

LOCAL GOVERNMENTAL LAW ENFORCEMENT IN HUNGARY

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ABSTRACT

Purpose:

The main purposes of the research regarding the Hungarian local governmental law enforcement is: 1) revealing the possible ways of the development, 2) revealing the functional anomalies, 3) making suggestions to increase the effectiveness, 4) making suggestions for the law-makers to amendment of the related laws, and 5) introducing some possible development ways.

Methods:

A research has been conducted through 4 stages in the past years. In the paper 1st stage, which is an interview-based research among the experts of the local governmental law enforcement is presented.

Findings:

The 1st stage of the research that was made in 2015 is summarized in the paper. Results have shown that Hungarian local governmental law enforcement: 1) can be clearly separated from the other police areas, 2) is underfinanced but the financial problems are only a part of the anomalies, 3) has problems with supervision, leadership, and organizational and human resources problems, 4) legal framework is sufficient for the local governmental law enforcement but the implementing rules are insufficient in many areas like education, supervising, leadership and finance, and 5) can contribute to the maintenance of the local public safety.

Research limitations:

Each year other aspect of the local governmental law enforcement will be examined by different research methods.

Originality:

This is the first research related to the local governmental law enforcement in Hungary.

Keywords: local governmental law enforcement, Hungary, interview based research

I INTRODUCTION

Time and time again the question arises: Does the police service have to continue with its full range of functions or is it time to let others get involved and take some of the strain?

The traditional definition of municipal policing incorporated local authority duties, which included crime prevention and patrol performed by a variety of local enforcement agents, normally employed and controlled by municipal authorities and paid out of public funds, but not always carried out by sworn police officers (Donnelly, 2013: 4).

The names of these organisations are different across Europe: city/town/village/local/regional/provincial/Municipal Police or Community Security Guard, Municipal Wardens, Town watchers etc. The Slovenian example helps us to understand the new, 21st century philosophy of plural policing, in which local security organisations play an important role. There are organisations, which were not established for the purpose of policing but their tasks, nature of work, and special powers make them "*new police forces*" (Sotlar & Dvojmoč, 2015). The security sector has changed significantly over the last two decades and newly established organisations have some police powers and/or perform tasks that have traditionally belonged to the public (state) police. In addition to the state/public police forces, municipal warden services, judicial police, customs services, police departments within the state prosecutor's office, and even the security services within intelligence and the security service of the Ministry of Defence and military police have police powers. If numerous private security firms and private detectives are added to the state/local managed public security control organisations, the present situation of Slovenian policing can be easily defined as plural. Municipal warden services are quite young organisations, without many employees, but more and more influential and present in the everyday lives of inhabitants since their tasks and powers are broadening. It is yet to be seen whether these organisations will cause a decisive shift toward de-centralisation and de-monopolisation of public policing by the creation of a metropolitan/municipal police (Sotlar & Dvojmoč, 2015).

2 HUNGARIAN BASICS

The elements of the system of public safety can be derived from the modern concept of public safety. According to these concepts, public safety is the collective product of society, it consists of the activities of the individuals and communities, the official measures of the state organisations, the capability of the citizens to protect themselves, and the services of the entrepreneur market (Finszter, 2001).

In Hungary the function and work of the Local Governmental Law Enforcement organisations and the entire local policing are fields not examined thoroughly but the importance of the topic is growing more and more significant every year. In order to offer a realistic picture and set the future tasks, first we have to analyse the structure and functioning of the system of public security in Hungary.

The major institutions of Hungarian law enforcement system are as follows:

1. Police,
2. Disaster Management,
3. Civil National Security Service,
4. Prison Service.

The National Tax and Customs Administration (NTCA) has a major function of financial control and the management of taxation. Along with this, they also have law enforcement functions. The NTCA is a special organisation, which also includes the former public order body of the Customs and Finance Guard. The Law Enforcement system is based on the public order organisations as listed above. However, there are some other "alternative law enforcement" institutions, which play a role. These are: the National Tax and Customs Administration, local governmental law enforcement, civil volunteer security organisations etc. (Christián, 2015).

The police shall operate under the direction of the Government. It is the most important statement about Hungarian Law Enforcement because it declares that the Hungarian police force is centralised and single, so there is no possible way to establish police forces controlled by local governments. Act CCXXIII of 2012 (A Büntető Törvénykönyv hatálybalépéséhez kapcsolódó átmeneti rendelkezésekről és egyes törvények módosításáról, 2012) stipulates the tasks of the Hungarian police force. Besides the competences assigned in the Basic (Fundamental) Law, the police force is responsible for controlling border traffic, counter-terrorist activities and carry out other crime prevention, crime investigation and the crime control duties, along with a new task regarding the recovery of criminal assets.

