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JUDIT BORSZÉKI – JÁNOS SALLAI

The beginnings of the history of English and Hungarian policing

Introduction

One of the four known pillars of the recognition of policing as a science[1] includes historical-comparative research related to this discipline. Works on the history of Hungarian policing and police often refer to the period in Britain, which played an important role in the prehistory of European policing and preceded the French and German developmental phases[2]. However, to our knowledge, a comparison of the beginnings of English and Hungarian policing and an analysis of similarities and differences have not yet been made.

An important contribution to the understanding of public administration and the administration of justice in medieval England is the PhD dissertation of Richárd Szántó [3], which provides a very thorough and systematic description of the institutional system of medieval England.

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[1] Sallai, J. (2019): A magyar rendészet története [The history of law enforcement in Hungary]. Rendőrség Tudományos Tanácsa

[2] Christián, L. (2010): Alternatív rendészet [Alternative policing]. PhD értekezés. Pázmány Péter Katolikus Egyetem, Jog- és Államtudományi Kar, Ernyes, M. (2020): A Fővárosi Rendőrség és a m. kir. rendőrség, valamint a Magyar Rendőrség története a kezdetektől napjainkig I-II. [The history of the Police of the Capital, the Royal Hungarian Police and the Hungarian Police from the beginning to the present day] Nemzeti Közszolgálati Egyetem

[3] Szántó, R. (2001): Derby grófság települései, birtokszerkezete, társadalma és politikai intézményei a XIV. század végén és a XV. század első felében, [The settlements, estate structure, society and political institutions of Derby County at the end of the 14th century and the first half of the 15th century] PhD értekezés. Szegedi Tudományegyetem, Történelemtudományi Doktori Iskola

An important feature of this period of English history is that the manor often did not coincide with the township. The royal administration, tax collection and justice did not consider the manors, but the townships as administrative units. However, the manorial courts of the landowners were based on the territorial division of the manor[4].

Also, an interesting contribution to the study of the history of English policing can be made by the activity of local historians, now very popular in the United Kingdom. Such is Noel E. Smith's work on the history of the Wallasey police, whose data, based on original sources, have also been used in this study. Due to space limitations, the history of English policing is traced only up to the establishment of the London Metropolitan Police Department in 1829.

Public administration and its institutions in England until the 16th century

We will first outline the system of public administration (including the police in the modern sense), and then describe in more detail the individual offices and institutions and their development.

In the light of the above, we must therefore distinguish between the means of asserting royal power and the systems of local administration. In the counties, the monarch could exercise his power by direct means such as the royal castles (in many cases this was the castle of the central settlement in the county). The monarch maintained, at his own expense, a garrison in them, headed by a royal officer, the constabularius (later constable). The central castle of the county usually housed the county court, which had its own staff, and the royal prison. The indirect means of enforcing royal power were political in nature, such as the noblemen, the system of the lords loyal to the king and the influence of local royalist citizens, through

[4] Ibid., Jewell, H. M. (1972): English Local Administration in the Middle Ages. David & Charles. Source: https://doi.org/10.4324/9781315845487 Accessed: 06.06.2023

whom, for example, the courts could be influenced. The local royalist landowners, the knights and gentlemen, who served at the royal court, also represented the king's interests in their own counties.

Local administration was originally based on the tithing system and the so-called frankpledge [5].

The tithing system and the frankpledge

Local administration, law enforcement and crime prevention were rooted in Anglo-Saxon customs. Many of these were retained after 1066 by the Norman monarchs, who needed a well-functioning system to control a largely Anglo-Saxon population. This required all men over the age of 12 to join a group of ten men, called a *tithing*, who were responsible for each other's behaviour. If one of them broke the law, the others had to take him to court. If they did not, they were all held responsible for the offence. This usually meant that they had to jointly pay for the damage caused to the victim[6].

While this rule was prevalent in the south and south-west of England, the central and northern areas (Danelaw) occupied by the (Danish) Vikings in the mid-9th century were governed by the system that formed the basis of the later Norman frankpledge. Under the laws of the Danish and English king Canute II the Great, all men, whether serfs or free, were required to belong to a local administrative unit, called a hundred, which gave a financial guarantee for good behaviour. By the 13th century, however, only non-

[5] Szántó, R. (2001): Derby grófság települései, birtokszerkezete, társadalma és politikai intézményei a XIV. század végén és a XV. század első felében, [The settlements, estate structure, society and political institutions of Derby County at the end of the 14th century and the first half of the 15th century] PhD értekezés. Szegedi Tudományegyetem, Történelemtudományi Doktori Iskola., "Frankpledge", Encyclopedia Britannica Source: https://www.britannica.com/topic/frankpledge. Accessed: 06.06.2023

[6] Collective responsibility in early Anglo-Saxon times
https://www.britannica.com/topic/police/The-history-of-policing-in-the-West#ref41670.1
Accessed: 06.06.2023

free and landless men were conscripted, as landowners had property that could be confiscated for misdemeanours. Both the tithing and the hundred were under the command of a single leader, the tithingman and the hundredman (captain), who were responsible for organising policing and the guard in their districts. Usually ten hundreds made up a shire. In many villages or manors the role of tithingman was taken by the shire-reeve (sheriff). When the two functions did not coincide, the tithingman acted as a subordinate to the sheriff. Until the 14th century, it was the duty of the sheriff to ensure that every man was assigned to a tithing[7].

Control of the system and the inhabitants' assignment to tithings were ensured by the regular view of frankpledge, at which itinerant justices checked whether the troops had been properly organised of and imposed fines for failure to do so. In the districts not under the king's jurisdiction, these assemblies were called sheriff's tourn, and in the manorial areas there was a version of it called court leet, to be specified later, presided over by the lord steward[8].

It is also clear from the foregoing that the community (village) was also obliged to do its utmost to catch criminals. A victim or witness of a crime was obliged to alert the villagers (raise hue and cry), everyone had to join the chase and catch the perpetrator. If the person was obviously guilty or defied his captors, he could be executed on the spot. If he did not resist, he was subjected to due process. As mentioned earlier, if the villagers did not do their best to apprehend the culprit, the whole community was held responsible for the crime. This can also be seen as an initial form of collective punishment or responsibility.[9] Once the criminal had escaped, the sheriff

[7] Hudson, J. (2014): The Formation of English Common Law. Routledge, Police History, Early policing in England. Source: https://law.jrank.org/pages/1638/Police-History-Early-policing-in-England.html Accessed: 06.06.2023

[8] Szántó, R. (2001): Derby grófság települései, birtokszerkezete, társadalma és politikai intézményei a XIV. század végén és a XV. század első felében, [The settlements, estate structure, society and political institutions of Derby County at the end of the 14th century and the first half of the 15th century] PhD értekezés. Szegedi Tudományegyetem, Történelemtudományi Doktori Iskola

[9] The National Archives, Crime and Punishment

called on everyone to join his pursuit, which in some regions was a civil force called posse comitatus, which harked back to the mercenary escort of the Roman proconsuls.[10]

The system was obviously appropriate in an era when there were few (local) officials representing the government and everyone knew everyone in small, safe local villages. Later in the Middle Ages, the growth of towns brought some change, but even then, each district or ward of the town was expected to respond to a call for help in the same way as a village community. Appointed officials were responsible to the town council and often worked part-time[11].

The Norman conquerors introduced the office of constable, which certainly existed during the reign of Henry I (1100-1135). According to some sources, the constable was originally a stable master[12]. Other sources suggest that the main function of the constable and the marshal was originally to command the army. As mentioned, the officers in charge of garrisons and castles with important military commands were also called constables, also in the Magna Charta of 1215. (The lack consensus is typical not only concerning the origin of the name of constable. The meaning of the term and the duties of the office also varied in different geographical areas and in different historical periods[13]. Despite the emergence of the office of constable, the investigation and prosecution of crimes remained an individual

Source: https://www.nationalarchives.gov.uk/education/candp/prevention/g02/g02cs1.htm
Accessed: 06.06.2023

[10] Szikinger I. (2012): A magyar rendvédelmi jog alapjai. Rendvédelem-történeti füzetek, 22(26), 133–140

[11] The National Archives, Crime and Punishment
Source: https://www.nationalarchives.gov.uk/education/candp/prevention/g02/g02cs1.htm,
Accessed: 06.06.2023

[12] Ernyes, M. (2020): A Fővárosi Rendőrség és a m. kir. rendőrség, valamint a Magyar Rendőrség története a kezdetektől napjainkig I-II. [The history of the Police of the Capital, the Royal Hungarian Police and the Hungarian Police from the beginning to the present day] Nemzeti Közszolgálati Egyetem

[13] The Office of Constable

duty, which had to be organised by the victims with the help of local communities.

The statute of Winchester enacted by King Edward I of England of 1285 codified the system of community obligations. It provided, among other things, for the following:

1) everyone had a duty to maintain the King's peace, and any citizen could arrest criminals;
2) unpaid, part-time constables at various levels of government had a special duty to do so, in addition to guaranteeing the safety of itinerant justices, and in small towns they were assisted by their subordinates, the wards. The original function of the watch-and-ward was to protect the city gates at night. This was later expanded to include lighting street lamps, calling out the time, watching for fires and reporting on other conditions[14];
3) if the criminal was not caught in the act, hue and cry was raised in the local community;
4) everyone was required to carry a weapon and join in the pursuit of the offender if alerted;
5) various duties of constables included bringing the offender to trial[15];

Thus, the tasks of public order in the modern sense (street policing, vice policing, market policing) were carried out by patrolling wards who selected from the community[16].

Source: https://www.polfed.org/media/14239/the-office-of-constable-with-links-2018.pdf
Accessed: 06.06.2023

[14] Smith, N. E. (2001). The Wallasey Police. Printfine Ltd. Source: https://docplayer.net/42347246-Dedication-author-s-note.html Accessed: 06.06.2023

[15] Sallai, J. (2019): A magyar rendészet története [The history of law enforcement in Hungary]. Rendőrség Tudományos Tanácsa

[16] Takáts, S. (1947): Rendészet Angliában [Policing in England], Magyar Rendőr (11), 4–5

The institutional system of justice

During this period, a distinction was already made between different types of crime. More serious offences (felony, treason) included murder, arson, rape, robbery, theft of property worth 1 shilling or more and harbouring a criminal. In these cases (pleas of the crown) only the judges of the crown could try the offender, the sentence could be death or forfeiture of property, and his estates were forfeit to the king. Minor offences (transgressio, trespass, misdemeanour) were theft of goods worth less than 1 shilling, assault, damage to property, violation of the fixed price of bread and beer, and libel[17].

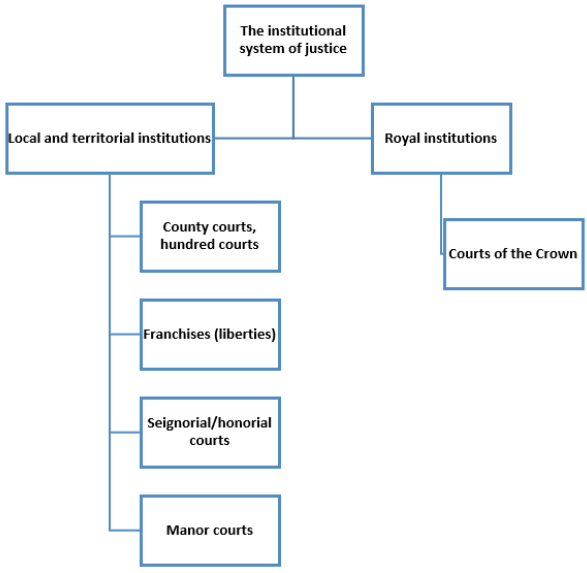

Figure 1
The medieval system of justice in England
Edited by the authors, based on Szántó, R, 2001

[17] Brown, A. L. (1989). The Governance of Medieval England 1272–1461. Stanford University Press

Local and territorial justice

In medieval England, there was no separation between the administration of justice, which included the maintenance of order and the administration of justice, with officials often having both functions and powers. Another particularity was that local justice was determined by local customs and interpretations of the law. The townships were the smallest units of territorial administration, usually part of landlords' estates or manors, but without a court. The constable controlled local affairs, the reeve, together with a few villagers and the tithingman, represented the township in various courts, e.g. the sheriff's tourn.

The local courts, based on the Anglo-Saxon system, could be granted by the king to large landowners, or certain villages could be exempted from territorial administration. Thus, by the beginning of the 14th century, four types of courts had developed (Figure 1).

County and hundred (district) courts

These were part of local government, the latter being of lesser importance. In the county courts, the judges were the suitors (freeholders who were obliged to do so), the magistrates of the parishes, the constables and the bailiff, who was employed by the sheriff of the county and was also regarded as a royal officer. He commanded the armed forces of his district and was responsible for ensuring that no robbers or criminals were allowed to lurk along the roads within the district. (District and parish constables were already subordinate to the justices of the peace in matters of justice in the 14th century, but as the local enforcers they were under the control of the sheriff.)

The hundred court dealt with petty crimes such as fornication, trespass, small debts, breach of contract, libel, slander, fraudulent use of measures, etc. Until 1268, the decisions of the hundred court could be reviewed by the county court, and the hundred suitors could be prosecuted at the royal itinerant judges' general eyre if they acted in excess of their powers. (The itinerant judges travelled the countryside each year on predetermined routes, known as circuits, to hear cases, hence the institution was also

known as a circuit court.) The sheriff's tourn, under which the sheriff travelled around the county twice a year and presided over the circuit courts, was separate from the circuit courts from the 13th century. Here the formation of a jury of 12 free men (from 1285 onwards, they had legal knowledge) was a prerequisite. The sheriff's tourn had jurisdiction over minor cases such as the supervision of the frankpledge system, blocking of roads, diversion of watercourses, assault, failure to observe the prescribed price of bread and beer, fraud with measures, highway robbery, forgery, burglary, theft, including theft of treasure, etc. The punishment could be a fine, pillory or scaffold. In more serious cases, such as breach of oath of fealty, high treason and treasonable offences, the tithing had to report to the jury. The report, accepted by the jury, was forwarded to the sheriff, who arrested and detained the accused person, and then sent the report to the royal itinerant judges in charge of such cases[18].

The county court functioned not only as a court, but also as a social and political assembly. The term shire was also used to refer to the county and its court. The shire court, presided over by the sheriff, had to maintain law and order and peace, enforce military regulations in addition to its governmental duties, but the elected knights of the shire (steward, bailiff) also took part in the work of assessing and collecting taxes. An important element of the administration of the county was the county prison, which was under the control of the sheriff and located in the centre of the shire. In principle they were all royal prisons, but the monarch ceded the right of management to the county and the money remitted to the sheriff covered the cost of running them. Interestingly, the prison was then not a place where sentences were served, but a place where offenders who had been caught and were awaiting trial were held. Even then, wealthier prisoners were released on bail and were allowed to defend themselves[19].

[18] Ibid.

[19] Szántó, R. (2001): Derby grófság települései, birtokszerkezete, társadalma és politikai intézményei a XIV. század végén és a XV. század első felében, [The settlements, estate structure, society and political institutions of Derby County at the end of the 14th century

The sheriff presided at the small sessions, the members of the court were, as a rule, the suitors of the earldom, and in practice the court was attended by the sheriff, the coroner (the royal officer who controlled the sheriff), the bailiffs, the lords' stewards and the sheriff's officers, in addition to the litigants. A suitor could be a clergyman of any rank or a freeman. The county court was not originally required to record its decisions in writing[20], as it was mainly empowered to adjudicate cases of less than 40 shillings, and these were not considered to be significant. The criminal work of the court was not significant, as offences were tried in the sheriff's tourn, before the coroner, or before travelling magistrates[21]. Minor crimes: theft, less serious acts of violence, etc., could be tried in the county court if the plaintiff brought the case there.

The 12th century saw the beginning of the decline of the county court system and the rise of the royal courts. An important step in this process was the decree of Henry II (1154-1189), which transferred to the latter the jurisdiction to hear suits concerning freehold land. The sheriff's power to arrest defendants was confirmed in 1333, and in 1340 provision was made for the sheriffs' responsibility for prisons. In addition, the sheriff could declare peace in times of local unrest, and publish decrees, laws and royal orders. As mentioned earlier, he organised and led the hue and cry. From the early 14th century, he could serve as a keeper of the peace for royal commissions and the government could directly order the sheriff to conduct inquiries and report the results. Occasionally, he could be granted extraordinary powers for a limited period of time, in which case he received extraordinary royal grants of money to carry out his duties[22].

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and the first half of the 15th century] PhD értekezés. Szegedi Tudományegyetem, Történelemtudományi Doktori Iskola

[20] Jewell, H. M. (1972): English Local Administration in the Middle Ages. David & Charles

[21] Brown, A. L. (1989): The Governance of Medieval England 1272–1461. Stanford University Press

[22] Jewell, H. M. (1972): English Local Administration in the Middle Ages. David & Charles

At the end of the 12th century, the coroner, already mentioned, appeared, whose job was to protect the Crown's interests and control the sheriff. The coroner was not remunerated and could only perform his duties if he had sufficient wealth. He was elected by the freeholders of the county, either before royal magistrates or at a county assembly. In most boroughs (towns) the office was also held by election, but there too he was employed by the king. In criminal cases, he received the charges before trial, the evidence of the crown witness in trials, and kept a list of outlaws. He assisted in the apprehension of wanted persons, arrested them, and summoned witnesses to appear at trial. His most important duty was to investigate cases in which the Crown's rights needed to be protected (e.g. shipwrecks, infringement of royal fishing rights, theft of treasure, unexplained deaths - where the Crown could receive revenue). In such cases, he had to draw up a jury list and arrange for the trial to take place. The king's rights were enforced by the escheator, who, from 1232 onwards, could take charge of the deceased's lands in the event of the death of the direct royal vassals[23].

Franchise, liberty

A franchise or liberty at this time meant the privilege of certain landowners or towns enjoying immunity or exemption from existing jurisdictional conditions. This provided the owner with the royal rights and the income for justice. This included the right to hold a view of frankpledge, private tourns equivalent to a sheriff's tourn, and a hundred court. In addition to various principalities, such privileges were enjoyed by, for example, the Princedom of Wales, the Church (its justice was dependent on the Pope), the army (subject to the court of constable and marshall), the navy (subject to the court of the Admiralty), and the universities of Oxford and Cambridge (which had their own courts). The guilds (guilde, craft) were affected by

[23] Szántó, R. (2001): Derby grófság települései, birtokszerkezete, társadalma és politikai intézményei a XIV. század végén és a XV. század első felében, [The settlements, estate structure, society and political institutions of Derby County at the end of the 14th century and the first half of the 15th century] PhD értekezés. Szegedi Tudományegyetem, Történelemtudományi Doktori Iskola

trade, mining and industrial rights[24]. Certain towns also had various privileges. The medieval town (borough) was governed by the mayor, he and the borough bailiff received royal commands and performed the functions carried out by the sheriff, escheator and district bailiffs in the county[25].

The borough's office system included tax collectors, customs collectors, beadles carrying out policing duties, chamberlains and market inspectors, but there was no uniform terminology for the names of these offices and their powers. Borough officers could direct public works, arrest or register persons, issue ordinances, recruit troops, regulate the price of bread and beer, and act generally in the execution of central orders in the town[26]. Town leaders were drawn from the ranks of aldermen, guild leaders and senior town officials. The borough court was thus a type of court with a franchise court granted by the king or lord. In the adjudication of criminal cases, most borough courts had powers equivalent to those of the sheriff's tourn or court leet[27]. From the 13th century onwards, a process became common in which judges were drawn from the aldermanic group. By the time the legal system of the cities was written down, the mayor, possibly other senior officials and members of the alderman group were already the judges[28]. Urban development, special economic activities, trade and commerce led to a specific development of law. Mercantile law played an important role in urban law, which was distinct from common law. By the mid-14th century, for example, towns usually had a fair court, in which the borough officials ruled, often in the form of special sessions of the town

[24] Ibid.
[25] Jewell, H. M. (1972): English Local Administration in the Middle Ages. David & Charles
[26] Ibid.
[27] Brown, A. L. (1989): The Governance of Medieval England 1272–1461. Stanford University Press
[28] Szántó, R. (2001): Derby grófság települései, birtokszerkezete, társadalma és politikai intézményei a XIV. század végén és a XV. század első felében, [The settlements, estate structure, society and political institutions of Derby County at the end of the 14th century and the first half of the 15th century] PhD értekezés. Szegedi Tudományegyetem, Történelemtudományi Doktori Iskola

court. An important town privilege was that town citizens could only be sued in their own town court[29].

By the early 13th century, the seigniorial/honorial courts had mostly lost their importance.

Manor court

This was the court of the landlords vested with judicial powers. There were different rules for freeholders (the farmers who lived in the manor and had free land) as only other freeholders, suitors could judge their cases and for copyholders (the serfs who had become tenants). These latter were tried by the lord's steward and a jury of 12 sworn members). The court of the former (court baron, where the value of the thing or event sued for did not exceed 40 shillings) was governed by common law, while the court of the latter, the customary court, was governed by local customary law. The lord possessing a royal charter could exercise the right to hold the view of frankpledge and the court leet, a criminal court for minor cases, thus the administrative functions and the judicial functions were often exercised simultaneously. (After the 16th century, the functions of the court leet were increasingly transferred to the justice of the peace, mentioned earlier.) He could adjudicate on criminal matters and matters relating to breaches of the king's peace, i.e. law and order (assault on a manorial officer, threats and minor assaults, fighting, taking other people's crops, breach of contract, failure to fulfil obligations, libel, slander, illegal brewing, harbouring strangers, etc.). He could not punish more serious crimes, murder or robbery. Manslaughter committed in negligence or in self-defence could be investigated by the court leet, but it could not impose punishment in these cases. In addition to discussing the affairs of the estate, it was here that the manorial steward (reeve), usually of serf origin, was elected, and moral offences were investigated and punished. In the ranking, between the steward and the reeve was the bailiff, who, in addition to managing and supervising

[29] Jewell, H. M. (1972): English Local Administration in the Middle Ages. David & Charles

the (financial) affairs of the manor, was also involved in court proceedings[30].

Royal courts of justice under common law

As mentioned earlier, in the 12th century itinerant justices performed judicial and administrative functions in the country. Some of their powers survived for centuries and became part of the justice system under common law. From the 13th century onwards, their operation no longer depended on an ad hoc decisions by the king, but was regulated by statutes. Under these laws, the counties of the country were arranged into groups, and the two judges assigned to each group made three rounds a year. The most powerful form of itinerant court was the general eyre (general circuit), whose judges were authorised to hear all litigation. By the 13th century, this institution also carried out the functions of the sheriff's tourns for the districts. In addition to reviewing cases heard since the earlier General Eyre in court, it investigated neglect of policing duties, the possession, wrongful or wrongful use of judicial privileges (franchises), the protection of the Crown's own rights in cases of estates and other sources of revenue. The bulk of his work involved inspecting the county's officials and correcting the decisions of the county court. Criminal cases and prosecutions were dealt with by the judges of the gaol delivery. The general eyre was unpopular and was abolished in the 14th century at the instigation of Parliament. Instead there were itinerant courts (justices of assize, gaol delivery, oyer and terminer) with more limited powers, which visited the counties more frequently. The commissions of the oyer and terminer consisted of royal magistrates who investigated crimes committed in the counties and could also adjudicate on administrative matters[31]. In medieval prisons, suspects awaited trial and were handed over to courts two or three times a year. Gaol delivery judges tried only common criminals, and had the power to convict

[30] Brown, A. L. (1989): The Governance of Medieval England 1272–1461. Stanford University Press

[31] Jewell, H. M. (1972): English Local Administration in the Middle Ages. David & Charles

criminals and impose death penalty. The majority of those convicted were hanged and their property confiscated by the king[32]. The gaol delivery and the oyer and terminer converged from the end of the 13th century, in practice the two courts were run by the same persons, and by the end of the century the gaol delivery court was composed of professional lawyers. The commission of assize became the most important court in the system of itinerant justices, as its members gradually acquired the powers of the other commissions, and even more. Legislation in the 14th and 15th centuries gave the judges of the assize increasing powers (judging officials, conspiracy, heresy). The assize courts were held in the central towns of the counties and their judges were professional lawyers[33].

