



Examining the Challenges Facing the Police in Implementing the Rule of Law

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Abstract

Background: The rule of law is one of the fundamental foundations of good governance and a pivotal factor in increasing public trust in the police and strengthening institutional efficiency. Despite the stipulation of upstream laws on the necessity of the police's commitment to the rule of law, research evidence shows that this institution faces numerous challenges in the implementation stage.

Objective: This study was conducted with the aim of identifying, analyzing, and classifying the challenges facing the police in implementing the rule of law and attempts to explain the factors affecting the promotion of operational efficiency and increasing public trust.

Method: This research is of a descriptive-analytical type.

Findings: The challenges facing the police in implementing the rule of law are structural, legal, and institutional in nature, and rather than being caused by the individual behavior of officers, they are rooted in legal ambiguities, incoherent rulemaking, and weak control mechanisms. Structural and cultural challenges and weaknesses in transparency and accountability lead to conflict between the police and the community and reduce public trust. Ultimately, it has challenged the operational efficiency of the police in fulfilling legal missions.

Results: The results of the study showed that the continuation of legal, structural and social challenges leads to reduced efficiency, disruption in the effective implementation of legal duties and weakening citizens' trust in the police. Accordingly, solutions to reform and integrate the legal framework, strengthen transparency, a comprehensive training system, create a performance evaluation system, intelligent use of technology and participation of civil society institutions can provide the basis for the relative implementation of the principle of the rule of law and police performance.

Keywords: Rule of law, challenges facing the police, normative hierarchy, oversight, delimitation of jurisdiction

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Introduction

The principle of the rule of law, as one of the pillars of good governance, requires that all institutions, including the police, which are at the point of direct contact between the state and citizens, consider themselves bound and accountable to the law. This principle is a determining factor in public trust and institutional efficiency in police performance. (Corden.J, 2023, 20) The rule of law is one of the most fundamental principles of public law and the basis for the legitimacy of the use of force in contemporary states. Since the police are the objective manifestation of the authority of the state in society, the implementation of this principle depends more on the behavior and performance of the police than on any

other institution. However, research and practical experience of various systems show that the full and uncompromising implementation of the rule of law by the police faces a set of legal, social, structural and technological challenges. (Skinner, 2024, 1) The minimum elements necessary for the realization of law-based policing can be summarized in the following components: Limitation of power and determination of jurisdiction, observance of normative hierarchy and monitorability (Gorji, 2008, 126). None of the political authorities and institutions have the right to limit fundamental rights and freedoms except within the framework of specific and complex rituals foreseen in the laws. Undisputed exercise of power without freedom leads to tyranny and freedom without order leads to chaos in society (Hashemi, 2006, 40). The police, as an institution responsible for maintaining public security and order, must be able to ensure the rights of citizens by observing legal principles. (Ezzedin et al., 2023, 3). There are several challenges that prevent the effective implementation of this principle by the police. These challenges can arise from various factors such as the conflict between police authority and the constraints imposed by the rule of law, ambiguity in laws and differences of interpretation due to the multiplicity of rule-making institutions, pressure from public opinion and the media on police processes in terms of transparency and accountability, weakness in training in fundamental rights, human rights and soft skills, and authoritarian organizational culture and resistance to oversight. From a practical perspective, the results of this research can be helpful in promoting operational efficiency, increasing public trust, and strengthening the rule of law. Accurate recognition of the obstacles and challenges facing the police can help policymakers design more effective programs for the realization of law-based policing. Given the primary duty of the police to ensure social order and security, and its close relationship with the principle of the rule of law, the challenges facing the police directly affect public trust and operational efficiency. The challenges facing the police are not simply executive shortcomings, but are a sign of the failure of legal mechanisms to contain and guide the executive authority of the police. Therefore, the main issue of the article is to identify the challenges facing the police in implementing the rule of law principle. And how they disrupt the practical realization of the rule of law principle.

Research background

1- Shariati and Yavari (1404) in an article entitled "Dual policy of judicial and law enforcement in facing the crime of theft" have studied the comparative analysis of the policies of Iran's judiciary and police force in the control of theft. This qualitative research with the thematic analysis of the interviews of 23 experts, despite the difference in the missions, the policies of prevention and punishment overlap, but the lack of institutional mechanisms such as integrated supervision has disrupted coordination.

2- Rajabi Taj Amir (1400) in a research titled "Institutionalization of Restorative Justice Procedures in the Police" shows that despite the theoretical acceptance of restorative justice in Iranian legal and criminological literature, executive institutions - especially the police - are deprived of the necessary legal, organizational and cultural infrastructures to realize it. From the point of view of the research done, the current situation needs to pass from the theoretical level to the institutional and executive level; The path that this article is considered to be the beginning of.