Since Act CXLVII of 2010 (Az egyes rendészeti tárgyú és az azokkal összefüggő törvények módosításáról, 2010) entered into force, the Hungarian Police Force has been divided into three parts: the National Police, the National Protective Service and the Counter Terrorism Centre. The police organisation and the national security forces are regulated by separate Acts, which must be approved by a two-thirds majority of the Parliament.

The National Protective Service (NPS) is a special police force under the control of the Minister of the Interior. The NPS deals with anti-corruption activities, they may collect information about any government officials, including law enforcement officers, and they can even test their reliability by making a false attempt to bribe them (Christián, 2015).

A new institution, the Counter Terrorism Centre (Terrorelhárítási Központ - TEK) can engage in secret surveillance as an official police agency, and can secretly enter and search homes, engage in secret wiretapping, make audio and video recordings of people without their knowledge, secretly search mail and packages and open electronic data and emails. TEK can address requests to financial companies, banks and brokerage firms, insurance companies, communications companies and operate not just as a police agency but also as a national security agency. In summary, TEK holds all the necessary powers to act effectively and dismantle all the modern age criminal groups that threaten the public safety of the State and the people (Leyrer, 2013).

The priorities Criminal Code (Büntető törvénykönyv, 2012) and the Minor Offences Act (Szabálysértési törvény, 2012) of both the new are transparent, simple and effective regulations, which are more rigorous than the previous ones, with the purpose of fighting crime against property. The rights and properties of citizens are much more protected by these new Acts.

The Minor Offence Act (Szabálysértési törvény, 2012) included a paragraph which provided that homelessness was an offence. The Hungarian Constitutional Court (Alkotmánybíróság) in its Decision 38/2012 of 14 November 2012 reviewed the Minor Offences Act and stated that the

punishment of unavoidable living in a public area failed to meet the requirement of the protection of human dignity ensured by Article II of the Basic (Fundamental) Law, and can neither be justified by the removal of homeless people from public areas nor by providing an incentive for such persons to avail themselves of the social care system (Alkotmánybíróság, 2012).

Act CLXVII of 2010 (Az egyes rendészeti tárgyú és az azokkal összefüggő törvények módosításáról, 2010) terminated the opportunity for police and law enforcement officers to retire with pre-retirement allowance (after 25 years on duty, even at the age of 35-40 years). This Act is relatively new, that is why the average age of the present Hungarian police officers is still quite low. Another consequence is that these retired officers are employed in huge numbers in the private security sector, almost as if it were a "second police force".

Act CXX of 2012 (Az egyes rendészeti feladatokat ellátó személyek tevékenységéről, valamint egyes törvényeknek az iskolakerülés elleni fellépést biztosító módosításáról, 2012) introduced new and important changes in the field of law enforcement, in order to ensure local security. One such change is the opportunity to establish a municipal police force for a local government. This legislation creates a new position called Inspector in Charge. The bodies and actors (conservation guards, public area inspectorates, field guards, forest protection service, nature protection, municipal police, professional hunters etc.) involved in the maintenance of public order are allowed to use handcuffs and to use dogs. This legislation steps up the fight against school truancy as well (Christián, 2015).

The Local Governmental Law of Hungary states that local governments contribute to ensuring the safety of municipalities. The new Act on Local Governments in Hungary (Magyarország helyi önkormányzatairól, 2011) declares that it is the task of the local governments to ensure the safety of the municipalities. This is the primary regulation that stipulates the obligation to establish the local law enforcement in the Hungarian municipalities.

Lastly, we wish to give a critical reflection regarding the development of the Hungarian law enforcement system and legislation in the last 26 years, since the change of political regime.

The structure of the police force does not reflect the differences between policing tasks and there are no long-term development plans; no government in the last 20 years has been able to or found it important to compile a comprehensive public safety strategy. The entire policing system at present is characterised (also by its members) as a system with very low levels of efficiency. In the last 20 years, politicians and law enforcement experts have been unable to provide the requisite balance between political support and political influence (Leyrer, 2013).

3 RELEVANT CIRCUMSTANCES

According to our research we could state that the field of local governmental law enforcement has been the subject of few research projects in the last 25 years. The professional publications and research were confined only to the definition and foundations of local governmental law enforcement. Unfortunately, the theoretical studies, which recognised the current problems and indicated potential solutions, were left unanswered by the decision makers and authorities concerned. Therefore, we could state that local governmental law enforcement has been unjustly neglected in the last 26 years. In order to have a clear view of the situation, a lot needs to be done. Thus, we think that research into practical operation cannot be delayed any further. According to our experience, local governmental law enforcement as a branch of law enforcement is being upgraded because the changes in the subjective sense of safety of the public have become a decisive priority.