During the 14th and 15th centuries, the royal judiciary almost completely subordinated local justice by absorbing the remaining functions and rights of local courts, including the judging of criminal cases. The judges appointed by the Crown to head each county introduced a system of courts of common law. They were controlled by the Crown and then replaced by others with judicial powers, known as Justices of the Peace. They were given increasing powers by the government and by 1380 they were given virtually full authority to enforce criminal and economic law, making them lords of the counties, and their office continued to function effectively into the 17th century. Their predecessors in the 13th century were the knights of the peace (who were also employed on the committees of the travelling magistrates' courts), the Keepers of the Peace. Like the Keepers of the Peace, they could arrest and imprison offenders and investigate all crimes except lèse-majesté. They were given the power to establish disorder and dissension, to enforce law and order and to punish those who refused their requests for assistance. After the Justices of the Peace Act of 1361, a lord

[32] Szántó, R. (2001): Derby grófság települései, birtokszerkezete, társadalma és politikai intézményei a XIV. század végén és a XV. század első felében, [The settlements, estate structure, society and political institutions of Derby County at the end of the 14th century and the first half of the 15th century] PhD értekezés. Szegedi Tudományegyetem, Történelemtudományi Doktori Iskola

[33] Jewell, H. M. (1972): English Local Administration in the Middle Ages. David & Charles

and with him three or four worthy men, skilled in the law, were appointed in each county of England to keep order, arrest and imprison offenders, and hear and try trespasses and offences. Following a decree of 1363, this court met four times a year (from then on they were called justices of the peace and received substantial remuneration for their work.) From the early 15th century, justices of the peace took precedence over the sheriff. After 1461, all prosecutions and reports formerly under the jurisdiction of the sheriff's tourns had to be brought before the justices of the peace employed by the Crown. The justices of the peace courts held quarter or general sessions for the whole county, four times a year. The justices of the peace convened the jury, which investigated each case and prepared a report. On this basis, the court determined the persons to be summoned. Under the rules introduced in 1414, only a jury whose members had a landed estate providing an income of 40 shillings a year could judge murder trials. The jurisdiction of the court extended to criminal and administrative cases, too. Royal courts, including the Justice of the Peace Court, were assisted by a jury.

The conditions for holding the office of justice of the peace were also laid down in several Acts, and after 1439 only landowners who had landholdings earning at least £20 a year could be justices of the peace, but lawyers were exempt. Lay lords were also given a place in the justices of the peace, and from 1424 bishops and abbots[34]. As a result of the efforts of the orders and the Crown, by the mid-14th century justices of the peace were educated in law, were familiar with the common law as applied in the royal courts and judged in that spirit, and were less attached to local customary law.

The increasing powers of the justices of the peace reduced the importance of the county, district and private courts. By the end of the 15th century, the central courts of common law had developed jurisdiction over the local district, county and manor courts. This gave the king considerable

[34] Brown, A. L. (1989): The Governance of Medieval England 1272–1461. Stanford University Press

control over the trials. Civil cases were adjudicated by courts of justices of assize[35].

What was the criminal situation like in medieval England? The sources only give us information about court records, that is, about the criminals and criminal cases brought to justice. For example, there are data of crimes recorded in eight counties between 1300 and 1348. These show that theft accounted for 73.5% of all crimes (recorded), homicide for 18.2%, stealing for 6.2%, arson, counterfeiting, rape, treason and others for 2.1%. As for the penalties, the death penalty was used for serious crimes such as murder, arson, forgery and robbery of valuables worth more than one shilling (5 pence). In England, the method of execution was usually by hanging; execution by beheading was reserved for persons of noble or royal birth convicted of treason[36]. According to the records of a court of justices of the peace in the county of Lincoln, preserved from the 15th century, there were various types of murder, robbery, arson, kidnapping, rape, harbouring criminals, pandering, fencing, cursing, rioting, forced entry, abuse of office, threats, forced purchases, commodity trading, speculation, price manipulation, fraud with weights and measures, and breaking the fixed prices of bread and beer were among the crimes committed[37].

During these centuries, the aforementioned police and judicial functions, offices, forms and court cases in Wallasey were also documented (Smith, 2001). The earliest written court cases – dealing with land disputes and theft – were recorded in 1260. Related to the aforementioned policing obligations of the townships is a document of 1359, according to which the township of Moreton was fined for not having sufficient numbers of men on the Judge's Eyre Court. Another document shows that a special hundred

[35] Ibid.

[36] The National Archives, Capital Punishment http://www.nationalarchives.gov.uk/education/candp/punishment/g03/g03cs2.htm

[37] Szántó, R. (2001): Derby grófság települései, birtokszerkezete, társadalma és politikai intézményei a XIV. század végén és a XV. század első felében, [The settlements, estate structure, society and political institutions of Derby County at the end of the 14th century and the first half of the 15th century] PhD értekezés. Szegedi Tudományegyetem, Történelemtudományi Doktori Iskola

court was to be formed in 1402 by a writ of the Prince of Wales for cattle thieves who drove cattle from Wales to Wirral, a village in the county. The arrested criminals were brought to Chester Castle. Contemporary documents show that Wirral had a Coroner's Court in 1309, and in 1399 the Prince of Wales appointed, among others, two Conservators of the Peace from Wallasey, who were called into service in 1403, for example, to deal with attacks by rebels from Wales. The work on the history of the Wallasey police, citing local court documents from the 14th and 15th centuries, details 20 cases, mainly involving the seizure and lease of land, theft of agricultural produce and implements, theft of livestock, concealment of treasure, theft, assault and coercion[38].

Law enforcement and justice in England in the 16th-18th centuries

In the Tudor period, the medieval institutional system was essentially maintained, with the constable and the sheriff continuing to play the main role in the summons, arrest of the accused, the seizure of the proceeds of crime and the organisation of the jury. The special position of towns with privileges was also maintained[39]. McGovern also mentions the punishment of vagrants as a specific function of the sheriff. In the 16th and 17th centuries, it was the vagabonds, and among them mainly the highwaymen, who were considered the most dangerous type of criminal. The Poor Laws of 1598 and 1601 made a distinction between people who were too old, disabled or sick to work (the parish had to take care of them) and the compulsive vagrants (people who were able to work but did not want to), punishing the latter. Other common crimes of the time included poaching, heresy, treason, witchcraft and smuggling[40].

[38] Smith, N. E. (2001): The Wallasey Police. Printfine Ltd. Source: https://docplayer.net/42347246-Dedication-author-s-note.html Accessed: 06.06.2023

[39] McGovern, J. (2020): The Sheriffs of York and Yorkshire in the Tudor Period, Northern History, 57(1), 60–76

[40] The National Archives, Punishment 1450–1750 Source: http://www.nationalarchives.gov.uk/education/candp/punishment/g06/default.htm Accessed: 06.06.2023

From the beginning of the 16th century, merchants, churches, insurance companies and other groups increasingly used paid employees for policing, personal and property protection, which became a commodity, a paid service. The predecessors of the modern bounty hunter also appeared: any citizen could volunteer to become a 'common informer' for a fee, tracking down thieves and returning stolen property. This system, based on financial incentives, led to the emergence of many corrupt 'thieftakers', and operated in an era when almost every conceivable crime was punishable by death (hanging, quartering) or severe mutilation to deter offenders or to make them repent and save their souls through penance. Because of the severe penalties, judges often preferred to let offenders go, or the punishment could be converted by joining the army or navy. In addition to corporal punishment (flogging, burning with a fiery iron), various medieval methods of humiliation (pillory and stocks) also survived. At the end of the 16th century, vagrants and other idlers were sent to workhouses called 'Houses of Correction', where prisoners had to weave. From the beginning of the 18th century, new solutions were offered in the form of penal colonies[41]. Constables and justices of the peace received little or no pay at this time.

In the 17th century, policing based on the office of constable began to decline. The former hundredman was replaced by the high constable, who was responsible for suppressing riots and violent crime in each local district and for arming the guards who assisted him. Under his direction, there were petty constables in each tithing or parish. They remained the executive law officers of the counties until the County Police Acts of 1839 and 1840 allowed some justices of the peace to set up a paid police force. By the 18th century, constables were subordinate to justices of the peace, and members of the higher echelons of society were no longer willing to perform this function, as it meant that in most cases there was no time left to earn a living while carrying out police duties. As a result, laws were introduced in England which allowed the constable to employ substitutes. In fact, by the

[41] Ibid.

early 18th century virtually every high constable who could afford to do so would, for a fee, appoint a substitute[42].

In the big cities, practically only the poor and elderly were willing to become constables. Meanwhile, serious crime and rioting in the cities had reached intolerable proportions, and the military and cavalry were increasingly called in to quell riots. The reformers proposed the creation of a permanent police force, subordinate to the state, following the French model (interestingly, the word police did not begin to be widely used in England until the second half of the 18th century[43]. The first paid police force, in response to the serious crime situation in London, was created in 1750 by John Fielding, the famous writer, and his brother Henry (both judges at Bow Street court). The organisation, known as the Bow Street Runners, patrolled the highways and streets within the parish of Bow Street. Later, an Act of Parliament established other similar units based on the Bow Street model. At the time, however, there was little public or government support for the establishment of a paid, professional police force throughout the country.

One of the most significant attempts at police reform was the establishment of the first professional police force in London in 1798, the Thames River Police[44], a merchant-funded force led by Patrick Colquhoun, with 80 permanent staff and over 1,000 on standby. It had two unique features: it used visible, preventive patrols, and its officers were paid employees: they were forbidden to accept any other remuneration. In 1786, following the Dublin Police Act, a centralised, uniformed, professional police force was

[42] The history of policing in the West. Encyclopedia Britannica, https://www.britannica.com/topic/police/The-history-of-policing-in-the-West#ref416707 Accessed: 06.06.2023

[43] Dodsworth, F. (2004). "Civic" police and the condition of liberty: the rationality of governance in eighteenth-century England. Social History, 29(2), 199–216

[44] *The Office of Constable* Source: https://www.polfed.org/media/14239/the-office-of-constable-with-links-2018.pdf Accessed: 06.06.2023

established in Ireland's capital, Dublin, with 40 mounted constables and 400 police constables[45].

After the reform of the Dublin Police in 1795 and 1808, by 1812, when Robert Peel, the later founder of the modern English professional police force, was appointed Secretary of State for Ireland, Dublin was relatively crime-free. Later, as Home Secretary, Peel sponsored the first successful bill to create the first professional police force in England. The Metropolitan Police Act (1829) created the London Metropolitan Police Department, which later became the model for police forces in Britain, the Commonwealth and the United States. The new police force was organised in a hierarchical structure similar to that of the military. Police officers were promoted on merit. The lowest ranking uniformed constable (police constable, colloquially known as bobby after Robert Peel) was unarmed and had limited powers. Unlike other urban police forces in continental Europe, the London Metropolitan Police was designed to maintain a close relationship with the people it policed and from whom it received support[46]. The primary function of the police was crime prevention, and officers were instructed to treat all citizens with respect. They were to curb crime and maintain law and order through preventive patrols. They were paid a regular salary and could not receive extra pay for detecting crime or recovering stolen property. The policemen also inherited many of the functions of medieval watchmen (lighting street lamps, announcing the time, keeping watch on fires and providing other public services)[47].

A study describing the history of the Wallasey police also refers to the appointment of justices of the peace in the parishes of the local hundreds, who were in short supply in the early 17th century. In this area, after 1634,

[45] The history of policing in the West. Encyclopedia Britannica, Source: https://www.britannica.com/topic/police/The-history-of-policing-in-the-West#ref416707 Accessed: 06.06.2023
[46] Ibid.
[47] Neocleous, M. (2000). Social Police and the Mechanisms of Prevention: Patrick Colquhoun and the Condition of Poverty. The British Journal of Criminology, 40(4), 710–726

constables were assisted by beadles and marshalls, in return for a fee defined by the authorities. The former wore uniform hats and yellow coats, and carried whips and canes ending in gold buttons. The parish constable was elected at a parish council meeting (sometimes a court leet). As he was one of those who elected him, he could appeal to this community at any time to maintain order. The text of his oath of office has survived. According to this, the constable swore by God and the saints to keep the King's peace lawfully and in accordance with his authority, to arrest and bring before the sheriff any offenders, to alert the community if necessary, and to pursue offenders 'from street to street, from precinct to precinct'[48]. Documents have survived of a local landowning family, known since the 14th century, in which the office of constable and then the high constable was passed from father to son from the mid-18th century. At this time, the duties (apart from arresting disorderly persons) already included the enforcement of statutes against 'impudent beggars', vagrants, vagabonds and other 'idlers', as well as those who engaged in illicit gambling. The constable was also responsible for collecting taxes and helping the poor when necessary. Smith also points out that, unlike in other countries, the English police institution was based on a common law tradition, with officers elected by the public to carry out their duties on behalf of the community, enforcing the rules laid down by the citizens[49].

Comparison with the history of Hungarian policing: similarities and differences

In Hungarian history, already after the foundation of the state, in the laws of King Stephen I, elements of alien policing[50], religious policing and fire

[48] Smith, N. E. (2001): The Wallasey Police. Printfine Ltd. https://docplayer.net/42347246-Dedication-author-s-note.html Accessed: 06.06.2023
[49] Ibid.
[50] Hautzinger Z. (2017). A külföldiekre vonatkozó magyar jogi szabályozás fejlődése és története [The development and history of Hungarian legislation on foreigners]. Nemzeti Közszolgálati Egyetem, Rendészettudományi Kar

policing can be found. Also among the laws of King Stephen there are provisions relating to moral policing and prostitution. The beginnings of law and order in Hungary can thus be well traced back to the period following the foundation of the state (1000), to the formation of the counties, to the laws of King Stephen.

It is not well known, however, that – although most of the written sources on this subject date from later times – even in the medieval Kingdom of Hungary there were already numerous independent parts of settlements (neighbourhoods, districts, street groups) that functioned as social, self-governing units under the names of fertály (quarter), tízed (tenth, tithing), utca (street), etc., although the exact functioning of these units requires further research[51]. Different systems operated in different parts of the country, but the activity of community-elected officials who also performed law enforcement functions: vigyázók (wards), tizedesek (tithingmen), tizedbírók (tithing magistrates), hadnagyok (lieutenants), századosok (hundredmen), utcakapitányok (street captains), fertálymesterek (quarters' masters), etc. is also attested in the Kingdom of Hungary[52]. Records of such activities can be found in the largest towns from the mid-15th century, and in an increasing number of places from the beginning of the 16th century, but there were settlements where they were not established until the 18th century[53].

We know the list of the duties of the quarters' captains and the tithingmen of Kolozsvár in 1585, which, in addition to the above, also specifically includes the maintenance of public order, the enforcement of the "laws" of

[51] Bárth, J. (2015): Utcakapitányok, fertálymesterek, tizesbírók [Street captains, quarters' masters, tithing magistrates] In: Petercsák T., Veres G. & Verók, A. (Eds.), Tizedesek, utcakapitányok, fertálymesterek a kárpát-medencében (9–42), Líceum kiadó

[52] Sallai, J. (2019): A municipális rendőrségektől a centralizált, állami rendőrségig [From municipal police to centralised state police]. In: Rendőrségi Tanulmányok III. évf. különszám. (8-39)

[53] Szabó, J. (2015): A fertálymesterség Gyöngyösön (1761–1874) [Quarters' mastery in Gyöngyös (1761–1874). In: Petercsák T., Veres G. & Verók A. (Eds.), Tizedesek, utcakapitányok, fertálymesterek a kárpát-medencében (pp. 42–66). Líceum kiadó

the town, the levying and collection of taxes, fighting against crime, reporting and arresting offenders, the enforcement of rules concerning public health and public sanitation[54]. Similar tasks can be found in other Hungarian settlements, and it is not difficult to see the similarities between these and the organisation and activities of the English units of local government mentioned above.

The tasks related to taxation, for example, were also assigned to the fertály, and were carried out by exactors (tax collectors) elected from the wealthiest farmers. The Hungarian equivalent of the court leet was the úriszék, which could also have control over certain market towns – although in many cases these had privileges – and its decisions served to increase the income of the landlords rather than to enforce the interests of the towns[55].

Medieval policing is well illustrated by the order issued by the town of Lőcse in 1586 for the captain. It empowered the captain "to arrest and imprison those who were fighting in taverns and other places, even without the judge's knowledge."[56]. At the same time, in Lőcse, it was forbidden to carry swords, sabres, pallets and other weapons in the towns, to stay in the streets and squares after a certain time, to go without lanterns after dark, to wander about, to stay with unmarried girls after the evening bell, to drink wine during church services and mass. In Hungary, too, attention was paid to the presence and activities of vagrants and beggars as early as the Middle Ages. In Kolozsvár, a register of strangers was kept from as early as 1595, while in Marosvásárhely (Târgu Mureș), strangers were entered in the city's register from 1604. In 1563, the council of Kassa (Košice) declared that

[54] Bárth, J. (2015): Utcakapitányok, fertálymesterek, tizesbírók [Street captains, quarters' masters, tithing magistrates]. In: Petercsák T., Veres G. & Verók, A. (Eds.), Tizedesek, utcakapitányok, fertálymesterek a kárpát-medencében (9–42), Líceum kiadó

[55] Szabó, J. (2015): A fertálymesterség Gyöngyösön (1761–1874) [Quarters' mastery in Gyöngyös (1761–1874). In: Petercsák T., Veres G. & Verók A. (Eds.), Tizedesek, utcakapitányok, fertálymesterek a kárpát-medencében (pp. 42–66). Líceum kiadó

[56] Kállay I. (1986). Városi rendészet a XVIII. XIX. században [Town policing in the 18th and 19th centuries]. In: Jogtörténeti értekezések. 15. sz. 69–91. Eötvös Loránd Tudományegyetem

beggars 'must be forced to work, and they are to be taken to hospital when ill'[57].

Illegal gambling and games of chance were widespread at medieval markets, fairs or other public events. The authorities of the towns usually protested against this, even forcing the police lieutenants and guards to ban gamblers from the town.

A rule of morality and aliens law[58] from Szombathely has been preserved from 1636, according to which a cottar was only allowed to stay in the town for three days without being reported. After three days, the landlord who had received him into his house was obliged to report the fact and the identity of the person received to the magistrate. The host gave a guarantee of 40 forints for his guest. Anyone who failed to make the report paid a fine. There was also a moral rule behind these provisions, because the master of the servant had to take care that his servant did not become a party breaker. There was also a lot of trouble with young men, because they stayed late in the tavern and 'wandered' around town at night without a lantern[59].

The town authority of Székesfehérvár "ordered in 1703 that after 9 p.m. in summer and after 8 p.m. in winter, when the bells have been rung in St. Stephen's Church, everyone should lock his house and cellar and go to bed." Enforcement of the decree was left to local guards, who went around the town and the drinking places and warned the citizens to obey the decree. Those who did not could be imprisoned. Despite the strict regulation, in 1778 the council found that "many people were prowling the streets at

[57] Ibid.
[58] Völgyesi, L. (2008): Városi alkotmányosság az újkori Magyarországon [Municipal constitutionalism in modern Hungary]. PhD értekezés. Eötvös Loránd Tudományegyetem
[59] Sallai, J. (2019): A municipális rendőrségektől a centralizált, állami rendőrségig [From municipal police to centralised state police]. In: Rendőrségi Tanulmányok III. évf. különszám 8-39

night. Therefore, the guards should not consider anything, they should lock everyone up and they will be punished later."[60].

The castles and fortresses played a decisive role in the life of the country in medieval Hungary, both from the point of view of defence and administration. During the struggles against the Turks, the military order was clearly maintained in the border castles. In times of peace, away from the fighting, the maintenance of law and order in everyday life took precedence. This is evidenced by the 32-point instructions issued in 1640 by the castle governor of Septe, Miklós Eszterházy, the noble chancellor, in which he took measures to check the documents of those entering the castle, to lock the gates and to prevent theft. Similar to the above regulations are the regulations issued by Ilona Zrínyi in 1678 in the Regec Castle (this measure is still visible in the castle), which were very important for the guarding of the castle walls, the control of persons admitted to the building and the maintenance of order and morality within the castle walls. The interesting thing about this order is that the mistress of the castle already made arrangements for the training of the guards, the maintenance of their weapons and their clothing. According to this order, 'The guard should have monthly target practice, weapons should be kept in good order, and the foot soldiers should wear decent moccasins at musters.'

Conditions in the Hungarian Middle Ages were characterised by the fact that most of the country's roads became a sea of mud after the rains, and muddy roads caused serious disruption in the settlements. The Turkish conquest left behind conditions that can be highly criticised from the point of view of public sanitation and public health. In Kolozsvár, in 1538 it was ordered that all the town's tithingmen should take care to repair the wells in their jurisdiction and prevent littering in the streets. In Fogaras, those who washed live intestines, pieces of skin or threw carrion into the river

[60] Kállay, I. (1988): Fehérvár Regimentuma 1688–1849. A város mindennapjai [Leadership in Fehérvár 1688–1849. Everyday life in the town]. Fejér megyei történeti évkönyv, 17(18) 223–283

were severely punished[61]. In 1692, it was ordered that anyone who poured dirty water or dung into the street should be arrested and punished. In Bártfa, day labourers were employed from the 15th century to collect rubbish. In Pozsony, they swept the pavements and roads from 1430. In 1537, the town council of Sopron issued decrees for street cleaning in accordance with the modern principles of the time. The last decades of the 1600s are well described by the following quote. “The once beautiful Hungary became a wasteland. For 30 or 40 miles there was no village or town. The grass had grown to the size of a man, so roads had to be cut. The town was full of the feral dogs of the ruined towns and villages, which, like mad wolves, attacked man and beast alike, scraping up the corpses and tearing them to pieces on the battlefields." [62].

Due to Hungary's geography, agriculture and animal husbandry played a major role in the economy. Already in the 16th and 17th centuries, landlord regulations and town statutes described the institution of border shepherds (zsitár) who looked after the crops at the edge of the settlements, and the surfs' statute labour included keeping a field judge and a field guard[63]. The establishment of the field police during the reform era was of particular importance during the institutionalisation of policing in Hungary[64]. This was not a coincidence, as the Parliament also addressed the issue of policing in the context of the dual slogan of the reform era, freedom and property. As a result of the legislative work of the reform-era parliament, Act IX of 1840 on the field police was adopted, according to which the field

[61] Magyary-Kossa, Gy. (1931): Magyar orvosi emlékek. Értekezések a magyar orvostörténelem köréből [Hungarian medical memories. Essays on the history of Hungarian medicine] Vol. 3 Magyar Orvosi Könyvkiadó Társulat

[62] Kapronczay, K. (2015): Hadegészségügyi állapotok a Rákóczi-szabadságharc idején [Military health conditions during the Rákóczi War of Independence]. In: Kapronczay, K. (Ed.), Háború és orvoslás. Orvostörténeti tanulmányok (52–60) Magyar Orvos történelmi Társaság

[63] Nagy, J. T. (1993): A mezei rendőrségről (Jogszabály és népi jogismeret) [About the field police (Legislation and popular legal knowledge)]. In: Vadas F. (Ed.), A Wosinsky Mór (Béri Balogh Ádám) Múzeum Évkönyve (237–246). Wosinsky Mór Megyei Múzeum

[64] Bacsárdi, J. – Christián, L. – Sallai, J. (2018): A mezei rendőrségtől a mezei őrszolgálatig [From the field police to the field guard service]. Magyar Rendészet, 18(4), 31–47

police was not an institution, but the Act provided for punishing minor offences committed in the open air in open areas by law[65]. The concept of field police was defined as follows: "those who are the closest to maintaining good order in the farm are called field police."[66]. The Act on field police is mainly about protecting agricultural assets, preventing illegal grazing, crop or wood theft and punishing the perpetrators when it occurs. It prohibits careless setting of fires in forests and fields and damaging trees in forests and it specifically mentions those who, on their way home from a fair, stray off the road and trample crops or grass, or who steal crops. A very important part of the law is that it makes special provision for reparation and punishment for damage.

