

THE PROTECTION OF HUMAN RIGHTS IN THE PROCESS OF MAINTAINING AND ENSURING PUBLIC ORDER AND PUBLIC SECURITY ¹⁾

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Human rights are considered supreme values in any modern state with an advanced democratic regime, and their guarantee by the law enforcement forces implies both respect for them and protection. In turn, public order and security is ensured, through all the measures taken by law enforcement, to achieve, maintain and, ultimately, restore public order. The law enforcement forces represent the institutional framework of the system of public order and public security, respectively this is a determining factor in the process of protecting human rights, and from the analysis undertaken, we highlight two public authorities with competences in the field of public order and public security, namely the Police and the Inspectorate General of the Carabineers. Maintaining public order is the main mission of the Police carried out through specific activities carried out by the responsible subdivisions, and restoring public order is the main mission of the Inspectorate General of the Carabineers. As for ensuring public order, it is the secondary mission, both for the Police and for the Carabineers and it can be carried out independently or through mutual support. The approach based on human rights must be the basis of all the activities of maintaining and ensuring public order, which requires to be unconditionally respected at all levels of activity and by all employees of the mentioned authorities, being, at the same time, incorporated in the regulations that determine these processes.

Keywords: *respecting and protecting human rights, law and order, law enforcement, public order and public security, maintaining and ensuring public order and public security.*

PROTECȚIA DREPTURILOR OMULUI ÎN CADRUL MENȚINERII ȘI ASIGURĂRII ORDINII ȘI SECURITĂȚII PUBLICE

Drepturile omului sunt considerate valori supreme în orice stat modern cu un regim democratic avansat, iar garantarea lor de către forțele de ordine, presupune atât respectarea, cât și protecția acestora. La rândul său, ordinea și securitatea publică se asigură, prin totalitatea măsurilor luate de forțele de ordine, pentru realizarea, menținerea și, în ultimă instanță, restabilirea ordinii publice. Forțele de ordine reprezintă cadrul instituțional al sistemului de ordine și securitate publică, respectiv acesta este unul determinant în procesul de protecție a drepturilor omului, iar din analiza întreprinsă evidențiem două autorități publice cu competențe în domeniul ordinii și securității publice, și anume Poliția și Inspectoratul General de Carabinieri. Menținerea ordinii publice este misiunea principală a Poliției realizată prin activități specifice executate de subdiviziunile responsabile, iar restabilirea ordinii publice este misiunea principală a Inspectoratului General de Carabinieri. Ce ține de asigurarea ordinii publice este misiunea secundară atât pentru Poliție, cât și pentru Carabinieri și poate fi realizată independent sau prin sprijin reciproc. Abordarea bazată pe drepturile omului trebuie să stea la baza tuturor activităților

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de menținere și asigurare a ordinii publice, deziderat ce necesită a fi respectat necondiționat la toate nivelurile de activitate și de către toți angajații autorităților menționate.

Cuvinte-cheie: respectarea și protecția drepturilor omului, ordine de drept, forțe de ordine, ordine și securitate publică, menținerea și asigurarea ordinii și securității publice.

PROTECTION DES DROITS DE L'HOMME DANS LE CADRE DU MAINTIEN ET DE LA GARANTIE DE L'ORDRE ET DE LA SÉCURITÉ PUBLICS

Les droits de l'homme sont considérés comme des valeurs suprêmes dans tout État moderne doté d'un régime démocratique avancé, et leur garantie par les forces de l'ordre implique à la fois leur respect et leur protection. À leur tour, l'ordre et la sécurité publics sont assurés, à travers toutes les mesures prises par les forces de l'ordre, pour atteindre, maintenir et, finalement, rétablir l'ordre public. Les forces de l'ordre représentent le cadre institutionnel du système d'ordre et de sécurité publique, respectivement c'est un facteur déterminant dans le processus de protection des droits de l'homme, et de l'analyse entreprise, nous mettons en évidence deux autorités publiques dotées de pouvoirs dans le domaine de l'ordre et de la sécurité publique, à savoir la Police et l'Inspection générale des carabiniers. Le maintien de l'ordre public est la mission principale de la police menée à travers des activités spécifiques menées par les subdivisions responsables, et le rétablissement de l'ordre public est la mission principale de l'Inspection générale des carabiniers. Quant au maintien de l'ordre public, il s'agit de la mission secondaire, tant pour la Police que pour les Carabiniers, et elle peut être exercée de manière indépendante ou en s'appuyant mutuellement. L'approche fondée sur les droits de l'homme doit être à la base de toutes les activités de maintien et d'assurance de l'ordre public, qui exigent d'être respectées inconditionnellement à tous les niveaux d'activité et par tous les employés des autorités mentionnées, étant, en même temps, incorporées dans les réglementations qui déterminent ces processus.

