

Preliminary communication

UDK: 351.74/.76(44):351.74/.76(430)

DOI: 10.7251/SOCEN2526065S

COBISS.RS-ID 142904833

Paper received: 05.05.2025.

Approved work: 02.07.2024.

Gojko Setka, PhD¹

Petar Djukic, MSc²

COMPARATIVE ANALYSIS OF POLICE SYSTEMS IN FRANCE AND GERMANY

Abstract: *The functionality of the police system is important for all countries in the world. Primarily, states strive to establish a more functional police system that will successfully provide citizens with security services. What the model of the police system in a country will look like is a reflection of numerous factors - historical and current, subjective and objective, legal and customary, formal and material, external and internal. Taking everything into account, it can be said that one of the most important factors is the territorial organization of the state. The police system of a modern state should be organized according to a model that will enable adequate protection of the state and its citizens from all challenges, risks and threats. In this paper, we will try to look at the way in which the police systems of France and Germany are organized, one of which is very simple and the other is complex. For this purpose, a methodological framework was applied in the form of a study of the existing scientific and professional literature, as well as an analysis of research papers dealing with issues of genesis and comparative analysis of the model of police systems of a modern state. Content analysis methods, historical method and comparative method will be used in the work. Based on the aforementioned methodological basis, the paper will present the basic characteristics of the police systems of two large European, neighboring countries, with rich traditions of police development and police science. After that, their police systems will*

1 Gojko Setka, PhD, Assistant Professor at the Faculty of Security Science, University of Banja Luka, e-mail: gojko.setka@fbn.unibl.org

2 Petar Djukic, MSc, PhD Candidate at the Faculty of Security Studies, University of Belgrade, employed at the State Investigation and Protection Agency, e-mail: petar.djukic@sipa.gov.ba

be analyzed using a comparative method, with the aim of seeing the similarities and differences, that is, the advantages and disadvantages of each model.

Keywords: *police, organization, system, state, security.*

INTRODUCTION

The police system is an integral part of the security system, and the security system is itself a part of a larger system - national and even global. Precisely because of this, the theory of systems (but also the theory of security systems) provides a philosophical and intellectual basis for the scientific study of police systems. In the simplest terms, a system is a set of different elements that function as a harmonious whole to achieve a specific goal. The concept of a system includes the following elements: the set goal for which the system exists, forces and means to achieve the goal, the structure of the system elements through which individual activities are realized, a set of activities for the achievement of the goal and the function of the structural elements for the achievement of the goal (Kekovic, 2009; Young & Leweson, 2014). Therefore, we can define the security system as “an organized social system through which society organizes the function of protecting its vital values for the general progress and development of society” (Kekovic, 2009:139). It implies a built and organized set of subsystems that have a defined scope of work and apply general and special methods of security science. The peculiarity of the security system is reflected in the fact that its subsystems are organized as systems, because each has special strengths, means, methods, rules and work norms. Precisely one of those subsystems, which represents a separate system in itself, is the police system. At the same time, it is about the “most practical” branch of security (public security) - which implies the most direct relations between the police and citizens and the community (Jovicic & Setka, 2020). Therefore, the relationship between the security system and the police system is hierarchical, where the police system is a subsystem of the state security system.

There are many different models of police systems in the world, and it would certainly be wrong to claim that there are two identical, or even similar, models. There are numerous factors that influence the formation and development of the police system of a country - political arrangement, relations between citizens and the government structure, territorial division of the country, security conditions, historical, cultural, economic, social factors and

others. In this paper, we will try to present the basic characteristics of the police systems of two large European countries with rich traditions of police and police science - France and Germany. After that, we will make a comparative analysis of the police systems of these two countries, and try to point out similarities and differences, advantages and disadvantages.

THE GENESYS OF THE TERM POLICE AND THE POLICE SYSTEM

Although the first outlines of the police organization and function are visible in the epoch of the original human communities, the origin of the police, as a structured organization, is linked to the old century and the origin of the state and private property (Roberg et al, 2004; Gacinovic, 2015). In general, the concept of the police is inextricably linked with the concept of the state. This thesis is best supported by the fact that, etymologically, the word “police³” comes from the term “*polis*” (Greek: city, city-state). Namely, the entire state activity of the Greek city - state, i.e. the polis, excluding the judiciary and the army, was simply denoted by one name - *politeia*, police (Milosavljevic, 1997; Jovicic, 2023).

After the Dark Ages, during the era of absolutist monarchies, conditions were created for the development and shaping of the police in an organizational sense, primarily thanks to the development of cameralism⁴. Cameralists, as representatives of the modern state economy of that time, had an interest in the police being well organized and, as such, being an instrument of the government to ensure the greatest possible inflow into the state budget (Lisken & Denninger, 1992). In this period, a state was considered to be well-ordered only when it engaged in such a police (*un état bien policé*) that ensured the population's safety, well-being and even perfection (Spektorski, 2000).

