for employees of the MoI RS, 2013).¹

Within the system of disaster risk reduction and emergency management, the General Police Directorate has a special role. That role stems from „jurisdiction, the ability to quickly adapt to the circumstances, the distribution of forces on the entire territory, the continuous performance of security tasks,

¹ The National Training Center for Emergency Situations is no longer part of the Emergency Management Sector, but is an organizational unit of the Sector for Human Resources as part of the Police Training Center.

the number of personnel, equipment and overall organization, mobility and experience, as well as the possibility of effective professional training (Mlađan, 2015, p. 237).

3.1. Needs for engaging the police in emergency situations

If we look at the definitions and classification within the existing laws, the General Police Directorate can be classified as part of the emergency forces, and the Ministry of Internal Affairs as subjects of the disaster risk reduction and emergency management system (Law on Disaster Risk Reduction and Emergency Management, Article 13, paragraphs 3 and 1). The previous law that regulated this area - the Law on Emergency Situations from 2009 stipulated that the Ministry would ensure the participation of the police and other units of the Ministry in the implementation of measures and the realization of tasks in the field of protection and rescue (Lončar et al., 2019).

The current Law on Police establishes that „police officers undertake urgent measures necessary to eliminate immediate danger to people and property, when these measures cannot be taken by other competent authorities in a timely manner, of which they immediately notify those authorities.“ In case of general danger caused by natural disasters, epidemics or other forms of threat, police officers provide assistance to state administration bodies, bodies of territorial autonomy and local self-government, legal entities and individuals. When undertaking the aforementioned tasks, police officers also participate in performing rescue functions and providing first aid to people and, in this regard, use the prescribed equipment and carry out training of police officers who perform these tasks (Law on Police, Article 61). For this reason, the General Police Directorate „creates the necessary conditions for maintaining and increasing the capacity and readiness of the Police to act in a state of increased risk, emergency situations, state of emergency and war (Law on Police, Article 24).“

The aforementioned provisions address that the role of the police in emergency situations is of a secondary (auxiliary) nature. Therefore, the engagement of the police is based on urgent response in emergency situations, until the competent authority (Emergency Management Sector) is able to adequately respond to the danger (Lončar et al., 2019). As already stated, the police during emergency situations continue to perform their own regular police tasks and duties. Thus, from a theoretical point of view, police action can be divided into three phases: before, during and after an emergency situation. The first phase is considered a preparatory phase and it is necessary

to take immediate measures and move from the regular regime to the regime of performing tasks and tasks in extraordinary conditions. In the second phase, a larger number of police officers participate, depending on the intensity and includes emergency situations (Subošić, 2019). In this phase, the work of police officers is very concentrated (especially members of police stations, that is, branches, in whose territorial jurisdiction a state of emergency has been declared). The third phase is related to the completion of the rescue mission and similar activities and depends mostly on the form and strength of the consequences of the emergency situation (Mlađan, 2015).

Floods in 2005 and 2014, but also the earthquake in Kraljevo in 2010, forest fires in 2007, and the Covid-19 epidemic in 2020 and 2021 and other natural disasters and emergency situations clearly illustrated the need for auxiliary police. The auxiliary police force is already mentioned in the Law on Police from 2005. Although the Government, with its regulations and the adoption of the new Law on Police from 2016, provided for the establishment of auxiliary police, this institute still does not exist. It used to be called the reserve police force. The difference between these two organizational bodies is that the reserve composition of the police was filled on a voluntary basis, while the auxiliary police should be based on the principle of obligation (Miletić, 2009).

The Law on Police prescribes that the auxiliary police is formed to carry out police work in cases where it is necessary to compensate for the activation of a larger number of police officers to carry out work and tasks: high risk intensity, natural and other disasters and accidents, security of the state border and other situations where security is threatened and the question of the quantity of security personnel is in the upper hand. Auxiliary police are also engaged in cases where the local self-government and the MUP have a common interest and verify this by a special agreement (Law on Police, Art. 249). Therefore, the auxiliary police can be engaged in the event of an emergency, or in natural and other disasters.