Mots-clés: respecter et protéger les droits de l'homme, la loi et l'ordre, l'application de la loi, l'ordre et la sécurité publics, maintenir et assurer l'ordre et la sécurité publics.

ЗАЩИТА ПРАВ ЧЕЛОВЕКА В ПРОЦЕССЕ ПОДДЕРЖАНИЯ И ОБЕСПЕЧЕНИЯ ОБЩЕСТВЕННОГО ПОРЯДКА И ОБЩЕСТВЕННОЙ БЕЗОПАСНОСТИ

Права человека считаются высшими ценностями в любом современном государстве с развитым демократическим режимом, и их гарантия правоохранительными органами подразумевает как их соблюдение, так и защиту. В свою очередь, общественный порядок и безопасность обеспечивается за счет всех мер, предпринимаемых правоохранительными органами, для достижения, поддержания и, в конечном итоге, восстановления общественного порядка. Правоохранительные силы представляют собой институциональную основу системы правопорядка и общественной безопасности, соответственно это является определяющим фактором в процессе защиты прав человека, ана основе проведенного анализа мы выделяем два органа государственной власти, обладающих полномочиями в сфере правопорядка и общественной безопасности, а именно Полицию и Генеральный инспекторат карабинеров. Поддержание общественного порядка является основной задачей Полиции, осуществляемой посредством конкретных мероприятий, проводимых ответственными подразделениями, а восстановление общественного порядка является основной задачей Генерального инспектората карабинеров. Относительно обеспечения общественного порядка, то это второстепенная задача как для полиции, так и для карабинеров, и она может выполняться самостоятельно или при взаимной поддержке. Подход, основанный на правах человека, должен лежать в основе всей деятельности по поддержанию и обеспечению общественного порядка, что требует безусловного соблюдения на всех уровнях деятельности и всеми работниками упомянутых органов.

Ключевые слова: соблюдение и защита прав человека, законность, правопорядок, общественный порядок и общественная безопасность, поддержание и обеспечение общественного порядка и безопасности.

Introduction

In recent years, we have witnessed various social, political and economic changes and transformations, which have also determined those challenges to which the national security system is exposed, in general, and in particular, the field of public order and security. More recently, the military conflict in Ukraine, located in the immediate vicinity, the increased flow of migrants generated, but also the uncertainty regarding its solution, require the revision of concepts and policies in order to ensure a high level of public safety.

At the same time, it is unanimously recognized that human rights and freedoms are privileges conferred by law. Pursuant to them, the holder of the right, i.e., any person, can adopt a certain conduct and ask others to behave in accordance with his/her right in order to capitalize on a personal, legitimate and legally protected interest, in accordance with the general interest and the rules of coexistence.

According to the constitutional provisions, citizens benefit from the rights and freedoms enshrined by the supreme law and by other laws, and the legal norms direct the activity of the state authorities towards ensuring the protection and respect of the rights of each person. The citizen also has constitutional levers aimed at ensuring an active behavior in relation to the public authorities.

From the analysis of legal competences, we distinguish the Ministry of Internal Affairs as the most important government institution, which, through subordinate public authorities, carries out the entire spectrum of activities in the field of public order and security.

The main ideas of the research

It is known that the security of the state and all its citizens, the safety of the person, the public order and peace, represents primordial social values underlying the existence, organization and functioning of any rule of law in which the multifaceted regulation of social relations, discipline, order in law represents natural requirements of democracy [1, p. 404].