The broadly defined notion of police, in the sense of the entire administrative function of the state, was in use until the end of the 18th century in France, Germany and some other countries. After the bourgeois revolution, the idea of popular sovereignty won, as the source and justification of state power⁵. By shaping this principle in the process of building a modern state, the concepts of modern police and police system were gradually built. Before, the police de-

3 *Police* in French, *polizei* in German

4 Cameralism (German: *Kameralismus*) is a political discipline that, above all, represented the care of “well-organized police” (Subošić, 2013).

5 Police state has been historically replaced by the legal state.

noted almost the entire state administration, with a dual function - to take care of the internal security of the state and society (protective function), but also to enable social progress and the well-being of the population⁶. In the course of the 19th century, there was a differentiation of these functions and the professionalization of the work of the administration, which was subordinated to legal and political control. Numerous tasks of an administrative nature are excluded from police competence and are entrusted to special departments, while at the same time, the concept of police is reduced to the function of eliminating internal threats in the state, i.e. the tasks of maintaining public order and peace and suppressing crime⁷ (Gacinovic, 2015; Subošić, 2017; Jovicic & Setka, 2023). Of course, the function of the police has its sub-functions, which today represent elements of the police system of a modern state and which include numerous specificities characteristic of different countries. Such differentiation of the police function, but also of the organization, is a consequence of the action of numerous factors or "numerous compromises between conflicting principles and ideas" (Kunic, 2008). Namely, it is a very dynamic area of state administration subject to frequent changes, conditioned by increased security risks, national reform projects and platforms for the fight against crime (Franulovic et al, 2011). Due to the dynamics of changes that are a constant phenomenon in this segment of state administration, we will focus our consideration of the police systems of the modern state on the examples of France and Germany. Before that, we will try to give a definition of the police system and present some basic models of police systems that appear in the world.

Bearing in mind the function of the police, as well as the postulates of the general theory of the system and the theory of the security system, the police system, in the end, can be defined as a specific and dynamic subsystem of the state security system, with established mutual relations of its parts, organized for the efficient performance of public security and other tasks internal affairs, i.e. the performance of police functions - criminal, misdemeanor, administrative, normative and social. The function of the police system includes goals (eg protection of society from crime) and tasks (traffic control and regulation,

6 The phrase "internal affairs", which, in many countries, is still used today to denote the police department, is precisely a relic of this time when, under the term police, the entire activity of the state administration, except for the judiciary and the army, was subsumed.

7 Dr Dane Subošić tries to define the police from a genetic point of view, stating that the police represent "a unity of function and structure that arose, survived and developed for the purpose of maintaining internal order in the human community and security protection of the order of government in society" (Subošić, 2013:17)

maintenance of public order and peace, administrative and legal tasks, etc.). It is achieved by special forces (police officers and police units) using special means (police powers). An important feature of the police system is the monopoly of physical coercion, which is exclusively entrusted to the police by the state.

Finally, it is necessary to emphasize that the police system is a broader concept than the term “police organization”. The police organization is only a part of the integral police system. It is completely irrelevant whether the police system consists of several police agencies that are independent in their work within a state, because it is seen as a single entity in a state. Of course, this does not mean that all police agencies in a country should be subordinated to only one center. How functional a police system will be, depends on its proper organization, functioning and cooperation within it - between its constituent parts - police agencies (Setka, 2016).

THE MODELS OF POLICE SYSTEMS

Every sovereign state has the right to organize the police in a way that suits its needs and socio-political circumstances. Namely, the position, role and organization of the police are regularly the result of the action of certain factors that have their own specificities in every society (Milosavljevic, 1997). The basic condition for the functioning and development of police organizations in the modern environment is the construction and existence of an adequate model that will have a satisfactory level of flexibility (Cvetkovic, 2010). Such a model should enable a timely and effective reaction to modern security challenges, risks and threats, with the most rational use of state resources. There is a wide range of police system models in the world, each of which has specific characteristics that make it possible to distinguish it from the police system of any other country. Therefore, there are no two completely identical police systems. Every police system is determined by the conditions in which it was built and in which it evolves. At the same time, the most essential “condition” and starting point for the functional organization of the police is the state of security in the country. An important role is played by factors such as the size and number of inhabitants, the length and characteristics of the state border, and a number of cultural, economic, social, political and other circumstances in which internal affairs authorities operate. The most important internal factors that determine the organization of the police (police system) are: strategies, guidelines, goals of the police, jobs and tasks of the police, and organizational resources available to the police (Puseljic & Jelenski, 2007; Franulovic et al,

2011). The organizational models according to which we distinguish individual police systems are the result of the process of differentiation of the state administration.

In order to get structural division of police systems we can combine classifications made by Raymond B. Fosdick and R.I. Mawby into three basic models of police systems: continental, English (Anglo-Saxon) and colonial (Milosavljevic, 1997).