One of the major elements of this subjective sense of safety are the time and the procedure when the citizens meet law enforcement organisations and the personal experience they gain during such encounters. Obviously, being a key player in state law enforcement, it is the police that a citizen will meet most frequently, as the police force is present all over the country, whereas local governmental law enforcement will only be manifested where the municipalities consider it justified, where it is established and its operation can be ensured. Also, the competence and powers of local governmental law enforcement organs are more limited than those of the police. Another significant element of the subjective sense of safety is whether the representatives of the organisations concerned by law enforcement can devote sufficient time to listening to people, the extent to which they consider the citizens' opinions, the issues raised by them, that is the extent to which law enforcement is ready to meet the expectations of society, whether it really tries to solve the problems.

In summary, according to our research the main characteristics of the Hungarian local governmental law enforcement are as follows:

- The Hungarian municipal law enforcement is quite varied; there are various types of local law enforcement offices and officers.
- Municipal law enforcement is mainly public administrative in nature and not police-like. The officers are public servants, not police officers. They belong to the Mayor's Office or a particular institution. They have the right to use enforcement measures (only limited powers).
- The supervision of local law enforcement belongs to the police. The Hungarian police force supervises the establishment and procedures of local governmental law enforcement.
- Municipal law enforcement is mainly financed from the budget of the local government. State subvention is minimal. There is a little part of local law enforcement which is supported by the state. The lack of sufficient financial conditions can prevent the local governments from establishing and maintaining local law enforcement officers and offices.

4 LOCAL GOVERNMENTAL LAW ENFORCEMENT IN HUNGARY IN NUMBERS

Because certain legal regulations are not implemented properly, we do not have access to authenticated central records about the number or staff of local governmental law enforcement organisations operating in Hungary, or the municipal orders regulating them. Thus, the authors have managed to compile a detailed list of the public area inspectorates (these can be considered the most significant among the local governmental law enforcement organisations in Hungary) with the help of the Association of Towns of County Rank and through their own research. Based on our research in 2016, it could be established that currently 196 local governmental law enforcement organisations operate in Hungary, distributed in the counties as shown in the Figure I.

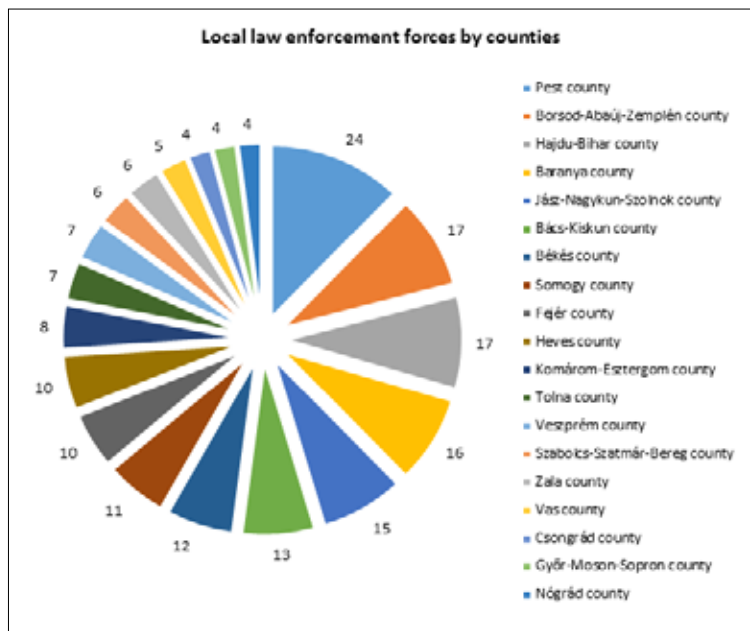


Figure 1: Local law enforcement forces by counties

We would like to remark here, that all charts and figures in this paper are the work of the paper's authors.

5 LOCAL GOVERNMENTAL LAW ENFORCEMENT SURVEY IN HUNGARY

5.1 The research

In 2015 a Research Group for Local Governmental Law Enforcement was founded at the National University of Public Service (Local Governmental Law Enforcement Research Group) to conduct research in 4 stages. Each year another aspect of local policing will be examined. The main goals of this research are as follows:

- to reveal the possible ways of the development of the local governmental law enforcement,
- to reveal the functional anomalies of the local governmental law enforcement guards,
- to make suggestions to increase the efficiency of the local governmental law enforcement organisations,
- to make suggestions for the law-makers concerning the amendment of the related laws, and
- to introduce some prospective ways for the development of local governmental law enforcement in Hungary.