The field of public order and security is viewed and treated as part of the general concept of national security. Under these conditions, **public order** is a state of law, its content being linked to the legal provisions, which allows achieving and maintaining the balance based on social consensus, the defense and respect of the fundamental rights and freedoms of citizens, the defense of public and private assets and the defense of values supreme in order to promote and affirm social progress in a democratic society [2, p. 20].

At the same time, public order constitutes the component of the “legal order” that expresses the state of effective functioning of the institutions of the rule of law, respecting the fundamental rights and freedoms of citizens, public and private property, ensured by the necessary set of legal regulations, behavioral norms, social values and specific institutions, including for the restoration of disturbed balances [3].

In turn, the **legal order** represents the state that implies the assurance through the legal norms of the conditions for the normal development of all social activities and is established in social relations as a result of strict compliance with the citizens and by the

state bodies. In the context of the correlation of both terms, the public order represents the order of law regarded in the aspect of normal and ordered development of public activity.

Public security, starting from the concept of “personal security”, is generally defined as “a state of protection of the person and society, against any type of danger, against any illegal action, against their consequences, as well as against the consequences of exceptional situations or social conflicts, natural disasters, epidemics, epizootics, catastrophes, accidents and fires, as the case may be” [4, p. 150].

According to the legal provisions, public security is the state of confidence, peace and social cohesion, lack of dangers and threats regarding life, freedom, well - being and prosperity of the population and community, ensured by specific actions by the authorized authorities [3].

From the analysis of the definitions mentioned above, we distinguish different elements/components: state, legality, institutions, provisions and regulations, public order being the process, and the goal/result to be achieved within it, by combining the mentioned elements, is nothing but public security.

The public order involves three distinct but interdependent processes/components, namely: ***maintaining public order*** - the set of measures and actions organized and carried out daily for the protection and respect of the fundamental rights of citizens, of the norms of civic conduct, of the rules of social coexistence, of the other social values, of the public and private heritage, as well as for the normal functioning of state authorities;

- ***ensuring public order*** - the set of measures and actions taken during public events to respect the law, prevent and end mass disorder and/or violence;

- ***restoration of public order*** – the set of measures and actions undertaken during public events to return the situation to normality, when mass disturbances of various intensities occur.

The concepts given differ from each other, emerging from the degree of intensity and the impact that certain risks and threats can have on public order in proportion to those measures and actions carried out by the responsible authorities in response to them. At the same time, the given model, dividing public order and security into three distinct components, is one that is unanimously accepted worldwide.

What about maintaining and ensuring public order, this “illustrates all the measures, activities and operations carried out by the public order forces, and the guarantee of public order includes all the measures that are taken to respect the legality, prevent and discourage some actions that generate social disorders or manifestations of violence, of cultural and sporting activities, as well as other events in which a large number of people participate and ensure the main and support forces, according to the competences” [5, p. 33].

In the given sense, for maintaining, ensuring and restoring public order, three categories of forces are involved, namely ***law enforcement*** - subdivisions of administrative authorities and institutions subordinate to the MAI (*Ministry of Internal Affairs*),

invested with powers in this sense, namely the Police and the General Carabinieri Inspectorate; **support forces** – subdivisions of administrative authorities and institutions subordinate to the MAI (*Ministry of Internal Affairs*), which currently exercise other duties than those of maintaining, ensuring and restoring public order, but can be used to fulfill this type of missions, such as the Border Police, The Migration and Asylum Office and others, as well as **complementary forces** - bodies and authorities of the central and local public administration, as well as other organizations, which, through specific activities, can provide assistance to law enforcement and support forces.

As we see, public order and security are ensured, through all the measures taken by law enforcement, to achieve, maintain and, ultimately, restore public order. The law enforcement, in turn, represents the institutional framework of the public order and security system, respectively, it is a determining factor in the process of respecting and protecting human rights, and from the analysis undertaken, we highlight two public authorities with dedicated powers in the field of public order and security, namely the Police and the General Carabinieri Inspectorate.

According to the new public policy document in the field of internal affairs for the years 2022-2030, it is stated that “Public security is an area of intersection of the competences of the Police and the Carabinieri. The police exercise their duties by virtue of the mandate to maintain public order and thus reduce the crime rate, and the Carabinieri - have the function of maintaining, ensuring

and restoring public order, in the context of public order events, in which a large number of citizens participate” [6].