The continental model is characteristic of almost all European countries except the United Kingdom. Professor Bogoljub Milosavljevic (1997) states as the basic general characteristics of the continental model: the existence of a national police that is managed from one center, the absence of competing competences, the distinction between two standard national police organizations - the national police and the national gendarmerie, the division into administrative and judicial police, the absence of autonomous police forces below the central level, etc. These characteristics are an expression of strong state traditions, but also legal traditions based on the Euro-continental legal system. A striking example of the continental model of the police system is the police system of France.

The Anglo-Saxon model can be found in the UK, USA, Canada and Australia. Its main characteristic is the decentralization of the police. A key role is played by local police organizations that are under the influence of local self-government bodies. In addition, a certain degree of coordination is possible from the national level. If there are national police forces, efforts are made to ensure that their role is set in such a way as not to undermine the autonomy of the local police. This model is a reflection of Anglo-Saxon law.

When we talk about the colonial model of the police system, we are referring to the police systems of countries that in the past were colonies of European colonial powers, primarily England. The colonial powers tried to establish police systems in their colonies that would serve to protect their interests. Milosavljević (1997) states the following characteristics of the colonial model: responsibility of the police exclusively to the colonial authorities and measuring its success according to the goals of those authorities, centralized structure and militarization, mandatory personal weapons, life in barracks and barracks, exclusion of local personnel from the police force completely or only with management positions, etc. It is important to emphasize that the colonial model is a part of history, but also that some of the listed characteristics have remained even today in the former colonies.

Some authors add the so-called Asian model to this division. Its main representative is Japan. Although the Japanese police operate under the super-

vision of the national government, the integration of the Japanese police into the local community is an important feature of their work. Police officers are expected to visit families in their charge, and citizens are used to being monitored by local police officers (Franulovic et al, 2011). Japan truly represents a unique example in the world of how the police should treat the community within which they perform their functions.

THE POLICE SYSTEM OF FRANCE

France is the cradle of modern police, and its police system is considered the first modern police system built in the world. Most other European countries (as well as some non-European ones) take over the basic organization of the police precisely from France. In the 18th century, in France, the first police constitution (*Premier livre de matiers*) was adopted, and Cardinal Richelieu centralized the police and significantly increased its composition. Also, the science of police is developing in this country, that is, the study of the organization and work of the police in a scientific sense⁸. After the French revolution in 1789, police powers are entrusted to city authorities (police commissioners were elected persons), while the National Guard battalions ensure public order. The Ministry of General Police was established in 1796, and the National Gendarmerie was also established. Then, in the 19th century, there was a functional division into the judicial police, in charge of criminal investigations, and the general administrative police, whose responsibility is to maintain the security of order, public order and public health. Also, there is the formation of special administrative police for certain administrative branches (medical, maritime, industry and trade police) (Gacinovic, 2015). The functional division of the French police into judicial and administrative has been maintained even today.

The police system of France today represents a typical example of a coordinated centralized model of police organization. Such a model, by the way, is characterized by the existence of two or more police organizations/agencies whose jurisdiction extends over the entire state territory and between which there is coordination (Gacinovic, 2012). The same (in general outline) was established in France after the reforms of 1966 and 1967, with two police agencies - the National Police (*Police nationale*) and the National Gendarmerie (*Gendarmerie nationale*). The third organizational form, which serves as a sup-

⁸ The first manual of police science, in 1705, was written by the assistant chief of the Paris police, Police Commissioner Nicolas de La Mare.

plementary element of the police system, is represented by the municipal and rural voluntary (communal) police (*Police Municipale*) (Jovicic & Setka, 2018).

After the reforms, the philosophy of police work in France was changing. In 1977, the then Minister of Justice of France, Alain Peyrefitte, submitted a report in which he underlined the existence of fear of crime in the country, as well as the state of neglect of the National Police patrols. In this document, the minister promotes the improvement of patrol activities, the establishment of police stations at the neighborhood level, as well as police training focused on community policing. Such conclusions were supported in another report, published in 1982, by several French mayors, who advocated a partnership in local security between the state, municipalities and local actors. This led to the creation of Communal Councils for Crime Prevention in 1983 and foot-patrol experiments in various parts of the country but not to a coherent nationwide police doctrine yet (Zagrodzki, 2017).

After the unexpected victory of the Socialist Party in France, in the parliamentary elections of 1997, the newly appointed Prime Minister, Lionel Jospin, emphasized the police work in the neighborhood, that is, the community (French: *police de proximité*) as a priority. The general philosophy of the reform was to create a service-oriented policing strategy focused on everyday crime and disorder. The reform included only the National Police, and each police district had to be reorganized, in terms of opening new police stations, strengthening foot patrols and creating closer ties with the local community. However, this concept soon faced the numerous obstacles it had to face: organizational resistance from police officers who saw it as a “soft” approach to crime, financial and human resources necessary to create extra patrol units and police stations, and lack of time due to political constraints, so it was soon replaced by a new concept - goal-oriented police work (French: *culture du résultat*) (Zagrodzki, 2017).