A surprising comparison can be drawn with the above-mentioned change in the English constable's post, and the history of the quarters' masters of Gyöngyös and Eger. By the end of the 18th century, the job of a quarters' master was becoming an increasingly burdensome service for the citizens of the town, who could not perform their duties without considerable financial loss. As a result, many people in Eger wrote letters to the city council and the lord's seat asking for exemption, which led to the introduction of the institution of the paid quarters' master in the early 19th century[67]. While earlier, all permanent residents of the field town were obliged to perform policing duties without remuneration (the better-off house owners solved this by regularly paying a deputy), in the 18th century the house

[65] László, Zs. (2008): De politia campestri – A mezei rendőrség intézményéről [The institution of the field police]. Jogtörténeti Szemle, 10(1), 46–51

[66] Zsoldos, I. (1843): A mezei rendőrség főbb szabályai. Az 1840: IX. törvénycikkely nyomán [The main rules of the field police. Following Act IX of 1840]. Pápai Református Kollégium

[67] Petercsák, T. (2015): Az egri fertálymesterség korszakai a 18−20. században [The periods of the Eger quarters' masters in the 18th-20th centuries]. In: Petercsák T.,Veres G. & Verók A. (Eds.), Tizedesek, utcakapitányok, fertálymesterek a kárpát-medencében (79–116). Líceum kiadó

owners were already subject to the appropriate tax and the public duties were performed by the authorities[68].

Ereky believes that of all the European countries of the time, Hungary developed a form of self-government that can best be compared to the English county government. He points out, for example, that like the English, the Hungarian criminal justice system showed decentralised tendencies, in that the Hungarian royal court could only rule in cases of first instance, such as lèse-majesté and treachery, while the county governments were competent in other cases. There was also a separation of the judgement of minor and more serious offences: in England, the former were adjudicated by justices of the peace, in Hungary by the szolgabíró (cf. sheriff) and the juror (esküdt, the fellow judge of the szolgabíró), the latter by the English county court or the itinerant judge, and in Hungary by the county court[69]. At the same time, there were differences in the development of the powers of the criminal courts. In England, as early as the 15th century, the competence of trying serious offences was removed from the manor court (court leet), and by the 18th century it was only empowered to accuse and fine an offender, thus contributing to the spread of equality of rights. However, the Hungarian úriszék also exercised criminal justice over offences, with the exception of lèse-majesté and treachery, as already mentioned. In contrast to the already mentioned composition of the English manor court (court leet), which was based on the division of power, the Hungarian úriszék consisted of the lord of the manor (or his steward), the summoned fellow judges and the szolgabíró and the juror. The jury, which was part of the

[68] Ereky, I. (1935): Közigazgatási reform és a nagyvárosok önkormányzata [Administrative reform and local government in large cities]. In: Illyefalvi L. (Ed.), Statisztikai Közlemények (6, 27–28, 50, 63). Budapest Székesfőváros Házinyomdája

[69] Miskolcziné Juhász, B. (2015): A büntetőeljárási szabályok továbbfejlesztésének lehetséges irányai [Possible directions for further development of the rules of criminal procedure]. PhD értekezés, Pázmány Péter Katolikus Egyetem, Jog- és Államtudományi Kar

English manor court, was not found in the Hungarian úriszék, i.e. the serfs could not be employed as fellow judges[70].

The beginning of the development of modern policing in Hungary can be dated to the mid-19th century, when the first law enforcement literature and journals appeared, and the nationalisation of the police began. The process of nationalisation and centralisation lasted for about seven decades, the first stage of which was the nationalisation of the police of the capital only, while the police of the rural towns were only nationalised after 1920. At this time, the police functions can be represented as follows:

1. Guarding the security of persons and property.
2. Detecting theft and other crimes and misdemeanours, investigating the perpetrators, and handing them over to the court or prosecution.
3. Keeping a register of wanted persons and convicts, pursuing escaped convicts, accused persons and escaped soldiers.
4. Keeping order during the day and silence at night, and being on duty at public ceremonies, dances, theatre performances, railway stations, etc.
5. Maintenance of public order in towns and cities, and guarding public order.
6. Control of the measures and measuring instruments in use. Under Article 19 of Act VIII of 1874, the bureau of weights and measures was placed under the supervision of the Police Headquarters.
7. Supervision of restaurants, hotels, cafes, nightclubs and pubs, licensing of parties, musical soirées and any kind of entertainment performances.
8. The registration of servants and, in general, the implementation of Act XIII of 1876 regulating the relationship between servant and landlord, the farm labourers and day labourers.

[70] Ereky, I. (1935): Közigazgatási reform és a nagyvárosok önkormányzata [Administrative reform and local government in large cities]. In: Illyefalvi L. (Ed.), Statisztikai Közlemények (6, 27–28, 50, 63). Budapest Székesfőváros Házinyomdája

9. Supervision of building order and the observance of the building rules of the town, the implementation of the decisions taken by the town council on the basis of the building regulations, with the assistance of the engineering office.
10. Supervision of traffic lines, bridges and roads, keeping them clean, ensuring that free movement of traffic is maintained or obstacles to it are removed.
11. Exercising judicial authority in police misdemeanour cases.
12. Supervision of street lighting, the duration and quality of lighting.
13. Monitoring public health.
14. Supervising the observance of regulations concerning police doctors and health. Supervision of the provision of sickness benefit when needed. Arranging for the safety of foundlings, deaf-mutes and the insane in emergency cases. Ordering autopsies to be carried out by the police doctors. Power of inspection over pharmacies under the provisions of Act XIII of 1876.
15. First instance proceedings in cases of offences related to the retailing of liquors and public houses.
16. Registration of the residents, monitoring of the obligation to report.
17. Registration of assistants, apprentices, labourers, local tradesmen, merchants, servants, maids, prostitutes, cabmen, porters and poor people assisted from the public purse.
18. Licensing the transportation of corpses.
19. Supervision of the fire brigade, pedlars, carters, poundmasters, associations and societies.
20. Measures for the expulsion of vagrants, persons without occupation, strangers and other beggars resident in the municipality.
21. Enforcement of veterinary regulations.
22. Collecting market price lists and other statistical data.
23. Action on forest fire fighting, swearing in of forest guards, punishment of forestry offences.
24. Performing the duties assigned by Act XIV of 1881 in matters of pawnbroking.

25. Issue of certificates of good conduct.
26. Exercise of duties related to vice.
    "a) young people should not roam the streets at night;
    (b) immoral lewd dress shall not be spread in the spinning mills;
    (c) public dancing shall be restricted;
    (d) complaints or objections made by clergymen shall be given due attention;
    (e) bathing shall be restricted for both sexes;
    (f) those living in concubinage, if they cause public scandal, shall be banned from the township;
    (g) the police shall ensure the exercise of sanitary supervision over prostitutes, to ensure that those sick are subject to medical treatment and, in the event of failure to do so, they shall be deported to their home country;
    h) detecting and prosecuting pimps."[71]
27. Keeping registers of those of the Nazarene faith in the time before the state registration of births.

Finally, the duties of the town police station included all those matters which were assigned by regulations, laws or superior bodies, such as, in addition to those already mentioned: publication of notices, issuing of property and poverty certificates, advertising of country fairs, forwarding of deliveries from the outside the town, auctioning of stray stock, collection of fines, issuing of servants', brothel, work and peddling books, etc.

The diversity of policing is exemplified by the following towns, where both the organisations and the tasks are different. It is no coincidence that in Hungary (perhaps uniquely in Europe) a movement was launched, the congress of police chief constables, which, following the example of Budapest, aimed to nationalise rural police forces.

[71] Magyar Közigazgatás (1907): 25(29), 2

- In the case of Győr, the following are subordinate to the police chief constable of the town: police and city jailers, fire tower guards, night watchmen, paid firemen and field guards. All police officers receive a service pension. They wear uniforms modelled on those of the Capital. The police also include an ambulance service, which carries a sidearm and a pistol in addition to first aid equipment.
- In 1894, in Kassa, the dismissal of a police sergeant by the overstrict chief captain led to a riot among the crew, which had to be quelled with the help of the gendarmerie. "Hardly any city has had a police force as corrupt, undisciplined and neglected as that of Kassa."[72].
- Kecskemét: The city is divided into tenths/tithings. At the beginning of the present [19th] century there were 8, since then three more have been created. Already in the 18th century, each tenth had a paid tithing officer, to which a second tithing officer was added later. They were real public safety officers. They kept an eye on the population in their tenth and all its relations that the authorities might have been interested in. Strangers were reported; stray and suspicious persons were escorted to the police station. The officers kept watch over observing the fire policing, public order and sanitation orders. Offenders and violators of official measures were reported. At night, the tithing officers cooperated with the patrol, one officer was on guard duty before midnight, the other after midnight, conducting night watch in their tenth.
- Selmecbánya: The purposeful operation, the harmony, the decisive course of action, the military and yet patriarchal spirit, the discipline, order and cleanliness which characterise the whole institution, all suggest that the management is administered by a versatile,

[72] Endrődy, G. (1898): Magyarország rendőrsége az államosítás előtt [Hungary's police before nationalisation]. Dobay János Könyvnyomdája

learned, vigorous and self-conscious head at the height of his profession, who is able to combine official rigour with a benevolent treatment of his subordinates and a comradely care[73].

– The tasks of the police of Nagykanizsa were different from those of the other local police forces, and were specific:

1. to examine all those caught and to punish them or send them to their place of birth;
2. to regulate beggars;
3. to take care of bakers, butchers, according to instruction;
4. to watch over wells;
5. to watch over the trade guilds;
6. to arrest and punish brawlers;
7. to carry out a test of measures;
8. to take care of morals;
9. to distribute the soldiers' quartering fairly among all the inhabitants;
10. in case of fire, to investigate its causes;
11. to carry out kitchen inspections strictly[74].

– Szamosújvár: The city captain and his deputy shall take first instance action against those who violated the rules in the following cases, if they:

–

1. sold unripe or spoiled fruit that is harmful to health.
2. failed to remove garbage, manure and cesspool contents from the city limits.
3. carried garbage, manure, slop, snow, ice, material injurious to health, onto the street or into an undesignated place.

[73] Ibid.
[74] Ibid.

4. drove a cart or forklift on a sidewalk, or driving small children in a manner that endangers others.
5. let horses or cattle loose in the city or set them at large.
6. took a dog to church, the theatre, an event or a dance.
7. (an innkeeper) neglected to report a guest staying with him.
8. (lecher) wandered in the street or in a public garden after 9 o'clock in the evening.[75]

Summary

Studying the history of policing in the two countries, we have found that the history of policing in a state is determined by the historical characteristics and development of the country, especially the emergence and development of public administration. We find similarities between the medieval English and Hungarian institutions of policing and criminal justice. However, in England (and later in the United Kingdom), industrial and civil development began much earlier, while in Hungary feudal relations were preserved. This also explains the different development of policing. While in the United Kingdom a grassroots development of law and order took place, in Hungary the development of modern law enforcement occurred later, controlled from above. In Hungary, on the one hand, towns and larger townships independently established their own police systems and maintained variously named police forces. On the other hand, the establishment of a state police force was initiated in 1848, but quickly came to a standstill, and later, in 1873 the police force of the capital was nationalised, the legal framework for which was provided by Act XXI of 1881. The first link between the English and Hungarian models was the preparation of this law, as, related to the ideas about the police of the capital, the London police model was even incorporated into the draft law.

[75] Szamosújvár városának a rendőri kihágások tárgyában alkotott szabályrendelete [Rules and regulations of the town of Samosújváros on police offences]. (1883) Görög kath. egyházmegye gyorssajtója

Another factor that probably contributed to the different perceptions of policing in the two countries was that in the UK, police institutions (largely decentralised and linked to local government) were established as a grass-roots initiative based on citizen demand[76], while in Hungary, the centralised state police force was established as a central initiative to ensure the pre-conditions of the state.

The emergence of modern policing was first seen in Western European countries, with the English police playing a leading role, which can also be traced in the history of Hungarian law enforcement in the literature and the police legislation.

[76] Christián, L. (2010): Alternatív rendészet [Alternative policing]. PhD értekezés. Pázmány Péter Katolikus Egyetem, Jog- és Államtudományi Kar

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CSABA FENYVESI

Personal, criminalmethodical and legal possibilities to prevent mistakes in identity parades

Criminal procedural and forensic researches and studies on presentation for recognition show that there is a two-way problem behind erroneous identification, which sometimes causes justizmord outcomes. On the one hand, official (forensic-legal) overreaches, shortcomings, influences, and, on the other hand, errors of witnesses (due to erroneous observation, image recording, retrieval), or combinations thereof, may occur simultaneously, in parallel.

It is obvious that there is a logical demand (for me) to formulate a list of requirements, since professionally and ethically well-equipped law enforcers can avoid and prevent the listed application errors. In this spirit, at the beginning of my study I will outline the general human conditions. (In the second and third parts I will make methodological suggestions, in the fourth part I will make legal – de lege ferenda – recommendations.)

I. Personal condition to prevent mistakes – the essence of TUSEHURE

I believe that it is possible to formulate a general requirement framework, some kind of value system yardstick, among those carrying out specific investigative measures, including attempts at recognition. I have created an acronym TUSZEHURE, which contains four key elements. (Hungarian original in parenthesis)[1]

TU=KNOWLEDGE (TUDÁS)
WED=LOVE (SZERETET)

[1] The TUSZEHURE as my law teacher ars poetica. See more details: Jogelméleti Szemle (Legal Theory Review),/2016/1. 201-206

EN=HUMOR (HUMOR)
RE=ORDER (REND)

In my view, this quartet constitutes the character and ability traits of a fair and effective executive (law enforcement, detective, policeman, customs officer, investigator), which can give grounds for confidence that professional knowledge and ethos will also appear in the performance of insights. Since I have already touched upon them in my other studiesI will not repeat the details here.

II. Methodological options for preventing recognition errors

In my already cited 2021 Iustum Aequum Salutare study, I listed in 75 poins the implementation errors identified and formulated based on my Hungarian and international research. I can formulate the desirable series of methodological recommendations here as a „reciprocal" of thesee applying recognition. That is, in a positive approach: how to do a recognition well.

A) Requirements before detection is carried out

1) The recognizer must be questioned in detail accurately and objectively in advance under calm conditions (calm atmosphere, performance without compulsion, without time pressure), from which the authority can learn relevant, specific, unique data of the case and the person to be recognized (most often the perpetrator), as well as how they would recognize the person, voice, object or corpse at all. (There is no objectivity when we read in the witness record: *„the perpetrator was handsome."*)
2) During preliminary questioning, circumstances of perception (time, season, temperature conditions, distance, duration, light conditions, movements, actions, emotional effects, possible relationship) must be clarified, as well as whether there is willingness on the part of the interrogated person to cooperate in recognition, or whether there are

any obstacles to this, whether there are any exclusionary circumstances that would fundamentally question its use as evidence. For example, have you ever seen a photograph or perhaps a lifelike mosaic ("phantom image") of the perpetrator in the media or at the authorities.

3) The perceptual capacity (sensory or other disabilities (hearing loss, deafness, poor eyesight, blindness, mental-mental weakness), stimulus threshold, drug or drug influence at the time of perception, credibility, possible threat, expertise, attention, name and face memory, conscious or involuntary attention, intellectual level, character, stereotypes and prejudices must bechecked. If necessary, this shall be done by an attempt at proof.
4) The executor must explain the procedure, including the tasks of the recognizer. A premonition should be made to carefully examine the persons presented and compare them with the memories of the person previously and preserved in their own mind.
5) Neutral persons (unknown to the recognizer at all) should be informed of their obligation of confidentiality and the process of recognition. They should also be warned not to interfere with the procedure or affect identification. Accordingly, they should look straight ahead with their eyes open, do not rotate, show the number plates in their hands in the same way, do not communicate with anyone, do not do anything to draw the attention of the recognizer or the person in line to themselves or to each other.
6) Indifferent persons should also be instructed (and this should be monitored and enforced) to behave similarly to the (potential) defendant during personal recognition. (In case if the bailiff knows the suspected person.)
7) Safety factors and prevention of disturbances must be constantly taken into account during the organization of recognition and during implementation. (If possible, at least two authority figures should do the whole recognition: one of them is positioned behind the French mirror and gives the necessary information, taking care of the order

there, while the other takes care of order in the room in front of the one-way vision mirror, handing out the dials that can be held in hand. Ideally, the third bailiff will make the photo and video attachment, record the minutes data.)

8) It shold be prohibited to show beforehand a photo of any person sitting in the line to the witness. If he notices such a fact, if the member of the authority learns such a fact at the beginning, it should not be continued, the one started should be stopped, because it can only "produce" excluded evidence. (The recognizer selects the person they have seen in photographs or media before.)
9) The recognizer cannot see the members standing in line or know any of them before execution. Strict measures should taken to prevent accidental meeting in the corridor of the police, in a waiting room or in a common space. (If possible, the recognizer should not meet other official bailiffs before starting the act of proof, thus preventing the danger of potential influence and suggestion.)
10) If a defendant who already has counsel is on the recognition queue, the counsel with the right to be present must be notified in time (except in really urgent, pressing cases) and in time for him or her to have a realistic chance of appearing. In the case of a juvenile, it cannot be carried out without him.
11) The bailiff must also warn the defendant with counsel that the counsel can be present during the procedure. (Non-appearance of the defender after notification does not exclude the possible result of recognition.) If he appears, the defence counsel (and the lawyer of any witness involved) must also be warned to remain silent during the recognition, and that he or she may be present when the witness informs the investigator whether someone has been identified.

B) Recognition implementation requirements

12) The member of the authority questioning the recognizer or conducting the recognition must be prepared, patient, thorough, to the point, unbiased, objective, unprejudiced and present throughout.
13) Recognition should be carried out when there is still a realistic chance of recognizing it. (I consider it an important tactical recommendation that recognition should be carried out as soon as possible, because over time the probability of success decreases, the recognizing witnesses become uncertain, and the perpetrators change.
14) In any case, the recognizer must be warned by the bailiff that he does not necessarily have to choose between the persons in question (objects, sounds) and that the investigation will continue even if he does not select anyone. It is essential to state that the perpetrator may not be among them.
15) The bailiff should not disclose to the recognizer the name, history, place of residence, possible arrest, time, place or other personal data of the participants in the queue, or the result of the recognition that has already taken place.
16) People (objects) standing in line must not differ markedly from each other in skin color, hairstyle, hair colour, height, coat (beard, moustache, shield, baldness, etc.), age, physique, clothing, wearing glasses.
17) Personal "invisible witness" recognition can only take place through a so-called French (or detective) mirror, "covered" or "hidden". The open, "pointing" (visible witness) method can be dangerous for the recognizer (physically and/or psychologically) and is more detrimental than beneficial from a criminal tactical point of view and should be avoided.
18) Personal recognition should mask the (potential) face characteristics of the (potential) defendant that do not exist in indifferent persons. (For example, a red mole spot above the eyebrows, a scar next to the

ear.) Or, if this is not practicable, neutral persons shall bear a similar distinguishing mark.

19) Situational recognition should be carried out under the same or closest perceptual conditions to reality (light, distance, topography, obstacles) as far as possible.
20) Personal recognition involving actions (walking, movement, posture, grimace) should be carried out by all persons standing in line, not just the (potential) defendant.
21) The (potential) defendant should not be forced to perform in any activity.
22) People standing in line should not show signs from which the recognizer can draw an incorrect or prejudiced conclusion. For example, you cannot see handcuff marks on anyone, or worse, handcuffs, and the holding position of the dial cannot differ from that of the neutral (inexperienced) others who have not yet stood in line.
23) After a possible spontaneous (accidental) recognition (e.g. seeing the perpetrator or the person believed to be in a street bustle, police or court corridor), a personal recognition cannot be considered when the person already recognzed by the acitve subject on the street or corridor is standing in the line.
24) Recognizing witnesses should not be allowed to communicate with each other or consult before recognition. It should also be previously examined whether there has been communication, electronic data transmission, sending pictures on social media sites, etc.
25) It should also be borne in mind that in case of presentations made in person or based on photographs or sounds, the recognizer must not have any acquaintances or relatives in the queue.
26) Only one (potential) defendant may be placed in a passive subject line.
27) It is not recommended that a detective (policeman) join the queue as an indifferent person.

28) Bailiffs should allow the (potential) defendant to choose his own location and indicator number) in the queue set. (The same is valid fo a second execution) This notice shall also appear in the minutes.
29) It is also a requirement of criminal procedure and criminal tactics that there must be at least three persons, sounds, photographs, objects in addition to the (potential) defendant during selection. So there should be at least two neutral, indifferent, extra, "cotton wool" persons (in Anglo-Saxon literature: "foil" or "filler") in addition to the target person.
30) The executor should never give suggestions, influences, deceptions, incorrect (inaccurate, incomprehensible, extensive, leading) instructions to the recognizer. In the same way, he/she cannot use psychological or physical pressure or coercion. The uncertain recognizer should not be nudged, encouraged or pressured in any way.[2] (A person who rightly refuses to testify should also not be compelled to recognize somebody.)
31) Nor should an attempt to recognize be forced on an already uncertain witness, let alone selection at all costs.
32) No suggestion about who is „nice" person, photo, sound to the executive should be done in any way. He/she should not make any affirming, praising comments, gestures, nonverbal acts either during or after recognition. If the recognizer asks about the correctness of his choice, it must be explained that the controller cannot answer, because the recognizing position, free from prejudice and direction, is the only reliable position.
33) In addition to too little, there should not be too many persons, objects, documents, sounds, animals, plants, tastes, smells, because

[2] Several studies have looked at the adverse effects of possible executive reinforcements. Among them, I highlight: WELLS, G.–BRADFIELD, A.: "Good, you identified the suspect": Feedback to eyewitnesses distorts their reports of the witnessing experience. Journal of Applied Pshychology, 83. 1998/3 360-373

this can be too stressful for the recognizer. If possible, no more than five should be used by the bailiff.

34) Recognition should never be done in confrontation. It has a different purpose and methodology, and reliable data cannot be obtained from it.
35) The presence of persons outside the legal circle (disturbing active subject concentration) at the recognition shall not be permitted.
36) Persons or photographs/objects must be presented simultaneously (together), no sequential (in succession) method is allowed.
37) Spontaneous or otherwise known as "natural identification" should not be carried out by the authority, since the potential offender is not aware of it (though he has the right to know about the identification procedure), and thus methodological requirements do not apply in addition to the law.
38) Recognition should only be carried out in rooms of such size and height that there is sufficient human space to set up a queue and to place persons comfortably.
39) The lighting of the lining room must be suitable so that persons can be seen normally by the active recogniser.
40) The bailiff must constantly ensure that the act of evidence is undisturbed, that no unauthorized person can enter , that external noise does not filter in, etc.
41) Personal recognition should not beorganized when it is predictable that the (potential) defendant will disturb, influence, hinder or block fair, credible execution, for example by intimidating or discouraging the witness. In this case, the photo solution is the correct one. (But this should not be misused!)
42) If the eyewitness did not recognize anyone and states this after the first line, he should not be shown a second, replacement line. (If there was a recognition in the first round, then the same list of persons must be presented to the witness in a different configuration, the composition of the person cannot be changed.)

