

ZSOLT LIPPAI – ERNA URICSKA

The peripheral actors of policing: reaching public safety as a common collective product¹

Introduction

Law enforcement as a governmental actor, and especially the activities of the police in reaching safety have been dealt with in many different ways. However, only few researchers of police science have focused on the non-state actors of creating safety, the special bodies, the so-called “*peripheries*” of policing, and the use of those methods that differ from the methods of traditional policing. The joint work of state and non-state actors, the complementary and mutually reinforcing activities of creating and maintaining common safety, and the possibility of rethinking the respective roles belong to under-researched areas.²

A well-grounded and responsible selection of the tasks to be channelled the energies for, or transferred to the actors of the civil actors of complementary policing has become a priority.³ Therefore, it is important to observe what areas can contribute to co-operation, in order to rationalise the tasks for a more effective and more cost-effective organisational operation.

¹ This study has been completed by the professional support of the cooperative doctoral programme’s doctoral studentship programme of the ministry of culture and innovation, funded by the national fund for research, development and innovation.

² Christián, L. (2010): Alternatív rendészet PhD-disszertáció. [Complementary Policing, PhD thesis]. 1

Source: <https://jak.ppke.hu/uploads/articles/12332/file/Christi%C3%A1n%20L%C3%A1szl%C3%B3%20PhD.pdf>

Accessed: 02.04.2023

³ Kardos, P. (2018): A főváros kétszintű önkormányzati rendszeréből eredő problémák az önkormányzati rendészeti feladatellátást érintően a kerületek szemszögéből. [Problems arising from the two-tier local government system in the capital from the perspective of the districts]. Magyar Rendészet, 18(4) 105–125

About safety

As defined by the Law Enforcement Lexicon,⁴ “safety is defined as a complex concept that expresses the interests, values, territory and population of a state, and society that are free from external and internal dangers and threats.”⁵ It includes adequate protection that is justified from the aspects of preventing threat, risk and danger, and that cannot be managed by the persons in need of assistance without the help of the assistance of the emergency services.

Therefore, safety is a state free from threats, thereby order and safety are the basic needs of the citizens, the community and the society.⁶ On the one hand, it means the predictability and foreseeability of threatening actions, and on the other hand, it expresses the freedom from the external dangers, and the conscious reflection on them.

The state of safety also presupposes the existence of an operational organisational system of policing,⁷ in a way that social and public authorities can respond rapidly, and provide effective assistance to prevent, disrupt and mitigate the threats and emergencies that threaten the individuals and the community.⁸

Given the operational system and the pluralisation of policing in the last three decades after the change of regime, the time is right to explore and rethink the duties of the social and public authorities involved in the creation of safety.

Source: <https://doi.org/10.32577/mr.2018.4.5>

Accessed: 02.04.2023

⁴ Boda, J. et al. (eds.) (2019): Rendészettudományi Szaklexikon. [Lexicon of Police Sciences]. Dialóg Campus, Budapest

⁵ Boda J. et al. Ibid. (2019): Biztonság címszó. [Headword “Safety”]. 66

⁶ Christián, L. (ed.) (2014a): A magánbiztonság elméleti alapjai. [The theoretical foundations of private security]. Nemzeti Közszolgálati Egyetem Rendészettudományi Kar, Budapest. 15

⁷ Concha, Gy. (1892): Az államhatalmak megoszlásának elvei. [The principles of separation of powers]. Volume VIII. Issue 2. Franklin Társulat Könyvnyomdája, Budapest. 25

⁸ Christián, L. (2014b): A magánbiztonság megközelítésének egyes aspektusai. [Some aspects to the approach of private security]. Pro Publico Bono, 2014/4 21–30

About the actuality of private safety research

In Hungary, the change of regime has redefined the fundamental values of social order and civil rights, as well as the function and social role of the police.⁹ During the identity crises of the police that lost their monopoly position in the following decades, the necessary pluralisation of policing, e.g., the emergence of private security and civil policing (a.k.a. civil guards), and breaking the monopoly of state policing could have been witnessed.¹⁰ The free market economy, the rise of private property having grown at an astonishing rate after the change of regime, and the need for its protection inevitably resulted in the need for private security companies operating on a commercial basis. Private security service providers that complement public security and relieve the burden on it have become increasingly important in all areas of value and asset protection.¹¹ Nowadays, besides safety provided by the State, and guaranteed by its law enforcement agencies in the framework of an official service, there is safety as a product offered as a service by the private security market players. Its creation, protection and maintenance are the results of the purposeful activities of private safety.¹² It is interesting to note that Hungary was already among the ten European countries where there were more private security providers