The new work strategy of the French police was made official in 2002 by the Minister of the Interior, Nicolas Sarkozy. The new minister insisted on statistics - the number of detected criminal acts and arrests, insisting at the same time on strengthening criminal investigative capacities. The most symbolic illustration of that shift was when he declared in front of the media that “the job of the police is not to play rugby with the kids, but to investigate, to intervene and to arrest” (Zagrodzki, 2017:49). The last significant reform of the police in France was carried out in 2008, and its aim was to harmonize with the norms of the European Union. Primarily, there was an insistence on changing the role of the National Gendarmerie, in the sense of reducing the competence for military matters, and more clearly defining it according to police affairs (Jo-

vicic & Setka, 2018). The goals and statistics-based approach to policing was maintained until 2012, when Sarkozy's presidency ended.

The third, the most moderate concept of police work in France, came to life after the election of Socialist François Hollande as President in 2012. Hollande, as candidate, had promised to restore the philosophy of "police de proximité" through a less ambitious program called "Zones de Sécurité Prioritaires" (ZSP, Prioritized Security Zones): instead of being enforced throughout the country, which was made difficult anyway by the budgetary situation of the French state, it concerned 80 neighbourhoods or areas, which received additional resources and reinforced coordination between national law-enforcement agencies (the reform concerned both PN and GN, even though the vast majority of prioritized zones were in PN jurisdiction) and local stakeholders. Nevertheless, those efforts were hindered to a large extent by the terrorist attacks that took place in 2015, which led the government to neglect ZSPs and to reallocate resources to intelligence and anti-terrorist units (Zagrodzki, 2017).

President Emmanuel Macron was elected in May 2017, on a platform that included a shift towards a more service-oriented police strategy – the approach called "*Police de Sécurité du Quotidien*."⁹ Two objectives are pursued. The first one is creating a balanced approach between a tough-on-crime philosophy, as the project aims at making the criminal justice system efficient, especially when it comes to punishing minor crime, and service-oriented police force, with neighborhood patrols and increased cooperation with the public in a series of targeted areas. The second one is better equipping a police force that has complained recently about their work conditions (Zagrodzki, 2017).

The basic police organization in France is, therefore, the National Police, responsible for policing in urban areas (with over 20,000 inhabitants). This service is characterized by a strictly centralized structure, with several tightly connected organizational levels. The national police is directly managed by the government, i.e. the Ministry of the Interior, through the *Director General* (Bayley, 1985; Milosavljevic, 1997). The territorial organization of the police overlaps with the territorial division of the state into administrative areas. The headquarters of the National Police is in Paris, and in each department, there are units headed by the prefect of the department, who has his assistant, along with the head of the criminal police, the head of the administrative police and the head of the intelligence department (Gacinovic, 2012; Jovicic & Setka, 2018).

The *Gendarmerie Nationale* is traditionally responsible for rural and suburban areas of France, that is, places with less than 20,000 inhabitants (18 re-

9 English: Daily Safety Policing

gions, formerly 27, and 7 military regions), as well as for protection of border areas (Bayley, 1985). The Gendarmerie is managed by a director who, for part of the work, is responsible to the Minister of the Interior, while for another part of the work, he is responsible to the Minister of Defense. Generally, the Gendarmerie, within its local jurisdiction, is responsible for performing the following jobs and tasks: conducting criminal investigations, maintaining and establishing public order and peace at public meetings and demonstrations, performing police work at sea, securing airports, nuclear facilities and military installations, providing assistance to the French armed forces in their operations on French soil and carrying out part of the work related to the security of the highest officials of France and ceremonies of state importance. Also, the *Gendarmerie Nationale* is responsible for counter-intelligence operations, identification and neutralization of threats from terrorism, nuclear, biological and chemical risks, and ballistic or cyber-attacks, etc (Jovicic & Setka, 2018).

Public safety and national security revolve around two national law-enforcement agencies: the Police nationale (PN) and the Gendarmerie Nationale (GN). Their coordination is based on identical work methods, information procedures and joint tasks. The procedures and work of the Gendarmerie and the National Police are prescribed by the Law on Criminal Procedure, which both police organizations adhere to, and the by-laws do not significantly change the legally prescribed procedures and centralized management of both organizations. Both agencies are under the hierarchal authority of the Minister of Interior¹⁰, in what can be qualified as a centralized system. On top of those two national agencies, there are 3 900 municipal police forces in the country, with a jurisdiction for minor crime and some traffic violations and very limited investigative powers (Gacinovic, 2012; Zagrodzki, 2017). These police organizations are financed from the budgets of municipalities (communes) and are accountable to mayors for their work. Therefore, they are responsible for the territories of villages and smaller towns. Their role is primarily preventive (Jovicic & Setka, 2018).