43) If the eyewitness did not recognize anyone and states this after the first line, he should not be shown a second, replacement line. (If there was a recognition in the first round, then the same list of persons must be presented to the witness in a different configuration, the composition of the person should remain unchanged.)
44) It is forbidden to place the same person (e.g. potential or actual suspect) in a new row wall
45) It is forbidden to place the same person (e.g. potential or actual suspect) in a new row wall after he has not been recognized by the active subject in the first row. (On another occasion, at a later date, the same target person will not be presented to the same recognizer again, nor among other neutral persons seen before.)
46) Recognition should not be carried out too early either, when the investigative interest requires even more that the target person is unaware of the investigation against him.
47) There can always be only one active recognizing subject in the executive room. If there are several recognizers, they must be escorted one by one behind the French mirror from a separate circle.
48) The record of the taking of evidence must be accurate, true and fair. It must also be revealed whether the defendant had any comments or motions, how the recognizing witness/victim expressed them, in which of the several persons or their photos and voices he has recognized the person he perceived in connection with the crime. Did he point it out, did he say it openly, firmly, certainly, even repeatedly, or, on the contrary, was uncertain or indefinite. A record must be made of the act of proof even if there was no recognition or selection. (If the investigating authority thinks the result was negative.)
49) When a witness with closed data management is participating in the procedure must be taken to protect his or her data in the recognition process, and in its recording.

50) The recognition indicated in percentage can be at most similarity, it should not be evaluated as identification or recognition by any authority.
51) It is part of the fairness of recording if uncertain selection (person, photograph, sound, object) is not considered or evaluated by the authority as effective, recognition or selection. It is advisable to record the proceedings on two video recordings from the outset so that they can be viewed in subsequent evidentiary proceedings (e.g. at the trial). One image shows the recognizer and his surroundings, the other shows the members of the row wall on the other side of the mirror and their behavior.
52) The investigating authority shall not allow the recognizing victim to come into contact with the recognised person immediately after successful recognition. It is advisable to conduct a continuous questioning after the act of recognition, in which the recognition result, recognition criteria, characteristics, characteristics and overall effect are detailed. In case recognition fails the subjective and objective causes should stated.

C) Specific photo presentation requirements

53) The photographer must warn the recognizer beforehand that: over time, the offender's appearance (hair color, hair length, hair shape, facial hair, skin) may have changed, or it may look slightly different in the photographs.
54) Before presenting the photographs, the recognizer must not be influenced by the executor in any way. No suggestion concerning the persons in photos can be made to the actives subject. (You can't imply that these are "bad guys" or "criminals," "registered offenders," etc.)
55) Several, at least three photographs should always be presented, it is inappropriate to ask the recognizser questions about a single picture.

Photos should be the same size and displayed for equal periods of time.

56) It is not permissible to show multiple photos of one person, either in a row or without a row.
57) The photos presented should have the same quality, colour, background, focus, sharpness, lighting.
58) The body surfaces shown in the photos must also match. It cannot be a head image of one, a bust of another, a knee-length, and a full figure of a fourth.
59) Personal recognition should be preferred as a general rule, we should not accept the otherwise cost-effective solution (simple, fast, cheap, and undoubtedly without situational pressure) if there are no exclusionary circumstances. This should be especially insisted upon if the recognizer talks about the height of the person or about qualities that cannot be recognized or identified from the images.
60) The (potential) defendant shown to the recognizer in the photo album, should not be marked in any way (underlining, circles, spelling, names in different colours, shading, starring, etc.)
61) Images (as well as people) should only be shown to one recognizer at a time for a line. Even within earshot there can be no other active subject.
62) The authorities may only show legally obtained photographs of the (potential) defendant and the indifferent persons queuing. (I note here the general requirement that the human dignity of the participants and their personal rights must be respected throughout the act of recognizable evidence.)
63) If the target's condition and appearance at the time of the crime changed significantly during the photo recognition attempt, photos as they were then must be obtained and placed in the queue.
64) No verbal or metacommunication is permitted between the selector (most often victim, witness) and other waiting recognizers after viewing the photographs or albums.

65) The seconding authority must carefully examine and precisely consider any expert anthropologist's opinion obtained to determine whether it has taken the comparative sample from the same camera angle under the same lighting and motion conditions when comparing the video footage with the real person.
66) The report of photographic identification must first of all indicate what hinders the direct/personal recognition, then all photos used during the procedure and their markings, the time and place of the act, those present, as well as what information the person may have shared with the authority, what he said and on the basis of which specific characteristics was the person selected. Especially if they weren't visible in the pictures.

D) Specific video recording presentation requirements

67) When playing video recordings, the authority must ensure that the image and sound are synchronized and do not slip apart.
68) The video recording should be presented to the recognizing subject at least on a computer screen (even better on a television or projector projector). A mobile phone size creen is not adequate.
69) Video recordings to be presented to the recognizer must not be cut, sheared or virtually retouched. Only recordings of individuals taken under similar circumstances should be used.

E) Voice recognition requirements

70) In the case of voice recognition, the authority must ensure adequate silence and a completely noiseless environment.
71) Measures must be taken during execution to ensure that the (potential) defendant (and any other person speaking in the sound sequence) does not speak in altered, but in natural voice.
72) Audio playback can only be done with high-quality, up-to-date technical equipment.

73) The extras presented must at least resemble to each other and the target person, and must not differ significantly in age, gender, accent, dialect, timbre or pace of speech.

F) Specific recognition requirements for corpses and objects

74) When recognizing a corpse, one must concentrate on the body, only that body has value. It is not acceptable to recognize objects on it.
75) Before recognizing a grossly damaged (decomposed) unknown corpse, the so-called corpse restoration (corpse "toilet") must be performed, which brings the damaged, incomplete bodies and body parts to an acceptable, recognizable condition, supplementing them with special sealants. A modern and high-level version of this is facial reconstruction, which can be combined with a recognition attempt for personal identification.
76) When assessing recognition (successful or unsuccessful), account should be taken of the fact that significant facial distortions can lead to misidentification;
77) Only one corpse or part of its body may be presented, there can be no "companions", no selection.
78) The authorities already contact recognizers with a special psychological state on the basis of a presumption of identity, who usually belong to the circle of their relatives, so their preparation for the act of proof requires special tact and caution.
79) During their preliminary questioning, they must explain how long they have known the deceased and what identification criteria they can indicate. (For example, medical intervention, traces of surgery, mutilation, cut, scar, missing teeth).
80) During the post-identification questioning, it must be disclosed in detail wich marks helped the relative (or other acquaintance) recognize the deceased perseon.

81) In case of object identification (including documents), the recognizer must be questioned beforehand whether he or she has any expertise, knowledge, interest, financial interest, emotional attachment to the object, what and how long contact he or she had with it (e.g. permanently as owner or only as a temporary holder), and what characteristics and unique identity characteristics the object had/have. (For example: engraving, engraving tool number, damage, custom repair, scratch, damage, transformation, document transcription, ink use.)
82) In case of object selection, it may be particularly advantageous that the person recognizing the object in question has been familiar with it for a long time and thoroughly, for example, the victim's wallet, watch, chain, or the driver with his car.
83) Drawing a scene is rarely necessary for recognition. Rather, in relation to objects, it is appropriate to have the recognizer draw the object that needs to be recognized during the preliminary questioning. This is especially required when the person is hardly able to describe in words the general and specific characteristics of the object.

My further proposals for criminal tactics and evidence evaluation

In addition to complying with the requirements listed in Part II, I have a series of suggestions for improvement in the implementation and evaluation of insights. Specifically, they are:

A. In my opinion, it would be worthwhile to introduce a practical method in the recognition process. In particular, instead of detectives familiar with the case, so-called "blind" bailiffs should be used, who have not dealt with the case so far. These are law enforcement (police, customs investigators, prosecutors) who do not know the (potential) suspect in a given case, i.e. they do not know even in their subconscious mind who the version is aimed at. The photo queue itself (the row wall for persons) is compiled by those familiar

with the suspect and the case. But their role stops there for now, they step out of the process. It is taken over by an official member free from any influence of the case, who must also communicate this fact to the recognizer. I mean, he's just doing the recognition and he doesn't know the case, just like he doesn't know the participants. After all this, he conducts – measuredly, distantly, without influence, since he does not even know or suspect on whom, what and why influence should be focused – organizing and recording the recognition experiment in accordance with tactical-technical recommendations. He then gives the report containing the "result" to the original investigators. Since he has no data on the history, it is not difficult for the "jumper" to fulfill the recommendation that he cannot reveal anything to the recognizers, neither confirmation nor weakening, either verbally, by gesture or by any kind of metacommunication. And he can not do that after the recognational procedure is over, the same the investigators familiar with the case can not do it either.[3]

B. For each "danger sign", the so-called "blank identification" or so-called complete "blank test" can be used, the line of which certainly does not include the real perpetrator in the queue of a person (photo, video, sound, object). Extras above suspicion (neutral persons, photographs, sounds, objects) are included in the queue. The recogniser who is ignorant of this will be taken through the same tactical steps as with the line "filled" in its merits, and thus may result in determining the unreliability of the recognizer. (The mistake or false statement of an overzealous or uncertain witness may come to the surface.)

[3] Such a non-bias solution would presumably satisfy the so-called US Supreme Court ruling, the so-called Manson's test, which is used to evaluate findings. The two essential elements of this are: was there any undue influence on the part of the authority during the execution, and is the result of the recognition reliable (was there any distorting factor at the recognizer, in the recognition situation)? See, as a case in the main proceedings, Manson v. Braithwaite, 432, US, 98 1977/122

C. Photo identification should be prioritized over personal recognition when:

   a. serve to identify a person fleeing, hiding or seeking to evade proceedings;
   b. b) it can realistically be expected that recognition would be hindered or rendered impossible by the target person's aggressive behaviour, or that the recognizer would be grossly influenced or threatened;
   c. compiling a personal decent queue that meets criminal tactical requirements would involve disproportionate difficulties or excessive costs (or not at all possible due to special characteristics);
   d. the person to be identified has no knowledge that he or she is under investigation at all;
   e. e) the culprit, potential suspect is not yet known by name and the investigative authority's photographic register can help collect data;
   f. f) there is so much evidence already in the case that personal recognition has little probative value and subordinate importance;
   g. (g) the potential defendant (target to be identified) has already been buried.

D. As a matter of principle, I believe that it is pointless to talk about percentages in connection with a recognition, since there is no definite value for body parts, for the level of recognition. Every "recognition" that can only be defined as a fraction of a percent only results in similarity. No more. Certainty, true recognition, can only be expressed in one way and number, the total, that is, 100%. However, this does not need to be written out in any report, since the result is that the recognizer really "recognizes" the culprit in someone (either in a picture or as a living person). Even if it is wrong,

which may only be revealed afterwards or, unfortunately, will not be revealed.

E. If the recognizer does not select anyone from the queue, it does not mean that the real perpetrator is not among the persons (sounds, photos, video recordings). According to scientific research, the same conclusion should be drawn when the recognizer firmly states that the culprit is not in line. A negative recognition claimed to be certain (i.e., that there is not one of them) is no stronger—no matter how appealing it may seem at first glance—than a simple no choice. It is precisely because of the numerous uncertainties and weaknesses of the ability of (eye-ear) witnesses to perceive, record (remember, store) and return (reproduce, recall and reproduce memory). This seemingly exculpatory fact is first of all important from an investigative tactical point of view: a potential target cannot be excluded from the circle of perpetrators with reassuring certainty. Secondly, the findings of psychological-forensic research must also be taken into account when assessing judicial evidence and in comparison with other evidence.[4]

   It is also a research result that, unfortunately, selection determination is not a measure of reality. Super-certain recognizers are also wrong. Some victims, when it turned out for certain that they chose the perpetrator wrongly, believe in hindsight that they saw him, met him, were the culprit.[5]

[4] "Courts should be mindful of the effects of suggestive procedures, which may facilitate misidentification. It should be borne in mind that these suggestive procedures not only make the eyewitness presumptuous of his own certainty, but also magnify the eyewitness's account of how good his observation was. It would be helpful if courts would use some thoughtful criticizm in cases of suggestive procedure" Elek, B.: A vallomás befolyásolása a büntetőeljárásban. [Influencing testimony in criminal proceedings] Debrecen, Tóth Kiadó, Debrecen, 2008. 71

[5] Glanville Williams noted that there is no complete security. The mere fact that three or four witnesses recognize a suspect does not provide any assurance that they are adequate,

F. Even in the case of an optimal recognition protocol that complies with all legal and tactical requirements, incorrect person, object and voice identification can occur due to subjective errors of active subjects due to numerous circumstances. This scientific fact must always be calculated and kept in mind when weighing up evidence. Particular caution and caution should be exercised when the recognition result is self-contained as incriminating data.

Legal options for preventing recognition errors – de lege ferenda proposals

A. I raise it as a proposal for legislation: despite the fact that we can read the most detailed legislation on the specifically named recognition in the history of Hungarian criminal procedure, it is not stated in Be. (Act XC of 2017, ie. Hungarian Criminal Procedure Law) that it is necessary to retain recognition under the original perceptual conditions if possible.
B. As a second "de lege ferenda" proposal, I would like to point out that it would also be advisable to lay down in the legal wording – which has not found any formation at all in court decisions based on enforcement – that the person performing the recognition must inform the recognizer (instruct him):

    a) it is not certain that the offender is among the persons to be identified;
    b) is not obliged to choose (selection at all costs);
    c) the investigation continues even if no one is selected;
    d) he/she will not receive feedback on whether, if at all, the choice was "correct";

especially when all have been subjected to suggestive identification procedures on all occasions. Cited in WALL, P.: Eye-Witness Identification in Criminal Cases. Springfield, Illinois, USA, Charles C. Thomas Publisher, 1965. 9-10

e) Points a-d) shall also be applicable in the case of recognition of sounds, objects, photographs and videos, as well as the fact that over time the offender's appearance (hair color, hair length, hair shape, facial hair, skin) may change or look slightly different in photographs and video recordings.[6]

C. In concluding Part IV, I also formulate my message to the legislators. I consciously use the recognition attempt instead of recognition written in the Be. By way of justification, I would like to say that in the course of my scientific research I came to the conclusion that the current name of the dual act of evidence – forensic and criminal procedural – is suggestive and can further influence. The very word "presentation" encourages the recogniser, most often the victim witness of the crime, who often wants to comply with the authority, to choose from among the persons presented (objects, sounds, photographs, video recordings, etc.). To be sure to choose! And the compulsion to comply can take a dangerously justismatic turn, as I have repeatedly stated.

I also recommend the word „experiment" because recognition is often situational. Then the circumstances must also be adapted to the criminal situation. Similarly to the attempt at proof, efforts should be made to make it as similar as possible to the original state, since only then can the authorities check whether the perpetrator's face, movements, clothing, etc. can be recognized at all. And only

[6] In England, Roy Malpass and Patricia Devine showed that if they warned the recognizer that he or she did not necessarily have to choose between the persons in question and that the perpetrator might not be present, they reduced misrepresentations. Shepherd showed this in his study. According to his studies, these warnings reduced false detections from 28% to 4%. See LLOYD-BOSTOCK, S.: Law in Practice-Psychology In Action for these studies. Leicester, United Kingdom, The British Psychological Society, 1988/16.; MALPASS, R.–DEVINE, P. Realism and Eyewitness Identification Research. Law and Human Behavior, 1981/4, 347-358

under the same conditions of sight, hearing, perception should possible selection of persons be attempted.[7]

Final Thought

I hope that my present study (and the research behind it) has highlighted the empirical fact that every demanding law practitioner – investigator, prosecutor, lawyer, and ultimately the judge – who strives with great caution, conscientiousness and error-free and strives to avoid justismord with reason and heart must act with utmost caution and without error when carrying out an attempt at recognition with a legal, forensic and psychological dimension and evaluating its results as evidence.

[7] According to the dictionary of American legal terms, it is also an experiment: „LINEUP a police procedure in which a person suspected of a crime is placed in a line with several other pesrsons in similar dresses, height, and ethnic group and a witness to the crime attempts to identify the suspect as the person who committed the crime". GIFIS, S.: Law Dictionary. 5th Edition, Barron's, New York, 2003. 299

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MÁTYÁS HEGYALJAI

Migration in the light of the EU Presidency Trio priorities

Foreword

Only one year to go until Hungary takes up its second rotating presidency in June 2023, which will affect the entire public sector and will be of major political importance. We can say that this period will have an impact on the whole country. A presidency is always an opportunity and also a responsibility to judge the level of a country's commitment to the EU's development, its ability to represent the interests of the whole community and its capacity to respond to crises such as the last Covid-19 or the war between Russia and Ukraine recently. A smaller Member State can 'show itself' to the world during its presidency, whether in intra- or extra-European relations[1]. The seriousness with which our country is taking this period is demonstrated by the creation of the Ministry for European Union Affairs on 1 August. In his first statements, the new Minister responsible for the portfolio said that the Hungarian EU Presidency will take office in a special political situation, as it will be held immediately after the European Parliament elections so the period of the Hungarian Presidency will be defined by the institutional transition. This offers plenty of occasions for Hungary to shape the priorities of the coming institutional and political cycle in a way that reflects Hungarian interests and priorities.

The presidencies work in a trio framework, so in order to work together, these countries prepare a joint programme for the 18 months ahead, but beyond that, each country also prepares individually its own Presidency programme for its six months. Hungary, together with Spain and Belgium,

[1] Czigler, Dezső Tamás (2011): 2. Dutch Presidency (1 July 2004 - 31 December 2004.) In: Vörös, Imre: The EU Presidency. Complex Kiadó. Budapest.

will hold the trio presidency, which will have predominantly common elements, but it is worth noting that we are not on the same political platform with the two other partners, especially on migration. This can be a recognizable difficulty in the cooperation, but recent developments suggest that the issue will be closed, at least for the time being, during the first two presidencies. Migration, including borders, as well as cross-border organized crime, terrorism and violent extremism are the most pressing issues in the context of freedom and security of EU citizens.

The programme for the next trio was presented to the General Affairs Council on 27 June 2023 [2.] It is built on four pillars: economy and competitiveness, freedom and security for EU citizens, a greener and fairer Europe, and interests and values in the EU's external policies.

Priorities in Home Affairs

Migration

Migration, which requires a European response will be highlighted in the part of the Trio's programme "freedom and security of EU citizens". The Trio Presidency reaffirms its commitment to continue its work on the reform of the Common European Asylum System and the Pact on Migration and Asylum and to make all effort to ensure their adoption. It will also support efforts to strike the right balance between responsibility and solidarity and to step up action on the external dimension of migration, including by promoting comprehensive and mutually beneficial migration partnerships with key countries of origin and transit. The Trio Presidency will contribute to improve the proper functioning and resilience of the Schengen area, focusing on strengthening the external borders. It has to step up efforts to effectively combat serious cross-border organized crime, terrorism and violent extremism, including the fight against smuggling of human beings,

[2] Promoting the Strategic Agenda. 18 months program of the Council. (1 July 2023 – 31 December 2024) 10597/23

trafficking in human beings, arms trafficking, financing of extremist activities, the prevention of terrorism and assistance to victims of terrorism. It is believed that particular attention should be paid to combatting sexual abuse of children, violence against women and gender-based violence, as well as hate speech and hate crimes, racism, anti-Semitism, xenophobia and other forms of intolerance[3].

Almost all Member States agree that the current asylum system is not able to cope with the migratory pressure on Europe and that there is therefore an urgent need for reform. The migratory flows that recorded highs in 2015, with nearly 2 million people arriving in the EU, caught everyone by surprise. Although the numbers have fallen in recent years, they showed again a significant increase last year. How to deal with these large numbers of illegal arrivals varies considerably from one country to another. Among other things, there is a need for stricter border protection, screening criminals, separating those seeking protection legally from those looking for protection illegally, increased cooperation with countries of origin and transit, the conclusion of readmission agreements and the implementation of obligations, more effective and more frequent return of those illegally present in the EU, and, overall, a reduction in pull factors.

There is no unanimity on how to respond to this phenomenon, but most countries agree that a reform of the Pact on Migration and Asylum is needed and that a decision should be taken before the next European Parliament elections. The European Commission has set this objective as its flagship, and the process has been accelerated recently to meet the deadline.

Pact on Migration and Asylum

The statistics clearly show that the pressure has not eased since 2015, even when there are better periods, yet in 2022 we witnessed another radical

[3] 18 months programme of the Trio.

increase, from a peak of 1,322,850 asylum applications in the EU in 2015 to 965,665 in 2022[4].

This is another indication that the Common European Asylum System, as previously established and currently in force, is not able to manage this situation effectively. The European Commission has therefore already presented proposals in several stages to find a solution by modernizing the existing legislation[5]. Given the fact that we are talking about a single system, the original idea was to think in terms of a package solution, as the individual dossiers are interlinked and interdependent, so there is no point in making separate, individual amendments to the various documents. In recent years, however, this more expedient idea has been forgotten, and successive Presidencies have concentrated on implementing their ideas by adopting each of the elements separately, whatever the cost.

Currently, the following dossiers are in the negotiation process: the Resettlement Framework Regulation, the Qualification Regulation, the recast Reception Conditions Directive, the Eurodac Regulation, the Pre-Screening Regulation, the Asylum and Migration Management Regulation, the Asylum Procedure Regulation, the Regulation on Crisis and Force Majeure Management and the Instrumentalisation Regulation. Decisions on the first three dossiers were already taken last year and the co-legislators have already agreed in advance that the earlier ones will be activated once the package is adopted. The draft of Eurodac and the Screening Regulations are currently in the trilogue phase. The Council is expected to negotiate the draft of Crisis and Force Majeure Regulation and of the Instrumentalisation Regulation in the second half of 2023.

The draft of Asylum and Migration Management Regulation and the draft of Asylum Procedure Regulation are the most important elements of

[4] Source: https://www.europarl.europa.eu/infographic/asylum-migration/index_hu.html#-filter=2022
Accessed: 30.07.2023

[5] Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the New Pact on Migration and Asylum COM (2020) 609 final. 2020.9.23.

the Pact. For these, the mandate was first adopted by the European Parliament on 20 April 2023, and subsequently the Justice and Home Affairs Council (JHA Council) meeting, by qualified majority on 8 June 2023, authorized the opening of the trilogue negotiations. Hungary and Poland voted against, while Lithuania, Slovakia, Malta and Bulgaria abstained[6].

Although the European Council has previously stated three times that migration and asylum issues should be decided by consensus, the Presidency-in-Office has used the legal possibility of qualified majority voting[7].

Leaving aside the technicalities, the most controversial aspect of the draft is the issue of relocation. The proposal still leaves open the possibility of a solidarity mechanism in the event of large inflows, whereby Member States would be obliged to make a significant financial contribution in the event of relocation or refusal. The idea of relocation has been rejected from the outset by both countries voting against, as it has been ineffective so far and is also a pull factor for migration. The solidarity contribution would include a minimum annual relocation of 30 000 persons and a triggering annual financial contribution at EU level of €600 million, so that a relocation of one person could be triggered by €20 000. In the event that our country continues to refuse to relocate even one person, this would mean a payment of €9,270,000 per year for the 485 persons we would be responsible for. These figures are only an initial idea, but it is not yet possible to predict how many people will arrive in the EU in the future, so the number of arrivals or the amount to be paid could be higher, as the Council could set an annual limit higher than the minimum in an implementing decision. It is another question on what basis this huge amount per capita has been determined, as no calculation has been made so far on the expected costs. Presumably, the aim was to force countries that do not wish to participate

[6] Source: https://notesfrompoland.com/2023/06/09/poland-condemns-eu-migration-and-asylum-pact-agreed-by-european-council/
Accessed: 30.06.2023

[7] In line with the European Council Conclusions of December 2016, June 2018 and June 2019, the European Council stated that decisions on migration should be based on consensus agreement by all Member States.

in the relocation to comply with the relocation obligation. In the case of Hungary, this is a particularly sensitive issue, as the large number of illegal migrants intercepted in 2022 is likely to lead to a high number of captures.

The ultimate goal is the adoption of all elements of the package of proposals during the current European Parliament's term, which is the aim of the European Commission and the Home Affairs Commissioner and currently enjoys the support of a majority of Member States.