⁹ Tóth, L. (2023): Közterületi térfigyelő rendszerek eltérő fejlődése Európában. [The different development of surveillance systems installed in public areas in Europe]. *Belügyi Szemle*, 71(6) 1050

Source: <https://doi.org/10.38146/BSZ.2023.6.6>

¹⁰ Kerecsi, K. - Nagy, V. (2017): A rendészettudomány kritikai megközelítése. [The critical approach of the science of law enforcement]. In: Boda, J., Felkai, L. - Patyi, A. (eds.): *Ünnepi kötet a 70 éves Janza Frigyes tiszteletére. Dialóg Campus*, Budapest. 275

¹¹ Christián, L. - Kardos, P. (2019): Sokszínű polgárőrség New Yorktól az NKE polgárőrségig [Diversity from New York to the Civil Guard of the University of Publics Service]. *Magyar Rendészet*, 19(4) 33–51

Source: <http://doi.org/10.32577/mr.2019.4.2>

Accessed: 02.04.2023

¹² Finszter, G. (2012): A rendőrség joga [The rights of the Police]. *Duna Mix Kft*, Budapest. 253

than public security services in 2008 due to the appearance on the market.¹³ Moreover, the number of the national private security companies was 5,592, and the number of issued cards¹⁴ in the private security sector and security guards was 90,238 in 2022.¹⁵

Private safety as a research problem

Law enforcement is a part of public administration,¹⁶ its mission is to maintain the internal order of a state, public order and safety, to protect the members of society and their fundamental values, to prevent, deter and disrupt offences that violate or threaten them by legitimate use of force as a last resort. In order to ensure a state free from threats, law enforcement entered the scene as the first organisation of modern public administration, and providing public order and public safety was the first social need that the state had to fulfil.¹⁷ The historical separation of public and private property created the need and the justification for private security services as well.¹⁸ Fulfilling the former mission is an extremely complex, multifaceted activity that cannot be expected from a single state organisation, the police. The fulfilment of the mission of policing and the creation of safety can only be

¹³ Tóth, J. (2017): Közrendészeti magánbiztonság és magánrendészet közpénzből [Public private safety and private policing from public money]. *Belügyi Szemle*, 65(5) 5–24
Source: <https://doi.org/10.38146/BSZ.2017.5.1>
Accessed: 02.04.2023

¹⁴ Enterprises (personal and property security, private investigation, designer-installation), professionals (personal and property security guards, private investigators, designer-installers and installers of security systems)

¹⁵ According to the cumulative statistical data provided by the Directorate General of Law Enforcement's Administrative Police Department of the National Police Headquarters, due to the date 31.12.2022.

¹⁶ Balla, Z. (2017): A rendészet alapjai és egyes ágazatai [The fundamentals of law enforcement and its branches] *Dialóg Campus*, Budapest. 26

¹⁷ Finszter, G. (2013): A változó rendészet és a rendészettudomány [The changing police and police science]. In: Gaál, Gy – Hautzinger, Z. (eds.) *Pécsi Határőr Tudományos Közlemények XIV. Tanulmányok „A változó rendészet aktuális kihívásai” című tudományos konferenciáról*. Pécs. 5–12

¹⁸ Finszter, G. (2018): *Rendészettan*. *Dialóg Campus*, Budapest. 63

achieved as a result of social cooperation and collective effort, in which local authorities, private security companies, voluntary crime prevention associations and civil guards also have an important role to play besides law enforcement agencies and agencies performing law enforcement tasks. This can be called a complementary policing system, as the duties of public authorities are complemented, supported and assisted by market and civil organisations.¹⁹