The stages of the survey are:

Stage 1 – Interview-based research among the experts of the local governmental law enforcement (completed stage).

Stage 2 – Survey-based research among the municipalities which maintain local governmental law enforcement organisations

Stage 3 – Research of activities and operation – How do the local governmental law enforcement organisations operate?

Stage 4 – Interview and survey-based research to examine the social perception of local governmental law enforcement organisations by the residents.

The research will be finished (Stage 5) by the authors in the form of a written Handbook of Local Law Enforcement.

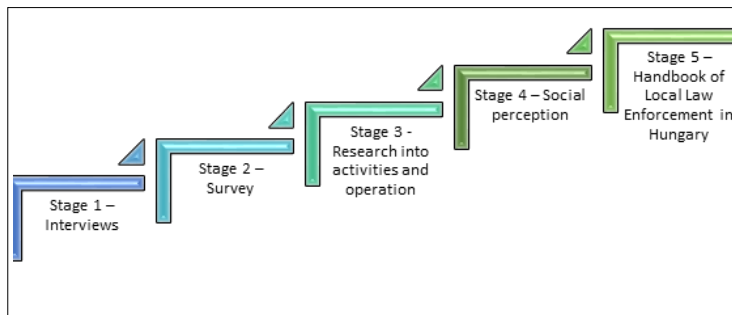


Figure 2: Stages of the survey

5.2 Hypotheses

Before starting the research, the following hypotheses were proposed:

1. Local governmental law enforcement can be clearly distinguished from the other branches of law enforcement.
2. Local governments are underfunded, they do not have sufficient resources to establish and properly operate local governmental law enforcement organisations, therefore local governmental law enforcement is the privilege of well-off municipalities.

3. The present legal framework is not sufficient to establish local governmental law enforcement organisations that can operate efficiently and are based on standardised foundations.
4. The significance of local governmental law enforcement organisations should be increased within local law enforcement.
5. Local governmental law enforcement organisations could, under certain conditions, substantially contribute to the improvement of local public safety and the increase of the citizens' subjective sense of safety.

5.3 Methods

Our interviewees were prominent scholars, experts and decision makers involved in local governmental law enforcement. We used arbitrary selection; the important factor was that the interviewee had to be related to local governmental law enforcement. During the interviews, we used the same questionnaire functioning as an outline. We planned to have a minimum number of 10 interviewees. By the end of the research project, 3rd November 2015, we have had 22 respondents, categorised as follows:

- local law enforcement officers: 14 people
- police officers: 3 people
- decision makers (leadership of municipality): 2 people
- theorists: 3 people

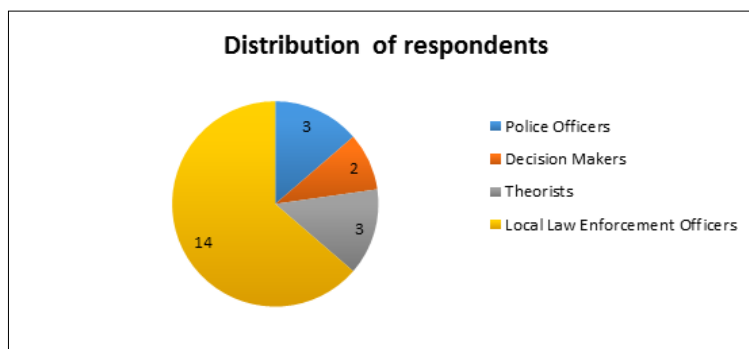


Figure 3: Distribution respondents

Based on the research, we wanted to present the state of local governmental law enforcement as perceived by the respondents and whether this branch of law enforcement has a future. Using the findings of the research, we can formulate proposals concerning the fine-tuning of the current regulations and we can even define the vision of the future of local governmental law enforcement.

The research focused on three basic parts:

1. the concept of local governmental law enforcement,
2. the current state of local governmental law enforcement in Hungary,
3. previous experience related to and the future of local governmental law enforcement in Hungary.

