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## VIOLETION OF THE HONOUR AND DIGNITY OF A POLICE OFFICER: PREVALENCE OF THE PHENOMENON AND ITS ETHICAL ASPECTS

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**Abstract.** *The police are nothing more than an institution created by society to meet its own needs for security. Therefore, the issue of honour and insult of a police officer is very important to ensure security and stability in the state. The issue of insulting the honour and dignity of a police officer is a topical issue, because in order for officers to perform their duties properly (defend, protect, assist), they need to feel safe in the performance of their official duties. The purpose of this article is to reveal the ethical aspects of insulting the honour and dignity of a police officer and the prevalence of this phenomenon. Object of investigation: insult to the honour and dignity of a police officer. The two tasks of the article are singled out: to discuss the concepts of honour and dignity by revealing their ethical aspects, and to assess the prevalence of the phenomenon of collisions of police officers with insults to honour and dignity. Research methods used: analysis of scientific literature, analysis of documents, generalization, questionnaire survey, statistical descriptive analysis, descriptive interpretive analysis. After evaluating the empirical research, it was concluded that the honour and dignity of officers are violated throughout the state of Lithuania constantly, at least several times a week. The honour and dignity of police officers are most often offended by antisocial, intoxicated individuals who can be said to have fewer social skills and are less educated. The honour and dignity of officers are violated in a variety of ways, including words, gestures and actions aimed at belittling, insulting or humiliating an officer. It is argued that the legal regulation of the protection of the honour and dignity of officers is insufficient, for this reason officers do not feel safe in the performance of their duties.*

**Keywords:** *honour, dignity, insult of a police officer, ethics.*

### Introduction

We live in a democratic world, where every person can freely express their opinion (freedom of speech), freedom of public information, freedom of expression, these freedoms are enforced in Article 25 of the Constitution of the Republic of Lithuania. However, very often the abuse of all these rights causes problems regarding the insult of honour and dignity, as that can be seen in the 2020 public consultation. In court statistics, “from the beginning of 2017 to the end of 2019 288 civil cases were initiated in the courts of first instance for protection of the honour and dignity of a person “. The Universal Declaration of Human Rights (Article 12), adopted in 1948 states that " no one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks."

Article 21 of the Constitution of the Republic of Lithuania enforces a provision that guarantees “that the honour and dignity of a person are inviolable, as well as the laws protect and forbid the humiliation of a person”. The scientific literature examines respect for human dignity in health care (Kuznecovienė and others, 2020; Badaugaitė, 2018), protection of human

dignity in Lithuanian court practice (Malūkienė, 2020), reveals the universality of human dignity and vocation to holiness in the socio-legal context (Rimkienė, 2020), conditions of imprisonment degrading human dignity in the jurisprudence of the European Court of Human Rights (Šanteriova, 2018), dignity during a pandemic is discussed (Mažeikis, 2020).

The protection of personal honour and dignity is a specific right of people, protected by the norms of civil law and public law. It is a property of a person that is inviolable, in accordance with Article 1 of the Charter of Fundamental Rights of the European Union, which states that "human dignity is inviolable. It must be respected and protected". However, citizens abuse the freedoms granted to them and police officers are often insulted, although the laws of the Republic of Lithuania prohibit it. The Supreme Court of Lithuania (order in criminal cases No. 2K-421) of 19 June 2007 states that "words or actions aimed at humiliating, hurting or damaging a person's moral prestige shall be considered insulting", as well as liability for insulting a police officer under Article 508 of the Code of Administrative Offenses of the Republic of Lithuania - "Statutory Civil Servant, humiliation of the honour and dignity of a military police or intelligence officer, expressed in words, gestures, abusive, arrogant, provocative or other conduct, shall be punishable by a fine of ninety to one hundred and forty euros." The problematic question is whether such a defence of the honour of a police officer is sufficient or whether sanctions need not be tightened to prevent police officers from being insulted. The issue of defending the honour and dignity of a police officer and the choice of the method of defending these values is becoming more and more important. There is a lack of analysis of the scientific literature, case law, analytical articles on insults to the honour and dignity of an official.

**The aim of this research:** to reveal the ethical aspects of insulting the honour and dignity of a police officer and the prevalence of this phenomenon.