3- Alizadeh Aghdam et al. (2015) conducted a research entitled Trust in the Police and Procedural Justice (a field study in Qorveh) that the role of procedural justice in shaping citizens' trust in the local police. Local community survey and quantitative-qualitative data analysis. Procedural justice was a stronger factor predicting more citizens' trust; Mere performance alone was not enough. It is necessary for local commanders to emphasize the procedures and behaviors of interaction with citizens and strengthen internal monitoring mechanisms.

4-Aden, H. (2025) in a research titled "External supervision and the concepts of the rule of law: a comparative study of the effect of the diversity of the concepts of the rule of law on the efficiency of independent monitoring mechanisms on the police, which with a comparative study of police complaint handling institutions in five countries with a case-based approach, it forms conceptual differences in policy making and the application of accountability mechanisms. Countries with more complete and transparent institutions have a better performance in reducing errors. The design of external supervision should be

appropriate to the institutional and legal framework of each country. and focus on transparency and easy access for citizens.

4-Bazymore and Griffiths (2003) in a research focusing on police reforms show that the implementation of restorative police programs, in the absence of clear legal frameworks, organizational trainings and institutional support, leads to unstable and sometimes arbitrary implementation patterns; A situation that not only does not increase the efficiency of the police, but can conflict with the fundamental requirements of the rule of law.

Theoretical foundations and research framework

The theory of the rule of law, in response to individual, autocratic and despotic governments, and in order to curb the abuse of political power and prevent the rulers from taking arbitrary decisions and actions, found it necessary to limit political power (Nikonhad, 2013, 3). This principle means the rule of law over all individuals and institutions, including the government and its officials. In other words, no one can act beyond the law (United Nations, 2023). And it implies the precedence of general and impersonal rules over individual will or political power. In the meantime, the police is the main law enforcement mechanism and ensures public order. The relationship between the police and the rule of law is a legal, moral and institutional relationship at the same time. Many factors affect the rule of law and can be considered as challenges and obstacles facing the police to achieve the rule of law. Law evasion in organizations is known as organizational behavior, and the analysis of this phenomenon can be called intra-systemic analysis. (Koleman, 1377, 10). And all actions of statesmen should be based on approved and valid laws. The rule of law includes principles such as equality before the law, accountability, transparency and lack of arbitrariness, all of which help to create a fair and just society (Stanford Encyclopedia, Philosophy, 2024, 8). In various legal systems, the principle of the rule of law is recognized as one of the basic pillars of democracy and good governance. That all government actions must be based on the law and respecting the rights of citizens. In the 17th century, philosophers such as John Locke and Thomas Hobbes emphasized the importance of the rule of law. In his work *Leviathan*, Hobbes points out the necessity of a central power to maintain social order (Hobbes, 11, 1651), while Locke emphasizes the natural rights of individuals and the need to limit the power of the state (Locke, 11, 1689). These two views directly influenced the development of modern theories of the rule of law.

The rule of law principle is important not only as a legal principle but also as a social value in modern societies. This principle creates social order and discipline in individual and collective behavior and plays a key role in the development of democracy and good governance. Considering the challenges and obstacles, it is necessary for governments to take effective measures to strengthen the rule of law, so that they can preserve the rights of citizens and gain public trust. Rule of law is also known as a mechanism to prevent abuse of power. In democratic societies, this principle creates supervision and balance between different powers (Council of Europe, 2024). The rule of law strengthens public trust in public and governing institutions, because citizens feel exactly legal protection. (Law Council of Australia, 2023) The police, as the institution responsible for maintaining security and public order, must be able to ensure the rights of citizens by complying with legal principles. The legislature has assigned duties and powers to the police and the collection of bailiffs, as the executive arm of prosecutors and courts (Tahmasabi, 1394, 167). Some of these powers can violate the rights of citizens, therefore, it is obligatory for the people who are employed as bailiffs to be identified by law (Khalegi, 2016, 84). No one can be introduced as a bailiff unless the law recognizes this position for him. (Akhundi, 2014, 61). In fact, in a legal system based on the law, the police is the enforcer of the law. The authority-oriented nature of the police and the characteristic of the rule of law in creating strict and restrictive frameworks creates structural tensions in the way of law enforcement. The police have to balance between operational efficiency and legal compliance; A balance that is often disrupted in critical situations. Comparative studies show that in many countries, police training is still too operational and less rights-oriented. (United Nations Office on Drugs and Crime, 2020). In fact, the weakness of citizenship rights education is quite evident. The multiplicity of rule-making institutions and the ambiguity in legal competences are the basis for the interpretation of taste and incoherence in the performance of the police. The police can be accountable to the law when the limits of their powers are

clear, predictable and controllable. In Iran, some articles of the criminal procedure law regarding vehicle inspection or identity control lack precise and measurable criteria. The lack of objective criteria causes a procedural conflict. Police organizational cultures place too much emphasis on organizational loyalty and covering up wrongdoing. Studies in America show that officers' resistance to the use of body cameras has hindered the implementation of accountability policies for years (Walker and Archbald, 2019, 183). Effective triple supervision (judicial-administrative-social) is a condition for the realization of the principle of rule of law. Any weakness in supervision will lead to the expansion of personal taste and violations. New technologies such as facial recognition, data mining and surveillance drones pose serious risks to fundamental rights if used without strict legislation. The police both need this technology and must use it within legal frameworks; This situation is also a challenge. Based on this, the principle of the rule of law will be examined in this research not just as an abstract concept, but as a set of practical criteria.