5.4 The concept of local governmental law enforcement

Based on the quantity and quality of coercive means, Balla (2014) divides law enforcement organisations into four subsystems:

1. the primary law enforcement organisation (police force),
2. secondary law enforcement organisations (e.g. the Prison Service, the finance guard agencies of the NTCA),
3. other public administration agencies carrying out tasks of law enforcement nature (e.g. public area inspectorate, conservation guards),
4. organisations not involved in public administrative law enforcement (e.g. organisations operating in the form of associations, private security undertakings)

It is clear that Balla (2014) classified local governmental law enforcement as belonging to the 3rd subsystem of other public administration agencies carrying out tasks of law enforcement nature, emphasizing the administrative character of its tasks. Kökényesi (2010) considers law enforcement itself a public administration activity, the protection of order and public administration law enforcement being the two elements it comprises. Finszter (2009) names law enforcement tasks in two fields of common law; tasks of the public administration authority within the scope of competences concerning public administration law and tasks related to the prosecution of crime (law enforcement) in the field of criminal law. Apart from the views of the few authors mentioned above, we could outline a number of various concepts of and approaches to local governmental law enforcement, formulated by other experts. Because there are substantially different views within the narrow circle of those discussing local governmental law enforcement, it was worthwhile examining the concept of local governmental law enforcement, in particular how those involved in carrying out local governmental law enforcement tasks see their position and how they define the regulatory framework within which they operate.

Our research showed that two basic trends exist, as follows:

1. Local governmental law enforcement is identical with the law enforcement organisation of the municipalities.
2. Local governmental law enforcement is a collective term comprising the tasks and obligations and the related potential activities of the municipalities.

We consider that it is important to emphasize that for decision makers local governmental law enforcement primarily means public area supervision, whereas law enforcement experts rather consider it a more comprehensive collective term.

Those not restricting local governmental law enforcement to the law enforcement organisation of the municipality itself mainly approach the concept from the aspect of carrying out local governmental tasks and the activities in the area of law enforcement. Respondents listed the following local governmental law enforcement activities, related to the definition of local governmental law enforcement:

1. Tasks defined by the body of representatives of the local authorities in the area of crime prevention, public order etc.;
2. Checking, supervising and sanctioning the special local norms set up by the local government;
3. Activities restricted to the area of or the narrow area directly adjacent to the given locality, organised and controlled by the local government aimed at maintaining local public order and safety;
4. Establishing and maintaining public order and safety with the help of a relevant toolkit;
5. Public order activities carried out by local governments;
6. Preventing and combating crime and risks;
7. Maintaining order, all the activities related to the prevention of accidents and crime;
8. Activities related to public order and safety, to be carried out voluntarily as public task;
9. Carrying out tasks of public area supervision, maintenance of the order and tidiness of public areas, protection of local government property, maintenance of the order of public transport usage and carrying out the tasks related to the environmental conservation of natural reserves of local importance;

10. Crime prevention activities, the protection of public order and safety, issues of animal health, protection of children, young people and the elderly, training and education of the public and of young people;
11. Activities within the framework of patrol and surveillance services, at the scene of traffic accidents, as well as those of the school crossing patrol officers in the vicinity of kindergartens and schools;
12. Maintaining relations with various law enforcement and other organisations (police, civil guard and disaster management) tasks related to victim protection and traffic safety, protection against disasters and reconstruction, securing the location of public events as well as assisting the professional activities of cooperating organisations by performing independent or joint duties or services;

We can establish that respondents named a range of local governmental law enforcement activities from the entirely general to the particular ones.

The majority of the interviewees, quite understandably, distinguished local governmental law enforcement from the other branches of law enforcement relying on the operation of local governments, on the more restricted competences stemming from their operation and on the ways in which local requirements can be enforced.

When thus defining local governmental law enforcement, several respondents emphasized that, unlike other branches of law enforcement, local governmental law enforcement is capable of reacting more sensitively to citizens' problems. There were interviewees, however, who, in contrast, highlighted that people tend to have a negative attitude towards local governmental law enforcement (wheel clamps). In our opinion, these two approaches reflect that local governmental law enforcement is not standardised, is decentralised and that it is linked to the various expectations of the local governments, as they have different goals when establishing local governmental law enforcement organisations and the application of the means in local governmental law enforcement to achieve those goals is also different.

The majority of respondents thought there had been a change with respect to the definition of the concept of local governmental law enforcement, which was a result of the changes in legislation in the previous years. We think that the change perceived by the respondents is linked to the changes in the law enforcement activities of the municipalities. As several respondents defined local governmental law enforcement by using the law enforcement activities of the municipalities and the changes in their tasks, as well as using the local governmental law enforcement organisation itself, the perception of the changes in the definition is not surprising.