**Research object:** insult directed towards the honour and dignity of a police officer.

**Research tasks:**

1. To discuss the concepts of honour and dignity by revealing their ethical aspects.
2. To assess the prevalence of the phenomenon of clashes between the police officers and insults directed towards their honour and dignity.

**Research methods:** analysis of scientific literature, analysis of documents, summary, questionnaire survey, statistical descriptive analysis.

## Concepts of The Protection of Personal Honour and Dignity and Their Ethical Aspects

**Problems of the concept of personal dignity.** In order to properly reveal the concept of personal dignity, it should first be noted that there are two different concepts of dignity in international and national law, namely human dignity and personal dignity. The question therefore arises as to whether the concepts of person and human dignity are identical or different.

The International Covenant on Civil and Political Rights (1992) declares that "every member of the human community has an inherent dignity, and human dignity is the most important source of rights, since human rights derive from the inherent dignity of the person." The resolution of the Constitutional Court of the Republic of Lithuania on December 9, 1998 notes that "the international community separates human life and dignity from natural rights. Human life and its dignity form the integrity of the personality, it means the essence of man. Life and dignity are inalienable human qualities and therefore cannot be treated in isolation." Thus, the life and dignity of man, expressing the integrity of man and his extraordinary essence,

is above the law. In this regard, human life and dignity are valued as special values. The purpose of the Constitution is to ensure the protection and respect of these values.

According to Venskiene (2009), the protection of human dignity is an effort to protect a human being that goes far beyond individual life. The right to the dignity of the person is the ability to realize natural qualities in society, thus creating social value, and the violation of human dignity is a blow to the values of society, therefore the right to dignity is absolute and unrelated to other public or personal interests. Meanwhile, Vaišvila (2014) notes that dignity is understood as a human value that arises from a person's ability to properly adapt and live-in society and distinguishes two levels of human value: the first level is the value that arises from formal recognition of the person as a right because it is acquired from society itself without personal effort (performance of personal duties). The second level is the individual social value of a person, which a person can create only by performing duties that require the retroactive efforts of society. Depending on the levels, the right to dignity is divided into two ways of existence: legal and subjective rights.

Human dignity determines human rights to health, liberty, personal integrity, protection. It is a universal right that everyone has, regardless of religion, gender, race, citizenship, education, and therefore human dignity is not an individual human characteristic.

Doubtful descriptions of personal dignity can also be found in the scientific literature, for example, according to Jovaišas (2004, p. 73), "personal dignity is an assessment of one's abilities, spiritual and moral qualities, social status, and one's personality". Such an assessment of a person's dignity is only partially correct, because each person has an opinion about himself. Therefore, one person may value himself very highly and another may not, and this may lead to conflicts over insulting dignity, as one person may accept a word he or she dislikes as an insult and another person may ignore the same speech. Dignity is understood as self-esteem, which is determined by the evaluation of the person of society, as Meškauskaitė (2018) observes, dignity is not only a subjective self-evaluation. The main criterion for this assessment must be public opinion about the person. The law protects the honour and dignity of the person as a moral assessment of the person, but such protection guarantees to the person only the assessment that the person has earned by his actions and not the kind that the person imagines. According to Meškauskaitė (2018), in this case the object of legal protection is the right of a person to demand that public opinion about a person be formed according to the person's actual data, actions, moral assessment corresponds to reality and norms in the society where the person lives.

Summarizing the presented concepts, it can be stated that the dignity of the person and human dignity can be distinguished according to the fact that human dignity is violated when one of the natural rights of life, liberty, inviolability is violated, and personal dignity is violated by other people. Also, a person's dignity does not depend at all on individual qualities, such as education or position, but a person's dignity can also depend on these qualities.

**The concept of honour and its features.** The current dictionary of the Lithuanian language provides the following definition of the term honour - "it is a publicly recognized respect for merit; glory, good name". The case law of the Supreme Court of Lithuania provides a definition: "honour is a public positive opinion about a person, a good name of a person." Although this definition was formulated back in 1998 in the resolution of the Senate of Judges of the Supreme Court of Lithuania No 1, it is still consistently followed in studying law cases today.