Members of the auxiliary police, during engagement, have full rights, but they also have duties like all other police officers. The Director of Police proposes, and the Minister of Internal Affairs decides on the use of auxiliary police for the execution of police duties and tasks. Although in the last twenty years two Police Laws (2005 and 2016) and two Regulations (Regulation on service in the auxiliary police and the rights and duties of auxiliary police officers, 2009 and Regulation on service in the auxiliary police, 2016) the auxiliary police as an organizational unit of the administrative body has not yet been formed, and probably will not in the near future. There are various

interpretations and opinions about the concept of auxiliary police, especially that auxiliary police, considering the existing circumstances in society, should be based on a principle that is close to mandatory, because it is difficult to expect it to be based on voluntariness.

3.2. Regulation of police participation during the Covid-19 pandemic

During the pandemic, there are numerous examples of the presence and participation of the police in providing assistance to the medical service and other state administration bodies in the performance of their duties. The police, in addition to the emergency ones, continued with regular jobs and tasks. One of the new responsibilities was that „a person who does not comply with the order of a medical doctor, ..., upon notification of a health institution, is forcibly isolated in the presence of a representative of the administrative body responsible for internal affairs (Decree on measures to prevent and suppress the infectious disease Covid-19, Article 2).“ Also, the control of the implementation of the quarantine measure is also regulated by the mentioned Regulation and the Ministry does this in cooperation with the representatives of the ministry responsible for health affairs and the institute/institute for public health.

During an emergency situation, the issue of the participation of police representatives within the emergency headquarters is also regulated. In addition, the chiefs of those staffs are representatives of the Ministry of Internal Affairs, namely organizational units whose scope includes disaster protection and rescue operations, i.e. representatives of the Emergency Management Sector. Also, the members of the headquarters are the heads of organizational units whose scope includes internal affairs, that is, representatives of the police organization (Regulation on the composition, manner and organization of work of the headquarters for emergency situations).

The Ministry of Internal Affairs issued movement permits to persons regulated by the Decree on Measures during a State of Emergency. The Ministry of Internal Affairs (more precisely, the police), in agreement with the Ministry of Health, was authorized to temporarily restrict or prohibit the movement of persons in public places, as well as to order certain persons or groups of persons infected or suspected of being infected with the infectious disease Ccovid-19 to stay at the address of their residence, i.e. residence. Of course, the restriction was valid until the absence of the virus among the mentioned persons was determined.

The government based on Art. 200 of the Constitution of the Republic of Serbia adopted the Decree on measures during a state of emergency, i.e. of the

Covid-19 pandemic, which was stipulated in the third article: „The Ministry of the Interior can order the closure of all accesses to an open space or facility and make it impossible to leave that space or facility without special approval, as well as order mandatory stay for certain persons or to groups of persons in a certain area and certain facilities (reception centers for migrants, etc.).“

4. Conclusion

The police, as an organ of state administration, has a huge responsibility towards the rest of the state apparatus, but above all towards society and citizens. In this sense, its role in emergency situations is very important. In order to justify its role, the police organization, in addition to regular jobs and tasks, also performs extraordinary ones, which are not typical for it. In order for it to be able to do something like that, it is necessary that all duties are based on regulations, which enable it to be sufficient, but limit arbitrariness in its work during emergency situations. In addition to the Law on Police, which provides a clear inventory of jobs and tasks performed by the police in regular and extraordinary circumstances, police work is also regulated by other regulations.

The Law on Emergency Situations clearly established the place of the Ministry of Internal Affairs as part of the intervention and activation of forces and resources in emergency situations. The police can be classified as a force for emergency situations, and the entire Ministry of the Interior as entities for disaster risk reduction and emergency management, which is established by the Law on Disaster Risk Reduction and Emergency Management.