5.5 Local governmental law enforcement: The present, overview of the situation

The main part of the research we conducted is related to the present and the problems of local governmental law enforcement and sheds light on the present situational picture. The interviewees formulated very different opinions concerning the significance of local governmental law enforcement. Several respondents emphasized the utmost importance of local governmental law enforcement, others experienced the growing significance of local governmental law enforcement. Quite a few respondents, however, perceive local governmental law enforcement as having a supplementary or complementary function and little significance, and others did not take a stand on the issue. It should be underlined that the local decision makers attach key importance to local governmental law enforcement, whereas workers of the police did not take a clear-cut stand concerning its significance. Those working for local governmental law enforcement formulated a range of opinions at the extremes about the extent of its importance. Such controversial interpretation of the significance of local governmental law enforcement necessarily suggests that its assessment depends on the capacity and functionality of a particular local governmental law enforcement organisation. Decision makers obviously consider their own local governmental law enforcement organisation significant, or else they would not keep it operating and those working for local governmental law enforcement evaluate its significance based on their own experience and on the expectations of the decision makers. According to Finszter (2009: 170), public safety is the result of cooperation between several actors (local government, police force, civil organisations and private organisations). Therefore, a definite aim of our research was to find out which actor could be specified as having the highest responsibility

for maintaining local public order and safety. The chart below shows the results of the research into the social acceptance of the civil guard, which are also relevant to this paper.

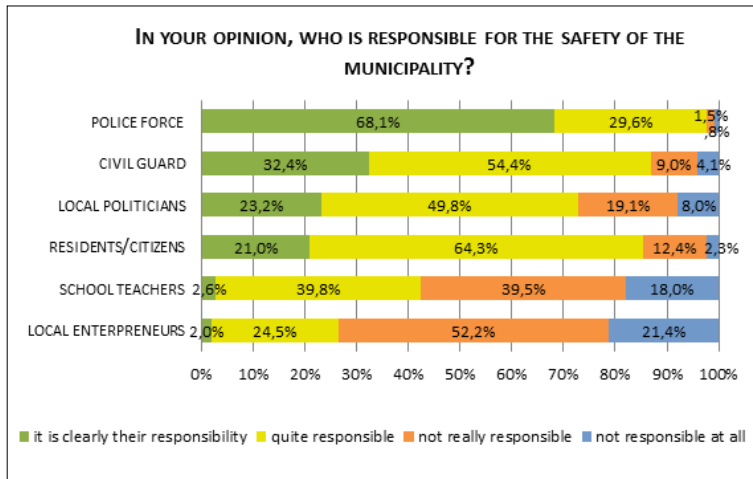


Figure 4: Opinions about responsibility for the safety of municipality

The findings of the two research projects coincide. Similarly, to the assessment of the significance of local governmental law enforcement, heterogeneous answers were formulated with regard to the organisation responsible for local public order and safety, too. The majority of respondents, quite understandably, named the police force as the most important actor in charge of local public order and safety. However, a surprisingly large number of respondents also underlined the responsibility of the municipality, whereas others consider the various actors (the state, the local government, civil organisations) equally important in providing local public order and safety.

We had quite diverse answers to the questions about the priorities of local governmental law enforcement. We divided the answers into two groups along the reasoning that there are (external) priorities defining activities and intentions aimed at the residents and other organisations, while there are priorities affecting the internal operation of local governmental law enforcement. These internal priorities were broken up into legal and organisational priorities.



Figure 5: Priorities

Internal priorities:

- A) Legal priorities:
1. checking on the implementation of local regulations, protection of public order and safety,
 2. standardised application of law,
 3. establishing an inter-ministerial forum to optimize the legislative environment defining the activities of local governmental law enforcement,
 4. observing regulations.

- B) Organisational priorities:
1. having the organisation accepted by and introduced to those concerned,
 2. establishing standardised assertion of interests,
 3. providing sufficient funding,
 4. creating a homogeneous image,
 5. establishing state education,
 6. closer cooperation with public utility and law enforcement organisations,
 7. involvement in a crime prevention signalling system.

External priorities:

1. providing a sense of subjective sense of safety for the public,
2. constant presence,
3. meeting all the local requirements,
4. closer contact with the residents,
5. maintaining the order of public areas,
6. serving the residents,
7. giving prompt and efficient response to problems in the municipality,
8. giving prompt response to local law enforcement problems,
9. crime prevention,
10. prevention of man-made and natural hazards (emergency response culture),
11. protection of local governmental assets and property.

According to an overwhelming majority of respondents, the reason for the existence of local governmental law enforcement in Hungary is indisputable, but there are various views. The reason for this partly originates in the fact that in 2012 local governments were deprived of their competence to establish the facts of minor offence cases (Act II of 2012 on minor offences), by which the very meaning of local governmental law enforcement was undermined. (Hungarian Parliament, 2012) The competence to create regulations undoubtedly played an important role in the law enforcement activities of the local governments but creating decrees was just one element in the manifold law enforcement activities of the municipalities.