THE POLICE SYSTEM OF GERMANY

The Federal Republic of Germany, like France, has a long and significant police tradition. In this country, in the 18th century, the entire science of the police was developed – *Polizeiwissenschaft*. The most famous author from

10 The Gendarmerie used to be under the authority of the Minister of Defence until 2009. Gendarmes remain military personnel nevertheless and may be deployed in external operations under the command of the Ministry of Defence (Zagrodzki, 2017).

that time, who studied the police, was Professor **Johann Heinrich Gottlob von Justi**. In 1756, he published the “Principles of Police Science” (*Grundsätze der Polizeywissenschaft*). Among other things, Professor Gottlob von Justi writes about the establishment of public order and the performance of police work, with the application of appropriate measures of an operational nature. Also, in the general Prussian land law from 1794, the police is defined as a service that takes care of maintaining public peace, security and order, as well as eliminating danger that threatens the public or individuals. It is inevitable for this area of expertise to mention Austrian professor **Joseph Freiherr von Sonnenfels**, the author of the “Principles of Police” (*Grundsätze der Polizei*, 1765). The work is based on the science of the police, and the author believes that its fundamental task is learning to maintain internal security. Among the authors who, when studying the philosophy of the state, touched on the organization of the police, we can count **Georg Wilhelm Friedrich Hegel** himself. He viewed the police much more broadly than what the police actually represent in a modern state. According to Hegel, the police encompassed the entire area of administrative action of the state in the area of civil society. Here we can already notice his diametrically opposed attitude in relation to liberal conceptions that reduced the state apparatus, and thus the police system, to the negative function of a “night watchman” (Maslesa, 1999).

The first organized police forces in Germany date back to the early nineteenth century, when some German kingdoms “rewrote” Napoleon’s idea of establishing a national gendarmerie in France. However, the real impetus for the creation of the police system of the German state was given by the February Revolution in 1848. The unification of Germany was completed after the German-French war and the defeat of France in 1870/71 (Maslesa, 1999). What is certainly worth mentioning is the highly developed statistical monitoring of crime in Germany, which began at the time of the First World War and continued in the period between the two world wars. The results for 1936, 1937 and 1938 were published in the annual statistical reports of the Reich Criminal Police Directorate (*Reichskriminalpolizeiamt*), and excerpts were also published in the journal of criminology of the time – *Kriminalistik* (BKA, 2019). After World War II, the German police were under Allied supervision. With the adoption of the new German constitution in 1949 and the establishment of 11 states in the early 1950s in West Germany, these states established their own police forces. During that time, a single, central police force was established in East Germany (Feltes et al, 2013).

After the fall of the Berlin Wall and the reunification of Germany, each of the 16 German states established their own police forces, with federal po-

lice agencies in place. The police system of the new, united Germany began to adapt to the new environment. In the 1990s, the concept of victim protection became popular in the German police. After legal, political and social debate, the German police developed a new victimological approach. Victims of burglary, rape or robbery are no longer treated only as witnesses, as evidence, but their interests in criminal proceedings, the fears they face, as well as measures to protect against secondary victimization and possible repetition of the criminal offense to their detriment, are taken into account. which is especially true for victims of domestic violence. After the 9/11 events, German police directed its strengths towards fight against terrorism. Legislation on the control of transnational crime, money laundering and illegal migration has been redesigned to form the core of the anti-terrorist action of German police agencies (Feltès et al, 2013).

Today, Germany is a constitutional federal republic, composed of 16 provinces - republics (federal units), which are divided into 313 districts and 116 autonomous cities. According to the German constitution, the police is part of the executive power, and each federal unit has special basic police services which, in individual republics, are adapted to its particularities and needs (Milosevic & Dostic, 2009). This is the main reason why there is no single strategy or philosophy for policing in Germany: each state and even each local community can decide its own way of ensuring law enforcement, preventing or fighting crime and whether, for example, and how to implement strategies like community policing. Therefore, the police system of Germany belongs to coordinated decentralized police systems. Its complexity is due to the existence of special federal police forces and provincial police forces. The characteristic that makes this police system decentralized is reflected in the fact that the real police power is in the hands of the provinces, while the jurisdiction of the federal police organizations covers narrower areas - the area of protection of the order established by the constitution, interprovincial and international crime. The police system of Germany, according to the territorial principle, is organized on three levels: federal, provincial and local (Frevel & Kuschewski, 2009; Jovicic & Setka, 2018).

At the federal level, there is the Federal Ministry of the Interior and Community, as well as the Permanent Council of Ministers of the Interior. All issues of importance to the federal state (protection of constitutional order and internal security, terrorism, crime with an interprovincial element, international police cooperation, etc.) are under the jurisdiction of the Federal Ministry of the Interior and Community, which is headed by a federal minister. The following federal police agencies function within the Federal Ministry: Federal

Police (*Bundespolizei*), Federal Criminal Police (*BKA*), Federal Public Service, Federal IT Service, Federal Civil Protection Service and Federal Sports Police. With the aim of preserving unity between all elements of the police system, the Permanent Council of Ministers of the Interior was established at the federal level. This body, in addition to the federal minister as chairman, consists of ministers from each member country (province), who cooperate on a voluntary basis (Jovicic & Setka, 2018).