The Hungarian position

Hungary opposed the decision taken by the Justice and Home Affairs Council on 8 June because the general approaches adopted for the two draft regulations do not take into account the specific situation of individual Member States, such as Hungary, which is on the Western Balkan migration route, thus placing an additional burden on us. The solidarity mechanism can only be accepted if the costs of border control in the Member States and the efforts made in the external dimension of migration are also considered to be solidarity instruments of equal standing and, in addition, any form of relocation, as described earlier, remains a voluntary solidarity instrument. Our aim would be to adopt a system that is able to prevent irregular migrants from entering the EU along the entire external border and to filter out those who are not eligible for protection before they enter. We believe that a qualified majority voting system does not bring Member States closer together on such an important issue, and it is therefore particularly important to seek consensus. The incoming Presidencies could play a major role in promoting unanimity if they could identify with this position.

Expected outcome of the negotiations

Even though it is difficult to predict the future, an assessment of the process leads to the conclusion that at the moment there are four scenarios worth

considering in terms of the likely outcome. The first and least likely scenario is that Member States will take the decision to accept by consensus, as Hungary and Poland have been opposed to mandatory relocation from the outset and have not changed their position since then. However, the majority either explicitly wants it or tacitly accepts it. The second option, which is the most likely outcome, is that the proposals will be adopted by qualified majority, as this has always been the scenario and is the current attitude of the countries and the institutions. The third possibility is that a blocking minority is formed in the process, so that there is no qualified majority. The fourth option is that, for whatever reason, in the course of the institutional negotiations, the Council and the Parliament are unable to agree on the points that are still contentious or a serious obstacle arises that will be unacceptable to one of the parties.

Schengen enlargement

The formation of the Schengen area is one of the EU's achievements that was meant to make life easier for both individual travellers and economic operators by allowing the free movement of people across internal borders without border controls. Several countries suffered to this process with the surge in migration that began in 2015, when several countries reintroduced internal border controls in response to migratory pressure, which continues to this day.

This situation has also not helped the Schengen enlargement process, which has become a major brake on the EU's institutional development. However, the background to this goes back further, as Romania and Bulgaria were technically ready for Schengen membership even during the first Hungarian Presidency, as the evaluation monitoring committee Scheval[8] had already concluded at the time.

[8] Source: https://www.consilium.europa.eu/hu/council-eu/preparatory-bodies/working-party-schengen-matters
Accessed: 30.07.2023

At the last meeting of our previous presidency, on 9 June 2011, an attempt was made to have the accession of the two countries accepted by the Community, but it failed because two member countries (France and Germany) blocked it at the crucial moment.[9] It was then decided to return to the issue of enlargement at the next meeting of the IGC in September[10]. Now we see that no progress has been made in the last decade.

A spookily similar scenario played out in December 2022, when the JHA Council accepted Croatia's Schengen membership, but Romania and Bulgaria were again denied. This time, Austria and the Netherlands blocked the enlargement.

At its plenary session in Strasbourg on 12 July 2023, the European Parliament voted by 526 votes to 57 with 42 abstentions that Romania and Bulgaria should become members of the Schengen area by the end of this year, but this political declaration does not bind the Council [11].

Given the Austrian position that as long as the Schengen area is not functioning and internal border controls need to be maintained[12], they will continue to reject Schengen enlargement, and realistically there is no prospect of a shift in this direction before the Austrian elections next autumn, there is even a possibility that the two candidate countries could be admitted as the members of Schengen during the Hungarian presidency in the second half of next year.

[9] Source: https://www.bbc.com/news/world-europe-12055299
Accessed: 30.07.2023
[10] Source: https://www.eumonitor.eu/9353000/1/j9vvik7m1c3gyxp/viq1rcrpbiry?ctx=-vgaxlcr1jzlz&start_tab0=540
Accessed: 30.07.2023
[11] Source: https://www.europarl.europa.eu/doceo/document/TA-9-2023-0278_HU.html
Accessed: 30.06.2023
[12] Source: https://www.romania-insider.com/austria-maintains-veto-against-schengen-expansion-nehammer
Accessed: 30.06.2023

Conclusion

The EU Presidency is expected to have to deal with a number of issues that we do not even see today, but here we have looked specifically at aspects related to migration. As can be inferred from the above, the question will not be whether the Pact will be adopted by the time of our Presidency, but rather whether this seemingly new system will have any impact on illegal migration. Will there be fewer people seeking to enter? Will there be fewer abuses of the currently very humanitarian European asylum system? Will the European society of the future be able to cope with the shift in the mixing of different cultures? Will our economic system be able to cope with the fact that we will continue to live our lives at the standard of living to which we have become accustomed over the past decades? As there are no really new ideas or new mechanisms in the dossiers under discussion, only a certain shift in the institutions we have used in the past, we do not see any realistic chance that the current processes can show a positive change in migration.

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ÁDÁM KALMÁR

Organisational and security effects of the accession of the Republic Of Croatia to Schengen

Introduction

On 9th December 2021, the Council of the European Union concluded that the Republic of Croatia fulfilled the necessary conditions for the application of all parts of the Schengen acquis, which allows the lifting of internal border controls[1]. After six months of silence, a meeting of the Justice and Home Affairs configuration of the Justice and Home Affairs Council (hereinafter referred to as the JHA Council) took place in Brussels on 27th June 2022 in the "Borders" configuration. At the meeting, Croatia's Schengen accession was on the agenda, supported by Hungary and the other Member States, and the parliamentary consultation was launched. At that time, the political positions of Slovenia and the Netherlands were not yet clear. This was the first event in which the exact target date for Croatia's Schengen accession (1st of January 2023) was released and the news was also passed on to the police. The next stage was the JHA Council on 13-14th October 2022, where Hungary confirmed its commitment to the strict surveillance of the external borders and its full support for the synchronous accession of the three countries (Croatia, Romania, Bulgaria)[2].

[1] The Council concluded that Croatia fulfilled the necessary conditions for the full application of the Schengen acquis (press release)
Source: https://www.consilium.europa.eu/hu/press/press-releases/2021/12/09/council-concludes-croatia-has-fulfilled-the-necessary-conditions-for-the-full-application-of-the-schengen-acquis/
Accessed: 16.02.2023

[2] Meeting of Internal Affairs configuration of the Justice and Home Affairs Council (press release).
Source: https://kormany.hu/hirek/a-bel-es-igazsagugyi-tanacs-belugyi-formaciojanak-ulese.

On 10th November 2022, the European Parliament voted in favour of Croatia's accession, which did not legally bind the Member States (the proposal was adopted by 534 votes to 53, with 25 abstentions)[3]. In Brussels, on 8th December 2022, the EU interior ministers finally decided in favour of Croatia's accession with the date of 1st January 2023, following a proposal by the Czech Presidency of the EU, but Austria vetoed the accession of Romania and Bulgaria, while the Netherlands, too, did not support the accession of the Bulgarians[4]. Thus, it turned out that Croatia's Schengen accession is less than a month away. From then on, the land border section in Baranya would become an internal border and the border policing branch would be reorganised in a minimum of time.

Preliminary plans

The short-term institutional strategy of the Baranya County Police Headquarters for 2020-2021 and 2022-2023 also identified the reorganisation of the border policing branch in the event of Croatia's full Schengen membership as a key factor generating significant impact. The driving forces for this change were specific factors, such as the sharp increase in the level of illegal migration in the Western Balkans, the simultaneous implementation of external and internal border policing tasks, the focus on inland controls, the obligation to continue to operate some border crossing points fully or partially.

Accessed: 16.02.2023

[3] Parliament supports Croatia's Schengen membership. (press release).
Source: https://www.europarl.europa.eu/hungary/hu/aktualis/2022-hirek/2022-november/a-parlament-tamogatja-horvatorszag-schengeni-tagsagat.html.
Accessed: 16.02.2023

[4] Euronews: Austria vetoes Schengen accession of Romania and Bulgaria.
Source: https://hu.euronews.com/my-europe/2022/12/08/ausztria-megvetozta-romania-es-bulgaria-schengeni-csatlakozasat.
Accessed: 16.02.2023

When defining the strategic objectives of law enforcement, the Police Headquarters declared that after Croatia's accession to Schengen, the border security system would have to be operating in two directions at the same time. Due to its geographic location, Baranya County would have some external border control tasks, but internal border policing tasks would have to be carried out with a greater emphasis and with more staff. It was obvious that in order to carry out the remaining external border tasks after the accession (border checks on vessels heading to Serbia and water border surveillance), it would be necessary to keep an independent border policing organisation in the Mohács Police Office. The most recent strategy[5] clearly included the retention of a large number of the border policing staff, needed due to the new internal border policing tasks, the possible temporary reintroduction of border control and the impact of future economic development in the county. This would have been guaranteed by the creation of a multi-stationed Inland Control Unit, planned with more than 100 staff.

It was known that experts had been working on the development of a complex economic zone along the Mohács-Pécs-Szigetvár-Kaposvár axis. This will be accompanied by important road network improvements. The opening of the Mohács Danube Bridge, planned for 2026, which will go hand in hand with the upgrading of the main road 57, from the junction of the M6 and M60 motorways to a four-lane road as far as the river, would open up a new migration route across the county from the Serbian border and provide the possibility for people smugglers to continue their journey north and west. Since then, the government has also confirmed that the development of the Pécs-Pogány Airport is a national strategic goal, which could play a significant role in the development of the Paks-II project.[6] In the short timeframe of 2 years of the strategies, taking into account the level

[5] Institutional Strategy of the Baranya County Police Headquarters 2022-2023. file no.: 02000/1334/2022. Prepared by Ádám Kalmár, Lt.-Col. 30-31

[6] Based on the Government Decision No. 1211/2023 (VI. 1.) on the possibilities for the development of regional airports.
Source: https://njt.hu/jogszabaly/2023-1211-30-22
Accessed: 01.06.2023

of completion of the Croatian and Hungarian sections of the motorways connecting to the European 5/C corridor, the Police did not foresee that it would need to operate a motorway border crossing point in the Ivándárda area. However, if the Croatian accession had been vetoed, this would have required a large number of trained passport controllers from 2024.

The organisational structure of the Baranya County Police Headquarters before the Croatian Schengen accession

The border policing branch of the Baranya County Police Headquarters consisted of two divisions (border policing and aliens policing) at county level, with a staff of 12, in addition to the Head of the Border Policing Service and the staff under his direct control. At the local level, the branch was made up of staff from the Border Policing Divisions of the Siklós and Mohács Police Headquarters.

The Border Policing Divisions consisted of sub-divisions, in which, in addition to the duty commanders, border police officers, chief border police officers and special chief border police officers, there were also dog handlers, boat masters, assistant officers and border policing experts. The number of staff in the Mohács unit was 84/63 (regular/filled) and in the Siklós unit 107/102. The number of vacant professional border policing posts resulted in congestions and staff shortage by the end of 2022, which was most tangible at the busier border crossing points. The Inland Control and Public Area Support Unit, with two sub-divisions, performed its tasks under the Deputy Chief of the County Police. The border related staff included 21/19 officers in the core and the Inland Control Subdivision. The total number of border policing officers at the end of October 2022 was 224, of which 198 were actually available, so the staffing rate was 88.3%.

Until 31 December 2022, border checks of passenger and vehicle traffic were carried out in accordance with Schengen requirements at the road border crossing points of Drávaszabolcs, Beremend and Udvar, at Magyarbóly railway, at Drávaszabolcs and Mohács waterway and Pécs-Pogány temporary air border crossing points (BCPs) under the subordination of the

County Police Headquarters. With the exception of the Drávaszabolcs water BCP and the temporary air BCP in Pécs-Pogány, the border crossing points were permanently open and, with the exception of the Beremend road BCP, were open to both passenger and freight traffic. At the Beremend and Udvar road BCPs, border policing officers used "hand-to-hand" border checks technology in cooperation with Croatian police. In 2022, traffic at the border crossing points doubled compared to the previous year (more than 1.5 million passengers), but still did not reach the traffic of the last year of 2019 before the COVID-19 pandemic.

The surveillance of the European Union's external Schengen border section was conducted along the 142,475.07 metres (59,821.54 metres of water and 82,653.53 metres of land) of the border between the Danube and the Drava river outlets. A Serbian border section of a mere 449 metres was and is controlled by the Border Policing Office in Hercegszántó. The activity also included the surveillance of a one-line technical border fence (security barrier) installed on an almost 80-kilometre long land border section. The Headquarters operated a three-tier border surveillance system, with a multi-lines system within the first tier, operated by the police stations in the border area.

The complex inland control activity was carried out according to the county action plan. In order to ensure the effective operation of the illegal migration filtering network (so called “Checknet”), the sites for the implementation of the joint control activity were selected as a result of the analytical and evaluation work carried out in accordance with the current operational situation. The coordinated checks on immigration and traffic control were carried out in cooperation between the Aliens Policing Division, Traffic Policing Division and the Inland Control and Public Area Support Unit, with the cooperation of the partner services involved. The inland control sub-unit successfully participated in the implementation of the operation on Türr István Bridge in Baja and Szent László Bridge on the M9 highway.

Illegal migration trends before the internal border

In 2018, border control staff apprehended only 203 irregular migrants, followed by 442 in 2019, 741 in 2020 and 421 in 2021. In 2022, due to a shift in migration routes, the number of irregular migrants apprehended dropped significantly to 252, with a downward trend from 2020 onwards.

In recent years, the main direction of irregular migration has been between the settlements of Sárok and Kölked (border marker stones D309-D340) on the border section of the Mohács Police Headquarters, and towards the Danube-embankment, due to the proximity and attractiveness of the M6/M60 motorway. The migrant groups were mainly organised in the refugee camp in Sombor, Serbia, with the support of people smugglers whose nationality was similar to that of the migrants. They crossed the Danube river into Croatia in rubber boats, then they marched on foot – bypassing the Croatian border guards – to the border section in the jurisdiction of the County Police Headquarters and get in mainly by climbing up the temporary security barrier protecting the border. In the area of the Siklós Police Headquarters, three main land routes with varying intensity have been active for several years, but attempts have also been made on the waterway section of the Drava River. By the second half of 2022, migrant interceptions were mostly made on the ferry between Újmohács and Mohács.

The development of the border control system of Baranya County from 1 January 2023

After Croatia's accession to Schengen, the system of tasks could be divided into four parts. In addition to the remaining Schengen external border border policing tasks, new law enforcement tasks were added, while the tasks of inland control and the protection of the regulated conditions of the state border were retained, and certain tasks ceased (e.g. E-toll control at crossing points or border water traffic authorisation for the Dráva River).

Talking about the remaining Schengen external border control tasks, the first is border checks on the Danube. The border port of Mohács, located on the right bank of the Danube at km 1449, is open for international traffic of persons and goods 24/7 and can be used by vessels carrying dangerous cargo, too. The legal basis for the continued operation of the crossing point is the Hungarian-Serbian border traffic agreement[7]. The specificity of the river BCP is that it operates on both the Croatian and the Serbian borders, thus it has become both an internal and an external border. Border checks on the crews and passengers of vessels arriving at the water border crossing point, mainly from Serbia, will continue to be carried out under Schengen regulations. In addition, some cargo vessels entering from Croatia, as they also pass the waters of a third country, can be subject to inland controls under Customs supervision.

The border section of the Mohács Police Headquarters has become an internal border up to the right bank of the Danube river (border marker stone D417). On the left bank, in relation to the municipality of Homorúd, the County Police has a 449-metre long section of disputed status, treated as a Serbian border section, where border surveillance tasks are performed by the Hercegszántó Border Policing Office[8]. The Mohács Police Headquarters has an important obligation to carry out water border surveillance tasks on the Danube, which is organised together with the Water Police and the Customs. The detection of irregular migrants arriving from Serbia by boat, swimming and other means on the river, which is legally a border water,[9] remains a task of boat patrols and the River Border Surveillance System (FHR).

The County Police Headquarters continues to exercise professional supervision over the Mohács Police Headquarters. It operates the county's

[7] Pursuant to Article 18 of Act IV of 2012 on the proclamation of the Agreement between the Government of Hungary and the Government of the Republic of Serbia on the control of road, rail and water border traffic

[8] Pursuant to Article 12 (6) of the Government Decree No. 329/2007 (XII. 13.) on the organs of the Police and the duties and powers of the organs of the Police

[9] Pursuant to Section 6 (2) of Act LXXXIX of 2007 on State Borders

border security system and manages the inland control activities. It continues to perform tasks related to aliens policing, the readmission agreements and the transfer of persons at the state border. The control of the implementation of the tasks listed above concerning the remaining external border will certainly remain part of the Schengen quality control mechanism, therefore the staff should be prepared for the 2024 Schengen Evaluation in the areas of Integrated Border Management, police cooperation and SIS/SIRENE. In particular, a new task for the criminal investigation field will be the professional management of hot pursuits and cross-border surveillance, and possible participation in the setting up of joint investigation teams (JITs).

In order to avoid a security deficit along the former external borders, the abolished border surveillance has been replaced by inland controls. It will have to be carried out on the basis of risk analysis or on a random basis as a compensatory police measure throughout the country and should not be aimed at border control[10]. Inland control shall be a continuous, targeted police activity, structured in several stages and in a multi-tier, multi-line system, with the coordinated deployment of police officers from the police headquarters and stations, the Inland Control Unit and reinforcement forces (e.g. the Rapid Response Police), joint border patrols, in order to intercept people smugglers and illegally staying foreigners. This activity is also part of a complex control system throughout the country, to be operated by the Police, the National Directorate-General for Aliens Policing, the National Tax and Customs Administration, the Employment Inspectorate and the Transport Authority within the framework of the Integrated Management Centre[11].

The staff performing inland checks should also be able to reintroduce border control. Internal borders may be crossed at any point without checks

[10] Pursuant to MoI Decree No. 30/2011 (IX.22) on the Police Service Regulations, § 2, point 9 and § 65, paragraph (1)

[11] Pursuant to Joint Instruction No. 8/2010 (II. 19.) IRM-SZMM-PM-KHEM on increasing the effectiveness and coordination of official action against illegal migration and other related illegal acts

on persons, irrespective of the nationality of the person concerned, on the basis of Article 22 of the Schengen Borders Code[12] (hereinafter "the Code"). During events of major importance (e.g. pandemics), the free movement of persons across internal borders is suspended and border control must be temporarily reintroduced, which poses a particular challenge for the police[13]. The conditions for the temporary reintroduction of border control at internal borders are regulated by a Government Decree[14]. If border control is temporarily reintroduced, both border checks and border surveillance will be carried out again. The Baranya County Police Headquarters also has a special plan for this activity.

The maintenance of ordered conditions at the state border and the joint border patrol service have remained a task. For the purpose of better protection of the state border, the protection of public order and the fight against crime, the Hungarian and Croatian partners will continue to carry out joint patrols in the border area up to a distance of 10 kilometres from the common state border, as this activity has not merely a border surveillance purpose, as agreed by the leaders[15]. In order to facilitate the exchange of information and cooperation, the Hungarian and Croatian partners will continue to operate a common contact point in Mohács (at the border port), which should increasingly cover the preparation and assistance of the transfer and readmission of persons, as the direct contact previously established at BCPs has discontinued.

[12] Regulation (EU) 2016/399 of the European Parliament and of the Council establishing a European Code on the rules governing the movement of persons across borders (Schengen Borders Code)

[13] Kalmár, Á.(2020): The challenges of reintroducing border controls at internal borders for public health reasons. Border Police Studies. Budapest. vol. 19 No. 2. 6-21

[14] No. 333/2007 (XII. 13.) on the Rules for the Conditions for the Temporary Reinstatement of Border Control at the Internal Border

[15] Pursuant to Article 19 of Act LXVI of 2009 on the proclamation of the Agreement between the Government of the Republic of Hungary and the Government of the Republic of Croatia on cooperation in the fight against cross-border crime

The organisational structure the Baranya County Police Headquarters after the Croatian Schengen accession

After Croatia's Schengen accession, based on the above mentioned task structure – taking into account the county's current lower vulnerability to illegal migration – it has been practical to maintain an independent Border Policing Service with two divisions. Less than 5% of the interviewed border policing officers did not accept any of the positions offered. The new posts for the remaining border police staff became effective from 1st of February 2023, leaving only 95 of the previous 198 actual staff in this professional field.

At the county level, 2 senior chief investigators (analysis, evaluation and defence) and the Public Area Support Unit remained directly subordinated to the Deputy Chief of the County Police Headquarters. The Border Policing Service, headed by the Head of Service, is divided into the Borders and Aliens Policing Division (13 staff) and the Inland Control Division (37 staff), the latter with one sub-division located in Pécs. The border policing analysis officer remains directly subordinated to the Head of Border Policing Service, as before.

At local level, border policing organisational elements remained in both former police headquarters. In the Mohács Police Headquarters, the Border Policing Division (32 staff) has been retained with a reduced number of staff to carry out Schengen external border control tasks, located in the border port. The Pécs-Pogány air border crossing point, which will most probably be established as a constant one in the future, would be best located at the Pécs Police Office as an independent Airport Division, but its establishment depends on political-economic decisions and processes. Until then, the openings of temporary border crossing points will be handled by the Mohács Police Headquarters. The Border Policing Sub-division (13 officers) was set up at the Public Order Division of the Siklós Police Headquarters from the remaining border policing staff. The other border policing officers of the county headquarters have reinforced police work in the field

of public order, traffic policing and criminal investigation, or have requested to be transferred to the Rapid Response Police or the Border Policing Office in Hercegszántó.

Summary

The Police leaders of Baranya County have had an excellent strategy for the full Schengen accession of the Croatian Republic for several years, which would have kept the majority of border police officers in the field of border management. However, the prolonged EU decision-making process left little time to restructure the organisation, so the number of officers carrying out inland control was reduced to a third despite what had been planned previously. Baranya's border policing functions became twofold. After the accession on 1st January 2023, all border crossing points in Baranya – with the exception of one permanent water and one temporary air border crossing point – were abolished and the more than 142 km long border section became an internal border, but Baranya – unlike the other counties in the Croatian section – still had the classic Schengen external border tasks, too.

A new system of inland controls had to be established at the internal border, and a new type of security challenge had to be addressed at the Danube border port. In addition to the separation of vessel traffic at the dual (external and internal) water border, a system of inland waterborne controls based on risk analysis had to be put in place to prevent cross-border illegal activities, while keeping security in mind. Under this system, certain cargo vessels from Croatia will have to be stopped at Mohács on the basis of a risk analysis.

Following the reorganisation, more than half of the former county border policing staff are now reinforcing other areas of expertise and applying their previous and newly acquired professional skills. This is beneficial for the organisation as a whole, both because it reduces staff turnover and because the temporary passport controller teams reinforcing the counties cop-

ing with heavy border traffic on the Serbian and Romanian section are composed of this staff. On the other hand, for the last three years or so, serious government preparatory work has been under way to rebuild the economy of Pécs and the region, with the development of the Pécs-Pogány air border crossing point being a clear element in this development. However, the future police staff of the latter could not have been secured during the restructuring process.

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Artificial Intelligence approach for crime prevention and detection

The field of criminalistics science, as the theoretical study of criminal investigation, has always been driven by the constant endeavor to prove, detect, and understand crimes, while also keeping an eye on prevention. According to the literature definition, criminology is "*essentially a branch of forensic science that explores, creates, organizes, and applies the means and methods of detecting (preventing) and proving crimes within normative legal frameworks. Beyond its auxiliary function of crime prevention, its fundamental role is the investigation and acquisition of as much credible evidence as possible to establish and ensure criminal liability, ultimately for the purpose of prosecution by the court*."[1]

The achievements mentioned above are supported by various disciplines, including computer science. Technological advancements, digital data, and interoperable e-investigative knowledge significantly influence the structure of criminology. Computers have rapidly gained ground, and the world's interconnectedness has amplified organized crime, presenting numerous new opportunities for perpetrators.