Apart from examining the justification of the existence of local governmental law enforcement, the research also sought the answer to the question whether local governmental law enforcement organisations were able to properly respond to the different public safety issues and law enforcement challenges of small, middle-size and larger communities. The answers to this question also proved to be largely heterogeneous. Some respondents think that, in the existing legislative framework, local governmental law enforcement organisations cannot live up to the various expectations of the communities. Other respondents, on the contrary, highlighted the flexibility of the local governmental law enforcement organisations and confirmed that they are capable of responding to the diverse public safety issues and law enforcement challenges of the different types of municipalities.

A significant ratio of interviewees think that the local governmental law enforcement organisations are capable of meeting challenges only to a certain extent, because their role is only complementary to that of the police force.

The decision makers and those working in law enforcement are divided in assessing the extent to which local governmental law enforcement can meet the challenges, and, somewhat surprisingly, it is the police officers who think that under certain conditions – these being mainly related to human resources – local governmental law enforcement is capable of managing the challenges.

The judgement of the ability to manage problems concerning local public safety is closely connected to the examination of the justification of the existence of local governmental law enforcement organisations, therefore it is not surprising that the opinions of the respondents are similar to the answers discussed above in many respects. Respondents who denied the grounds for the existence of local governmental law enforcement organisations answered that local governments are capable of managing local public safety problems only to a certain extent. It was a general view that this ability depends on the capabilities, willingness and sensitivity of the municipal leadership and the funding potentials. The respondents outlined different problems related to local governmental law enforcement. The problems reported by respondents can be grouped as follows:

1. Management, control issues:
 - a. the leadership of the local government does not dispose of appropriate skills to manage local governmental law enforcement,
 - b. lack of strategy for the comprehensive handling of public safety issues,
 - c. negative public perception of local governmental law enforcement (image of an authority that issues fines and clamps cars).
2. Issues related to the organisational system:
 - a. lack of a single/standardised agency to supervise local governmental law enforcement,
 - b. municipal law enforcement agencies operate independently of and parallel to each other (excessive decentralisation),
 - c. two-level municipal law enforcement system in the capital (duplications).
3. Issues affecting staff:
 - a. low qualification levels of personnel and executive staff,
 - b. lack of comprehensive, standardised local governmental law enforcement training.
4. Other problems mainly related to the legal and administrative environment:
 - a. fragmentation of jurisdiction, lack of standardised law enforcement,
 - b. legislation related to local governmental law enforcement is incoherent, full of loopholes,
 - c. financing problems (central government hardly supports local governmental law enforcement organisations),
 - d. municipal law enforcement officials are civil servants, they have no other special legal status

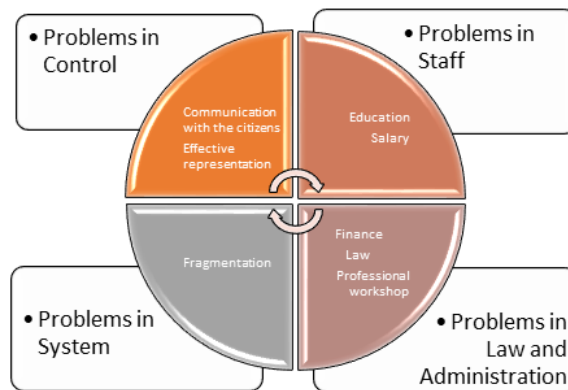


Figure 6: Reported problems

The organisational problems in our grouping largely originate from the legal environment, but grouping them is justified by the fact that organisational problems are closely related to each other. Several respondents view the lack of standardised training, the insufficiently qualified expert staff, the absence of central funding and the inadequate legal background as problems. The insufficiency of training and the lack of expert staff becomes visibly manifested when, for example, a local government is not able to fill in a position of public area inspector for several months for want of applicants or the absence of suitable candidates. It is a fact, that the civil service salary scale of about HUF 150,000 gross wage established for law enforcement personnel with secondary education is not a very attractive perspective.

The problems outlined by respondents and the cross-cutting nature of issues show that the anomalies in local governmental law enforcement can only be handled in a comprehensive way, integrating multiple areas.

The vast majority of respondents are dissatisfied with the existing legislation related to municipal law enforcement organisations, not surprisingly, given the fact that most of the formulated problems affecting local governmental law enforcement can be traced back to the regulatory environment.

The majority of respondents see the problem mainly in the detailed rules elaborating on the general regulations and not in the general regulation itself. Only few respondents considered that the fundamental provisions of municipal law enforcement should also be modified.

The cooperation between the local governmental law enforcement organisations and other agencies concerned by local law enforcement is generally considered good by the respondents, but they have also stressed the importance of a personal, active relationship between the parties involved. In smaller communities it is easier to maintain personal relationships than in larger cities, this way cooperation can be more effective. In larger towns an efficient cooperation could be achieved by establishing “coordination bodies” that would mediate between the local law enforcement agencies involved.