Multiplicity of rule-making institutions

In addition to the Islamic Council, the legislator has delegated the legislative authority to other institutions and organizations in some cases. The Council of Leadership Experts and the Expediency Council and the Supreme National Security Council, the unanimous votes of the Supreme Court and the Court of Administrative Justice, the Supreme Council of the Cultural Revolution and the Supreme Council of Cyberspace fall under this category. The legislative authority of some of these institutions is limited, and often related to special and specific issues. Scattered rule-making among numerous legislative institutions and authorities is usually created due to the revolutionary nature of the Islamic system and the special type of related concerns and ideals. The multiplicity of legislative institutions in Iran is not an exception, but a result of the structural situation. (Moradkhani and Taklu, 1400, 27) All these institutions do not legislate in the same way, but at different levels and have different functions. Laws governing the police are scattered in multiple layers of the constitution, ordinary laws, executive regulations, and internal directives. This multiplicity causes complexity, conflict, and a reduction in the coherence of laws, which makes it difficult for the police to implement the law in a coordinated and uniform manner (Khalili Shojaei et al., 2017, 105). In the field of cyberspace, the difference and conflict of the regulations and instructions issued by the Supreme Council of Cyberspace and other approved laws have caused problems in the police's dealings with cybercrimes, and the police are confused about how to implement the law and refer the case to the appropriate authority (Ghamami et al., 2015, 110). Dispersion allows for conflict or legal vacuum. and causes the formation of a kind of operational incoherence in the police; In such a way that officers face conflicting or ambiguous requirements in the field of action. This situation forces the police to selectively choose rules or rely on personal interpretations, which leads to an increase in decision-making errors and weakens the principle of predictability of police behavior based on the law. The continuation of this situation threatens the command and control capacity of the organization and increases the legal and social costs of the missions.

3- Determining the limits of qualifications

The legal authority is the official agent in order to do some things like preparing the official document. Qualification and right are two different words, qualification is a kind of authority (Zarei, 1390, 92). And public power, if it has a legal origin and a legal basis, is called competence, it is a legal ability that the officer uses to perform his duties. The competence of the police is mandatory. In these cases, the power to choose among several options is lost, and he must act within the framework of the established policies. And the officer is required to make a legal decision exactly according to the situation. The agent is not free to choose one of several decisions. (Babazadeh and Yavari, 2013, 12) and is committed to walking in the way of the concept and purpose of the law. In this type of competence, due to the determination of limits by the legislator, judicial control plays a very important role, and the possibility of conforming the decision to the law and annulling the conflicting decisions is available to the judicial authority. Laws that define the powers of the police, such as maintaining public order and security interests, are often inherently open concepts, these concepts are necessary for flexibility, but they are ambiguous from a legal point of view and lead to different interpretations by officers. And this issue can challenge the law-based order in this institution. Articles related to car inspection in the criminal procedure law are often expressed with terms such as reasonable suspicion, sufficient reasons, necessary cases or necessary measures. Although these concepts

are also used in comparative law, they do not have an operational definition, specific examples, and specific legal limits in Iran. This lack of precise criteria provides the possibility of conflicting understandings of the limits, scope, and conditions of exercising these powers. Due to the lack of objective criteria, the interpretation of many materials is left to the personal discretion of the agent. (Akhundi, 1384, 68). Continuity of ambiguity in the limits of police competences is not considered merely a legal shortcoming, but leads to the creation of executive discretion; In the sense that the situational decisions of the officers gradually replace the general and predictable rules. In such a situation, the possibility of retrospective evaluation of police decisions for regulatory and judicial authorities is reduced, and the police unintentionally turns from a law-abiding institution into an institution with case-by-case and variable actions. In the long run, this situation weakens the institutional legitimacy of the police and reduces its capacity to carry out complex and sensitive security missions.