According to Venckienė (2009, p. 46), honour is related to the positive reactions of others to certain human actions: "honour does not depend on one's own judgment, nor can it be abandoned, because society decides which human behaviour is right and which personality is

honourable". According to Jovaišas (2004, p. 73), "honour is a positive social assessment of a person's spiritual and moral qualities, intellect and behaviour, relationships with other people", emphasizing social i. e. external evaluation of the person.

In his commentary on the provisions of the Civil Code of the Republic of Lithuania (2002), Mikelėnas states that a person's honour is a publicly recognized respect for merits and a good person's name. Synonym of personal honour is the business reputation of a legal person. Meškauskaitė also supports her opinion, stating that the term "personal reputation" - can be considered synonymous with the term "personal honour". However, according to Meškauskaitė (2018), these concepts are not completely identical, because a person's reputation can be described as a public opinion about a person based on a person's social relations, and a person's social characteristics are more related to position, social status, moral values.

In all the given definitions of "honour", one common feature of honour can be observed, which manifests itself in the fact that honour is not the self-esteem of a person, but the evaluation and opinion of other individuals about a particular person. It is not a subjective self-assessment; it is a public assessment. The law protects a person's honour and dignity, but it defends the way it deserves to be defended, not according to how the person imagines it. The main differences between these concepts can also be distinguished. All authors emphasize differently what human honour is valued: in terms of a person's reputation, in terms of a person's spiritual and moral relationships, and in terms of positive actions. Differences do not specify exactly what criteria society uses to accurately assess whether a person is honourable, as the concepts refer to different criteria and each person chooses a description of honour that is appropriate for him or her.

Considering the described concepts of honour, the following features of honour can be distinguished: 1) it is a public opinion; 2) positive opinion; 3) opinion about the person. The first hallmark of honour - public opinion - means that opinion must be formulated in an environment i.e., by other people and that those people have to belong to a social group no lower than the person himself. However, an opinion formulated by a friend or relative about a particular person cannot be considered an honour because it is only the opinion of that one person and not the public. The second sign - a positive opinion - means that the opinion that is formed must be positive, a negative opinion is not considered an honour. The third feature - opinion about a person - means that an opinion must be formed about a particular person, not a group. Thus, honour is a person's non-property right, which is understood as the public's positive opinion of a particular person. It is vulnerable when untrue facts are spread about a person that degrade the person's image in the eyes of society.

**Ethical aspects of the concepts of protection of personal honour and dignity.** People are often in a hurry to live and seek the material well-being that is so important to them that they simultaneously forget the morals and essential aspects of life that complement human beings and allow them to live in harmony. According to Schweizer (1989), a certain way of social thinking has emerged that distracts the individual from humanity. The innate sensitivity of a person to a neighbour disappears. In its place, absolute indifference is obscured by various manners. Society has ceased to recognize human value and human dignity. In the decision of the Supreme Court of Lithuania of 27 January 2015 in civil case No 3k-3-1-2019 states that "an unethical, unfair opinion expressed without any arguments or facts or by omitting certain facts may be found to be detrimental to a person's honour and dignity." This Supreme Court ruling also states that a person's honour and dignity is inseparable from adherence to ethical principles, non-compliance with which may be recognized as an insult to the honour and dignity of the individual. It is also stated that "the court (...) must examine and assess, first, whether the evidence in the text containing the opinion, the evidence provided by the defendant to the court

is sufficiently reliable to form the opinion expressed by the defendant, and second, whether the opinion is ethically and did not unreasonably insult or degrade the applicant's honour and dignity". Therefore, for citizens, even those who do not pursue a career in law enforcement, ethical behaviour is an important quality that needs to be demonstrated. A person's honour and dignity are often compromised due to a lack of understanding of ethical behaviour.

The concept of ethics includes two other concepts - morality and morals (Laurinavičius, 2001). In philosophy, Hegel was the first to distinguish between the concepts of morality and morals. According to Hegel (2000), morality refers to human responsibilities to a community in which customs are already established and take the form of norms of behaviour, and the word morality is associated with personal behaviour and the evaluation of other people's individual behaviour. Summarizing the differences in terms presented by Hegel, it is observed that the term morality refers to the social aspect of human behaviour and its evaluation, while the term morals refer to the personal aspect of human behaviour and its evaluation. It can also be said that morals are how the individual (individual conscience) evaluates his own and other people's behaviour, and morality is what the family, nation, society observes in the same behaviour, that is, socially valid norms.