By a modern term, public safety is a collective social product, the product of the activities of individuals and their communities, the actions of public authorities, the self-defence capabilities of citizens and services provided by the business market.²⁰ This means that collective work is needed to effectively prevent threats, so public safety is a cooperative product.²¹ Public order is a fundamental value for the advancement of the nation. In order to assert its powers in the field of public security, the State has declared that cooperation with persons and bodies performing law enforcement tasks, regulated by law is indispensable for the maintenance of public order and security.²² In this framework, the legislator provides the activities of the armed security guards, bodyguards and property guards, nature conservation guards, members of the forestry authority performing law enforcement duties, mountain guards, professional hunters, forestry staff performing law enforcement duties, state and professional fish guards, public land wardens, municipal nature conservation guards and field guards. The

¹⁹ Christan, L.: „*Rendszzeti szervek*” szocikk. [Headword “Law enforcement bodies”] In: Jakab, A. - Fekete, B.(eds.): *Internetes Jogtudomanyi Enciklopedia*. 63

Source: <http://ijoten.hu/szocikk/rendeszeti-szervek>

Accessed: 02.04.2023

Accessed: 02.07.2023

²⁰ 115/2003. (X. 28.) Parliament on the government tasks in the implementation of the national strategy crime prevention.

²¹ Finszter, G. (2009): *Kozbiztonsag es jogallam* [Public safety and the rule of law]. In: *Jog-Allam-Politika* 1(3) 167–191

²² Act CXX of 2012 on the activities of persons performing certain law enforcement tasks and on the amendments to certain acts to fight truancy (hereinafter: Law Enforcement Act)

development by the State of the conditions and framework for these activities will help to ensure the full protection of constitutional property rights. The legislator creates the legal framework for the protection of private and public property by using the means of personal and property protection. The apparent blurring of boundaries and the complexity of the phenomenon are the existence that there are a number of law enforcement functions reserved to the state police, but even these functions are already subject to some privatisation partly, but not exclusively, in terms of outsourcing the custody of state assets to private companies.

Other remarkable issues include the relative legal regulation (and lack of regulation) of private investigation activities as legal regulations are difficult to interpret and leave many questions open.²³ One of its fundamental questions is the legislative confidence in the legality and objectivity of information-gathering activities for financial purposes. The financially motivated interest in concealing the truth raises the question whether it is lawful what effective is, and whether it is effective what lawful is.²⁴ The powers of the State in relation to the law enforcement actors involved in creating private and public safety also present an extremely interesting and complex picture. The police issue licences to enterprises engaged in the protection of persons and property, to natural persons who are required to have a card by the competent authority to perform their activities, to keep official public records of these licences, and to provide tasks related to the activities of weapon licensing and other administrative law enforcement issues.²⁵ By means of administrative and on-the-spot checks, the police also supervise

²³ Mészáros, B. (2010): A magánnyomozói tevékenység szabályozásának aktuális kérdései. [Current issues in the regulation of private investigation]. In: Gaál, Gy. – Hautzinger, Z. (eds.) Pécsi Határőr Tudományos Közlemények XI. Tanulmányok a „Quo vadis rendvédelem? Szabadságjogok, társadalmi kötelezettségek és a biztonság” című tudományos konferenciáról. Magyar Hadtudományi Társaság Határőr Szakosztály Pécsi Szakcsoport, Pécs. 285–294

²⁴ Lippai, Zs. (2021): Az elmosódó határvonalak margójára [In the margin of blurred boundaries]. Szakmai Szemle, 19(1) 152–153

²⁵ Act CXXXIII of 2005 on rules governing personal and property protection and private investigation

activities requiring a licence from the police authority, and take part in the training and examination of private security guards.²⁶ They also supervise those professional activities where the essential element is the service provided by the private sector or a security company and its content is filled by a contract, governed by private law in its broad framework, and characterised by freedom and the juxtaposition of equal parties.

The source of defensive means available to private security is the toolbox of property protection that is also the rights of the property owner. The activity of personal and property protection can be regarded as the extended hand of the client, and its effectiveness can be significantly enhanced by adequate technical background and specialised professional trainings for the employees. So, the possible areas of research are the analyses and development of the specialised professional trainings for private security operators.