In addition to the above, there are other regulations that regulate the role, as well as jobs and tasks after the declaration of an emergency. First of all, we should mention the new institute provided for by the Law on Police, which refers to the auxiliary police, which has not been formed and is not expected in the near future. There are two reasons that influenced her not being educated: the first is the given social and political tensions and circumstances, and the second is the principle on which the auxiliary police is based, which is voluntariness, which in the opinion of many theorists is a waste of time, but is also unattainable. The regulations, which govern the participation of the police in emergency situations, confirm its role as subsidiary, which means that the role of the police is secondary, because what the headquarters for emergency situations and civil protection cannot do, the police does.

During the Covid-19 epidemic, the police played a significant role in assisting other forces in disaster risk reduction and emergency management. Some of the mentioned regulations are: Regulation on measures to prevent

and suppress the infectious disease Covid-19, which explains in more detail the rights and emergency obligations of the police, but also the Regulation on the composition, method and organization of the work of the headquarters for emergency situations, where the tasks and obligations are determined members of the police as members of emergency staffs.

Of course, the police also relies on some other regulations during operations in emergency situations, but these regulations are of a secondary nature. In the future, some other organizations are expected to be part of the protection and rescue forces. This is primarily expected from members of the communal militia, auxiliary police and perhaps the private security sector.

Kekić Dalibor

Kriminalističko-policijski univerzitet, Beograd, Srbija

Spasić Danijela

Kriminalističko-policijski univerzitet, Beograd, Srbija

Čudan Aleksandar

Kriminalističko-policijski univerzitet, Beograd, Srbija

PRAVNE OSNOVE UČEŠĆA POLICIJE U VANREDNIM SITUACIJAMA

REZIME: Policijski službenici, koji pripadaju Direkciji policije Republike Srbije, pored brojnih ovlašćenja i poslova koje obavljaju, na osnovu Zakona o policiji, imaju obavezu da učestvuju i u poslovima zaštite i spasavanja. Pored navedenog Zakona, policija je prepoznata kao deo snaga zaštite i spasavanja i Zakonom o smanjenju rizika i upravljanju vanrednim situacijama. Uloga policije u vanrednim situacijama je veoma značajna, a obuhvat delokruga rada policijskih službenika se vremenom proširuje i postaje sve raznovrsniji, a time i kompleksniji. Policija se angažuje za izvršavanje zadataka usmerenih na bezbednosnu zaštitu imovine i života građana poput spasavanja i evaluacije iz ugroženih područja, pružanje prve pomoći, dostavu hrane, lekova i sl.

Ključne reči: vanredna situacija, policija, zakon, nadležnost, zaštita i spasavanje, policijski službenik.

