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Local Governmental Law Enforcement Abroad and its Perspectives in Hungary

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Theses of the Doctoral Dissertation

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I. Resume of research tasks

When I started my research, I hadn't suspected that local governmental law enforcement was so much unexplored in our country, although in my opinion the importance of local governmental law enforcement in maintaining the order of a settlement is crucial. Supporting of this statement, it is sufficient to review the very wide range of public services provided by the municipalities and it becomes immediately clear that a large proportion of the local public services can be linked to the municipalities. Because of the wide range of public services and the local government is closest to the citizens among the available authorities, a legitimate citizen's expectation is that the local government should do something for local public security, contribute to the local crime prevention, and somehow resolve the local law enforcement issues.

The existence of local public security or the lack of public security has a strong impact on the development and preservation of a municipality, and the role of local government in the development of public security, which is manifested in the local governmental activity, is a subject of investigations. In my dissertation I tried to reveal the role of the local government, and I presented the most important problems hindering the development and efficient functionality of the local governmental law enforcement system, the legal environment, the mechanisms, practice, development possibilities.

It is absolutely necessary to examine the Hungarian local governmental law enforcement but it cannot be sufficient in itself to prepare a dissertation that describes the local governmental law enforcement system comprehensively. In order for the study not only to be descriptive, but also to draw up meaningful conclusions and suggestions, the local governmental law enforcement organisations of other countries had to be investigated, so a comparative work had to be done. Because of the above mentioned, the Hungarian local governmental law enforcement research was supplemented by an international local governmental law enforcement research series, which made it possible to place the Hungarian local governmental law enforcement in an international context. In international comparison, I tried to select typical examples (states) in some respects, making clear the similarities and differences with the Hungarian local governmental law enforcement system.

So my research task was twofold, I had to present the Hungarian local governmental law enforcement system, and on the other hand I had to carry out a comparative analysis of local governmental law enforcement system of several foreign states.

II. Short description of the examinations conducted, the method of collection of material

My dissertation is divided into several larger structural units that required different research and testing methods.

In the first part of my dissertation, with the processing of the available relevant professional literature, relying some primary local governmental law enforcement researches, I placed the local governmental law enforcement in the public administration and I defined the basic concepts used in my dissertation. It should be emphasized that the notion of local governmental law enforcement used in the dissertation was clarified, thus separating the local governmental law enforcement as an organization, public service and activity, thus pointing out the stratification of local governmental law enforcement.

I devoted a single chapter to the law enforcement and local governmental law enforcement models, as on the basis of the primary researches of the local governmental law enforcement and secondary researches, I found that the local governmental law enforcement system of the states showed similar features on the basis of which local governmental law enforcement models can be outlined. By reviewing the professional literature I introduced the general law enforcement models and then the local governmental law enforcement models based on the division of powers between the central power and the municipality. Each of the elaborated local governmental law enforcement models were outlined by a local governmental law enforcement that is considered a typical state. To do this, I mainly conducted secondary research, but it was also possible to conduct unstructured expert interviews to tangibly present the local governmental law enforcement in Finland and Austria.

In my dissertation the comprehensive examination of the Hungarian local governmental law enforcement was highlighted - and this is a major research topic of my dissertation. This part of my dissertation was divided into the following parts:

1. historical overview
2. constitutional funds,
3. legal bases
4. law enforcement cooperation,
5. law enforcement communication,
6. domestic challenges,
7. conclusions.

The presentation of the historical development of Hungarian local governmental law enforcement was basically based on the secondary research processing of the professional literature, which even touched upon the available local governmental law enforcement. In one case I used an unstructured expert interview in the framework of primary research to describe the role of field watch in socialism.

The study of the constitutional foundations of local governmental law enforcement is also a secondary research task. I reviewed the Constitutional Court and Curia decisions concerning the local governmental law enforcement, mainly as an organization, so that the frameworks within the local governmental law enforcement system could operate for many years could be determined.

Further sub-chapters include the results of Hungarian local governmental law enforcement research. So far, according to my knowledge, no complex research has been carried out on the law enforcement activities of local governments, so the research is unique in its kind. The dissertation presents the results of a researches series which conducted together with my consultant, László Christián.