The **Federal Criminal Police** (*Bundeskriminalamt – BKA*) has the task of coordinating the fight against crime at the national and international level. It is headquartered in Wiesbaden, Hesse, and maintains major branch offices in Berlin and Meckenheim near Bonn. All official communication between the German police and police agencies of other countries takes place through the BKA. BKA conducts investigations of the most serious forms of crime in accordance with the law or whenever it is entrusted with the jurisdiction by the public prosecutor's office, due to the importance of the criminal offense in question. The BKA is also responsible for the protection of members of the constitutional bodies of the Federal Republic of Germany and is responsible for investigations of a large number of cases in the field of international organized crime, terrorism and extremism, for financial investigations, forensic examinations and expert opinions, etc. In addition, the BKA is responsible for the general and development of the methods of police action, and for the crime prevention strategy (Feltes et al, 2013; Jovicic & Setka, 2018).

The **Federal Police** (*Bundespolizei – BPOL*) is, in fact, the former German Border Protection Force (*BGS*), which existed until the 2005 police reforms. It operates, like the BKA, under the direction of the Federal Ministry of the Interior and Community, and is responsible for: protection of the state border and border zone, railway and airport security, security of certain persons and facilities, environmental security, performing police work during emergency situations; participation in police missions organized by international organizations, etc. This police agency also includes the popular counter-terrorism unit “**GSG 9**”, which is in charge of anti-terrorist security of airports, important persons and facilities, as well as security of diplomatic and consular missions (Jovicic & Setka, 2018).

Ordinary police forces, meanwhile, are under the administration of the individual German states and are known as the *Landespolizei*. All state police forces in the Federal Republic of Germany are subordinate to their respective Land (State) Minister of the Interior. They are, in most cases, immediately subordinate to the interior ministries are the regional police headquarters (*Prä-*

sidium)¹¹. Each province is free to organize its police in accordance with its specificities and needs, to define the concepts of police training and the like. The structural organization in the provinces varies considerably, and even the concept of organization is not consistent (Frevel & Kuschewski, 2009). However, we can say that all provincial police usually consist of the uniformed police, criminal police, river police, traffic police and special police units. The local level of police organization in Germany is made up of local police structures, which are mainly formed to perform the simplest police tasks, receive reports from citizens, provide information to citizens, perform communal tasks under the jurisdiction of cities and municipalities, and more (Jovicic & Setka, 2018). An important segment of the work of the local uniformed police in Germany is the so-called *district policing*. It is the German version of community policing that positively affects the general feeling of security, as well as the relationship between the police and citizens, through the presence of police officers in the field and the establishment of trusted contacts. "District police officers" should ensure close and confidential contacts with citizens and the community. In some cities and communities, this led to the so-called security partnerships between the police and representatives of civil organizations, businesses, private and state institutions. The focus of such partnerships are also social problems in the respective district – city (Feltes et al, 2013).

When it comes to complex police systems, such as the police system of Germany, it is very important to explain the mutual relations of the parts of the system. In this sense, there is no subordination and no established line of command between federal and provincial police authorities. Therefore, the Federal Minister does not have the ability to issue directives to provincial ministers of the interior. Federal agencies can assist provincial police forces in carrying out certain tasks, but only if assistance is requested. In such cases, federal police forces are subordinated to provincial police agencies and work under their command. Also, for the sake of example, the Federal Criminal Police can perform tasks within its jurisdiction in the territories of the provinces and in situations where they do not require its assistance, but they must inform the provincial police about all the measures and actions undertaken¹². Likewise, a police officer of a given province is usually not allowed to cross the (unmarked)

11 The basic organizational unit outside the headquarters of the provincial Ministry of the Interior

12 After a series of murders committed by a rogue group of right-wing extremists in 2011, which remained unsolved for years, there was talk in Germany about the lack of cooperation between the federal and state police (Feltes et al, 2013).

border into another (German) state-province, except in an emergency (Feltes et al, 2013; Jovicic & Setka, 2018).

Finally, in addition to the complexity of the police system in Germany, we can say that the “uniformity” (standardization and harmonization) of police work in this country has been ensured, thanks to the following three elements: important aspects of the internal security of the Federal Republic of Germany are agreed upon and coordinated at the meetings of the Permanent Council of Ministers of the Interior; criminal law, criminal procedure law and traffic safety law are passed at the federal level and apply to all provincial police forces; the training of senior management personnel of all German police forces is carried out at the German Police University in Münster, whereby a basic understanding of police activity and management is harmonized. With these connecting elements, a kind of “unity in diversity” evolved in Germany (Frevel & Kuschewski, 2009:53-54).