Etymologically, the words ethics, morality, and moral behaviour are related. In addition to the term morality, the word often used is moral behaviour, which means the obligation to behave in one way and not the other, and also means such character traits as kindness, justice, honesty, etc. (Kanišauskas and Juozelis, 2018). These and similar qualities are called virtues. A virtuous and decent person is described as a person who abides by accepted norms of behaviour and commitments, does what everyone thinks should be done. Ethics, morality, and morals are associated with the customs, traditions, behavioural habits, personal characteristics, character, life attitudes, virtues, or flaws that have developed in the human community.

The principles of ethical behaviour are most often acquired in the family, and they are further implemented in schools and universities, in the workplace. The goal is considered to be achieved when the concepts of virtue become figures of consciousness that guide thinking and language, when moral and ethical feelings and attitudes control motivation and behaviour, when the ethical personality of man itself is strengthened and the virtuous character is established. From the descriptions provided, it can be seen that ethical behaviour, which consists of the principles of a person's morality and morals, are the core principles by which a person will be guided by a good, decent, and ethical personality. Ethical behaviour is the observance of the basic moral principles prevailing in society. If individuals adhered to these principles, then violations such as insults to honour and dignity would be reduced.

## **Presentation of the Course OF Empirical Research**

In order to assess the prevalence of the phenomenon of clashes of police officers with insults to honour and dignity, a quantitative study was conducted - representatives of different ages and genders were interviewed about clashes of insults to honour and dignity. The method of questionnaire survey was chosen for the research, interviewing the respondents and asking them standardized questions. The choice was determined by the large volume of the available quantitative survey, the high degree of feedback and the need to ensure anonymity. Nominal scales were used to mark the answers to the specifically formulated questions, questions with the possibility to choose one and several answer options were presented. The used online survey system <https://apklausa.lt/> systematizes the obtained data automatically. Because the number of respondents is odd, the system rounds the results, expressed as a percentage, to tenths, resulting in an error of 0.1%. A quantitative method was used to analyse the data - statistical descriptive



analysis of the data. The study data were processed in Excel. In most cases, the usual methods of descriptive statistics (absolute and relative frequencies) were used, i. e. the percentage frequency of each answer to the questionnaire is analysed, which is obtained by dividing the number of variants of each answer by the total number of respondents.

**The survey sample.** The survey involved 103 respondents, of whom 42% were women and 58% men. Police officers from Vilnius County CPC (Chief Police Commissariat), Kaunas County CPC, Klaipeda County CPC, Šiauliai county CPC, Alytus County CPC, Utena county CPC, Telšiai county CPC participated in the survey. The interviewed officers work in various structural units of the police: in the Activity Department of Police Commissariats, in the Response Department, in the patrol team, in the Crime registration Department, in the Immunity Department, in the Operational activities department. As the number of interviewed respondents is too small to reflect the opinion of all Lithuanian police officers, the survey should be considered as a pilot.

### **Analysis of Empirical Research Results**

According to the results of the demographic part of the study, the main participants in the study were chief patrols (39 persons), investigators (24), and chief investigators (19). The survey was posted on the Facebook page, a group that only officers have access to.

Another question in the questionnaire concerned the work of officers, as is often the case with officers having to communicate directly with citizens. According to the data provided, the vast majority, i.e. 75% of respondents face offenders, applicants, witnesses, etc. daily. Respondents appear to be targeted, as those who work with citizens, their honour and dignity may be violated more often than those who rarely work with citizens.

As many as 86% of the police officers answered in the affirmative when asked whether the honour and dignity of a police officer had been violated at least once during their entire service. The data show that the honour and dignity of police officers are being violated. As many as half of the respondents state that the honour and dignity of a police officer is violated frequently, at least once a week, 24% of respondents said that the honour and dignity of a police officer are violated on a daily basis, 18% said that the honour and dignity of a police officer are violated infrequently, once a month and 6% stated that very rarely, once a year. The results of the survey show that the honour and dignity of officers are very often degraded, such a distribution of respondents' answers is probably due to the fact that most respondents work and communicate with citizens every day (applicants, offenders, witnesses, etc.).