The research started with a basic primary research, based on structured expert interviews with professionals at some level related to local governmental law enforcement (the method of qualitative research questions). Due to its basic character, the research was a problem exploratory research, but in this research we also made a clarification of the theoretical, dogmatic and conceptual basic questions of local governmental law enforcement.

The second phase of the research was an other primary research based on the results of the mentioned basic research. This research was based on a quantitative survey method. We have compiled a questionnaire that was sent to all county-town cities, as well as to the local governmental law enforcement organizations of the capital and its districts.¹

The third phase of the research was a perceptual research to investigate attitudes towards local governmental law enforcement. This research is a secondary research (desktop research) that analysed the attitude and content of the articles in the selected print media in relation to local governmental law enforcement.

¹ I have to note that our original idea was to find all the local governmental law enforcement organizations with the questionnaire, but we could not establish a database that would include all of the Hungarian local governmental law enforcement organizations, so our research in this form wouldn't have brought useful results.

The fourth phase of the research, based on the results of previous researches, focused specifically on field watches. This research was based on interviews with experts in field watch at some level (method of qualitative questioning, primary research).

In the framework of secondary research, I reviewed the available professional literature related to local governmental law enforcement, used the available statistics, and presented the work of local governmental law enforcement using the existing legislation.

In addition to the review of the Hungarian local governmental law enforcement system, the other main field of the research was the presentation of foreign local governmental law enforcement solutions. In my dissertation, I studied three foreign states' local governmental law enforcement administration by comparing local governmental law enforcement solutions with the law and practice of Hungarian local governmental law enforcement. The three foreign states, which I studied, Slovakia, France and Canada. Each of them are typical examples of a law enforcement model.

I have used primary and secondary research methods for analysing the local governmental law enforcement system in Slovakia. As a primary research I prepared unstructured expert interviews (method of qualitative questioning) with the commander of the Municipal Police of Komárno, with the commander of the Municipal Police of Kosice, with the Police Commander of the Košice District Police Headquarter. In order to carry out a complete local governmental law enforcement comparison I made some unstructured expert interviews with the Town Clerk of Komárom and with the head of public area inspectorate of Komárom. As secondary research, I processed the legislation concerning the local governmental law enforcement in Slovakia, thus demonstrating the operation of the municipal police in Slovakia and, as secondary research, I outlined the history of the sample settlements in Komárom and Komárno.

Similarly to the analysis of the municipal police system in Slovakia, I also used primary and secondary research methods to analyse the municipal police in France. As a primary research, unstructured expert interview (method of qualitative questioning) was made by the Commander of the Municipal Police of Arles, general manager of the City of Arles, Commander of the State Police of Arles, and Director of Municipal Police in Marseille. As secondary research, I reviewed articles and studies on available French legislation, law enforcement, police history and municipal police.

Regarding to the examination of police and municipal police of Canada and British Columbia, I could rely only on professional literature, legislation and reports discovered in the framework of secondary research in the absence of primary research.

III. Summary of the new scientific results, possible, utilization of opportunities

The scientific results of my dissertation can be used several fields of local governmental law enforcement.

1. The concept of local governmental law enforcement

In my dissertation, I distinguish between the different layers of local governmental law enforcement, pointing out how local governmental law enforcement differs from one another, as an organization, local governmental law enforcement as an activity and local governmental law enforcement as a public service provided by the municipality. Exploring and raising awareness of local governmental law enforcement as a concept may be particularly important for policymakers of local governments, who, according to our research, have little knowledge of law enforcement. It is obvious that a decision-maker is able to make a well-founded local governmental decision, if he / she is aware of the nature of his / her decision, he / she recognizes what kind of local governmental task or politics his / her decision.

2. Local governmental law enforcement models

During my research, I presented the details of local governmental law enforcement in several foreign states, revealing the similarities and differences with the Hungarian local governmental law enforcement system. As a result of the comparative studies, I developed a new model for grouping local governmental law enforcement systems based on the analysis of the division of powers between a central administration and local governments. The model was used in my dissertation to categorize the local governmental law enforcement solutions in different countries. One of the greatest results of my research is that, as a result of my comparative local governmental law enforcement work, I managed to put the Hungarian local governmental law enforcement system into an appropriate international context and to point out the anomalies in our local governmental law enforcement system and to make proposals to decision-makers and local government leaders to remedy the existing problems.

