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Academy of Personnel Management, Kyiv, Ukraine**Zarosylo Vitalii,**Doct. Sci. (Law), Associate Professor, Associate Professor
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and Scientific Institute of Law of the Interregional Academy
of Personnel Management, Kyiv, Ukraine**THE FRENCH GENDARMERIE AS A LAW ENFORCEMENT AGENCY:
THE HISTORY OF ITS ORIGIN AND DEVELOPMENT**

The paper analyzes the formation and development of the National Gendarmerie of France. This law enforcement agency has a long history and the specifics of its activities are also unique. In addition, the gendarmerie is primarily a military unit and performs the functions of defense of the country together with the armed forces.

The study of the experience of the gendarmerie and the application of its individual aspects in Ukraine can to some extent contribute to saving money and increase the efficiency of government agencies not only in the field of public order and public safety.

The conclusions of the paper include several proposals for the use of the experience of the French gendarmerie in Ukraine.

Keywords: *gendarmerie, protection of public order and public safety, military unit, functions of gendarmerie at the present stage, structure of gendarmerie.*

In today's world, there are different systems of public order and public safety in different countries, and in addition, there are various law enforcement agencies that carry out such activities. In most countries, the main law enforcement agencies are the court, the police and the prosecutor's office. At the same time, in many countries, in addition to police formations, special formations have been set up, which to some extent perform police functions, but they are not the part of the police. Such formations include the gendarmerie in France, Romania and a number of other countries, the National Guard in the United States, the National Guard in Ukraine and internal troops in a number of countries. Among these formations the gendarmerie was probably the first to be formed in France, which is today the oldest formation in the history of law enforcement agencies of this type.

The *purpose* of the research article is to consider the historical development of the gendarmerie and its current state, as well as some aspects of its activities that can

be used in the activities of the National Guard of Ukraine as a similar law enforcement agency.

Status of studying the problem. In Ukraine, the issue of studying the history of development and activities of the gendarmerie was not considered actively enough. Some researchers have considered it in connection with the description of the law enforcement system and as a law enforcement agency that has specific functions [1, 2]. Some researchers compared the activities of the internal troops and the former Soviet Union with the activities of the gendarmerie [3], but a detailed analysis of the activities of the gendarmerie was not conducted. The issue of gendarmerie activity was partially considered in the historical literature, especially in the period of Emperor Napoleon [4]. However, a detailed study and analysis of the origin and activities of the French gendarmerie in most cases was not conducted. In addition, the gendarmerie system has a number of functions that are performed in Ukraine by various departments that may be subordinated to the National Guard of Ukraine or the police.

The statement of the main provisions of the French Gendarmerie arose according to some data in the XI century, and according to others in 1791 [5, 6]. At the same time, convincing evidence of the emergence of the gendarmerie in the eleventh century, given by some researchers from France, shows that formations similar to the French gendarmerie really existed in the eleventh century.

The emergence of the gendarmerie is associated with the name of King Philip of France and Minister Tibo [7].

The gendarmerie existed at that time as the royal cavalry police, which had the right not only to prosecute criminals but also to carry out judicial functions. In most cases, the ongoing court sentenced the caught criminals to death.

After the Valois dynasty came to power in France, the country was engulfed of a wave of uprisings, assassinations and robberies. This necessitated an increase in the role of the cavalry police, which sought to restore order in the countryside. Police units have already begun to be set up in the cities, but they have been absent in the countryside.

In the middle of the 16th century, the authority of the cavalry police was clearly separated, which had to report its actions to the superintendent, ie the king's representative, and in case of its illegal actions, the cavalry police chiefs were brought to justice.

By the end of the 18th century, two types of police forces had already been formulated in France. The first is the city police, which was subordinated to local authorities, and the royal cavalry police, which performed dual functions. It was a military unit that, in addition to performing military functions, also performed law enforcement functions.

In the provinces, the royal cavalry was subordinated to the governors, who had the right to instruct the cavalry leadership in the fight against crime and public order. In general, the Royal Mounted Police was subordinated to the Secretary of State, who was responsible for military policy, and the Attorney General, who was responsible for maintaining order in the state.