Intoxicated persons are most likely to violate the honour and dignity of police officers - 35% of respondents, 27% are uneducated, and 22% are antisocial. Such individuals are generally unaware of their actions and are not social, unable to communicate with the public, all the more so with police officers, and are unaware of their actions and the basic axioms of ethical behaviour mentioned above, are of low morale and lack moral values. For these reasons, such individuals tend to insult police officers and others.

Adults are most likely to violate the honour and dignity of an official and only 8% of respondents indicated minors. The data show that adults are more likely to insult because they believe they have sufficient rights to do so, and the results mentioned above show that officers are most often insulted by antisocial individuals. Minors are less likely to insult, as it can be said that they are afraid of their parents and guardians, who will have to answer for such a minors' behaviour. Men are the most likely to insult the honour and dignity of police officers, as many as 93% of respondents said so, and only 7% of respondents said that women were more

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likely to insult the honour and dignity of police officers. Such a division of opinions is possible due to the fact that officers work in different fields and interact with different individuals.

According to 69% of respondents, the main reason why the honour and dignity of police officers is often insulted is the preconceived notion. A total of 27% of respondents believe that this is due to individuals' willingness to appear in front of others. Respondents were also given the opportunity to submit their preferred version of the answer. 4% of respondents gave other reasons for insulting the official's honour and dignity: "Lack of awareness of the possible consequences, elementary educational gaps and a general culture of intolerance; too little responsibility for degrading the honour and dignity of an official; intoxication, mental disorders". The results show that the main circumstance that often degrades the honour and dignity of a police officer is a negative prejudice. This can lead to individuals often being anti-official and believing that all officers tend to be punished. Especially now, during a pandemic, the public tends to see police officers in the role of punishers.

As many as 57% of respondents have drawn up an administrative offence report for insulting the honour and dignity of a police officer, and 43% of respondents have not drawn up a report. This can be due to many factors, such as the reluctance to waste time or simply the attitude that the officer's well-being and the fact of insult itself will not be improved, eliminated, and so on. The study did not aim to identify these factors. In addition to this question, officers were asked another question about the extent to which officials have drawn up reports of administrative misconduct for insults to the honour and dignity of officers during their term of office. 60% of respondents answered this question, other respondents abstained. Officers mostly drew up 1 to 5 administrative offence reports during their entire term of office, with 43% of respondents responding.

As many as 80% of officers do not turn to other institutions to defend the honour and dignity of an officer. Only 20% of respondents applied to other instances. Respondents were also given the opportunity to comment on which instances they had applied to defend their honour and dignity. Respondents indicated that in case of insult to the honour and dignity of a police officer, they most often applied to the Immunity Board of the Police Department under the Ministry of the Interior of the Republic of Lithuania. One of the main objectives of this service is to "improve the system for protecting police officers from illegal external influences". According to the data obtained, it should be noted that officers are reluctant to turn to assistive services for insults to honour and dignity, which may mean that officers are reluctant to defend their honour or dignity or are simply frustrated with the honour and defence system and think that recourse and trial defending will not change anything. The majority of respondents - 47% - said that drawing up an administrative protocol or going to the immunity service or to court only partially protects the honour and dignity of a police officer. 41% of respondents believe that such an act does not protect the honour and dignity of an officer at all, and only 12% of respondents believe that they do. More than half (55%) of the respondents believe that the legal regulation of the protection of the honour and dignity. 33% of respondents believe that the legal framework for insults to honour and dignity is partially adequate. For this reason, officials are reluctant to defend their honour and dignity. The main legal act regulating and protecting the honour and dignity of a police officer is Article 508 of the Code of Administrative Offenses of the Republic of Lithuania. However, the Supreme Court of Lithuania has stated that public persons (including officials) must be more tolerant of criticism and insults, and it is more important for them not to pay non-pecuniary damage, but to punish the offender.