Supervisory mechanisms

Although wide and long organizations and institutions are in charge of supervision, but the dispersion of laws, the weakness of civil institutions and specialized supervisory authorities, have caused the supervision to not be carried out in a transparent, complete and effective manner. This situation causes non-identification and handling of abuse of authority and administrative and financial violations. Effective triple supervision (judicial-administrative-social) is a condition for realizing the rule of law. Any weakness in supervision will lead to the expansion of personal taste and violations. (Hazem Ahmad et al., 1405, 6). The decision of Khajah against Germany (European Court of Human Rights, 2014) shows that in contemporary legal systems, the police cannot act solely on the basis of administrative authority or internal orders; Rather, any action that interferes with the privacy of individual freedoms must be controlled by an independent judicial body. The importance of this vote for different systems, including Iran, is that the lack of clear and efficient mechanisms of judicial supervision over police performance can, from a theoretical and practical point of view, face a serious challenge to the realization of the principle of the rule of law. Therefore, strengthening supervisory mechanisms with a focus on transparency, independence and specialization of supervisory institutions is one of the basic necessities for improving the efficiency of the police (Nazimi Ardakani and Akhtari, 2017, 38). The topic of supervision is mentioned in the constitution and ordinary laws more or less and sometimes incompletely. The supervisory institutions that have an effective role in the proper implementation of the police requirements, the control drum, should be installed in such a way that it is possible to easily match the actions and activities of the police institution with the laws, methods and policies established by the ruling body and political power and ensure the correctness of its implementation. In Ms. Armani da Silva's lawsuit on behalf of the London police regarding the killing of a 27-year-old Brazilian worker who was killed by the police in 2005 due to a misinformation in the Stockholm metro station by firing several shots from a close range. The court decision raised the issue of judicial protection of the police in high-risk operations. From a scientific point of view, it should be emphasized that monitoring capability is a quantitative and institutional variable, and to fully prove its realization or failure in all areas, it requires systematic data (official statistics, court cases, data recorded by independent sources); In the absence of these data, our analysis is based more on summarizing field reports, human rights and case studies than comprehensive statistics. The weakness or inefficiency of the monitoring mechanisms causes surveillance to be reduced from a preventive tool to a back reaction, and as a result, the decision of the police officer at the scene changes from the logic of following the law to the logic of operational expediency; A situation that directly conflicts with the spirit of the rule of law.

Accountability system

The lack of transparency limits the possibility of properly assessing and demanding accountability of oversight institutions and makes the performance of the agencies less subject to criticism and scrutiny. The systematic publication of police performance reports is recognized as one of the key indicators of good governance in the field of public security. This requirement is rooted in the fundamental principles of accountability and transparency, which have been emphasized in numerous international documents. (Nelken, 2022, 278) Various approaches have been adopted globally to this issue, and their comparative study can inspire our country's legal system. In the American legal system, the Integrated Crime Reporting

System was launched by the Federal Bureau of Investigation in 1930 and is recognized as a leading model in the field of statistical transparency. This system includes the annual publication of detailed reports with more than 100 different performance indicators, which allows for accurate monitoring of criminal trends. Free access to these data is possible for all citizens and researchers through a national portal (Mosher et al., 2022, 45). In the United Kingdom, there are more detailed legal requirements in this regard. According to section 44 of the Police and Social Responsibility Act of 2011, security agencies are required to publish quarterly performance reports, which are prepared by the Office for National Statistics and include comparative analyses between different regions (Coleman and Norris, 2021, 7). A distinctive feature of this system is the independence of the reporting body from the police, which increases the credibility and impartiality of the data. (Zarei, 1401, 112) The main challenges of the reporting system in Iran include the lack of an independent supervisory body for the preparation and publication of crime statistics; restrictions on the publication of statistics on specific crimes; lack of unified standards for reporting; weakness in the analysis of crime data and their transformation into useful information. These challenges have caused the potential capacities of the reporting system in Iran to not be fully realized. The lack of analytical and comprehensive reports prevents the identification of weaknesses and strengths in the performance of crime detection institutions and makes the continuous improvement process difficult. For this reason, strengthening transparency and regular publication of accurate and understandable reports are important requirements for improving the accountability system. (Hakimi Gilani et al., 1402, 18)

Participation of civil institutions in security policy-making

The lack of participation of civil institutions in the security policy-making of the Iranian police is one of the structural weaknesses that is rooted in excessive centralization, lack of legal mechanisms and inefficiency of civil institutions. This weakness leads to a decrease in the efficiency of the police in preventing crime and ensuring sustainable security, because the police cannot benefit from social capacities without attracting public participation (Darvishi et al., 1402, 110). Civil society organizations, including non-governmental organizations, popular associations, and spontaneous groups, are communities that emerge from within society and play a role voluntarily and independently of the government in various social and security fields. With their special capacities and facilities, these organizations can contribute to security policymaking and act as a bridge between the official security apparatus and the people, which is referred to as participatory criminal policy. This new approach to criminal policy is based on the solidarity of the official society of the state and the informal society (civil society organizations) and strives to increase the interaction and positive coexistence between official institutions and the people to create sustainable order and security. The participation of civil society organizations not only increases the legitimacy and acceptance of security policies, but also paves the way for crime prevention by raising awareness, reducing local problems, and developing appropriate services. From a pragmatic perspective, this cooperation can create non-judicial prevention while reducing the burden of law enforcement and judicial authorities. And ultimately, it leads to increased police efficiency in law enforcement operations, crime detection, and prevention (Vervaei and Bahramipour, 2015, 30). In security policy-making, civil society organizations play an important role in promoting transparency and accountability. By providing a platform for education and information to the community, they facilitate the active participation of citizens in security and crime prevention programs. With the presence of representatives of civil society organizations in security decision-making committees and councils, the views of the community are officially heard and taken into account in the formulation of policies and strategies. This process improves the quality of policy-making and ensures that the police respond to the real expectations and needs of the community; because civil society organizations have the best understanding of local issues and harms and can provide more accurate information on the social roots of crime. The cooperation of these organizations in the cycle of police performance, in addition to reducing the incidence of crime, accompanies the criminal justice process with greater precision and attention (Gholami and Emami-Sadr, 2017, 68). By collecting informal and confidential data and information on crime and security issues in neighborhoods, they play a significant role in the crime detection stage. The Iranian police has not fully institutionalized the community-based approach, and its centralized structure has prevented the participation of citizens and civil society organizations in security policymaking. Research shows that the weakness of information dissemination,