Artificial Intelligence (AI) can be extremely beneficial for the police as it can support crime prevention, crime detection, and improve public safety in numerous ways. AI systems can indeed assist law enforcement in data analysis, predictive analysis, investigations, and identifying perpetrators. As expectations increase and the volume of electronic data grows, law enforcement faces additional tasks and the need to adapt to changing circumstances. Leveraging the possibilities offered by technology, criminals

[1] Fenyvesi, Cs. (2021): Kriminalisztikai alapvetések. [Forensic Principles]. In: Fenyvesi, Cs. – Herke, Cs. – Tremmel, F.: Kriminalisztika. [Criminology]. Ludovika University Press, Budapest. 35

can gain a significant advantage over authorities. Therefore, it is crucial to keep up and continuously work on preventive, deterrent, investigative, and evidentiary tools, utilizing the potential of next-generation digital data for the benefit of law enforcement.[2]

Investigation always leads to the past, as authorities learn and uncover the circumstances of past events during the investigation. The acquired facts result in massive databases being available.

E-investigation means the investigation of the future.[3] The most common predictive software used in the justice system, such as PredPol, Palantir, CAS, Risk Terrain Modelling, PreMap, PRECOBS, or CloudWalk, are continuously in demand by law enforcement agencies.

Artificial Intelligence (AI)

In many countries around the world, the potential of AI in improving the effectiveness of law enforcement and ensuring public safety is being recognized. AI systems that mimic human thinking have advanced to a level where they enable more accurate data analysis and automated decision-making. Machine learning and deep learning are the two fundamental techniques at the core of AI.

Machine Learning is a part of AI that enables the system to process, analyze, and learn from data autonomously, without the need for explicit programming.[4] Programs use algorithms that can learn certain things from a specific database based on past experiences. Machine learning enables systems to solve more complex tasks that would be challenging for traditional rule-based programs. Machine learning offers diverse applications,

[2] Fenyvesi, Cs. (2017): A kriminalisztika tendenciái: A bűnügyi nyomozás múltja, jelene, jövője. [Trends in criminology: past, present and future of criminal investigation]. Dialóg Campus, Budapest. 240

[3] Nyitrai, E. (2018): Az interoperabilitási e-nyomozás alapjai. [The basics of interoperability e-investigation]. Belügyi Szemle, 66(10). 108–121

[4] Adam Gibson – Josh Patterson: Deep Learning: A Practitioner's Approach, O'Reilly Media Inc., Sebastopol, 2017. 15–38

ranging from image, speech, and text recognition to predictive analysis and decision-making.

Deep Learning, a special type of Machine Learning, is a relatively new technology that mimics the functioning of neural networks in the human brain. This method, which emerged in the early part of the last decade, processes nonlinear information, forming more complex "connections" with layered neural networks. These networks are capable of automatically extracting and representing features found in the data, and solving intricate tasks such as image or speech recognition, natural language processing, generative modeling, and many other areas.[5, 6] The most well-known architectures used in Deep Learning are the Convolutional Neural Networks (CNN) and the Recurrent Neural Networks (RNN), which belong to the category of deep neural networks.

Overall, it can be said that Machine Learning and Deep Learning neural networks can be applied to a wide range of tasks and applications.

Predictive policing and AI

The relationship between predictive policing technology and artificial intelligence (AI) has gained significant traction in recent years. The essence of predictive policing involves collecting and analyzing data from various sources, and utilizing the obtained results to forecast future criminal activities.

Methods and tools related to predictive policing can be categorized into two main aspects: predictions concerning individuals and predictions concerning locations. The purpose of individual-based predictive methods is

[5] Oord, A. v. d. et al.(2016): Wavenet: A generative model for raw audio. CoRR abs/1609.03499
Source: https://doi.org/10.48550/arXiv.1609.03499
Accessed: 20.07.2023

[6] LeCun, Y. – Boser, et al. (1989): Backpropagation applied to handwritten zip code recognition. Neural Computation, 1(4), 541–551,
https://doi.org/10.1162/neco.1989.1.4.541
Accessed: 20.07.2023

to identify individuals who are more likely to commit a crime or become victims of one in the future. On the other hand, location-based predictive methods aim to identify areas and time intervals where crimes are more likely to occur.[7]

AI to support predictive policing activities

During an investigation, information extracted from data is essential. According to Csaba Fenyvesi's standpoint, "the value of every police force (investigative, intelligence agency) lies in the amount of information it possesses."[8] The significance of long-established criminal records lies in the fact that the organization and evaluation of data enable drawing conclusions about the perpetrators of crimes or the circumstances surrounding the commission of crimes.[9]

Currently available modern crime prevention tools significantly improve the process of criminal planning and decision-making.[10] In the investigation of the future, e-investigation and predictive policing play a crucial role, resulting in significant time savings. As Nyitrai Endre stated, e-investigation "*is a data collection method that takes place in directly or indirectly accessible databases, and electronically recorded data can advance the investigation.*"[11] MI algorithms and models contribute to the analysis of criminal data, identification of anomalies, and prediction of future events.

[7] Harmati, B. – Szabó, I. (2020): A prediktív rendészet és az automatizált igazságszolgáltatás [Predictive policing and automated justice]. Belügyi Szemle, 68(5). 23–37
[8] Tremmel, F. – Fenyvesi, Cs. – Herke, Cs. (2005): Kriminalisztika Tankönyv és Atlasz. [Criminology Textbook and Atlas]. Dialóg Campus, Budapest-Pécs. 228–238
[9] Ibid.
[10] Szabó, I. (2019): Automatizált döntéshozatal és a büntetőeljárás. [Spirituality and migration]. Ügyészek lapja. 26. 5–20
Source: http://ugyeszeklapja.hu/?p=2588
Accessed: 20.07.2023
[11] Nyitrai, E. (2018)

The role of predictive analytics in law enforcement

In terms of understanding predictive policing, although there is a strong connection between the two concepts, it is important to distinguish data mining from predictive analytics. While data mining primarily focuses on examining large datasets and discovering hidden patterns and correlations, predictive analytics is centered around forecasting future events based on past data. The combined use of data mining and predictive analytics can be especially valuable in mapping criminal activities. The output of data mining serves as the input for predictive analysis.[12]

Predictive analytics aims to "*forecast (model) future expected behavior based on as much historical data as possible. It represents a combination of mathematical, statistical, and econometric methods that identify correlations within customer databases and assist in making better decisions.*"[13] The patterns of phenomena obtained through analytics are recognizable and exportable for future events. Both structured and unstructured data are used in its application, such as business data, transaction data, demographic data, online activities data, etc.[14] The use of predictive analytics in law enforcement is extensive, including crime prediction, targeted resource allocation, investigative support, and risk analysis.

[12] Harmati, B. – Szabó, I. (2020)

[13] Farkas, L. (2013): Prediktív analitika, avagy üzleti jóslás tudományos alapon. [Predictive analytics, or business prediction based on science]. Óbudai Egyetem Neumann János Informatikai Kar
Source: https://users.nik.uni-obuda.hu/santane.edit/letoltesek/Hallgat%c3%b3i%20essz%c3%a9k%202013/Predikt%c3%adv%20analitika.pdf
Accessed: 06.07.2023

[14] Harmati, B. – Szabó, I. (2020)

Crime prediction

By analyzing the data of previous criminal activities, patterns within the crimes can be discovered, and this information (potential locations, timings, and types) can be used for probabilistic estimations, offering preventive opportunities for authorities before the offense occurs.

Predictive analysis is a complex process that utilizes large amounts of criminal data. The task primarily relies on data harmonization, resulting from the collaborative efforts of police databases and other professionals.

According to Barbara Harmati and Imre Szabó's conclusions, the application of predictive law enforcement methods alone is not sufficient; it must be accompanied by appropriate social policy support and toolset. The use of predictive law enforcement methods in the future can be one of the key tools for crime prevention strategies.[15]

The concept of predictive policing has been extensively discussed in various literature, yet the most comprehensive definition was formulated by Meijer and Wessels, stating that predictive policing involves the collection and analysis of crime data related to previous criminal activities, utilizing computerized knowledge discovery with the aid of geographic information systems, area delineation, person identification, and crime statistical forecasting. It supports law enforcement crime prevention by facilitating the development of necessary strategies and tactics.[16]

In the United States, the Chicago Police Department was the first to operate one of the largest person-based predictive policing programs. During its initial launch in 2012, the program compiled a so-called “heat list” of individuals who were likely to commit or become victims of armed violence. The developments were so successful that the Chicago police often

[15] Ibid.
[16] Meijer, A. – Wessels, M. (2019): Predictive Policing: Review of Benefits and Drawbacks. International Journal of Public Administration 42(1):1–9
Source: https://doi.org/10.1080/01900692.2019.1575664
Accessed: 09.05.2023

referred to the program as a key player in their strategy to combat violent crime.[17]

The most widely used location-based prediction aims to identify high-crime-risk areas and timeframes. The Los Angeles Police Department (LAPD) was among the first to take steps in 2008 to establish such a predictive system, which eventually led to the development of PredPol.

The machine learning algorithm that examines "hot spots" analyzes three types of data using data mining and predictive analytics: the type of crime, the location of the crime, and the date or time of the crime.

PredPol, as a leading crime predictive law enforcement solution, directly receives data from police systems. The platform also provides mission planning and location management services, and it uses GPS tracking to monitor patrol services.[18] In addition to all of these, PredPol has been equipped with an analytical and reporting module, resulting in a visually user-friendly presentation of the software. It allows for the customization of crime types, districts, and individual reports in any desired combination.[19]

Predictive policing systems are not only used in the USA but are increasingly being implemented in Europe as well. In Italy, the XLAW software is utilized for property crimes, while in Germany and Switzerland, they rely on the Pre Crime Observation System based on identifying common offender groups.[20]

On June 11, 2012, the Greater Manchester Police (GMP) launched a crime mapping initiative called the "Crime Mapping" program to visualize

[17] Lau, T. (2020): Predictive Policing Explained. Brennan Center for Justice.
Source: https://www.brennancenter.org/our-work/research-reports/predictive-policing-explained
Accessed: 09.05.2023
[18] Meliani, L. (2018): Machine Learning at PredPol: Risks, Biases, and Opportunities for Predictive Policing. Source: https://d3.harvard.edu/platform-rctom/ Accessed: 09.05.2023
[19] PredPol (2020) Policing in the 'Big Data' Crime Prevention Era.
Source: https://www.predpol.com/data-mining-crime-predictions/
Accessed: 09.05.2023
[20] Herke, Cs. (2021): A mesterséges intelligencia kriminalisztikai aspektusai – The forensic Aspects of Artificial Intelligence. Belügyi Szemle. 69 (10). 1709–1724

the spatial distribution and patterns of criminal activities. GMP utilizes Geographic Information Systems (GIS) to depict crime data, enabling the police to identify potential "hotspots" for efficient resource allocation.

The primary benefits of predictive policing activities, besides crime forecasting, include tracking offenders or suspicious individuals, determining the identities of perpetrators, and preventing victimization.[21]

In summary, the essence of predictive policing is to shift law enforcement activities from a "what happened" perspective to a "what will happen" perspective.[22]

Methods and techniques

In predictive policing, various methods and techniques can be used for crime forecasting and the development of security strategies:

1. Machine learning algorithms: Machine learning belongs to the field of artificial intelligence, allowing the system to process data independently and learn from it. There are three main types: supervised learning, unsupervised learning, and reinforcement learning. During machine learning, programs use historical data to learn a predictive model. The model can be a classifier, regression model, clustering model, or other types capable of making predictions or decisions based on new data.

   The information obtained in this way can predict future attitudes through statistical estimation. The algorithms used in predictive policing are so diverse that listing them all is almost impossible. Based on their type, the applied models can be divided into two main groups: predictive models and descriptive models. As Sramó András states in his study, "the fundamental difference between the two

[21] Perry, W. L. et al. (2013): Predictive Policing: The Role of Crime Forecasting in Law Enforcement Operations. RAND Corporation, USA. 189

[22] Beck, C. – McCue, C. (2009): Predictive Policing: What Can We Learn from Wal-Mart and Amazon about Fighting Crime in a Recession? Police Chief, 76, 11–18

approaches is that predictive models make explicit predictions, while descriptive models provide assistance in creating predictive models."23 Examples of decision trees, random forest, support vector machines (SVM), Naive Bayes classifier, KNN, and artificial neural networks.

2. Time series analysis: Time series analysis is a collection of methods used to analyze the temporal changes in crimes, allowing for the identification of temporal patterns. Techniques used in time series analysis include autoregressive integrated moving average (ARIMA) model, GARCH model, and exponential smoothing methods.[24] Through analysis, law enforcement can develop better crime prevention strategies.
3) Geographic Information Systems (GIS): Spatial analysis is an effective tool in predictive policing, utilizing various techniques and methods such as Geographic Information Systems (GIS), spatial statistics, spatial clustering, and spatial autocorrelation. In predictive policing, GIS can be used to identify hotspots, spatial clusters, and territorial risks.[25]
4) Data Mining: Data mining is an interdisciplinary field of knowledge discovery in databases. It involves computationally intensive algorithms capable of uncovering patterns from relatively large datasets. The applied algorithms combine findings from various scientific disciplines, namely artificial intelligence, machine learning, and database systems.[26] Using data mining, information within datasets

[23] Sramó, A. (1999): Adatbányászat és statisztika. Statisztikai Szemle, 77. (5) 350–359
[24] Brockwell, P. J. - Davis, R. A. (2016): Introduction to Time Series and Forecasting. Springer. 23–35
[25] Wang, F. (Ed.). (2005). Geographic Information Systems and Crime Analysis. Hershey, PA: Idea Group. Volume 25, Issue 2 Source: https://doi.org/10.1177/0894439307298933 Accessed: 03.07.2023
[26] Fülöp, A. et al. (2014): Adatbányászati esettanulmányok. Debreceni Egyetem, Informatikai Kar html jegyzet. Source: https://gyires.inf.unideb.hu/GyBITT/01/pr01.html Accessed: 03.07.2023

can be discovered, such as clustering, association rules, and cluster analysis.

5) Text analysis and sentiment analysis: Text analysis is an efficient tool in predictive policing and crime analytics. Manual processing of textual data, such as crime reports, police documents, or social media posts, is extremely time and resource-consuming. Natural Language Processing (NLP) techniques enable the automatic processing and interpretation of texts, including morphological analysis, identification of syntactic structures, and semantic and content-based analysis.[27] Sentiment analysis is a subfield of NLP that aims to identify and categorize the emotions present in human texts. The method provides an opportunity for efficient examination of large volumes of textual data.[28]
6) Network analysis and social network analysis: During network analysis, relationships and network properties can be understood, enabling the prediction of events. Social network analysis is a subfield of network analysis that examines social relationships and social networks, thereby revealing the structure, nature, and characteristics of social connections and networks. This can include studying information flow, identifying communities, identifying central actors, etc.[29]
7) Bayesian networks: Bayesian networks are graphical model tools that model probabilistic relationships in a numerical and graphical way. With Bayesian networks, it is possible to model dependencies

[27] Manning, C. D. – Raghavan, P. - Schütze, H. (2008): Introduction to Information Retrieval. Cambridge University Press.
Source: https://doi.org/10.1017/CBO9780511809071
Accessed: 03.07.2023
[28] Pang, B. – Lee, L. (2008): Opinion Mining and Sentiment Analysis. Foundations and Trends in Information Retrieval, 2(1–2), 1–135
[29] Lazer, D. et al. (2009): Computational social science. Science, 323(5915), 721–723
Source: https://doi.org/10.1126/science.1167742
Accessed: 03.07.2023

between variables and make probabilistic predictions of events.[30] One significant advantage is its ability to handle uncertainty and allow for probabilistic estimates based on dependencies between variables. Tracking and estimating the future position of a target is an important factor. Predicting unknown situations can have a beneficial impact on identification, which can be estimated using a dynamic Bayesian network. "This can provide the opportunity to select an apprehension point with the lowest risk to the civilian population."[31]

Although the application of predictive policing can facilitate the work of law enforcement agencies, it is essential to note that its use raises various ethical questions. Furthermore, prioritizing data protection and compliance with data privacy regulations, especially in accordance with GDPR guidelines, is of utmost importance.

Police resource allocation

Police resource allocation refers to the process of distributing and assigning law enforcement personnel, equipment, and other resources to various areas and tasks to effectively address public safety and crime-related issues. MI applications facilitate smarter and goal-oriented police resource allocation, optimizing police presence in specific areas. Predictive analytics determines the most probable type of crime, its location, and timing. For this, data analysis, predictive analysis, and system integration and data sharing are used.[32]

[30] Orbán, J. (2014): Kriminalisztikai valószínűségi becslés Bayes-hálókkal. [Criminal probability estimation with Bayes nets]. Magyar Rendészet, 4. 115–130

[31] Orbán, J. (2016): Néhány kriminalisztikai szempontú gondolat az automata követés elméletéről és gyakorlatáról. [Some thoughts from a forensic perspective on the theory and practice of automated tracking]. Magyar Rendészet 2016/5. 79–92

[32] Hu, R. (2019): The State of Smart Cities in China: The Case of Shenzhen. Energies 2019, 12(22), 4375;
Source: https://doi.org/10.3390/en12224375
Accessed 20.07.2023

Modern technologies and artificial intelligence play a crucial role in police resource allocation. Predictive analytics models can analyze historical crime data to forecast future crime patterns and allocate resources proactively to areas with a higher likelihood of criminal activity. By optimizing police resource allocation, law enforcement agencies can better utilize their personnel and equipment, respond to emergencies faster, and implement targeted crime prevention strategies, ultimately leading to safer communities and more effective policing.

System security and threat assessment

Cybercrime is using increasingly complex and intelligent attack methods. AI technologies provide opportunities for improving cybersecurity, especially in predicting attacks. AI can detect anomalies in cybercriminal activities and suspicious connections in networks, alongside its numerous other functions. Using algorithms, it continuously monitors and analyzes information from various data sources, such as social media or public databases. To combat fraudulent online activities, major companies like PayPal proactively identify abnormal "patterns"[33] by examining massive amounts of transaction data with trained AI. This enables more effective anti-fraud measures and timely intervention.

With the widespread use of social media, the analysis of increased textual data can also aid police work. Natural Language Processing (NLP), a subfield of computer science, aims to use natural language as input and output data. In the detection of criminal information and identification of

[33] Standare, L – Hayes, D. et al. (2020): Forensic Investigation of PayPal Accounts. Cyber and Digital Forensic Investigations 141–174
Source: https://doi.org/10.1007/978-3-030-47131-6_7
Accessed: 03.07.2023

suspicious activities - such as emails, chat messages, and posts - data analysis and language processing algorithms can identify potentially threatening or planning criminal activities.[34]

The application of predictive policing procedures requires different legal regulations depending on the type of data they work with. Generally, predictive mapping operates with anonymized statistical data that does not identify specific individuals. However, when it comes to preventing or investigating specific crimes, personal data may be used.[35] Data protection and safeguarding individual rights are a priority in the ethical use of predictive policing technologies.[36]

AI-based police action against phishing

Phishing is one of the most common forms of online fraud, where attackers use forged websites, emails, and messages to obtain users' personal information. According to Cisco's 2021 report, 90% of all data breach incidents are related to phishing attacks.[37] The main types of phishing include mass email phishing, spear phishing, whaling, cloned phishing, SMS phishing (smishing), and voice-based phishing (vishing).[38]

AI-based solutions can also help enhance the effectiveness of law enforcement measures against phishing. However, in virtual environments, frauds often appear in an anonymous manner.

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[34] Kaddari, Z. et al. (2021): Natural Language Processing: Challenges and Future Directions. In: Artificial Intelligence and Industrial Applications. 236–246
Source: https://doi.org/10.1007/978-3-030-53970-2_22
Accessed: 20.07.2023
[35] Szabó, I. (2019)
[36] Ibid.
[37] The official side of Cisco Umbrella (2021): Cyber security threat trends: phishing, crypto top the list.
Source: https://learn-cloudsecurity.cisco.com/umbrella-resources/umbrella/2021-cyber-security-threat-trends-phishing-crypto-top-the-list
Accessed: 22.07.2023
[38] Ibid.

a) AI can analyze user data traffic using behavior analysis to detect possible phishing activities, especially during data theft attempts and unusual data queries. For prevention and recognition, various algorithms can be applied, including classifier algorithms such as decision trees, random forest, or SVM[39], as well as deep neural networks like convolutional neural networks (CNN) and recurrent neural networks (RNN), to name a few examples.[40]
b) With the support of intelligent algorithms, emails and messages, especially links in emails, email headers, or email contents can be more effectively monitored. Natural language processing (NLP) algorithms can be particularly useful in recognizing attacks.
c) User identification and authentication are also predictive tools in combating phishing and strengthening cybersecurity. During the identification process, AI algorithms can learn about user habits (login times, devices used, etc.) and create a kind of "behavioral profile." Since phishers often collect usernames and passwords, the identification method is much more reliable than traditional username-password pairs.
d) As users become increasingly aware of online dangers and various software continuously applies more advanced filtering techniques, phishing methods also continuously strive to develop new and sophisticated strategies to bypass defense systems. Therefore, it is crucial for law enforcement to continually update their knowledge and adapt to new threats.

As Nyitrai Endre highlights, data analysis and evaluation play a crucial role in the success of investigations. E-investigation and predictive policing offer opportunities for law enforcement agencies to collect and analyze

[39] Siu, K. et al. (2019): Architectural and Behavioral Analysis for Cyber Security. IEEE, USA.
Source: https://doi.org/10.1109/DASC43569.2019.9081652
Accessed: 22.07.2023
[40] Ibid.

electronic data more effectively and make predictions about potential criminal activities. In Hungary, within raster investigation, investigative authorities can only directly access certain databases, which limits the efficiency of data analysis work.[41]

Predictive policing and GDPR

Due to the influence of the internet, our world has become more open, leading to an increasing amount of personal data being disclosed. The General Data Protection Regulation (GDPR) imposes strict data protection requirements in the European Union to safeguard personal data. By safeguarding the data of natural persons, it ensures legal certainty and transparency for all economic actors in member states.

Based on the above, there is a particular relationship between predictive policing and the GDPR data protection regulation. According to GDPR, data subjects must be informed about the purpose of data collection and usage, which the predictive policing approach also needs to adhere to.

A significant difference can be observed in the context of profiling and automated decision-making. "Under the GDPR, biometric data is considered to be any unique technical procedures obtained related to a natural person's physical, physiological, or behavioral characteristics, which enable or confirm the individual's unique identification, such as facial images or fingerprint data."[42]

Furthermore, GDPR establishes strict rules regarding automated decision-making, as the regulation ensures the requirement for human intervention in such processes.

In summary, predictive policing must operate in harmony with data protection to deliver effective and reliable results.

[41] Dobó, J. – Gyaraki, R. (2021): A mesterséges intelligencia egyes felhasználási lehetőségei a rendvédelmi területeken. [Some applications of artificial intelligence in law enforcement]. Magyar Rendészet. 21 (4). 67–81

[42] Dobó, J. – Gyaraki, R. (2021)

Summary

Criminal circles quickly adopt the advancements of digital technology, so criminology must continuously keep up with technical changes and develop preventive and investigative tools to effectively protect society.[43] Agreeing with Attila Déri, AI applications offer tremendous opportunities for the police, starting from significant human resource savings and further enhancing public order and security. Previous experiences show that the implementation of AI applications not only makes police operations more efficient but also contributes to reducing the workload of employees,[44] including the automation, optimization, and streamlining of work processes, thus leading to a reduction in the workload of employees and more effective utilization of resources.