INSTEAD OF A CONCLUSION: COMPARATIVE ANALYSIS OF POLICE SYSTEMS OF FRANCE AND GERMANY

We have already emphasized that each country organizes its police system in a way that suits its needs, and that there are certainly no two identical police system models in the world. Each has its own specifics, its advantages and its disadvantages. In this part of the work, we will deal with the comparison of the police systems of France and Germany, bearing in mind that the former is highly centralized and coordinated, and the latter is decentralized and coordinated. Centralized police systems are such systems where the police organization, that is, the organizations that make it up, are managed by a single central authority. This can also be said in the way that such police systems imply that essentially police power is concentrated at the central level of a police system. An example of such a police system is the police system of France. In the case of decentralized police systems, administrative-territorial units of the state have a certain management influence on police organizations. The strength of that influence is measured by the degree of decentralization. Decentralization can be moderate, which means that police organizations are coordinated from the top, or extreme, which means that there is no coordination at the top of the state apparatus (Setka & Djukic, 2018). We have seen that the German police system is an example of a moderately decentralized police system.

The police system of France was created as a product of a strong “police tradition” in this country, but also of the continuity of French statehood from the bourgeois revolution to the present. Many features of the French police,

which date from the very beginnings of its development, have been retained even today (e.g. the strict division into administrative and judicial police or the survival of the gendarmerie founded by Napoleon himself). Also, the integrity of the French territory created a high degree of centralization of the French police system. On the other hand, the territory and statehood of Germany have no such continuity, and its police system also changed in accordance with historical factors. Decentralization, as its main feature, is the result of the division of the German state into several provinces, the number of which has varied throughout history. Certainly, the continuity of the development of the German police was interrupted by the coming to power of Adolf Hitler and the creation of the Third Reich, i.e. Nazi Germany and, therefore, the Gestapo. After that, the division of Germany into western and eastern parts and the centralization of the police in East Germany, in contrast to the West, led to an uneven development and a different legacy of police doctrine on the two sides of the Berlin Wall. Therefore, we can conclude that the police system of France is set on strong historical foundations, which makes it more stable.

One of the most significant differences between the police systems of France and Germany is reflected in the fact that in Germany there is no police agency that, like the National Gendarmerie in France, would be partially subordinated to the Department of Defense. Unlike France, Germany has completely removed all elements of militarism from its police system. Although the French Gendarmerie is only partially subordinated to the Minister of Defense, the discipline and manner of command are military, which can have a negative impact on the development of public security affairs and undermine citizens' trust in such an organization.

For every country, the method of achieving and the effectiveness of international police cooperation is very important. National security, to a large extent, depends on the exchange of information with the security services of other countries. When it comes to the German police system, we have seen that all forms of international police cooperation in Germany are realized through the Federal Criminal Police. Therefore, regional police agencies do not have the possibility of making direct contacts and exchanging information with the police authorities of other states. All contacts of this kind are made through an intermediary, which is the BKA, that is, the Federal Ministry of the Interior and Community. Of course, this slows down international police cooperation and reduces the efficiency and speed of exchange of operational information. On the other hand, France does not have this kind of problem, because its police system is centralized and, therefore, much more suitable for the exchange of information and cooperation at the international level.

Some of the advantages of the French police system, compared to the German police system, are certainly greater rationality, efficiency and economy. Generally speaking, these are the advantages of a centralized system over a decentralized one (Puseljc & Jelenski, 2007). Also, the advantages of the French police are reflected in the clearly defined jurisdiction and line of responsibility, thus avoiding conflicts of jurisdiction and responsibility between police units or officers. There is a much higher probability of a negative or positive conflict of jurisdiction in the German system, both between provincial police forces and between a specific provincial police agency and the federal police. We have seen that the policeman of a given province is not allowed to cross the imaginary administrative line between two (German) states, i.e. provinces, except in cases of emergency. Also, the federal police have an obligation to inform the police authorities of the local competent province about their activities in their area of responsibility. In France, on the other hand, there are no such problems. In addition to the above, the police system of France benefits in relation to: the development of specialist services (for certain forms of crime or for certain police tasks), the use of technical means (especially in emergency cases, when the approval of the minister is required for this), with professional training (which is uniform), as well as with the introduction of a unique system of promotion and reward for police officers. All these benefits are much more difficult to achieve within a decentralized police system (such as the German one), where differences and inequalities can appear (eg between the salaries of police officers from different police agencies, between the systems of promotion, training and education, etc.).

In addition to the advantages that centralized police systems have, there are also disadvantages. Thus, the police system of France, in relation to the police system of Germany, has certain shortcomings. These include insufficient responsibility of the police towards the public, but also an excessive concentration of power at the top of the police system and in the hands of the body that is superior to the police (the government), and, in this connection, the danger of possible abuses of the police, i.e. the use of the police for goals that are not in nothing to do with the scope of police work. In addition to this, the weakness of the French system is the weak detection of the specific needs of local communities and, accordingly, the inadequate deployment of the police service (Puseljc & Jelenski, 2007). More generally, the massive use of identity checks by French police, predominantly on ethnic minorities, is a result of a dominant policing style and culture that emphasize on street arrests and territory control, with a more adversarial rather than consensual mindset and a multiplicity of specialized anticrime patrol units with a proactive and aggressive mandate as opposed to Germany for instance, where neighborhood and problem-solv-

ing policing are central in public safety strategies (Zagrodzki 2017).