participation, and empowerment are key factors in this inefficiency. (Maarofi et al., 2018, 25) Civil society organizations, as representatives of society, play an important role in increasing transparency, accountability, and promoting administrative health, but in many cases, cooperation between the police and these organizations faces problems. (Momeni and Vaezi, 2019, 19) The participation of civil society organizations, with the addition of social oversight to official oversight helps distribute security authority and reduce the concentration of decision-making, thereby strengthening the practical realization of the principle of the rule of law in police operations. 7-Balance between maintaining public order and public rights and freedoms

This section deals with the need to create a balance between public order and public rights and freedoms. It includes the prohibition of illegal methods, observing proportionality in police actions.

Prohibition of resorting to illegal methods

Prohibition of resorting to illegal methods in crime detection and law enforcement matters, especially preventing the use of torture, unauthorized wiretapping and other illegal methods, has a special place. This prohibition is vital not only from a legal perspective but also from a moral and social perspective. Because any exploitation of illegal methods and violation of individual rights directly leads to weakening public trust and reducing the legitimacy of security and judicial institutions. Any wiretapping or eavesdropping without a judicial warrant is clearly considered a violation of private rights and a crime. According to the provisions of Article 2 of the Computer Crimes Act and Article 582 of the Islamic Penal Code, unauthorized interception of private conversations and communications without the order of the competent authorities, in addition to forging and producing unreliable evidence, leads to criminal punishment. This issue is important because the psychological security and privacy rights of citizens are the main pillars of protecting personal dignity and civil liberties, and ignoring them leads to creating an atmosphere of fear and distrust. (Razavi et al., 1999, 96) Applying pressure and violence without rules is also not useful in dealing with petty crimes and social deviations, and causes public protests and security crises. Research has shown that when the police act in accordance with the rules of civil rights and complete impartiality, public cooperation and social participation in maintaining order increases significantly (Karimi-Khanjari et al., 1403, 68). Prohibition of resorting to illegal methods is not merely a moral or criminal rule, but rather an existential condition for the legitimacy of the police's executive authority; because the rule of law is achieved if police processes are also subject to legal rules.

The need to observe the principle of proportionality in police interventions

The need to observe the principle of proportionality in police interventions is considered one of the most important characteristics of a stable, modern and law-abiding police system, which, above all, must establish an intelligent balance between the need to maintain public order and respect for individual rights and freedoms. The principle of proportionality means taking measures that are proportionate in terms of intensity, scope and timing to the degree of threat or problem that has arisen; This means that no additional, excessive or unnecessary intervention should be made (Sharifpour and Aslanloo, 1402, 152). In the field, the police are obliged to act in such a way that the use of force or restriction of freedoms is carried out only to the minimum necessary and based on a detailed analysis of the security situation, so that public trust in security institutions is maintained and society is led towards active participation in supporting order. Compliance with the principle of proportionality in police interventions is based on two basic pillars: first, proportionality of the goal and means, which means the necessity of measuring between the means adopted and the intended goal; that is, the police should not use tools that are disproportionate to the goal of maintaining security or detecting a crime. Second, proportionality of action in terms of extent and intensity, which says that measures should be proportionate to the level and severity of the crime or threat, neither more nor less (Hakimi Gilani et al., 1402, 20). Therefore, this principle requires that any police intervention be necessary, limited, and justifiable, and that unfair choices or unprincipled actions that violate individuals' rights are avoided. Field and empirical studies indicate that failure to observe the principle of proportionality in law enforcement has serious negative consequences for public trust and can lead to dissatisfaction, social disorders, and even reciprocal violence. When the police are faced with a tendency to

heavy-handed interventions, unnecessary physical confrontations, or excessive pressure, citizens, especially vulnerable groups, feel insecure, discriminated against, and their rights violated, which reduces community participation in maintaining security (Razavi and Khazaei, 1999, 2000). For this reason, implementing proportionate interventions is one of the key policies for creating a constructive dialogue between the police and citizens and improving the quality of social interactions. Training systems, guidelines and internal organizational culture that emphasize the importance of respecting citizens' rights and strictly implementing the principle of proportionality can serve as complementary tools to ensure the implementation of this principle. The principle of proportionality is the mechanism for translating the requirements of the rule of law into operational police decisions, and its violation, even if apparent order is achieved, leads to the weakening of the legal legitimacy of police intervention. 8- Structural and Organizational Factors