[43] Ibid.
[44] Dobó, J. – Gyaraki, R. (2021)

DOI azonosító: https://doi.org/10.53304/PS.2023.1-2.06

ZSOLT LIPPAI – ERNA URICSKA

The peripheral actors of policing: reaching public safety as a common collective product[1]

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 one 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] Kerezsi, 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 cards[14] 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] Christián, L.: „*Rendészeti szervek*" szócikk. [Headword "Law enforcement bodies"] In: Jakab, A. - Fekete, B.(eds.): Internetes Jogtudományi Enciklopédia. 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): Közbiztonság és jogállam [Public safety and the rule of law]. In: Jog-Állam-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 underresearched 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
Accessed: 02. 04. 2023

DOI azonosító: https://doi.org/10.53304/PS.2023.1-2.07

BARBARA MÁGÓ

Ways of protection granted by citizenship

Introductory thoughts

The national security challenges of the last decade have been the subject of a search for answers by practitioners, academics and politicians alike. Although the preventive and retaliatory measures implemented by states vary across Europe, a new trend and a new set of tools is emerging in the jurisprudence. Recently, a number of European states have revived or transformed their existing rules on deprivation of nationality in accordance with a national security perspective; citizenship revocation has begun to function as a kind of alternative means of protection against undesirable members of the nation state who pose a threat to national security. To date, the revocation of citizenship has been used mainly against dual nationals who have joined terrorist organizations, preventing them from returning home, but they are not the only ones whose expulsion could be of public interest in future if that makes them harmless[1]. Such an attempt to address security concerns implies a clear shift in the immigration and, in particular, citizenship acquis towards criminal law. This paper will attempt to analyze the protective function of citizenship, the possibilities and limitations of citizenship deprivation and the concerns that arise in the process of deprivation.

[1] Sheng, E. E.(2023): The moral permissibility of banishment. Law and Philosophy 42(3), 285-310

The protective function of citizenship

The fundamental characteristics of citizenship are equality, security, protection and stability. At the end of the naturalization process, foreign nationals take an oath of allegiance and the state accepts them as citizens, guaranteeing them a range of economic, cultural, social and political rights. This stable and peaceful relationship alters when the naturalized person – as a 'bad citizen' – commits a crime or an act that threatens the security of the country. Recently, many states have revised their citizenship laws on the grounds of public and national security interests and the threat of terrorism, reviving the institution of deprivation, which has been dormant or even forgotten since the end of the world wars and regime changes.

What is the role of citizenship in protecting the state, and how can a constitutional or administrative legal institution fulfil a national security or criminal law function? In this sense, citizenship status is nothing more than a guarantee against expulsion and thus a guarantee of staying in the country. As a main rule, a person who is a national of a state should not be expelled from the territory of that state, and is free to leave it and may return at any time. By examining the inverse of the claim, it can be established that a person who is not a national can be expelled and may be kept away from returning to the country. Deprivation therefore means that the individual loses the right of stable residence, and at the same time becomes a foreigner again, a subject to alien law, and ultimately obliged to leave the country. The effect of deprivation of nationality is the swift and effective exclusion of undesirable citizens who pose a risk to national security. The protective role of citizenship is thus twofold: on the one hand, it protects the citizen from exclusion and, on the other, it can protect the state from the non-citizen offender, if this function is justifiably exceeded.

The overt purpose of deprivation is therefore a reaction by the State, outside the criminal law, to the individual's criminal act. Given that expulsion is a known criminal penalty as well, which can be imposed alone or in addition to other penalties, it is also a procedure and a legal consequence

of a criminal nature when it is used for expulsion or to prevent the return to the country. In addition to its individual, overt, punitive purpose, deprivation also acts in the interests of national security, since specific, individualized retribution also has a general deterrent effect. Citizenship deprivation is also, somewhat implicitly, a means of enhancing the subjective sense of security of the population, of maintaining sovereignty and of protecting national values and interests.

Deprivation practices in European countries

Over the past decade, a number of European states have introduced citizenship deprivation practices for national security purposes. These deprivation policies have so far primarily targeted individuals linked to terrorism, in particular to defend against so-called "returning fighters"[2]. However, given international trends in citizenship deprivation, it is predicted that this legal instrument could, through confidence in its effectiveness, be extended to other undesirable cases of persons who have committed offences of particular material gravity.

In a study published in early 2023, Milena Tripkovic analyzed the deprivation of liberty practices in 37 European states (27 EU states, candidate countries, EEA countries and the United Kingdom). Out of the 37 countries surveyed, 15 (Albania, Croatia, Czech Republic, Hungary, Iceland, Liechtenstein, Lithuania, Luxembourg, Northern Macedonia, Poland, Portugal, Serbia, Slovakia, Spain and Sweden) do not currently apply the sanction of deprivation, while 7 (Bulgaria, Denmark, Finland, Italy, Latvia, Norway and Turkey) only apply the institution in cases of criminal responsibility for crimes against the state, crimes against humanity and terrorism, while the remaining 15 states (United Kingdom, France, Germany, Austria, Belgium, Estonia, Greece, Ireland, Romania, Switzerland, Cyprus, Malta, Netherlands, Slovenia and Montenegro) have a relatively wide scope of

[2] Returning foreign fighters are people who wish to return to the European state of their nationality after their voluntary participation in a Middle East conflict.

revocation for acts that are detrimental to public and constitutional order. Moreover, the UK and Italy allow the deprivation of nationality even if it results in statelessness, contrary to internationally accepted legal principles[3]. Official statistics also show that the number of withdrawals is on the rise. At the beginning of 2022, there were 6 revocations in Denmark, 16 in France, 21 in the Netherlands, 52 in Belgium and 212 in the United Kingdom[4]. According to the above study and statistics, the typical migration destinations that lead the way in revocations are the states which have high proportions of citizens from different cultures, immigrant backgrounds, mostly with dual citizenship, and which themselves have recently suffered serious terrorist attacks resulting in dozens of deaths.

The United Kingdom leads the list both in terms of the sophistication of its jurisprudence and the number of people deprived of their rights. A legally acquired relationship by public law, whether inherited or acquired by naturalization, can be dissolved in the "public interest" with almost no procedural guarantees, i.e. the status can be revoked, even if the person becomes a stateless person. The undeserving citizen must therefore always face the prospect of disenfranchisement under British law, a procedure which many experts and legal scholars regard with alarm. Although Belgian naturalization rules are among the easiest and most welcoming in the European Union, multiple nationals who are in breach of their civic duty can be deprived of their Belgian nationality, and therefore their EU citizenship, in absentia. In France, deprivation is only possible for naturalized persons within 15 years of acquisition, in cases where there is no risk of statelessness. In 2019, Germany introduced a rule that best protects human

[3] Tripkovic, M. (2023): Renouncing criminal citizens: Patterns of denationalization and citizenship theory. Punishment & Society 25(2). 363-385

[4] Source: https://files.institutesi.org/Instrumentalising_Citizenship_Global_Trends_Report.pdf
Accessed: 20.07.2023

rights, respecting the rule of law and proportionality[5], which allows deprivation only for multiple nationals, in cases involving an adult, as a result of an act related to terrorism, after the entry into force of the law.

Following the example of Western Europe, more and more states are reviving their old, sanction-based citizenship deprivation rules. Although the number of revocations is not yet significant, the legal provisions allowing them are changing in an increasingly stringent spirit, and the courts typically uphold these administrative decisions. However, on 22 March 2023, Denmark's Supreme Court issued a landmark annulment ruling, declaring a decision to revoke the citizenship of a Danish-Iranian dual national woman who had joined ISIS to be disproportionate. This is also crucial because the same court had reached the opposite conclusion in a similar case five months earlier[6]. While this decision appears to be a step forward in Denmark's deprivation of citizenship, it also pioneered a new direction in citizenship restrictions. In 2020, Denmark adopted an amendment to its law prohibiting the transfer of citizenship by descent to children of Danish parents in conflict zones, citing a lack of attachment to Danish values[7]. Although the possibilities and conditions of the restriction of the ius sanguinis principle, one of the main regulating principles of citizenship, and the relation between it and the legal institution of absence, which is also known in the history of Hungarian citizenship law, are not the subject of this article, it should be noted that the above restriction is as discriminatory for certain citizens as the prevention of free return by deprivation.

[5] Joppke, C. (2016): Terror and the loss of citizenship. Citizenship Studies 20(6-7). 728-748

[6] Prener, C. (2023): Citizenship Revocation and the Question of Proportionate Consequences: Latest Judgement from the Danish Supreme Court Sheds New Light on the Limits of Article 8 of the European Convention on Human Rights. Statelessness and Citizenship Review

[7] Source: https://files.institutesi.org/Instrumentalising_Citizenship_Global_Trends_Report.pdf
Accessed: 20.07.2023

An examination of the jurisprudence of European states therefore shows that national security interests are often clearly predominant over individual rights, which suggests that expulsion policy will remain the last bulwark of national sovereignty for a long time to come[8].

Concerns about the withdrawal of citizenship

The Universal Declaration of Human Rights provides that the right to a citizenship is a fundamental human right. Citizenship establishes the legal relationship between the state and the individual, which confers to the natural person a number of rights and privileges, including the guarantee of individual security. Perhaps the most controversial question about deprivation is whether it violates the fundamental human right to a citizenship. Since most states do not provide for the possibility of deprivation of citizenship by descent, but only after naturalization in the case of dual or multiple citizens, the right to a nationality is not in principle violated, since the individual does not become stateless.

However, another question is whether the practice of distinguishing between the acquisition of a legal obligation and the categories of sole and multiple citizens is morally correct and in line with the principle of equal treatment. Multiple relevant but far-reaching examples and analogies can be drawn to highlight the weight of these issues. If a naturalized person can be punished more and more severely for what he has done, is it true that society really expects more and better from him than from his natural-born compatriots? Using the example of a millennium-old legal institution, should a legal distinction be made between 'adopted' and 'natural' children? And should it be allowed when the adopted child attacks the adoptive family?

[8] Gyenei, L. (2023): Uniós polgárok kiutasítása más EU tagállamból az Európai Bíróság legújabb gyakorlatában [Expulsion of EU citizens from another EU Member State in recent case law of the European Court of Justice] II. Belügyi Szemle, 2023/3. 404

As mentioned above, acquiring citizenship is a pledge of final arrival in the life of the foreigner and a guarantee of unconditional residence in the country of choice. The subsequent deprivation of naturalized persons may therefore infringe legal certainty, the principle of equal treatment, the protection of acquired rights and the prohibition of retroactive legislation. As it is commonly known, a fundamental right may be restricted only to the necessary extent and proportionate to the exercise of another fundamental right. In the present case, the right to life, liberty and security of the wider population is in conflict with certain rights of the naturalized person, in particular the right to free return, which, in addition to the above, also affects the prohibition of discrimination, equality before the law and, ultimately, the right to family life and social security. The focus of the assessment of harm should be on the arbitrariness of the deprivation, but no precise definition of arbitrariness can be found in any of the normative texts. The divergent jurisprudence of the states can be traced back to divergent interpretations of the law, partially generated by the lack of a universal definition. Although the direction in which the law has developed regarding the sanctioning features of nationality may be parallel in several places, we are aware that this branch of the law has historically existed within the framework of national sovereignty, so that uniformity in the form of an EU directive, for example, cannot be expected. Each state codifies by its own values, traditions and legal policy objectives. However, the principles of international law and certain conventions should certainly be recognized as binding in national legislation.

Procedural unfairness is also a common argument against deprivation, as it imposes criminal sanctions without guaranteeing all the basic principles of criminal procedure. Immediately preventing a person from returning home may also violate the presumption of innocence, the right to appeal or to go to court, the right to personal presence and the right to adequate defense. We should take note of the fact that the key concept in the field of terrorism and national security is risk assessment, so the mentioned guarantees may not even come into consideration anyhow. However, although

deprivation of nationality can be based on a risk assessment and a completed offence, and carries a sanction similar as in criminal law, in most countries it is considered as a public administration procedural or purely administrative measure, with limited application of the aforementioned principles. It is precisely by taking advantage of these differences that it has been able to achieve its effectiveness and become a swift, cost-effective, yet sufficiently dissuasive legal sanction in European countries.

Although citizenship and aliens' rights instruments can, from a law enforcement point of view, create the conditions for expelling or preventing the entry of foreigners, it is nevertheless worth considering whether these instruments are more appropriate than the creation of legal and social opportunities that effectively promote the integration/reintegration of foreigners[9]. The subsequent exclusion of naturalized persons from citizenship could undermine the fundamental values of this status, and the loss of finality and stability could transform the role of citizenship, reduce its value, and make the protective function of citizenship more nuanced from the perspective of the naturalized citizen, while the relationship between rights and obligations in the national security interests of the state could become clearer.

Summary

Contrary to the popular prediction that citizenship is becoming less important in a globalizing world[10], we see that citizenship remains a key factor in the 21st century. These two phenomena are both illustrated by the fact that nowadays the citizenship of certain states and the value of their travel documents are internationally ranked, thus confirming the globalized, open

[9]Hautzinger, Z. (2015): A terrorizmus elleni küzdelem idegenjogi eszközei [Foreign law instruments in the fight against terrorism]. Pécsi Határőr Tudományos Közlemények XVI. Pécs. 212

[10] Shachar, A. et al. (2017): Introduction: citizenship - quo vadis?
Source: https://academic.oup.com/edited-volume/28089/chapter/212162383?login=true
Accessed: 20.07.2023

and travelable nature of our world and the power and prestige of belonging to certain national communities.

Modern experiences as well as the fear of the devastating effects of terrorist attacks and the true risk of radicalization of naturalized persons have led many states to resort to non-criminal means to guarantee security. The trend of deprivation of citizenship is likely to continue in the future unless the threat to national security is reduced[11]. The example of Denmark, which restricts the descendant principle, also outlines a new direction for the protective shield function of citizenship law. When introducing a possible Hungarian regulation, it is worthwhile to follow the good practices of countries that are already at the forefront of revocations and that also meet human rights requirements, and to use the successes achieved there in developing and improving our own national security systems. In addition, we should also look for further instruments. Above all, efforts should be made to identify potential national security risks at the pre-citizenship stage, during the aliens' registration and naturalization process, and to facilitate the integration of foreigners who have been living here for a longer period.

[11] Sangeetha, O., - Williams, G. (2017): Twenty-first century banishment: citizenship stripping in common law nations. International & Comparative Law Quarterly 66(3). 521-555

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ANITA NAGY

Conditional release

Introduction

The European Court of Human Rights has condemned Hungary for its adoption of real life imprisonment (also known as whole life imprisonment[1]), and in response to this criticism, Hungary has made modifications to its Presidential pardon system. Before considering the new provision in greater detail, it is helpful to take a more general look at the Presidential pardon.
As is now well understood, a connection exists between prison overcrowding and the available methods of release from prison. In Hungary release from prison can occur in several ways:

- completion of the term of imprisonment
- conditional release
- interruption of imprisonment (temporary)
- presidential pardon
- reintegration custody (from 1 April 2015).

The Presidential pardon is a discretionary power. There are two types of Presidential pardon; a public pardon known as amnesty, and an individual pardon. Each of these can further be divided into two categories, procedural and enforcement pardons.

The public pardon can be granted by the Parliament[2] and applies to a certain group of either the accused or the imprisoned. Further, an amnesty

[1]Case of Magyar v. Hungary, 73593/10 – Judgement (Third Section) 20, May 2014
[2] Váczy, P. (2013): Kegyelem! A közkegyelem intézményéről és a semmisségi törvényekről [Pardon! About the institute of amnesty and the rules of nullity]. In:

is usually connected with observing symbolic or political events, for instance, in order to commemorate the death of Imre Nagy, a public pardon was granted to a number of prisoners in honour of his death. However, this article focuses on the system for individual presidential pardons in Hungary.

The Procedure for an Individual Presidential Pardon

According to article 9, paragraph (4), section (g) of the Fundamental Law of Hungary, the President of the Republic has the right to grant individual pardons[3].

"The President of the Republic shall (g) exercise the right to grant individual pardon."

The minister responsible for justice is responsible for the following:

1) Preparing the case, with the help of the Pardon Department, and
2) Endorsing or countersigning the decision made by the President.

There are two ways to initiate the pardon procedure: it can be requested, or it can be initiated through official channels. In the case of a petition, the prisoner, the defence lawyer, the legal representative of a minor, or a relative of the accused or prisoner can apply for a pardon. Under these circumstances the petition for a pardon must be submitted to the court of first instance.

Upon submission, the court gathers the necessary documents, for instance the opinion of the probation officer, environment survey, police reports, and the opinion of the penitentiary institution. The court then sends the documents (the charge, the sentence, medical reports, and a pardon form[4]) to the minister within thirty days.

Tanulmányok a 70 éves Bihari Mihály tiszteletére. Universitas-Győr Nonprofit Kft., Győr, 553

[3] Case of Magyar v. Hungary, 73593/10 – Judgement (Third Section) 20, May 2014

[4] Decree of Ministry of Justice 11/2014. (XII. 13.) Section 123

But what happens when the minister does not support the application for a pardon? When this is the case, the minister is required to send the documents to the President of the Republic, as well as the minister's negative opinion. If there are medical reasons, it is possible for the minister to postpone or interrupt the punishment.

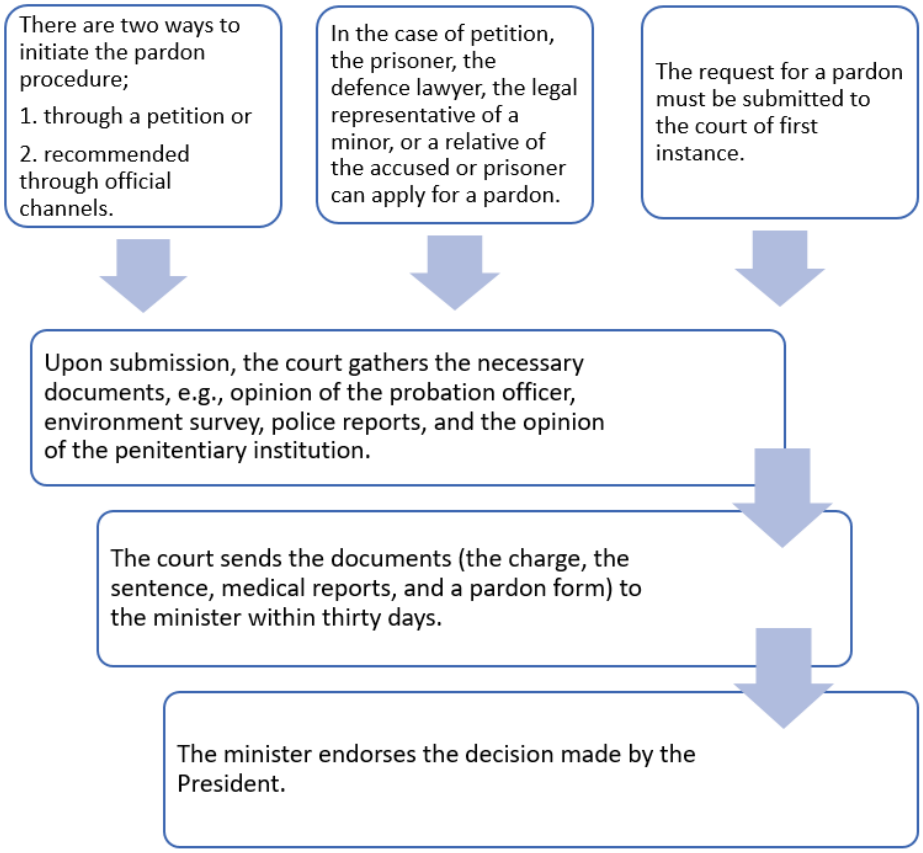

Figure 1
Flow chart of the procedure for a presidential pardon
Edited by the author

What does a declaration of pardon entail?

In the case of imprisonment, the text reads, for example, *"the remainder of the punishment is suspended for X years on probation.*" Further, the President's decision consists of a number of different features:

1) Above all, the president has discretionary power to decide.
2) The President of the Republic shall not discuss the reasons for granting or denying a pardon.
3) The opinion of the minster does not bind the president, and
4) The decision becomes effective only with the endorsement of the minister.

Conditional release vs real life imprisonment

Most states that have abolished the death penalty have accepted life imprisonment as an appropriate alternative.

From March 1, 1999 the sentence of 'real life imprisonment'[5] came into force in Hungary[6]. According to paragraph 44 (1) of the Penal Code of Hungary, real life imprisonment is applicable to a list of certain types of cases. In eighteen cases the judge can use his/her judgement, including the following: genocide, crimes against humanity, apartheid, etc. In two cases,

[5] Rec(2003)22 of the Committee of Ministers to member states on conditional release (parole) recommends: a "…, the law should make conditional release available to all sentenced prisoners, including life-sentence prisoners." A life-sentence prisoner is one serving a sentence of life imprisonment.

[6] Act IV of 1978 Section 45 on the Hungarian Criminal Code, as in force since 1 March 1999, provided as follows: "(1) If a life sentence is imposed, the court shall define in the judgment the earliest date of the release on parole or it shall exclude eligibility for parole. (2) If eligibility for parole is not excluded, its date shall be defined at no earlier than 20 years. If the life sentence is imposed for an offence punishable without any limitation period, the above-mentioned date shall be defined at no earlier than 30 years." As in force at the material time and until 30 June 2013 when it was replaced by Act C of 2012 on the Criminal Code: "Imprisonment shall last for life or a definite time."

real life imprisonment is compulsory[7]: a) multiple recidivism with violence, or (b) those who committed the crimes from the list above in a criminal organization. In another case when a person sentenced to life imprisonment commits a further crime, they are sentenced to life imprisonment again. In this case the actual sentence must be real life imprisonment[8].

The European Court of Human Rights in the Case of Vinter and others v. The United Kingdom[9] emphasizes: *"... there are currently nine countries where life imprisonment does not exist: Andorra, Bosnia and Herzegovina, Croatia, Montenegro, Norway, Portugal, San Marino, Serbia and Spain. The maximum term of imprisonment in these countries ranges from twenty-one years in Norway to forty-five years in Bosnia and Herzegovina. In Croatia in a case of cumulative offences, a fifty-year sentence can be imposed.*

In the majority of countries where a sentence of life imprisonment may be imposed, there exists a dedicated mechanism for reviewing the sentence after the prisoner has served a certain minimum period fixed by law. Such a mechanism, integrated within the law and practice on sentencing, is foreseen in the law of thirty-two countries: Albania (25 years), Armenia (20), Austria (15), Azerbaijan (25), Belgium (15 with an extension to 19 or 23 years for recidivists), Bulgaria (20), Cyprus (12), Czech Republic (20), Denmark (12), Estonia (30), Finland (12), France (normally 18 but 30 years for certain murders), Georgia (25), Germany (15), Greece (20), Hungary (20 unless the court orders otherwise), Ireland (an initial review by the Parole Board after 7 years except for certain types of murders), Italy (26), Latvia (25), Liechtenstein (15), Luxembourg (15), Moldova (30), Monaco (15), Poland (25), Romania (20), Russia (25), Slovakia (25), Slovenia (25), Sweden (10), Switzerland (15 years reducible to 10 years), the former Yugoslav Republic of Macedonia (15), and Turkey (24 years, 30 for

[7] Act C of 2012 on the Hungarian Criminal Code Section 44 (2)
[8] Act C of 2012 on the Hungarian Criminal Code Section 45 (7)
[9] Case of Vinter and others v. The United Kingdom, 66069/09, 130/10 and 3896/10 – Judgement (Third Section) 9 July 2013

aggravated life imprisonment and 36 for aggregate sentences of aggravated life imprisonment)".

There are five countries in Europe which make no provision for conditional release for life prisoners: Iceland, Lithuania, Malta, the Netherlands and Ukraine. These countries do, however, allow life prisoners to apply for commutation of life sentences by means of ministerial, presidential or royal pardon. In Iceland, although it is still available as a sentence, life imprisonment has never been imposed.

In addition to England and Wales, there are six countries which have systems of parole but which nevertheless make special provisions for certain offences or sentences in respect of which parole is not available. These countries are: Bulgaria, Hungary, France, Slovakia, Switzerland and Turkey.