References

1. Cvetković, M., V. (2014). Uloga policije u prirodnim katastrofama [The role of the police in natural disasters]. In: Mrvić-Petrović, N., Todić, D., Mlađan, D., (eds), *Elementarne nepogode i vanredne situacije: zbornik radova* [Natural disasters and emergency situations: collection of works], (pp. 215-242). Beograd: Intermex: Institut za uporedno pravo: Kriminalističko-policijska akademija
2. *Deklaracija o policiji* [Declaration on the police](1979). Rezolucija Parlamentarne skupštine Saveta Evrope, br. 690
3. Đokić, K., Đorđević, S., Ignjatijević, M., Pejić-Nikić, J., & Stakić, I. (2020). *Sektor bezbednosti u vanrednom stanju: testiranje demokratije* [The security sector in a state of emergency: testing democracy]. Beograd: Beogradski centar za bezbednosnu politiku
4. Jones, J., D. (2020). The Potential Impacts of Pandemic Policing on Police Legitimacy: Planning Past the COVID-19 Crisis, *A Journal of Policy and Practice*, 14 (3), pp. 579-586
5. Kekić, D., & Milenković, M. (2020). Activities and tasks of the Serbian police in the conditions of the epidemic of infectious diseases. In: *Thematic conference proceedings of international significance, International Scientific Conference "Archibald Reiss Days"*, (pp. 281-290). Belgrade: University of Criminal Investigation and Police Studies
6. Kennedy, W., Michael, B., & Stephen, V. (1969) *The police department in natural disaster operations*, The disaster research center, department of sociology, University of Delaware
7. Lončar, Z., Radivojević, N., Radošević, R., & Mirković, V. (2019). Saradnja policije i privatnog obezbeđenja u vanrednim situacijama u Republici Srbiji: stanje i mogućnosti [Police and private security cooperation in emergency situations in the Republic of Serbia: situation and possibilities], *Zbornik radova Pravnog fakulteta u Novom Sadu*, 53 (1), pp. 113–131
8. Mlađan D. (2015). *Bezbednost u vanrednim situacijama* [Safety in emergency situations], Beograd: Kriminalističko-policijska akademija
9. *Priručnik za pripremanje stručnih ispita zaposlenih u MUP RS* [Handbook for preparing professional exams for employees of the Ministry of Internal Affairs of the RS] (2013). Beograd: Ministarstvo unutrašnjih poslova i Kriminalističko-policijska akademija
10. Quarantelli, L. (1997). *Disaster crisis management: A summary of research findings*. *Journal of management studies*, 25 (4), pp. 373–385

11. Rojek, R., & Michael, S. (2007). Law enforcement lessons learned from hurricane Katrina, *Review of policy research*, 24 (6), pp. 589–608
12. Stevanović, O. (2019). *Bezbednosni menadžment* [Security management], Beograd: Kriminalističko-policijska akademija
13. Stevanović, O., Subošić, D., & Mijalković, S. (2012). Odbrambena funkcija policije kao sadržaj nauka odbrane [The defensive function of the police as a content of defense sciences]. *Vojno delo*, 64 (2), pp. 225–235
14. Subošić, D. (2019). *Organizacija i poslovi policije* [Organization and police operations]. Beograd: Kriminalističko-policijska akademija
15. Šikman, M., & Amidžić, G. (2014). Nadležnost i uloga policije u vanrednim situacijama u Republici Srpskoj [Jurisdiction and role of the police in emergency situations in the Republic of Srpska], *Bezbednost*, 56 (3), pp. 129–147
16. Uredba o merama za sprečavanje i suzbijanje zarazne bolesti COVID-19 [Regulation on measures to prevent and suppress the infectious disease COVID-19]. *Službeni glasnik RS*, br.33/22, 48/22, 53/22 i 69/22
17. Uredba o merama za vreme vanrednog stanja [Regulation on measures during the state of emergency]. *Službeni glasnik RS*, br. 31/20, 36/20, 38/20, 39/20, 43/20, 47/20, 49/20, 53/20, 56/20, 57/20, 58/20, 60/20 i 126/20-OUS
18. Uredba o sastavu, načinu i organizaciji rada štabova za vanredne situacije [Regulation on the composition, manner and organization of the work of the staffs for emergency situations]. *Službeni glasnik RS*, br. 27/20
19. Uredba o službi u pomoćnoj policiji [Regulation on service in the auxiliary police]. *Službeni glasnik RS*, br. 109/16
20. Uredba o službi u pomoćnoj policiji i pravima i dužnostima pomoćnih policajaca [Regulation on service in the auxiliary police and the rights and duties of auxiliary police officers]. *Službeni glasnik RS*, br. 27/06 i 109/09
21. Zakon o policiji [Law on Police]. *Službeni glasnik RS*, br. 6/16, 24/18 i 87/18.
22. Zakon o smanjenju rizika os katastrofa i upravljanju vanrednim situacijama [Law on Disaster Risk Reduction and Emergency Management]. *Službeni glasnik RS*, br. 87/18