Structural and organizational obstacles to the police are also among the important challenges that target the efficiency and effectiveness of this institution. Inadequate training, and the lack of continuous and effective training programs, shortage of skilled personnel, job and livelihood problems, financial and equipment challenges are among the issues that have a direct relationship with the efficiency of the police. Therefore, removing these limitations requires effective, accurate and sufficient training, allocation of sufficient financial resources and investment in new technologies and advanced information systems so that the police can operate efficiently and effectively (Alinejad, 1403,9).

Inadequate and ineffective training

Weakness in initial, in-service and specialized training leads to consequences such as arbitrary behavior, disproportionate use of force, violation of civil rights, and reduced ability to be monitored. This not only affects the quality of services provided, but can also lead to increased tensions and violence in society. (Walker and Katz, 2018, 278) The lack of specialized and trained personnel is one of the serious problems of the police in utilizing knowledge and skills. (Ashouri Mandani, 2018, 197). These deficiencies not only reduce the speed and accuracy of crime detection operations, but also cause institutions to become incapable in the face of complex and technology-based crimes. Implementing the principle of the rule of law requires the existence of officers who have sufficient skills both legally and practically. Article 30 of the Criminal Procedure Code explicitly mentions this issue by stating the "duty of training officers" and "the prosecutor's supervision of training." However, the practical implementation of this article faces several challenges. The initial training provided to these forces at the beginning of their employment is by no means sufficient for carrying out the missions of officers, for which reason the legislator has emphasized the need for training officers in the Criminal Procedure Code. Weakness in training is one of the main factors in the inability to observe citizen rights and record legal actions. (Vervaei and Darabi, 104, 2015) The training provided by the judicial authority is also only around general judicial issues and in a theoretical manner. And the teachings of education and professional ethics of the police in judicial matters are not emphasized empirically and practically. Supervision of training is often formal and unsystematic. Lack of resources and coordination between judicial and law enforcement institutions limits the full implementation of training. As a result, even despite the legal requirement, the quality and actual effectiveness of officer training still falls short of international standards. The weakness of rights-based training and soft skills is not limited to increasing individual errors, and reduces the community-based interaction of the police with the coercive authority; which in the long run leads to a decrease in mission efficiency and the erosion of social capital.

Human resources

One of the fundamental factors affecting police lawfulness is the quality of the human resources management system in the selection, appointment and evaluation stage of judicial officers. The employment of officers in the crime detection institution is not always based on transparent, standardized and merit-based criteria, and in some cases, the personal preferences of commanders and managers play a decisive role in the appointment of officers. This situation conflicts with the nature of the police's sovereign missions and its human rights requirements. According to the provisions of the International Covenant on Civil and Political Rights of 1966, the process of selecting and employing individuals in government jobs

should not be influenced by irrelevant personal characteristics; rather, it should be organized based on objective, specialized, and non-discriminatory criteria. On the other hand, the dominance of traditional and non-transparent assessments, the lack of scientific indicators in measuring job performance, and the absence of a fair reward and promotion system lead to weakening job motivation and reducing professional commitment of officials. Research shows that inefficiency in human resources management, in addition to increasing job dissatisfaction and burnout, provides the basis for unprofessional behavior and deviation from legal frameworks (Salehi et al., 2019: 148). The legal requirements foreseen in Articles 83, 89 and 46 of the Criminal Procedure Code, without providing the necessary human, financial and educational resources, have become formal duties and have created a significant gap between the legislative policy and the actual executive capacity of the police, and ultimately increase the tension between the police and citizens and weaken fair proceedings. (Sabzvari and Karimi, 11, 1401) In these circumstances, law enforcement is reduced to a minimal and instrumental matter. The increasing pressure from the expectations of judicial authorities and public opinion for the rapid detection of crimes and the closure of cases, in the absence of organizational support and realistic evaluation criteria, can lead officers to resort to illegal or unregulated methods. These pressures not only weaken the quality of police performance, but also, by producing unrealistic statistics and adopting incorrect policies, undermine social trust and practically weaken the principle of the rule of law.