In the area of local governmental law enforcement, the respondents outlined various proposals on how to handle the problems, which have been structured as follows:

1. Proposals regarding management problems:
 - a. improvement of the communication with the public,
 - b. creating an efficient representation of local governmental law enforcement interests.
2. Problems related to the organisational system:
 - a. standardisation of the operation of local governmental law enforcement organisations.
3. Proposals relating to the staff:
 - a. creating the right quality and standardised training,
 - b. better remuneration of the staff working for the local governmental law enforcement organisations,
 - c. creating financial incentives.
4. Other proposals mainly concerning problems related to the legal and administrative environment:
 - a. support of local governmental law enforcement by public funding,
 - b. re-creating legislation on local governmental law enforcement,
 - c. establishing a workshop for local governmental law enforcement.

The respondents' proposals on the management and the organisational system are of general character, except the one about the creation of a standardised representation. The most specific proposals were related to the problems and issues of staffing and of the legal and administrative environment. We should highlight that a significant number of respondents suggested that appropriate training should be developed, relevant legislation should be re-created and that standardised state funding should be provided.

5.4 Experience and future of local governmental law enforcement

The respondents unanimously feel that local governmental law enforcement in Hungary has developed in the last 25 years and the majority of respondents expect further progress. The respondents view several directions regarding the improvement of local governmental law enforcement.

1. It will acquire a central role in the provision of public order safety for the municipalities. In this framework:
 - a. Incremental steps will be made in the direction of establishing local governmental police organisations.
 - b. The current local governmental law enforcement structure will be further strengthened.
2. The role and position of local governmental law enforcement will not change.
3. The significance of local government law enforcement will be reduced.



Figure 7: Proposals for improvements

Most of the interviewed experts are optimistic about the future of local governmental law enforcement, and think that it is likely to further develop and grow in importance. Key issues of further development of local governmental law enforcement were considered by respondents in completely different ways. What can be stated is that the possibilities of moving forward were viewed as the solutions to the problems, previously outlined by them.

6 CONCLUSIONS

Five hypotheses were set up at the start of the present research.

1. Local governmental law enforcement can be clearly distinguished from the other branches of law enforcement.

The first hypothesis was confirmed and can be considered accepted. We can definitely state that local governmental law enforcement can clearly be distinguished from other law enforcement branches by the operation and activities of the local governments.

2. Local governments are underfunded, they do not have sufficient resources to establish and properly operate local governmental law enforcement organisations, therefore local governmental law enforcement is the privilege of well-off municipalities.

One part of the hypothesis was confirmed and can be considered accepted. There is serious underfunding of the operation of local governmental law enforcement, but it can only be considered as one element of the problem. The operation of local governmental law enforcement organisations is hampered by problems concerning the organisational system, the management, the staff and the legal and administrative environment. The fact that local governments do not establish local law enforcement organisations because of underfunding was not confirmed by this research.

3. The present legal framework is not sufficient to establish local governmental law enforcement organisations that would operate efficiently and are based on standardised foundations.

One part of the third hypothesis was confirmed and can be considered accepted. The current legislative framework is not sufficient for creating effectively working local governmental law enforcement agencies. The problem is hidden in the details of legislation. It can be stated on the basis of the present research that by re-creating some regulations regarding local governmental law enforcement its efficiency can be increased. Areas to be reconsidered are: training, management, supervision and financing.

4. The significance of local governmental law enforcement organisations should be increased within local law enforcement.

The fourth hypothesis is not justified with absolute certainty, and can only partly be considered approved. Although local governmental law enforcement organisations can be considered important and significant, the role of municipal law enforcement cannot be clearly seen as in need of increasing within local law enforcement.

5. Local governmental law enforcement organisations could, under certain conditions, substantially contribute to the improvement of local public safety and the increase of the citizens' subjective sense of safety.

The fifth hypothesis was confirmed and can be considered accepted. Local law governmental law enforcement organisations definitely play a significant role in local law enforcement, however, some fine-tuning or reconsidering of the details of legislation is necessary.

The present basic research functions as the first step in a multi-phase research project. Based on the findings of this research, the anomalies and major problems of local governmental law enforcement were revealed, such as those related to the management, organisation, staff and the legal and administrative environment, which suggest that the anomalies can only be resolved in a complex way.

We hope that further analysis of the encountered problems and anomalies will help us reach our goal, namely to clearly formulate suggestions and launch proposals for those working in this special field and for the decision makers.

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