The advantages and disadvantages of the police system of Germany, as a decentralized police system, are actually the opposite of the disadvantages, that is, the advantages of the police system of France, as a decentralized police system. Therefore, the advantages of the German system are reflected in better adaptation to the real needs of citizens and local communities, greater responsibility of the police towards the public and less danger of misuse of the police for non-public purposes. Likewise, according to the views of some authors, decentralized police systems are considered to have fewer problems with systemic corruption. For example, corruption within the German police can hardly go beyond local boundaries. As Puseljic and Jelenski (2007) claim: "Corruption can be endemic, but it rarely affects the top of the pyramid in the police organization." On the other hand, in centralized police systems, local police are protected from corruption because all power is concentrated at the top of the police pyramid. As for the shortcomings of Germany's police system, it is less efficient, more expensive, more irrational, more fragmented, less unified, etc., compared to the French model.

REFERENCES

1. Bayley, D. (1985). *Patterns of Policing, A Comparative International Analysis*. New York: Rutgers University Press.
2. BKA, Bundeskriminalamt. (2018). *PCS 2018 Developmental History*. Wiesbaden: BKA.
3. Гаћиновић, Р. (2012). Модели организације савремених полицијских система. *Култура полиса*, IX, 18, 229-249.
4. Гаћиновић, Р. (2015). Корени и настанак полиције у модерној држави. *НБП - Журнал за криминалистику и право*, 1, 67-80.
5. Јовичић, Д., Шетка, Г. (2018). *Организација и надлежност полиције*. Бања Лука: Графомарк.
6. Јовичић, Д., Шетка, Г. (2020). *Јавна безбједност*. Бања Лука: Факултет безбједносних наука.
7. Јовичић, Д., Шетка, Г. (2023). *Организација и надлежност полиције*. Бања Лука: Факултет безбједносних наука.
8. Јовичић, Д., (2023). *Наука о полицији*. Бања Лука: Факултет безбједносних наука.
9. Кековић, З. (2009). *Теорија система безбједности*. Бања Лука: Факултет за безбједност и заштиту.
10. Кунић, П. (2008). *Управно право – посебни дио*. Бања Лука: Правни факултет.

11. Lisken, H., Denninger, E. (1992). Handbuch des Polizeirechts. München: C. H. Beck'sche Verlagsbuchhandlung.
12. Маслеша, Р. (1999). Полиција: организација и функционирање у демократском друштву. Сарајево: Факултет криминалистичких наука.
13. Милосављевић, Б. (1997). Наука о полицији. Београд: Полицијска академија.
14. Милошевић, М., Достић, С. (2009). Сарадња граничних полиција земаља Европске уније - пример СР Немачке и Пољске. Страни правни живот, бр. 2.
15. Пушељић, М., & Јеленски, М. (2007). Полицијски системи - реализација полицијске функције кроз устрој. Полиција и сигурност, 16(1-2), 1-19.
16. Roberg, R., Crank, J., Kuykendall, J. (2004). Policija i društvo. Sarajevo: Ambasada SAD.
17. Спекторски, Е. В. (2000). Држава и њен живот. Београд: Досије.
18. Субошић, Д. (2013). Организација и послови полиције. Београд: Криминалистичко-полицијска академија.
19. Субошић, Д. (2017). Организација и послови полиције. Београд: Криминалистичко-полицијска академија.
20. Feltes, T., Marquardt, U., & Schwarz, S. (2013). Policing in Germany: Developments in the Last 20 Years. Handbook on policing in Central and Eastern Europe, 93-113.
21. Frevel, B., & Kuschewski, P. (2009). Police Organization and Police Reform in Germany: The Case of North Rhine-Westphalia. German Policy Studies, 5(2), 49.
22. Франуловић, Д., Пушељић, М., Магушић, Ф. (2011). Организацијски модели полицијских система. У: Менаџмент и сигурност, Хрватско удружење инжењера сигурности, 2, стр. 374-389.
23. Цветковић, Д. (2010). Организациони дизајн као један од фактора ефикасности полиције. Школа бизниса, број 1/2010, стр. 110-118.
24. Шетка, Г. (2016). Модели полицијских организација и полицијски систем БиХ. Безбједност – Полиција – Грађани, година XII, број 1-2/16, Бања Лука, стр. 159-170.
25. Шетка, Г., Ђукић, П. (2018). Модел полицијског система као фактор ефикасности обављања послова полиције. Правне теме, година 6, број 12, стр. 47-59.
26. Young, W., & Leveson, N. G. (2014). An integrated approach to safety and security based on systems theory. Communications of the ACM, 57(2), 31-35.