The police are the specialized public institution of the state meant to defend the rights and freedoms of citizens, the interests of the society as a whole, but also those of the state. For these reasons, the activity of the police in a rule of law, based on the supremacy of the law, is extremely important.

The given thing was perfectly inserted in the Law on the activity of the Police and the status of the policeman/woman [7], which establishes that the Police are “a specialized public institution of the state, subordinate to the Ministry of Internal Affairs, which have the mission of defending the fundamental rights and freedoms of the person through activities to maintain, ensure and restore public order and security, to prevent, investigate and discover crimes and contraventions.”

From the analysis of the legal provisions that determine the organization and functioning of the police, we determine the categories of duties, as follows:

- a) prevention of crime and contraventions;
- b) investigating offenses and contraventions, criminal prosecution;
- c) maintaining, ensuring and restoring public order and security;
- d) protection of the rights and legitimate interests of the person and community;
- e) ensuring the execution of justice;
- f) the assistance of the population and local public administration.

As can be seen, the protection of the rights and legitimate interests of the person passes

like a red thread through all the competences held by the Police, being one of the basic principles in the activity, but also one of the permanent and indisputable conditions for the achievement of the established attributions.

For its part, the Law on the General Carabinieri Inspectorate [8], expressly indicates that this is a specialized state authority, with military status, subordinate to the MAI (Ministry of Internal Affairs), which has the mission of defending the fundamental rights and freedoms of the person by executing the attributions of maintaining, ensuring and restoring public order, preventing and discovering crimes and contraventions, protecting objectives of particular importance, preventing and fighting terrorism, ensuring the state of emergency, siege or war regime.

As we deduce from both normative acts, both by one institution and another, human rights and liberties are realized specifically through the set/complex of measures to maintain, ensure and restore public order and security.

The fundamental rights and freedoms of man and citizen are not only a reality, but also a finality of all human, democratic and progressive activity [5, p. 30]. At the same time, human rights represent the main conditions that allow each person to develop and to apply his/her physical, intellectual, moral, socioemotional and spiritual qualities as effectively as possible. The rights derive from the increasingly pronounced aspiration of mankind for a life in which the dignity and value of each individual is respected and protected [9, p. 28].

In the contemporary world “human

rights are approached at the national and international level considering the defense of state institutions and involving the issue of the human condition from a legal point of view through the protection of the person and his/her property” [10, p. 32], and “the mission of the police in all states being to respect the “norms of conduct in society, order and public peace” [11, p. 56].

Since among the main tasks of the police are preventing and countering crimes and other antisocial manifestations, as well as ensuring public order and security, their activity interferes with a wide range of fundamental human rights.

For example, the right to liberty and security aims to protect a person’s physical liberty against any arbitrary or abusive arrest or detention. The Constitution of the Republic of Moldova guarantees citizens the opportunity to enjoy freedom and, at the same time, ensures their legal security, protection and defense in their relations with the state authorities. The right to inviolability of the person also represents the set of guarantees not to be detained, prosecuted or punished illegally [12, p. 6].

The police are the first line of defense of human rights, and the police are the guardians of the law, including the regulations aimed at human rights [13, p. 14]. In this sense, it is considered that, in fulfilling their duty, police officials must protect human dignity, as well as maintain and respect the fundamental rights, but also the civil and political rights of the person [14, p. 5-8].

At the same time, the Police are endowed with special powers (including potentially

using force), to temporarily deprive people of their freedom, to limit their rights (for example, to stop, question, detain and arrest, seize property, take fingerprints, photograph and carry out body searches) and in extreme conditions, to use even force with lethal consequences. Police officers must, however, always respect the principles of the rule of law, in accordance with international policies and standards as well as the norms provided for in national legislation [15, p. 44].

In the opinion of the author Tudor Tomozei, the activity of the police in a democratic society influences the observance of “fundamental human rights, including the right to life, the right to freedom and the right to the freedom of the person” [16, p. 7].