After the revolution of 1791, the institution of royal power was abolished, as well as the royal cavalry police. In general, the royal cavalry police received a new

name, the gendarmerie. It was an institution of order, but its functions in the judiciary were limited. By the decision of the Assembly, the gendarmerie retained its functions and subordination to the Minister of War. The gendarmerie was entrusted with the functions of territorial defense, as well as the protection of public order and public safety. The law of France of January 28, 1791 finally approved the name of the gendarmerie.

After Napoleon Bonaparte came to power, the gendarmerie was reorganized in France. Napoleon saw that only the gendarmerie could bring order to both the army and the field. By the Decree of February 16, 1791, the Revolutionary Government formed a corps of gendarmes, known as the National Gendarmerie, which was designed to monitor the maintenance of order in the armies and within the state.

By the Decree of April 29, 1792, the brigades of the departmental gendarmerie, that is, the gendarmes who served “on the ground”, were increased. It should be noted that Napoleon, in pursuance of the principle of “divide and rule”, gave the task of the gendarmerie to monitor the Minister of Police Fouche, and the police to monitor the gendarmes.

It should be noted that the gendarmes played a very important role in Napoleon’s army: they maintained discipline in the diverse multinational forces gathered under French flags from all over Europe. And as mobilized by these Germans, Austrians, Italians, Spaniards, Dutch quite often violently, the majority of foreign soldiers of the Grand Army did not want to fight for others their interests and use any appropriate case for escape or surrender to the enemy [10].

The same gendarmes, catching and shooting deserters, were the force that forced foreign soldiers to remain in the ranks of the Grand Army and maintain the combat effectiveness of national units.

In addition, in the army the responsibilities of the gendarmerie included the fight against looting and crime; during the fighting, they were behind the battle lines, weeding out the wounded from the fugitives and returning the latter to participate in the battle. The functions of the gendarmes also include the issue of guards and trophies in and prisoners of war.

Departmental gendarmes were to assist in the detention and escort of vagrants, escaped detainees and smugglers, the recruitment of recruits, and, if it is necessary, to provide armed assistance to local authorities in carrying out government orders. Thus, the functions of the gendarmerie were quite diverse [9].

From these functions of the gendarmerie, modern functions of the gendarmerie were gradually formed, which include the departmental gendarmerie, the military gendarmerie, rescue detachments and the transport gendarmerie.

Today, the French gendarmerie is a military unit that includes the functions of the police, the National Guard, rescue teams and the transport police.

The gendarmerie consists of:
department divisions or territorial force;
units of the Republican Guard;
units of mobile forces of military formations;
units of the naval gendarmerie;
units of the river gendarmerie;

- airfield and air gendarmerie units;
- rescue and special units to rescue victims or those in difficulty;
- subdivisions of colonies or overseas territories;
- security units of especially important objects;
- armament units [11].

Departmental units are located mainly in rural areas and small towns. They are the primary links in the protection of public order and public safety, as well as the contacts with the population. The gendarmerie police functions are aimed at crime prevention, protection of public order and public safety.

It should be noted that the main form of activity of territorial forces in the field of public order and public safety is patrolling and contacts with the population. In addition, technical means are used quite actively, which in some cases are installed at the expense of the gendarmerie. These are a video cameras on the streets and roads, contact numbers to call the gendarmes.

The peculiarity of the activities of gendarmes in the villages is that they operate in most cases as in Ukraine district police officers. They receive housing in such villages and communicate with the population almost every day. They also draw up appropriate reports on administrative offenses and send the materials to the court in order to bring the violators to justice.

Territorial subdivisions are located in each settlement. However, the investigation into the commission of crimes is entrusted to special departments. The tasks of these departments include all procedural actions carried out in Ukraine by investigative units and operational units. They search for criminals, conduct operative-search activities, interrogate and detain suspects, witnesses and other persons involved in crimes. In addition, they conduct their own examinations, or send materials for their conduct to the relevant specialized agencies. They are also preparing materials for trial.

At the departmental level, separate traffic police units have also been set up to monitor the order on motorways and main roads. Local gendarmerie units monitor the order on local roads.