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## Summary of Empirical Research Results

According to the results of the empirical study, it is observed that the topic of insulting the honour and dignity of an officer is quite sensitive. Police officers from various Lithuanian cities took part in the investigation, therefore it can be noticed that the issue of insulting the honour and dignity of an officer is relevant throughout Lithuania. The findings of the empirical study show that the honour and dignity of officers can be violated continuously, at least several times a week, and the empirical study found that the honour and dignity of officers were violated at least once during the entire period of service. The honour and dignity of police officers are most often insulted by antisocial, intoxicated men who are thought to have less social skills as well as lower education, which is why individuals tend to use more uncensored words or disrespectful gestures because they only know how to express their own or other gestures and emotions. Usually, insulting a police officer is caused by a person's prejudice against the officer, individuals believe the officer is evil and tends to only punish. It is also a common case of insulting the honour and dignity of a police officer, failure to comply with the lawful demands of a police officer, if an officer gives an oral remark to a person, a person refuses to comply with the officer, a conflict that usually results in insulting and non-compliance.

The right of the individual to dignity is governed not only by national law but also by international law. In national legal acts, the right to personal honour and dignity is enshrined in the Constitution of the Republic of Lithuania (Article 21 (2), Article 22 (4), Article 25 (3)), the Civil Code of the Republic of Lithuania (Article 2.24), in the Law on Information (Articles 13, 15). In international law, the right to honour and dignity is guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms (Articles 3, 10 (2)), the Universal Declaration of Human Rights (Articles 1, 5, 12), the International Covenant on Civil and Political Rights. and the Covenant on Political Rights (Articles 10 (1), 17 (1)), the Charter of Fundamental Rights of the European Union (Article 1). The data of the empirical research revealed that the law regulating the protection of the dignity and honour of an officer is separately Article 508 of the Code of Administrative Offences of the Republic of Lithuania. shall incur a fine of between ninety and one hundred and forty euros. The majority of respondents said that they had drawn up a protocol of administrative misconduct at least once throughout their service, insulting the honour and dignity of an officer, but only in exceptional cases where the officer's honour and dignity were grossly violated, in milder cases limited to verbal warning. Another circumstance why officers are reluctant to defend their honour and dignity in every case is that the offender is sent to court and the officer must be present in court. Unfortunately, the current case law is that the limits of criticism for an officer (public person) are wider and the defence narrower. A public person must be more tolerant of criticism, and it must be more important for him to punish the offender (in this case an administrative fine) than non-pecuniary damages. It takes quite a long time for officers to take part in the trial, as the court has to determine whether the allegations made are true; or degrades the claimant's honour and dignity; whether the person who disseminated them acted in good faith; what the permissible limits of the plaintiff are. Only if all the circumstances are proven and disclosed, the offender will be punished. However, the courts tend to concede offenders and excuse liability because the insult (according to the offender's words) is considered by the court to be insufficient for the offense. For all of these reasons, officers are reluctant to go to court or often punish offenders for insulting honour and dignity. The results of the empirical study show that the legal regulation of the protection of the honour and dignity of officers is insufficient, so more than half of the respondents said that people so often insult the honour and dignity of the



officer and officers do not feel safe during the service because the regulation of official protection is rather weak.

## Conclusions

The honour and dignity of the individual is an inalienable and absolute non-property right of the individual, protected by both national and international law. Dignity can be divided into human and personal dignity. Human dignity is violated when one of the natural rights of life, liberty, inviolability is violated, and personal dignity is violated when other persons abuse their freedom of speech. Dignity is an assessment of a person determined by public opinion. Honour is a non-property right of a person, which is understood as the public's positive opinion of a certain person, honour is violated when untrue facts are spread about a person, which degrades the image of a person in the eyes of society. Dignity is morals and morality; and the human behaviour depends on the obedience of these principles.

The honour and dignity of officers are violated throughout the state of Lithuania constantly, at least several times a week, and some officers are even more often insulted. The honour and dignity of police officers tend to be insulted by antisocial, intoxicated individuals who are thought to have fewer social skills as well as lower education. The honour and dignity of officers are violated in a variety of ways, including words, gestures and actions aimed at belittling, insulting or humiliating an officer. The legal regulation of the protection of the honour and dignity of officers is insufficient, for this reason officers do not feel safe in the performance of their duties.

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