

# The law and the police



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The Law and the Police are two closely connected law-enforcing entities, dedicated to the preservation of law and order in every society, and both these entities help each other in their trade. Authorized to enforce the law, guard property and condense civil disorder, the police all over the world are endorsed with the legitimized use of force in order to maintain order. It is under the rule of law that the police maintain order in democratic societies and the principle of accountability to the rule of law causes serious tension between the Law and the Police in various circumstances. " The tension between maintaining order and enforcing the law also complicates democratic oversight of the police. Society's difficulty overseeing the police is compounded by the invisibility of much of police behavior, and the large role that discretion plays in police officer's job Thus, even when the law unambiguously governs a situation, police may use their discretion not to enforce the law." (Sarat, 2004, p 133). This paper makes a reflective exploration of the relationship between law and police, the tension existing between these two entities, what can be done to reduce this tension, the need for effective leadership for policing, and the signs of ineffective leadership.

The relationship between law and police within the modern democratic societies has been topic of several researches and it is important to recognize that each in some way determines the other, although both are independent of each other. One may realize the law as a set of rules with which the society operates and it is the law which determines a society. Society needs the police, along with the law, as a means of enforcing the

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law. " Police in a modern society have not only lawful authority to enforce law, but a virtual monopoly in enforcing the law. Three factors combine to render the police the most effective means of control in society: the lawful power of the police; the structured, organized nature of the police organization; and the fact that no other entity in the state has anything like the same general powers." (Edwards, 2005, p 6). It is important to realize that the relationship between law and police is complex and there is tension between the law and the police on the enforcement of law and order in a society.

Significantly, the relationship between law and police is complex mainly due to the fact that the police need to enforce the law as it is and it is obviously required to use only those powers as granted under the law so to do. "

Historically, the relationship between the police and the court has been strained." (Dantzker, 2005, p 49). The tension between the law and the police is because of the fact that the police work is largely discretionary.

Although the law offers police various types of powers, it does not make the exercise of these powers mandatory. " The relationship between police and the law, where police must work within the law and under the law in order to uphold the law is sometimes uneasy." (Edwards, 2005, p 7). Therefore,

tension between the law and the police is due to the nature of the police work and the enforcement of the law. " To understand the tension between 'law' and 'police' requires abandoning a merely 'negative' idea of police."

(Dubber and Valverde, 2006, p 210. There are various challenges

encountering police in their efforts to enforce law. " The first challenge in responding to repeat victimization is effective leadership within the police force." (Commonwealth Secretariat, 2000, p 27). Thus, the tension between

the two entities, i. e. the law and the police, can be reduced only through effective leadership within police force in the enforcement of law.

#### References

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