Financial and equipment limitations

Financial and equipment limitations have a significant impact on the quality and speed of police duties. Lack of budget and technical facilities prevents police from having sufficient access to advanced equipment and new technologies. For example, the lack of access of all police stations to specialized laboratories for scientific crime detection and data base through genetic and biological sciences creates gross errors in the results of cases. These deficiencies not only negatively affect the quality of evidence collection and analysis, but also reduce operational capacity and limit the use of scientific and specialized methods in crime detection. The lack of appropriate technical facilities makes police procedures longer and more expensive. Therefore, allocating sufficient budget and investing in advanced technical equipment is essential to improving the performance of the crime detection institution (Afrasiabi and Alaei, 2019, 175). Inefficient information systems and incomplete databases cause inconsistency in information related to cases, evidence, and defendants. These limitations cause slow detection of crimes and deficiencies in investigations. And ultimately, criminal justice faces challenges (Najafi Abrandabadi and Iyargar, 2014, 25). Lack of financial and equipment resources forces the police to compensate for structural gaps through individual decisions and unconventional initiatives; which replaces legal order with ad hoc order and reduces the predictability of police actions. Although the use of new technologies without a clear legal framework may create short-term advantages, in the long term it threatens the legitimacy of the police; because privacy violations and illegal control reduce public trust in the police institution and weaken the social capacity to provide sustainable security. The relationship between technical and methodological barriers and the rule of law shows that reforming operational structures and improving the technological and educational capabilities of the police is essential for achieving justice and social accountability. (Ariel and Sutherland, 2015, 35) Despite significant advances in information technologies, the police in many cases use these capacities inadequately. This weakness is due to various reasons, including the lack of technological infrastructure, the lack of specialized personnel, and organizational resistance to technological changes. (Afrasiabi and Alaei, 2019, 177).

Cultural and social challenges

The cultural and social challenges of the police include the challenge of organizational resistance to change and the challenge of professional ethics.

Organizational resistance to change

A pure security culture forces the police to focus solely on security considerations, and in this way, citizen rights and the principles of fair trial are ignored. Crisis situations or security threats cause the police to emphasize coercive measures and extensive restrictions instead of respecting the legal rights of

individuals, which not only leads to human rights violations but also reduces public trust. Another consequence of not accepting oversight is the impact of a culture of organizational resistance that results from a closed and defensive attitude towards independent oversight institutions. This attitude causes the police to refuse to accept criticism and necessary reforms, and as a result, transparency and accountability in their performance are reduced. Such a situation creates a working environment in which any change and improvement is met with resistance and the reform process is delayed (Kazemi, 2016, 52). Public pressure for rapid and decisive action pushes the police towards informal and sometimes illegal methods, which can lead to violations of the rights of the accused and a decrease in the credibility of the judicial system. Citizens' lack of sufficient awareness of their legal rights limits the possibility of effective public oversight, which makes the police less subject to pressure for reforms and accountability. This contradiction creates a conflict between the need for speed and accuracy in detecting crimes and protecting the fundamental rights of individuals, and places the police in a position where they must balance these two opposing pressures. Such conditions require public education on civil rights and strengthening public oversight institutions in order to improve the atmosphere of fair trial. (Akrami, 1400, 32)

Lack of professional ethics

Lack of professional ethics is another challenge for the police in the cultural sector. The culture of silence against colleagues' violations and fear of the consequences of reporting are serious obstacles to promoting administrative health. This culture causes violations and abuses to remain systematically hidden, and the possibility of correcting and improving processes is reduced. Also, the lack of support mechanisms and ensuring the safety of those reporting violations makes employees reluctant to disclose problems and violations. (Kazemi, 2016, 117) This situation not only endangers organizational health, but also reduces the effectiveness and public trust in the police, and ultimately, poses fundamental difficulties in implementing the rule of law. This situation can lead to decisions that benefit personal or group interests instead of observing justice and the law. A culture of silence and fear of the negative consequences of reporting violations prevent the disclosure of illegal and improper behavior within the organization. Employees often refrain from reporting violations due to concerns about retaliation, social pressures, or lack of official support. (Salehi et al. Karan, 2016, 142), which leads to the continuation of corruption and a decrease in administrative health. The lack of protective and confidential mechanisms for reporters, weakness in following up on violations, and lack of necessary training in professional ethics exacerbate this challenge. Resolving these problems requires creating a safe and supportive environment for reporters, ensuring confidentiality, and seriously pursuing violations in order to strengthen the culture of accountability and transparency in the police.

11- Inter-organizational barriers

One of the most important and least noticed obstacles in the effective implementation of the principle of rule of law by the police is inter-organizational disturbances in interaction with similar or supervisory institutions, including the judiciary, prosecutors, prisons, regulatory institutions, and some executive institutions. These obstacles are affected by institutional incoherence, ambiguity in the division of competences, and the lack of coherent inter-institutional cooperation mechanisms. This endangers the rights of clients, and also reduces public trust in the judicial system. The lack of effective coordination limits the possibility of optimal use of specialized capacities and common resources and ultimately affects the efficiency of the entire penal system. In such a way that the lack of special police for children and adolescents, the lack of female police force, and the lack of standard places to keep women and children, have practically made it difficult to properly implement the protective articles of the law (Sabzwari and Karimi, 10, 1401). Also, sometimes the police, due to structural reasons, do not want to accept the opinions and criticisms of civil institutions, which reduces public participation and limits social monitoring. Eliminating these obstacles requires creating legal and institutional mechanisms for continuous cooperation, training the parties and strengthening mutual trust. So that the capacities of civil institutions can be effectively used in the process of crime detection (Kazemi, 2015, 66). In sum, inter-organizational barriers provide the basis for weakening the practical implementation of the principle of rule of law by creating ambiguity in responsibility, conflict in orders and weak mutual accountability.