When examining the tasks of law enforcement officers, especially when considering the objects of private or public property (e.g., forests, meadows, lakes, fish and wildlife, nature conservancies, etc.) involved in their duties, it may become problematic to separate the protection of private and public property. The authority of the police who are responsible for the professional supervision of the activities is extended by the competences of decision-making and an even greater influence on the processes due to the increasing number of tasks. The principal tasks include training and examining duties, conclusions of cooperation agreements, examinations of complaints against measures, and even police investigations into the use of coercive measures.

Therefore, the scientific problem is in line with the current Crime Prevention Strategy that states that “public safety is part of the quality of life

²⁶ Decree of the Ministry of Interior 68/2012. (XII.14.) on the Training and Examination of Officials Performing Police Tasks, of Assistant Officers, of Body Guards and Property Guards

in the society, a collective and valuable product, and its creation and preservation is a common concern.”²⁷ At the same time, the maintenance of public order and safety essentially belongs to the tasks of the police,²⁸ to an organisation that no longer possesses the necessary force, means and infrastructure to prevent all infringements that threaten security in all its segments. It can be argued that the police, however, they play a crucial role, are only one element of safety as a service. A service in which the civil sector with its increasingly effective and professional presence also reinforces public safety by its power regulated by the legislator.

It has become a self-evident element in today’s reality and public opinion that some policing tasks should be transferred to the civil society, without diminishing the powers of the police, but complementing their activities. When talking about public safety and its protection, the involvement of the civil part can no longer be avoided.

The current state analysis is important in order to ensure a more effective and cost-efficient operation of the public and non-public actors involved in creating and maintaining security to fill in this gap at least partly in the future. This analysis should include the exploration of the measurability of operational efficiency from the perspectives of public and private security, their utility in terms of the national economy, their interrelationships and contradictions, and the need for warranty rules in relation to conducting activities.

Basic police structures to be renewed

According to László Korinek, “the dysfunctions of law enforcement have already become apparent in everyday life [...], the basic structures of law

²⁷ 2.2. Government Decision 1744/2013 (X.17.) on the National Crime Prevention Strategy (2013-2023). Theoretical background of crime prevention.

²⁸ The Fundamental Law of Hungary (as in force on 23 December 2020) Article 46 Paragraph (1)

Source: <https://www.parlament.hu/documents/125505/138409/Fundamental+law>

Accessed: 11. 07. 2023

enforcement are waiting for renewal, therefore, a scientific analysis of them cannot be postponed any longer.”²⁹ Policing and the organisations involved in it need to be constantly renewed and adapted to changing circumstances.³⁰ Examining the existing, relatively limited literature on private safety in Hungary, it can be stated that it is a rather controversial and under-researched area of law in terms of scientific rigour. It is controversial because the place, role and importance of private security raise many questions, as it is a relatively young field in Hungary since the change of regime, and the precise and accurate theoretical background has not yet been developed yet. One of the most interesting questions is whether private safety can be considered as part of public safety, or they are two coexisting, however interacting concepts.

Emphasizing the scientific need for change, combining theory with practice, the authors of the study agree with Zoltán Balla “within the framework of this study, the efforts are only limited to raise some controversial issues. As a result of this confrontation, the aim is to stimulate those who are open to the development of the emerging police science, and in the possession of sufficient professional humility, to research and develop alternatives for solutions by putting the legislative and theoretical problems into practice.”³¹

²⁹ Korinek, L. (2008): Út a statisztikától a rendészet elméletéig [The way from statistics to the theory of policing]. *JURA*, 14(1) 69–94

³⁰ Czilják, J. (2011): Magánbiztonsági szervezetek és a rendvédelem [Private security organisations and law enforcement]. In: Gaál, Gy. - Hautzinger, Z. (eds.) Pécsi Határőr Tudományos Közlemények XII. Tanulmányok a „Rendészeti kutatások – A rendvédelem fejlesztése” című tudományos konferenciáról. Magyar Hadtudományi Társaság Határőr Szakosztály Pécsi Szakcsoport, Pécs. 363–368

³¹ Balla, Z. (2020): Ockham borotvája és a rendészet [Occam’s razor, and policing]. *Magyar Rendészet*, 20(3) 15–26

Source: <https://doi.org/10.32577/mr.2020.3.1>

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