Sara Pastor, in turn, believes that the police have the power to protect and to violate human rights. The aim of international police activity standards is to harness positive connections between police and human rights and to minimize potential negative conflicts between these two concepts [17, p. 1], respectively, on the one hand, ensure the non-admission of abuse of power, discriminatory or arbitrary treatment, on the other hand, protection and respect for human rights are being achieved.

Since the police represent the state in the most visible way, trust in the police equates to trust in the state. Without this trust, citizens will not be willing to report crimes or provide the police with the information they need to do their job effectively.

On the other hand, when the police are unable to retaliate promptly and are embarrassed to act harshly in critical situations, the state is

criticized for its weakness. Almost as serious is when the police lose their authority and the representatives of the law enforcement agencies are directly defied, including being insulted and physically assaulted, this demonstrates an escalation of tensions in society, encourages the breaking of the law by other individuals, undermines the system of public security [18, p. 542].

With over nine thousand employees, the Police are one of the largest administrative authorities in the Republic of Moldova, and the impact of its activity has an immediate and direct effect on citizens’ perceptions of the state’s ability to cope with the tasks of ensuring a high public security climate. We must not forget the fact that the Police are among the most visible institutions of the state, and their employees are among the first to respond to citizens’ calls, reports and complaints.

At the same time, being one of the legal bodies responsible for ensuring the security of citizens and defending their rights, any police employee must know at the highest level and be guided in the service activity by the responsibilities and rights stipulated for the fulfillment of the duties of the service.

Thus, the following requirements are submitted to Police employees in the activity process:

- prohibition of torture, inhuman and degrading treatments;
- respecting human rights when applying physical force, special means and firearms;
- prohibition of discrimination;
- ensuring the rights of victims of domestic violence;

- ensuring the rights of victims of human trafficking;

- respecting the right to defense in police activity [19, p. 35-36].

Beyond the basic task of countering crime, the police are also seen as a body for the protection of the population, support in cases of necessity and prevention of criminal acts against citizens. The fact, as safe as citizens feel in their own homes, greatly influences the image of the police [20, p. 94], as well as the state in general.

The level of criminality for the population is a direct indicator of the efficiency and professionalism of the police in fulfilling their duties. On the other hand, the professional conduct of the policeman/woman also has a considerable impact on the image he/she represents in general.

The relationship between the police and the public is a key element in a democracy. In this type of society, the police are responsible not only to the state, but also to the population, and their effectiveness depends, to a large extent, on the support of the latter. In this sense, the social function and public service quality of the police are important, also for their repressive function [21, p. 13].

By virtue of the abilities provided by the state, the police are the institution that have a double position, on the one hand ensuring/guaranteeing the citizen's liberties, and on the other hand limiting or constraining them in case of violations or illegal actions. This fact requires that the activity of the police be carried out at a high level of competence and professionalism that would allow ensuring

the tasks mentioned above efficiently and qualitatively [22, p. 387-388].

In the given order of ideas, a human rights-based approach to policing would facilitate the establishment of a fair balance of rights that would allow the state to use certain coercive powers and levers. Thus, in the case of police officers, it is considered that human rights:

- helps them determine what is permitted and what is prohibited;

- contribute to shaping the internal organizational structures of the police;

- specifies the duties of police officers, as representatives of the state, to respect and protect citizens;

- guarantees respect for the human values of police officers, when they themselves are holders of these rights.

According to the departmental regulations of the Ministry of Internal Affairs, the maintenance of public order is carried out by patrolling on established routes, contacts with the population, checking places with a risk of violating the law, as well as by other specific procedures in relation to the operative situation [23].

However, the given enumeration can be extended through the whole range of activities carried out by the Police, other than ensuring public order during various public events, as well as its restoration.

We agree with the researcher Iurie Bulai who believes that in order to ensure public order and security, the police had to undertake the following measures/actions: protection of life, health, honor, dignity and property; ensuring order in public places in order to

guarantee personal and public security; to ensure and carry out a communication with the public authorities regarding the events/manifestations expected of a public nature and which have a potential danger for public and personal security [22, p. 390-391].

In recent years, at the Police level, more than 100 standard operating procedures have been developed and approved in the fields of: technical-criminological, operative reaction (intervention against some categories of people/situations), operational management, human resources, criminal investigations, assistance and legal representation, internal audit, etc.