Avoiding trust avoidance actions

Public trust in the police is a part of social capital that increases the capacity to create cooperation and empathy between the community and the security forces and helps to strengthen the sense of psychological security in the community (Jawanmard Qoreh Quvinlov et al., 12,1403). Field experiences have shown that any violation of the legal framework or lack of accountability of the police leads to a decrease in public trust, dissatisfaction and even social riots. In America, the community-oriented police model increased public trust after the Ferguson riots (2014) by focusing on procedural justice training (Tyler, 2017, 301). From the theoretical and research point of view, the perception of procedural justice in the performance of the police is the main focus of the formation and strengthening of public trust. The police is trusted when citizens feel that their rights are respected in the interactions and proceedings and the decisions are fair (Hakimi Gilani et al., 22, 1402). Honesty in the speech and behavior of the police, the existence of an effective system of complaints against the officers, and focusing on the basic needs of the people are important factors influencing the promotion of public trust. The absence of any of these factors leads to the discovery of behavioral and institutional weaknesses and a significant decrease in the social capital of the police. The quality of judicial officers' performance is directly related to the level of people's satisfaction and their trust. The unrestrained use of force, humiliating and disproportionate treatment, and the application of extreme restrictions, causes a feeling of insecurity and injustice among citizens, which in the long run leads to a decrease in social interaction and support, to street protests, and even to a weakening of social security (Amini Asadabadi and Jafari, 2019, 162). These findings show that appropriate interventions are not just a legal requirement but a key social need to establish a continuous and positive relationship between the police and the community.

Discussion and Conclusion

The series of studies shows that the challenges of implementing the rule of law principle by the police are not simply due to individual shortcomings of the staff, but are mainly rooted in structural, cultural, legal and technological factors. This research clearly shows that the relationship between the police and the rule of law is a deeply dialectical relationship; in such a way that any weakening in adherence to the rule of law directly leads to a decrease in public trust and weakening of the effectiveness of the police. The rule of law is realized in the performance of the police if the fundamental components, the limitation of police jurisdiction, compliance with the normative hierarchy and oversight are institutionalized. Despite the structural advances that have been made in the field, it still faces legal, institutional, educational and cultural challenges that prevent the full realization of the rule of law principle. And they transform the rule of law from a normative principle into an operational challenge, so that the police cannot fully guarantee the implementation of the law, and become a source for violating the rule of law principle. The continuation of these challenges not only disrupts the functioning of the police in fulfilling legal missions, but also renders the rule of law itself ineffective at the executive level. Therefore, any reform aimed at strengthening the rule of law requires the simultaneous resolution of these challenges at the legal, structural and cultural levels.

Suggestions

- 1- Legal redefinition of the limits of jurisdiction: By abandoning flexible concepts such as public order and security interests, they should be removed from the state of open and interpretable concepts and defined in ordinary laws with objective and assessable criteria; otherwise, these concepts will become a means of legitimizing violations of the rule of law.
- 2- Strengthening independent and multi-layered oversight mechanisms: It is proposed to establish a transparent and effective system for continuous monitoring of police performance by simultaneously strengthening judicial, administrative and social oversight and increasing the independence of oversight institutions.
- 3- Comprehensive training system: Continuous training in the field of human rights, communication skills and crisis management. This training should include specialized courses to better understand the needs of

society and how to interact effectively with citizens. Establish specialized training courses in human rights, fundamental rights, procedural justice and soft skills with practical field scenarios.

4- Establishing a performance evaluation system: The employee performance evaluation system should be evaluated based on compliance with the law, procedural justice and accountability, not based on pure organizational loyalty.

5- Strengthening transparency: A smart and online reporting system with public access and the possibility of real-time monitoring of operations and transparency of data and indicators.

6- Intelligent use of new technologies: AI-based legal-operational decision-making systems and data analysis software to provide legal advice to officers on the scene.

7- Application of the principle of proportionality in interventions by designing practical guidelines and quantitative indicators to determine the intensity, scope and duration of police interventions.

8- Acceptance of civil oversight as a component of sustainable security through the participation of civil society organizations, media and public complaint mechanisms should be promoted from the level of slogan to the level of legal institutionalization.

9- Recognition of structural responsibility alongside a focus on individual officer misconduct It is suggested that the discourse of individual police misconduct be recognized as an institutional and structural responsibility alongside responsibility for violating the rule of law.

10- Management of social expectations and avoidance of trust-avoidant actions: It is suggested that the police realistically manage social expectations through social assistance by providing transparent information about processes, limitations and legal requirements.

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