The French gendarmerie includes the Republican Guard. According to some researchers, the Republican Guard is a former royal guard. Today, the Republican Guard is in most cases in the field of protection of national palaces and government buildings. In addition, the Republican Guard includes a cavalry battalion that participates in various ceremonies, an army military band, a choir of the French army and units of fanfare.

A separate unit in the French gendarmerie is the naval gendarmerie. The Maritime Gendarmerie performs the following functions:

- provides protection of French sea borders;
- ensures public order and public safety in ports, adjacent areas at sea bases and other areas located on the coast;
- conducts investigations in case of violations on board ships and in ports and bases;
- implements measures to ensure environmental safety in the area of ports and bases;

provides appropriate assistance to victims at sea;
monitors migrants arriving in France.

Along with the naval gendarmerie, the river gendarmerie is also a separate unit. The tasks of the river gendarmerie also include tasks that in most cases are performed by the naval gendarmerie, but the main tasks are as follows:

protection of the environment and rivers from pollution;
conduction of an investigation in case of offenses on the banks of rivers and on river vessels;

controls of fishing and hunting in the river area;

monitors the state of shipping and transportation of individual goods.

In general, units of the river gendarmerie are subordinated to the territorial command of the gendarmerie.

The airport gendarmerie deals with the issues of public order and public safety at airports. Its units control entry and exit from the country by air. Like all other gendarmerie units, the aerodrome gendarmerie performs the functions of investigating offenses committed at airports, as well as in matters of banning the entry or deportation of foreigners.

In addition, the airfield gendarmerie guards aircraft used by the President of France and members of the government.

Together with the airfield gendarmerie in France, the air gendarmerie is separated. It should be noted that air gendarmerie units have a dual subordination. They are subordinate to both the leadership of the gendarmerie and the command of the air force.

The tasks of the air gendarmerie include:

control over the state of traffic and detection of violations and drawing up appropriate protocols in order to bring the perpetrators to justice;

detection of violations of fishing and hunting;

control over compliance with environmental safety requirements;

patrolling regions where emergencies and catastrophes have occurred;

provision of an assistance to victims of accidents and catastrophes, as well as other emergencies;

detection and detention of criminals, as well as vehicles that have been stolen or are suspicious;

protection of especially important objects from the air.

The gendarmerie of armament and protection of especially dangerous objects is also allocated separately. In the field of arms control, the French Gendarmerie performs the functions of guarding various military facilities, the location of missile and space complexes, ballistic missile bases and other facilities. In most cases, the gendarmerie takes appropriate preventive measures to prevent intrusion into protected areas and to investigate in the event of such situations.

In addition to these units in the French gendarmerie are also special units that perform specific functions. These special units are involved in the protection of public order and public safety during mass riots and other events that require the intervention of the state and its law enforcement agencies.

Such units also include various rescue units. These include marine rescue units, mountain rescue units and some others that operate in the area and provide an assistance to victims.

Rescue units provide an assistance to people who have been in an emergency and who have suffered as a result of a natural disaster. The specialization of rescue units varies from mountain rescuers to rescuers at sea, etc.

Mobile divisions are also special units of the French gendarmerie. Such units include assault battalions, reconnaissance and logistics sections. The main task of these mobile units is to participate in bringing order and stopping mass riots and other actions that could destabilize the situation in the country.

In addition, there are separate units of the gendarmerie as the gendarmerie of the colonies. Since the issue of policing in the colonies is not within the competence of the police, the issue of maintenance of law and order in the colonies belongs to the competence of special units, which are called the gendarmerie of the colonies. They have a structure that is similar to the departmental gendarmerie, but with some added features. Gendarmes in the colonies can perform functions not only as representatives of the state as law enforcement officers, but they often perform the functions of lawyers, customs officers, security guards, controllers, etc.

Thus, the gendarmerie in France performs most of the work not only in the field of public order and public safety, but in other areas, which in Ukraine are transferred to other units.

However, the gendarmerie is a military unit and it is part of the armed forces.