The standard operating procedures are a novelty for the National Police, and the standardization of work processes determines the uniformity, at the country level, of police interventions for different situations, as well as additional guarantees for all subjects. At the same time, they describe in stages the actions of the police depending on the circumstances, conditions, the behavior of the people, developed in order to transpose the national regulations and intended to ensure the legality of the police actions, as well as the respect of human rights. A large part of these refer specifically to maintaining public order.

For example, according to the standard operating procedure "Documentation of cases of violation by citizens of public order" it is established that "When reporting cases of violation of public order by citizens, the police employee has the authority to carry out activities to identify and counteract the actions that threaten the life, freedom, health

and integrity of individuals, private or public property, as well as other legitimate interests of the community. At the same time, the police employee has the right to request from people, including persons with a position of responsibility and public persons, the respect of public order and the cessation of illegal actions, and, in case of necessity, to ensure compliance with legal requirements, to intervene by applying physical force, special means or of the firearm provided, under the conditions established by law [24].

Another procedure, concerning the driving of the person to the police headquarters, determines that this is a police measure, with a coercive character, which consists in accompanying the persons from the place of interception to the police headquarters, in order to take legal measures against the persons:

- 1) who, through their actions, endanger people's lives, public order or other social values;
- 2) who have committed or are suspected of committing illegal acts;
- 3) whose identity could not be established under the law.

Driving the person to the police headquarters will be carried out in compliance with the constitutional rights of the persons, so that through the measures taken, the law enforcement body does not in any way harm the dignity of the person or any fundamental right of the person that is not related to the committed act and not to unjustifiably resort to force [25].

From the analysis of the provisions contained in the Law on the Police, namely

art. 25 which refers to the powers of the policeman/woman, among their multitude determines the one related to the request of people to identify themselves when entering a restricted perimeter, respectively, restricting their right of free movement through the prism of the rules and conditions established for access and discovery in a perimeter or location with restricted access.

Thus, according to his/her attributions, the policeman/woman can carry out preventive physical control over the person participating in public gatherings, and the conditions and limits of this control were established by the internal regulations, such as: preventive physical control over the person is an intervention measure that consists in checking by palpation and visual observation of the body, clothing and footwear, in order to discover objects, substances or products whose possession and circulation are prohibited. Preventive body control is carried out in the cases provided by law, on the person participating in public meetings or in other places where access with weapons, products or dangerous substances is prohibited, on the person who is in a state of unconsciousness, as well as on his/her luggage [26].

Regarding respect for human rights and freedoms in the context of ensuring public order in public gatherings, the European Court specified that the right to peaceful assembly provided by art. 11 of the European Convention on Human Rights represents a fundamental right in a democratic society, an essential element of public life. This right concerns not only the participants in a public demonstration, but also its organizers,

who may be associates, organized groups or political parties [9, 122].

Today it is universally recognized that the right to peaceful assembly to protest, demonstrate, celebrate, commemorate and, in general, to collectively communicate opinions to the authorities and other citizens, is the basis of functioning democratic systems. This right is closely related to other cornerstones of democracy and pluralism, such as freedom of expression and freedom of association. It is considered that facilitating the right to freedom of peaceful assembly can be a challenge for the authorities. It is especially challenging for the police, who have the primary responsibility to create the conditions for an assembly to take place, while ensuring that public order is maintained and that the rights and freedoms of others are not disproportionately obstructed [27, p. 7].

A human rights-based approach must underpin all policing activities, including the policing of assemblies and demonstrations. At the same time, this does not mean that peaceful assemblies cannot be limited for reasons related to public order and security or the protection of the rights and freedoms of others. However, any such restrictions must be necessary and proportionate.

As for banning an assembly, this can only be done in exceptional circumstances which may include situations where there is a significant and real danger of criminal acts or public disorder, an imminent threat to national security, or in situations where the purpose of the assembly is to incite hatred or violence, to intimidate or threaten others,

or to intentionally deny the right of others to exercise their legitimate rights.