3. Processing the history of Hungarian local governmental law enforcement

The papers dealing with the history of the Hungarian police mostly deal with the development of the history of the police and/or gendarmerie. After the removal of the Hungarian municipal

police from the Hungarian law system, the articles about law enforcement history neglect the presentation of the local governmental law enforcement activities.

Those interested in my topic can get a comprehensive picture of the history of our local governmental law enforcement system, focusing almost entirely on the development of our local governmental law enforcement. Since our local governmental law enforcement system can be divided into two major branches, I dealt with the development of public space surveillance and field guard services, presenting the current legal environment for each type of municipal law enforcement agency. The outline of the history of local governmental law enforcement also contributes to the development of the existing legislation on local governmental law enforcement, as there are ways of solving some of the current problems found in the local governmental law enforcement legislation.

4. Overview of the Hungarian local governmental law enforcement

The main part of my dissertation is the presentation of the current legislation and practices concerning local governmental law enforcement, the most important part of which is the updating of a problem map based on a dissertation outlined in a previous basic research of local governmental law enforcement. In addition to presenting the anomalies found in the problem map, I also formulated suggestions for dealing with each problem. Here and now, without going into the details, I would like to point out all of the problems that have been discovered to three major acute problems, which I feel to be the most urgent:

- there is no proper, single and effective legal and professional supervision on the Hungarian local governmental law enforcement organizations;
- education on the area of local governmental law enforcement is not solved for the municipal decision-makers, including the town clerk,
- insufficient financing of persons performing local governmental law enforcement tasks.

Among the three priority areas, the legal and professional supervision of local governmental law enforcement organizations is one of the most important anomalies in the area of local governmental law enforcement.

The existence of an authority which can take coercive measures and the use of coercive means without proper supervision, is an anomaly and not a guarantee of the rule of law. Moreover, the weakness of supervision is also a problem for the local governmental law enforcement organizations themselves, as law enforcer agencies, because they are not really able to seek help from a competent organization in the case of their application of law and doubts. Remediation for supervisory anomalies awaits the legislator.

In addition to the supervision of local governmental law enforcement, the staff of local governmental law enforcement must be emphasized, both at decision-making and executive level. The education and training of persons with decision-making competence in the field of local governmental law enforcement is necessary, and it is urgent to ensure sufficient remuneration for the persons performing local governmental law enforcement tasks by the local governments. The latter two key issues can be dealt with even without the involvement of the legislator, if the parties concerned - municipal decision-makers - are really interested in solving the problem.

5. Foreign local governmental law enforcement solutions

As far as I know, nobody in Hungary has previously investigated any foreign local governmental law enforcement solutions as deeply as I did in my dissertation. Presentation of foreign local governmental law enforcement solutions also provides useful information for researchers, law enforcers, and even legislators. I compared the local governmental law enforcement of the examined foreign states, focusing on the local governmental law enforcement organization systems, and compared them with the Hungarian local governmental law enforcement, so the similarities and differences between local governmental law enforcement solutions can be also clear to Hungarian professionals.

In addition to the above, I would like to point out the following:

1. The most specific feature of Hungarian local governmental law enforcement is that local governments can create different types of local governmental law enforcement agencies for certain professional tasks, however, in practice only two types of local governmental law enforcement agencies exist.
2. Supervision over the Hungarian local governmental law enforcement agencies is very weak, which is the source of many problems.
3. The operation of a local governmental law enforcement organization is costly in every country, therefore the maintenance of local governmental law enforcement organizations is forced to compete with other municipal public services because of scarcity of municipal resources.
4. Local governmental law enforcement organizations in each country are “two-faced”., On the one hand, local governmental law enforcement agencies carry out law enforcement tasks and, on the other hand, provide municipal services.
5. In each state local governmental law enforcement models can be so effective as to provide the best possible public security for the public, if the partners involved in public security work properly and perform a ‘good’ work in their own area.

I hope that my research will contribute, serve as an additive to the development of Hungarian law enforcement science, providing useful knowledge for policemen, practitioners and decision-makers. I also hope that my dissertation will help to perform the tasks of the local governmental law enforcement agencies more efficiently and to organize their operations.

