

# Legal support of international police cooperation in the field of combating crime in the border regions

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**Abstract.** The article discusses the regulatory legal acts, bilateral treaties, and agreements governing international cooperation in the fight against crime. Based on their analysis and taking into account the needs of the practice, proposals are made for further improving the legal framework for the cooperation of the police bodies of the neighboring countries.

**Keywords:** police, police cooperation, crime, combating crime, act

## 1. Introduction

Crime in the modern world is changing and acquiring new quality characteristics. In connection with the open borders with the countries of the Commonwealth of Independent States (CIS), a significant number of crimes in Russia are committed by the foreigners living in border areas [1]. In an effort to evade responsibility, those committing crimes often hide abroad. During the disclosure and investigation of crimes, the law enforcement agencies have a need for conducting investigative actions and operational search activities on the territory of other states. Improving the legal regulation of police cooperation in bordering states is relevant for the practice in these conditions. Despite the significant number of regulatory legal acts, agreements, and other documents operating in this area, we believe that they do not satisfy the subjects of interaction in full, and many issues remain unresolved.

The objective of this study is to analyze the legal basis of international police cooperation in the border areas in the field of combating crime and finding ways to improve it.

## 2. Materials and Methods

During the research conducted for this article, the authors analyzed the results of previous studies on the problems of international cooperation in the fight against crime. The most significant of them are: doctoral dissertations of Yerkenov, S. E. [2], Tsepelev, V. F. [3]; candidate dissertations of Golovatyuk, V. V. [4], Gribovskaya [5], N. N., Klimova [6], E. A., Nikishkin [7], I. K., Valeev [8], D. M., Parmanasov [9], A. D., Ondar [10], A. E.

During the study, the formal legal method allowed to study the provisions of the OSCE, Council of Europe, European Union, CIS, international treaties, acts of international organizations, Russian and foreign regulatory legal acts. The comparative legal research method allowed a comparative analysis of these legal documents. A number of sociological methods were used to collect empirical material and substantiate the findings of the study.

### 3. Results

The concept of “cross-border cooperation” at the national level and its main tasks are defined by the Concept of Cross-Border Cooperation in the Russian Federation [11]. Its goal is to strengthen cooperation in resolving issues of sustainable development of border areas of the Russian Federation and neighboring countries. Among the joint activities, the Concept includes the actions of law enforcement agencies to prevent and suppress crimes and administrative offenses, the fight against cross-border organized crime and terrorism, smuggling, and drug trafficking [11].

It should be noted that the police cooperation of border regions in the field of combating crime implies direct interactions of the Russian territorial internal affairs bodies (IAB) of the regional level (subject of the Russian Federation) with the law enforcement agencies and special services of neighboring states. In terms of the content, cross-border cooperation differs from cooperation in the provision of assistance in criminal matters, which involves the sending of official requests to the central law enforcement agencies of the respective states.

In accordance with the Concept of Cross-Border Cooperation in the Russian Federation, the territory participating in cross-border cooperation may be defined in international treaties of the Russian Federation, agreements of its subjects with foreign partners concluded in the manner determined by the Russian legislation [11].

Significant contribution to the development of legal regulation of joint actions of police structures in the fight against crime are made by the international legal acts adopted by the CIS member states. The main one is the Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters (1993). According to this document, the Parties are to provide mutual assistance by performing procedural and operational-search actions in the criminal cases under investigation [12].

In 1995, by the decision of the Council of Ministers of the Interior of the CIS Member States, the Model Agreement on Cooperation of the Internal Affairs Bodies of the Border Regions was adopted. It defines the territorial bodies of internal affairs of these regions as the main subjects of cooperation authorized to interact directly with each other [13]. Based on the Model Agreement, a number of bilateral documents were signed. In particular, the Ministry of Internal Affairs of Russia and the Ministry of Internal Affairs of the Republic of Kazakhstan signed in 1998 the Agreement on Cooperation between the Internal Affairs Agencies of Border Regions in the Area of Combating Crime [14]. Later, the Concept of Interaction of the CIS Member States in the Fight Against Crime (1999) was adopted. It provides for joint investigative and operational-search actions on the territory of the CIS member states [15].

Questions of cooperation between the law enforcement agencies of border states in search work are regulated by the Treaty on the Interstate Search for Persons concluded by the Council of the Heads of the CIS States on December 10, 2010 [16]. The agreement on the creation and activities of joint investigative-operational groups in the territories of the CIS member states (2015) is important for the interaction of investigative agencies and the police at the level of border regions in the detection and investigation of crimes [17].

The main forms of international police cooperation are: execution of requests for operational matters; sharing information about imminent or committed crimes and the persons who committed them; assistance in carrying out operational search activities, including monitoring of objects at border crossings; implementation of joint controlled deliveries; creation of joint investigative and operational groups; implementation of concerted measures for the state protection of participants in the criminal process and their relatives; conducting joint operations to prevent, detect and solve crimes; mutual assistance in staff development; experience exchange.

In accordance with the bilateral Agreements, the interstate cross-border police cooperation is envisaged at the level of territorial bodies of internal affairs at the regional level. Although, in fact, cooperation is also carried out at the level of the district level, which is most characteristic of interaction with the Republic of Belarus and the Republic of Kazakhstan.

In general, the level of cross-border police cooperation is evaluated by its subjects positively, which, in 2015, for example, was noted in the decision of the joint board of the Ministry of Internal Affairs of Russia and the Republic of Kazakhstan [18].

The study of the above-mentioned normative legal acts, other documents, and the practice of their application allowed us to identify a number of areas of international border police cooperation that are not sufficiently regulated.

#### 4. Discussion

Among specialists, the insufficient study of the legal issues of the organizational framework for international cross-border cooperation in the fight against crime receives the most attention. The researchers rightly point out the declarative nature of some regulatory legal acts [10]. We believe that there are the grounds for this.

Our conclusions on how to improve the legal framework of the studied field of international cooperation are based on the needs of modern practice in the fight against crime and complement the results of previous studies. In our opinion, it is necessary:

- To specify the powers of the heads of territorial regional-level internal affairs agencies, subjects of cross-border cooperation in the field of combating crime;
- To empower territorial bodies of the Ministry of Internal Affairs of Russia of the district level with powers to interact with law enforcement agencies of cross-border states;
- To identify individual officials of the police bodies of the cross-border regions and give them the authority to interact with foreign competent authorities;
- To coordinate and update the regulatory legal framework for cross-border police cooperation in connection with the creation of the Eurasian Economic Union, in 2014, and the establishment of the free movement of goods, services, capital and labor;
- To establish a simplified procedure for approving police visits to the territory of cross-border states;
- To develop scientifically based methods, algorithms for joint actions of the police authorities of the cross-border states in the detection and investigation of crimes;
- To introduce translators into the staff of the regional territorial cross-border police.

#### 5. Conclusion

In the early 90s of the last century, after the collapse of the USSR, the cross-border police cooperation was developed. It was due to the need to unite the efforts of neighboring countries in the fight against crime. The condition for its further development is proper legal support.

The formulated proposals for improving the legal framework of police cooperation in the field of combating crime can be used in the rule-making activities of the legislative and law enforcement agencies of the cross-border states.

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