The legislation of the Republic of Moldova expressly establishes that gatherings aimed at:

- incitement to war of aggression, to national, racial, ethnic or religious hatred;
- inciting discrimination or public violence;
- undermining the national security or territorial integrity of the country, committing crimes, violating public order or organizing mass disturbances, violating public morality, the rights and freedoms of other people or endangering their life or health [28].

More recently, the General Carabinieri Inspectorate took over, starting January 1, 2022, the activity of restoring public order, which until this date was mostly carried out by the Police.

Thus, to this day, the maintenance of public order is the main mission of the Police carried out through specific activities carried out by the responsible subdivisions, and the restoration of public order is the main mission of the General Carabinieri Inspectorate. As for ensuring public order, it is the secondary mission, both for the Police and for the Carabinieri, and it can be carried out independently or through mutual support.

At the same time, the internal regulations of the MAI expressly provide that the prevention of mass disturbances of public order, guaranteeing the safety of participants, public and private assets and values, the infrastructure, as well as the response to antisocial acts committed during the course of public events are carried out through insurance actions of public order. [2. 3]

The legal basis for actions to ensure public order is Law 26/2008 on public gatherings [28], however, at the moment certain problems persist in the process of applying the given law, such as: the legal framework does not clearly establish the obligation of the local public authorities to include the Carabinieri in the approval committee of public meetings, likewise the informing of the Carabinieri by the organizers of public events is not regulated, the staff is partially trained for security missions and is able to ensure the management of public meetings with a low and medium level of risk. For public gatherings with a high degree of risk, conceptual support, tactics, techniques and procedures, trained staff, adequate equipment and supplies are needed.

Last but not least, the quality of data and information, the mechanism for obtaining them and the capacity for analysis are in their infancy, a fact that does not allow the planning, organization and coordination of forces to be carried out at the expected level.

In this context, the Plenum of the Supreme Court of Justice of the Republic of Moldova recommends that the courts apply the provisions of the Law on meetings in conjunction with the principle of proportionality, according to which, “when applying any restriction to the freedom of assembly, public authorities must respect the balance between the need for such a restriction in a democratic society and the exercise of the right of assembly. Courts, having the power to limit the exercise of the right to assembly, in particular, will examine the aspect of whether limiting the individual's right to assembly is strictly

necessary in a democratic society» and that of non-discrimination, according to which «the right to assembly is guaranteed to all persons, regardless of race, nationality, ethnic origin, language, religion, sex, opinion, political affiliation, wealth, social origin or any other criteria.» [29]

Conclusions

The state, through the responsible public authorities, especially the Police and the General Carabinieri Inspectorate, is to ensure all people's rights and freedoms according to national and international provisions.

In this sense, both by one institution and another, human rights and freedoms are guaranteed specifically through the set/complex of measures to maintain, ensure and restore public order and security.

Thus, it is important to establish internally dedicated and clear procedures regarding the management of public events, as well as the management of crises that may arise during the conduct of public events. At the same time, their knowledge by all employees, especially by managers, is essential, and training is an important and mandatory process, in this sense.

Regarding the maintenance of public order, at the level of the Police, in recent years, dedicated tactics and procedures have been developed in which the necessary guarantees have been inserted in order to respect and protect human rights, today it is necessary to achieve them without deviations.

As we have seen, with reference to the institutional aspect, through the prism of the competences held, the Police is the first institution of the state called to respect and

protect human rights and freedoms, but under certain conditions determined categorically and explicitly described by the legislation, in a proportional and impartial manner, their employees can restrict certain rights when public order and security are threatened, i.e., that state of legality, normality and balance established in society, of a nature that disrupts and immeasurably affects the most important values and freedoms that are opposable to all people.

In turn, the evaluation and improvement of the legal framework is a permanent necessity and a desired goal that will realize and guarantee human rights and freedoms through the prism of the activities of maintaining and ensuring public order, and the proposals for improvement must emerge from the recommendations of the organizations that monitor compliance of the human rights, as well as the results of internal evaluations.

Last but not least, ensuring permanent communication, but also showing the necessary openness to society and all interested actors in order to discuss and jointly solve the challenges and problems found in the implementation of the powers to maintain and ensure public order is vital for responsible authorities.

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