IV. List of publications

1. Bacsárdi József - Wágner Tamás Zoltán: Létezik-e hazánkban diszkriminatív helyi adóztatás? (In: Bihari Erika – Molnár Dániel – Szikszai-Németh Ketrin (szerk.) Tavaszi Szél/Wind Spring tanulmánykötet, Budapest, Doktoranduszok Országos Szövetsége (2020) 179-201),
2. Bacsárdi József - Christián László: Az önkormányzati rendészet társadalmi megítélése a nyomtatott sajtóban. (Belügyi Szemle (2019) 50-70.)
3. Bacsárdi, József – Christián, László – Sallai, János: A mezei rendőrségtől a mezei őrszolgálatig. (Magyar Rendészet: Magánbiztonsági és önkormányzati rendészeti különszám. (2018) 15-30.)
4. Bacsárdi, József: Önkormányzati rendészeti modellek. (Magyar Rendészet: Magánbiztonsági és önkormányzati rendészeti különszám. (2018) 15-30.)
5. Bacsárdi, József - Önkormányzati rendészet az Alkotmánybíróság és a Kúria döntéseinek tükrében (In: Gaál, Gyula; Hautzinger, Zoltán (szerk.): A XXI. század biztonsági kihívásai Pécs, Magyarország: Magyar Hadtudományi Társaság Határőr Szakosztály Pécsi Szakcsoport, (2018) 121-126.)
6. Christián, László - Bacsárdi, József Önkormányzati rendészet. Budapest, Magyarország: Dialóg Campus Kiadó (2018)
7. Bacsárdi, József: A francia önkormányzati rendészet összehasonlító elemzése (Iustum Aequum Salutare XIV: 2. (2018) 263-280.)
8. Christián, László - Bacsárdi, József: A Stepchild of the Hungarian Law Enforcement System? Function and Public Image of the Hungarian Local Governmental Law Enforcement Organizations pp. 146-157. , 12 p. (In: Gorazd, Meško; Branko, Lobnikar; Kaja, Prisljan; Rok, Hacin** (szerk.) Criminal Justice and Security in Central and Eastern Europe From Common Sense to Evidence-based Policy-making Conference Proceedings Maribor, Szlovénia : University of Maribor Press, (2018))
9. Bacsárdi, József: A hazai és a szlovák önkormányzati rendészet összehasonlító elemzése (In: Gaál, Gyula; Hautzinger, Zoltán (szerk.) Szent Lászlótól a modernkori magyar

- rendésztudományig. Pécs, Magyarország: Magyar Hadtudományi Társaság Határőr Szakosztály Pécsi Szakcsoport, (2017) 123-128.),
10. Christián, László - Bacsárdi, József: Katalán rendészeti igazgatás, a helyi rendészet Barcelonában. (Belügyi Szemle: A Belügyminisztérium szakmai tudományos folyóirata (2017) 26-41.)
 11. Christián, László - Bacsárdi, József: Hol tart jelenleg az önkormányzati rendészet? (In: Christián, László (szerk.) Rendésztudományi kutatások : Az NKE Rendészetelméleti Kutatóműhely tanulmánykötete. Budapest, Magyarország : Dialóg Campus Kiadó, (2017) 27-38.)
 12. Bacsárdi, József - Christián, László: Local governmental law enforcement in Hungary (In: MEŠKO, Gorazd; LOBNIKAR, Branko (szerk.) Criminal justice and security in Central and Eastern Europe: safety, security, and social control in local communities : conference proceedings. Ljubljana, Szlovénia : University of Maribor, (2016) 84-98.)
 13. Bacsárdi, József: Az önkormányzati rendészet hazánkban. Helyzetértékelés röviden. (Magyar Rendészet 14 : (2014) 17-27.)
 14. Bacsárdi, József: Az önkormányzati rendészet lehetőségei hazánkban (Rendészetelméleti Kutatóműhely pályázat, 2014. http://www.rendeszetelmelet.hu/Graphics/pdf/e-konyvtar/Bacsardi_Jozsef_NKE_palyazat.pdf)

Megjelenés alatt álló publikációk

1. Bacsárdi József: Magyarország önkormányzati rendészetének története. Magyar Rendészet (accepted)