As a result of the analysis it is possible to draw the following conclusions:

– the French gendarmerie was formed over several centuries and today it is a specific body for the protection of public order and public safety. At the same time, separate units of the gendarmerie have double or even triple subordination, which makes it possible to control the activities of the gendarmerie more effectively;

– in Ukraine, the functions performed by the gendarmerie are distributed among many units that have independent subordination and independent control apparatus. The National Guard of Ukraine performs only certain functions in the field of law enforcement and military functions, which are also performed by the gendarmerie. All other functions are inherent in other departments, and in most cases in the police. Rescue operations are performed by units of the State Emergency Service of Ukraine, which have a fairly extensive system and, accordingly, management staff. In order to reduce the cost of rescue agencies, it is possible to subordinate these units to the National Police or Gendarmerie. In addition, in order to protect the courts and the judicial system as a whole, judicial police units have been established, which can also be subordinated to the National Guard of Ukraine;

– reducing of the number of various units, that perform the functions of rescue and protection of individual objects, may lead to the preservation of funds that can be used to increase the provision of both the National Guard of Ukraine and the police.

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ЖАНДАРМЕРІЯ ФРАНЦІЇ ЯК ПРАВООХОРОННИЙ ОРГАН: ІСТОРІЯ, РОЗВИТОК ТА СУЧАСНИЙ СТАН

У статті проаналізовано становлення та розвиток Національної жандармерії Франції. Цей правоохоронний орган має досить давню історію і специфіку її діяльності є також своєрідною.

Жандармерія виконує різноманітні функції, які в Україні виконують різні відомства, при цьому вона виконує ці функції ефективно. Крім того, жандармерія передусім є військовим підрозділом і виконує функції оборони країни разом зі збройними силами.

Особливо важливим у діяльності жандармерії є те, що вона здійснює охорону громадського порядку та громадської безпеки на більш ніж 90 % території Франції. Територіальні підрозділи жандармерії працюють в усіх селах і містах із населенням

до 10 тис. осіб. Цікавим є те, що жандарми, які призначаються на посади в селах, отримують житло за рахунок держави. Крім того, вони забезпечуються транспортом, засобами зв'язку та іншими матеріалами з метою ефективного виконання своїх функцій.

Жандарми також охороняють кордони Франції, адже у Франції немає прикордонних військ, на відміну від України. Це дає можливість використання жандармерії більш ефективно.

У складі жандармерії сформовано також спеціальні рятувальні підрозділи, які діють у різних сферах: гірські рятувальні підрозділи, морські та річкові підрозділи, повітряні підрозділи тощо. Усі ці підрозділи є мобільними й використовуються на всій території країни. В Україні з цією метою створено Державну службу України з надзвичайних ситуацій, яка певною мірою може бути підпорядкована Національній гвардії України.

Особливу роль відіграють у Франції підрозділи транспортної жандармерії, які підтримують правопорядок на транспорті. В Україні ці функції виконує поліція, але зазначені функції можуть бути передані до Національної гвардії України.

Крім того, жандарми беруть участь у припиненні масових заворушень та інших подій, пов'язаних із присутністю великої кількості людей. Подібні функції виконують і підрозділи Національної гвардії України, але підрозділи жандармерії є більш мобільними.

Слід зазначити, що окремі підрозділи жандармерії мають подвійне або потрійне підпорядкування, що дає можливість більш ефективно контролювати їхню діяльність.

Важливою є роль жандармерії й у сфері оборони держави. Наприклад, танковий батальйон жандармерії є першим у збройних силах Франції. Підрозділи жандармерії здійснюють охорону президента та інших посадових осіб, на відміну від України, де сформовано спеціальну службу охорони.

Таким чином, вивчення досвіду жандармерії та застосування її окремих аспектів в Україні може певною мірою сприяти економії коштів та підвищенню ефективності діяльності державних структур не тільки у сфері охорони громадського порядку та громадської безпеки.

У висновках статті сформульовано окремі пропозиції щодо використання досвіду жандармерії Франції в Україні

Ключові слова: жандармерія, охорона громадського порядку та громадської безпеки, військовий підрозділ, функції жандармерії на сучасному етапі, структура жандармерії.

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