Long-Term Imprisonment and Human Rights

There is a range of legal instruments defined by international organizations with provisions that either address the treatment and protection of persons deprived of their liberty or have relevance for this group of the population because they have a more general approach and regulate a variety of situations[10]. The prohibition of torture and inhuman or degrading punishment or treatment is not only a prominent right in the Universal Declaration of Human Rights (UDHR)[11], the International Covenant on Civil and Political Rights (ICCPR)[12] but it is also part of the European Convention for the Protection of Human Rights and Fundamental Freedom (ECHR)[13] as well as the purpose of the Convention against Torture and Other Cruel, Inhuman

[10] Drenkhahn, K. (2014): International rules concerning long-term prisoners, In: Long-Term Imprisonment Human Rights, Drenkhahn, Kirstin, Dudeck, Manuela and Dünkel, Frieder (Eds.), Routledge, 31
[11] UDHR, GA Res 217A (III), 10 December 1948
[12] ICCPR, GA Res 2200A (XXI), 16 December 1966, entry into force 23 March 1976
[13] ECHR, 4 November 1950, CETS 005, entry into force 3 September 1953

or Degrading Treatment or Punishment (UNCAT)[14] and the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (ECPT)[15].

In the European Union the rules on long-term imprisonment are primarily concerned with the protection of human rights of prisoners and originate from the Council of Europe and its bodies and not from the European Union (EU). Even so, there have been significant developments with regard to human rights protection in the EU. In 2009 the Charter of Fundamental Rights[16] of the EU entered into force together with the Treaty of Lisbon, which means that there is now a legally binding set of human rights provisions for the EU by the EU (ART.6 (1) of the Treaty of the European Union[17]. However, the relevance of the Charter for prisoners` rights is still at best limited because although it addresses the EU institutions, bodies, offices and agencies and the member states, they are only bound by the Charter when they are implementing EU law (Art.51 (1).There was admittedly an attempt to instigate the drafting of a European Charter of Prisoners` Rights by the European Parliament in 2004 and a resolution that called for strengthening prisoners` rights in 2011, but there is still no EU law on the treatment of prisoners[18].

Then main actor in the promotion of human rights on the European level has been the Council of Europe, which consists of 47 member states including all EU member states. All Council of Europe member states have signed and ratified the ECHR. This Convention is the basic legal text of the Council of Europe as the protection of human rights is, in addition to the

[14] UNCAT, GA Res 39/46, 10 December 1984, entry into force 23 March 1987
[15] ECPT, 26 November 1987, CETS 126, entry into force 1 February 1989
[16] EU Charter of Fundamental Rights (2010/C 83/02) on 7 December 2000, updated version of 12 December 2007, entry into force 1 December 2009
[17] Treaty of Lisbon (2007/C 306/01) of 13 December 2007, entry into force 1 December 2009
[18] European Parliament Recommendation to the Council on the rights of prisoners in the European Union (2003/2188(INI), 9 March 2004, P5_TA(2004)0142, European Parliament resolution on detention condition in the EU (2011/2897(RSP), 15 December 2011, P7_TA(2011)0585

development of democracy in Europe, the main aim of this organisation. Not only does the ECHR grant all persons within the jurisdiction of the signatory states individual rights and freedoms, it also provides for an individual complaints procedure (Art.34 ECHR) that may be instigated by any person, non-governmental organization or group of individuals who claim that their rights laid down in the ECHR have been violated by a state party. There are two additional mechanisms for substantiating good as well as undesirable practices in prison and thus for setting standards: *Recommendations to member states* and the work of the European Committee (CPT) for the Prevention of Torture an Inhuman or Degrading Treatment or Punishments. The CPT was set up under Art.1 ECPT and started to work in late 1989 (CPT 1991:§7). The ECPT provides that the CPT as a mentoring body shall be established and regulates the CPT`s organisation, competence and work. The most important recommendation concerning the conditions of confinement for long-term prisoners are Rec(2006)2 on the European Prison Rules (EPR) and Rec (2003)23 on the management by prison administration of life sentence and other long-term prisoners (Rec. on long-term prisoners). Among the wide range of recommendations concerning the deprivation of liberty, recommendation Rec(82)17 concerning custody and treatment of dangerous prisoners, Rec(82)16 on prison leave and Rec.(2003)22 on conditional release are the most relevant ones.

The CPT fulfils its preventive task through visits to all places within the jurisdiction of member states where persons are deprived of their liberty. It has unrestricted access to these places and may talk to inmates in private (Art.8 ECPT). After the visit the CPT enters into dialogue with the state party about its findings and any consequences in the state. The Committee drafts a report of the delegation`s observations with recommendations to the state party. Although the ECtHR and the CPT have different missions, the ECtHR uses the work of the CPT and has relied on visit reports in cases of alleged violation of Art.3 ECHR.

Whole life sentences and European human rights jurisprudence

In the context of a life sentence, Article 3 of the European Convention on Human Rights, which prohibits torture and inhuman or degrading treatment or punishment, *"No one shall be subjected to torture or to inhuman or degrading treatment or punishment."* This must be interpreted as requiring reducibility of the sentence, in the sense of a review which allows the domestic authorities to consider whether any changes in the life prisoner are so significant, and such progress towards rehabilitation has been made in the course of the sentence, as to mean that continued detention can no longer be justified on legitimate penological grounds. However, the European Court of Human Rights would emphasize that, having regard to the margin of appreciation which must be accorded to Contracting States in the matters of criminal justice and sentencing, it is not its task to prescribe the form (executive or judicial) which that review should take. For the same reason, it is not for the Court to determine when that review should take place. This being said, " the comparative and international law materials before [the Court] show clear support for the institution of a dedicated mechanism guaranteeing a review *no later than twenty five years* after the imposition of a life sentence, with further periodic reviews thereafter." It follows from this conclusion that, where domestic law does not provide for the possibility of such a review, a whole life sentence will not measure up to the standards of Article 3 of the Convention[19].

In the Case of Kafkaris v Cyprus[20], the ECtHR held that there had been no violation of Article 3 of the Convention. Concerning the length of the detention, while the prospect of release for prisoners serving life sentences in Cyprus was limited, this did not mean that life sentences in Cyprus were irreducible with no possibility of release. On the contrary, such sentences were both de jure and de facto reducible. A number of prisoners serving

[19] Life imprisonment, In: Factsheet ECtHR October 2015, 1
[20] Case of Kafkaris v. Cyprus 21906/04-Judgement (Third Section) 12 February 2008

mandatory life sentences had been released under the President's constitutional powers and life prisoners could benefit from the relevant provisions at any time without having to serve a minimum period of imprisonment. Accordingly, although there were shortcomings in the procedure in place and reforms were under way, the applicant could not claim that he had been deprived of any prospect of release or that his continued detention – though long – constituted inhuman or degrading treatment[21].

In the Case of Vinter and others v. The United Kingdom[22] the Grand Chamber of the European Court of Human Rights ruled that all offenders sentenced to life imprisonment had a right to both a prospect of release and review of their sentence. Failure to provide for these twin rights meant that the applicants had been deprived of their right under Article 3 of the European Convention on Human Rights to be free from inhuman or degrading treatment or punishment. The judgement stated *"If a prisoner is incarcerated without any prospect of release and without the possibility of having his life sentence reviewed, there is the risk that he can never atone for his offence: whatever the prisoner does in prison, however exceptional his progress towards rehabilitation, his punishment remains fixed and unreviewable"*.

Two principles established in this judgement require changes in the enforcement of whole life orders that prevent some prisoners sentenced to life terms from being considered for release.

1) Implicit in the right to a prospect of release is a right to an opportunity to rehabilitate oneself.
2) Implicit in the right to review of the continued enforcement of life sentence is a right to review that meets standards of due process[23].

[21] Life imprisonment, In: Factsheet ECtHR October 2015, 1
[22] Case of Vinter and others v. The United Kingdom, 66069/09, 130/10 and 3896/10 – Judgement (Third Section) 9 July 2013
[23] Smit, D. van Z., Weatherby, P., Creighton, S. (2014): Whole life Sentences and the Tide of European Human Rights Jurisprudence: What Is to Be Done? Human Rights Law Review 14, 59

The impact of this case: it does not prohibit actual whole life imprisonment for adult offenders convicted for murder in the light of Article 3 of the ECHR. Rather, it prohibits life imprisonment for adults only if there is no clarity under which conditions and when there is the possibility of reducibility of the sentence.

Since the Grand Chamber made this judgment, the issue of whole life orders has returned to the Court of Appeal of England and Wales in the case of McLoughlin[24]. The Court found that the Secretary of State's discretion was limited to "exceptional grounds", which must be read in a way that is compatible with Article 3 of the ECHR. The Court was, therefore, of the opinion that English law did present the possibility of release even where a whole life order had been imposed and so did not violate the ECHR .

In 2015, the ECtHR in the Case of Hutchinson v. UK [25] confirmed that imposing whole life sentences on prisoners does not breach Article 3, where the national court in McLoughlin determined that the law in England and Wales is clear as to "possible exceptional release of whole-life prisoners'" by the Secretary of State. Note, however, that life without parole still violates Article 3, and "whole life sentences" have to allow the possibility of release.

In the Case of Magyar v Hungary[26] the European Court of Human Rights held that the sanction of life imprisonment as regulated by the respondent state, which is *de jure* and *de facto* irreducible, amounts to a violation of the prohibition of degrading and inhuman punishment as prohibited by Article 3 ECHR. This is because it denies the convict any hope of being released in the future.

[24] R v. McLoughlin, R v. Newell: Court of Appeal, Criminal Division [2014] EWCA Crim 188, Criminal Justice Act 2003 (procedure for setting minimum terms of imprisonment in relation to mandatory life sentences)
[25] Case of Hutchinson v. United Kingdom 57592/08 3- Judgement (Third Section) February 2015
[26]Case of Magyar v. Hungary, 73593/10 – Judgement (Third Section) 20, May 2014

The judgment was challenged by the Hungarian government, but the request for referral to the Grand Chamber was rejected. The judgment became final in October 2014. The Court reinstated its previous case law and as a point of departure emphasized that the imposition of life sentences on adult offenders for especially serious crimes such as murder is not in itself prohibited by or incompatible with the ECHR (paragraph 47). The Court pointed out that there were two particular but related aspects to be analysed. First, the ECHR will check whether a life sentence was de jure and de facto reducible. If so, no issues under the Convention arise (paragraphs 48-9). Second, in determining whether a life sentence was reducible, the Court will ascertain whether a life prisoner had any prospect of release. Where national law affords the possibility of review of a life sentence, this will be sufficient to satisfy Article 3, irrespective of the form of the review[27]. Prisoners are entitled to know at the start of their sentence what they must do to be considered for release and under what conditions, including the earliest time of review (paragraph 53). The government tried to argue that the possibility of presidential pardon made the execution of the sentence in practice reducible, but the ECHR did not accept this argument[28]. The Court also noted that the human rights violation

[27] Life-sentence prisoners should not be deprived of the hope to be granted release. Firstly, no one can reasonably argue that all lifers will always remain dangerous to society. Secondly, the detention of persons who have no hope of release poses severe management problems in terms of creating incentives to co-operate and address disruptive behaviour, the delivery of personal development programmes, the organisation of sentence-plans and security. Countries whose legislation provides for real life sentences should therefore create possibilities for reviewing this sentence after a number of years and at regular intervals, to establish whether a life-sentence prisoner can serve the remainder of the sentence in the community and under what conditions and supervision measures. In: Explanatory Memorandum on Recommendation (2003)22 on conditional release (parole).

[28] The Government submitted that the applicant's life sentence was reducible both de iure and de facto; he had not been deprived of all hope of being released from prison one day. They argued that his sentence was therefore compatible with Article 3 of the Convention.

was caused by a systemic problem, which may give rise to similar applications, and therefore suggested a legislative reform of the review system for whole life sentences.

Hungary took two important steps in its response to the ECHR judgment:

1. It introduced a mandatory pardon procedure, where a convict has spent 40 years of his sentence,
2. It established a Pardon Committee.

Table 1 Guides us through what the compulsory pardon procedure actually entails, step by step[29].

1. Convict has served 40 years of his/her sentence (and has declared that he/she wishes to request the compulsory pardon procedure)[30]
2. The minister must carry out the procedure within 60 days
3. The minister informs the leader of the Curia, who appoints the five members of the Pardon Committee.[31]
4. The majority opinion must be made within 90 days[32] in an oral hearing (examining medical status, behaviour, risk ranking, etc.).
5. The opinion must be sent to the President within 15 days, and the President then decides whether to grant the pardon. The final step is the endorsement of the minister responsible for justice.

[29] Made by Nagy, A. Associate Professor, University of Miskolc, Faculty of Law, Institute of Criminal Sciences, 12 June 2015, Miskolc MAB in Memory of Prof. Dr. Tibor Horváth Conference

[30] Act CCXL of 2014 on the Hungarian Criminal Enforcement Code Section 46/B

[31] Act CCXL of 2014 on the Hungarian Criminal Enforcement Code Section 46/D

[32] Act CCXL of 2014 on the Hungarian Criminal Enforcement Code Section 46/F

6. If a pardon is not granted at this time, the procedure must be repeated in two years. [33]

Table 1
The compulsory pardon procedure
Edited by the author

Regarding the declaration of the ECHR, the Hungarian Constitutional Court made a declaration on April 17, 2014 (No. III/00833/2014) and a council of the Curia (Büntető Jogegységi Tanácsa) issued a declaration on July 1, 2015 (No. 3/2015. BJE).

Regarding the compulsory Presidential pardon procedure, these declarations stated that the Hungarian legal system now was in compliance with the requirements set forth by the European Court of Human Rights.

Conclusion

A new system for a compulsory presidential pardon procedure has been put into place to comply with the ECHR requirements. However, it can be argued that these measures are not sufficient to meet the requirements of the ECHR, because the requirement for the *endorsement of the minister responsible for justice* introduces a political element into the decision to grant a pardon.

Secondly, neither the Minister of Justice nor the President of the Republic had to *give reason* for their decision about such requests.

Thirdly, the ECtHR said, ... *" the comparative and international law materials before the Court show clear support for the institution of a dedicated mechanism guaranteeing a review no later than twenty five years after the imposition of a life sentence, with further periodic reviews thereafter ..."*, but in Hungary it is *40 years.*

[33] Act CCXL of 2014 on the Hungarian Criminal Enforcement Code Section 46/H

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JÁNOS SALLAI

Major General Barna Kazai, soldier and pioneering leader

(The Commander of KLKF from 1967 through 1988)

From 1971 to 1988, every year on 20th August, the Hungarian public could see Major General Kazai, the commander of the Lajos Kossuth Military College (hereinafter KLKF), when he conducted the officers' graduation ceremony in Kossuth Square surrounded by cameras and spectators. His name was long intertwined with officer training as a commander. Over the decades, his commanding presence has become legendary among students and officers alike. His personal appearance on college grounds or his performance at events always commanded authority and respect. As a college student, I looked up to him from afar, and as a deputy company commander, I came into direct contact with him on several occasions, and my respect for him only grew. I attended his lectures when he spoke about the 1950s and 60s, and his immediacy was palpable at every moment of the lecture. I travelled on the suburban railway several times when he was on his way to his home in Budapest after working hours, and met him when he was already retired. The short but meaningful conversations made lasting impressions on me. I will always remember the conversation when, in 1984, as a young officer returning to the College, he welcomed me together with my Head of Department, and we parted with the promise that he would visit me at my company at an appropriate time, because he was interested in how I had managed to settle into life at the College after my work with the border patrol. (Little did I know that General Kazai had also commenced his career as a border guard.) A month later, I was therefore quite surprised when the College Commandant appeared at the entrance of the company and asked the duty officer directly about me, and then sat down to talk to me in my office after the usual military formalities. His direct questions convinced me that it wasn't formal obligation why he was visit-

ing the company and me, but was genuinely interested in what was happening at the company, and how I was feeling, and also whether I had managed to fit in.

The abovementioned motivated me to create a fan page on Facebook a few years ago to commemorate General Kazai. The reactions of former colleagues and students, the comments, and reactions from followers confirmed my belief that the memory of Major General Barna Kazai, the general and the legendary commander of KLKF, should be preserved in some form, whether it be a statue or a memorial plaque. I found many partners in this endeavour, whose selfless donations have resulted in a memorial plaque on the entrance wall of the former KLKF command centre building, which now commemorates the General Kazai. Thus, former Kossuth students who visit the *alma mater* in Szentendre for a reunion can see the plaque remembering their former commander. The memorial plaque does not make up for the absence of military honours, but it is still a sign that we respect and do not forget our former commander.

In addition to the above, I believe for those who still hold him in high esteem as a role model it is important to learn more about the life and career of General Kazai.

Barna Kazai was born on 12 December 1929 in Mezőnagymihály, Borsod-Abaúj-Zemplén County. One of his two brothers died as a soldier in the Second World War, and he also had two sisters. His hometown is located in the present-day Borsodi Mezőség Landscape Protection Area along Kácsi Stream, bordered by open flat countryside. This determined that the people living here basically lived from agriculture, so Barna Kazai's parents also led a peasant lifestyle, they were farmhands until 1941, and then they farmed a 6-acre small-scale farm in Mezőcsát.

During his first studies, he completed 5 grades in elementary school, and 4 in state civil school, then again 3 grades in secondary school after his voluntary enlistment in the People's Army on 9 April 1946. His military career began in a border guard unit in Sátoraljaújhely, from where he was posted to a border guard station in Pácin. In 1946-47, he was given training

first in Miskolc and then in Szerencs, where he became a non-commissioned officer and a squad leader.

In 1947, as was typical of the professional political life of the time, he became involved in political and cultural life and did cultural and agitation work in the villages around Miskolc, and later became a member of the Hungarian Communist Party (MKP). After the known historical events, he joined MSZMP (Hungarian Socialist Workers' Party) in 1957.

1947 brought the opportunity for Barna Kazai to become an officer when he entered the Kossuth Academy, which he graduated from in 1949[1] and was promoted to second lieutenant. Three decades later, Barna Kazai, then a general and commander of the college, recalled the circumstances of the time and his motivation. *"I was drafted with minority enlistment in 1946, when I was only 16 years old. It was a mixture of childhood longings and many other things. It may seem cliché today to say that in those years all the doors were open to working-class and poor peasant children, but then we were stunned with joy. I had barely crossed the threshold of adulthood, and I, the son of a poor peasant, was asked the question: 'Do you want to be an officer in the People's Army? Now, in retrospect, I can search for words, but I cannot tell you how I felt. Anyone who were enlisted at the time, if asked, will say something that is broadly true, but to today's ear the words and adjectives sound a bit dull, they are perhaps a little rhetoric. It was a different age, and one had to live in it to describe it..."*[2]

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[1] *"And the long-awaited day arrived, 14 March 1949, the day of the graduation ceremony. Masses of workers' and peasants' children were awarded the rank of officer for the first time in our country. It was also the day when General István Oláh, Lieutenant General József Pacsek, Major General Barna Kazai (emphasis added, SJ) and Colonel József Szabó began their officer career. We lined up in front of the bust of Kossuth in the garden of the academy, dressed from head to toe in beautiful new uniforms. The ceremony was attended by the top leaders of the Party and the government. There were parents and relatives. It was an unforgettable day! Our happiness knew no bounds. We took an oath of office to defend the power of the working people, and the majority of us kept it honourably for a lifetime."* Kollár Lajos (1984): A Kossuth Akadémián. Honvédségi Szemle 1984/5, 62

[2] 30 Years of Officer Training. Same Destinies in the Same Row. In: Néphadsereg, 1977. 30/27, 11

After graduation, he was appointed junior officer in Szekszárd and became a rifleman and armoured platoon commander, a position he held for only a short time. From there he continued his professional career in military training, and then in officer training. In 1949, he returned to Kossuth Academy for a few months, where he became a platoon commander in the subdivision command course, and from there he was transferred to the Dózsa Rifle Officer School in Pécs where he was appointed to the position of a student platoon commander, as it was called at the time, a position he held until 1 October 1951.

1951 was also a turning point in Barna Kazai's family life, when he got married.

In 1952, after completing the Dózsa Rifle School, he moved up the career ladder again, and was appointed to the Directorate of the Military Training Institutes of the Army as a Head of Department. 1952-53 found Barna Kazai Kazai back in the classroom, where he completed a one-year Higher Command Staff Course at the Defence Academy, and subsequently served as a Corps Commanding Officer in the Operations Division of the Chief of Staff's Operations Group Headquarters. He carried out his duties to the satisfaction of his superiors, the best proof of which is that in 1956 he was given permission to start the preparatory course at the Frunze Academy, the next stage of which was the M. V. Frunze Military Academy in Moscow, Soviet Union. Here he studied from August 1956 to 28 October 1956. For the sake of accuracy and authenticity, I present the period that followed[3], quoting from Barna Kazai's autobiography of 1962. According to the autobiography: *"On 28 October 1956 we were brought home in a Soviet military plane. On October 28 and 29, we were at the Soviet air force division in Debrecen, because the plane landed there and we could not immediately continue our journey to Budapest. On 30 October we arrived at Budaőrs airport on a Hungarian military plane. From the airport we were*

[3] See also: Sallai, J. (2017): 1956 viharában - Janza Károly altábornagy [In the storm of 1956 - Lieutenant General Károly Janza]. In: Csurgai Horváth, József (Ed.): 1956: a szabadság narratívái : tanulmányok az 1956. évi forradalom és szabadságharc 60. évfordulóján

taken to the National Air Defence Command (OLP). On 30 October from the afternoon hours of 31 October we drove to the General Staff Operational Directorate (VK.Hdm.Csf). Until 3 November, I was in the Operations Department of the Operational Directorate as operations officer, but I was not given any specific tasks. In the morning of November 4, the Soviet soldiers sent us home from the Ministry of Defence (HM). From 4 to 6 November 1956 I was in my service family accommodation in Budapest (V. Balaton utca 17. III/3).[4] *"*

On the morning of November 7, 1956, I went to the Ministry, and took part in the reorganization of the General Staff Operational Directorate in establishing liaison with the troops, and in clarifying the situation of the military at that time. I helped to clarify the situation regarding several units. Several corps were issued orders to organize their personnel, restore order in the barracks, and contact the Soviet troops. It was during these days that the organization of the public force began, and I participated in this process as an operations officer in the Operations Department of the General Staff Operational Directorate.

After the 1956 revolution, Barna Kazai returned to the Frunze preparatory course, then to the Academy in Moscow and graduated from the M. V. Frunze Military Academy in 1961. During his studies here, he learned Russian well. After returning home, he remained without a post for a short time, after which he was appointed Chief of Staff of the Division in Békéscsaba in 1961 and then in Zalaegerszeg in 1963, a post he held until 1966. During this time he participated in the "Vltava" exercise in Czechoslovakia. During this period, he published several scientific publications, all related to motorised infantry tactics and training. According to the evaluation of his duties as the division's chief of staff: *"He is able to use what he has learned at school in practical life, which was especially evident in the command of the division and in the cooperation team exercise held in the spring of 1962, where he greatly helped the commander's work with his correct suggestions*

[4] Kazai, B. (1962): Önéletrajz [Autobiography]. Békéscsaba. Ministry of Defence Archives

and actions towards the troops.[5]*"* In the same evaluation, it is written of his dress and character: *"He dresses meticulously. His whole appearance and manner is cultured. His character is straightforward and firm, and he is determined to carry out his ideas and orders to the utmost.*[6]*"* I believe the latter statements accompanied him throughout his career, and he was always characterised by his uprightness and exemplary appearance, as well as his regular dress code. In the reminiscences of former college students, Major General Barna Kazai was clearly the model general, the model soldier.

1966 was the defining year of Barna Kazai's career, when he was promoted to colonel in the Hungarian Defence Forces.

After that, his life was fundamentally shaped by his appointment to the Unified Officers' School (ETI), where he became deputy commander, and then to the newly created KLKF[7] as a college commander. In recognition of his services to officer training, he was promoted to the rank of major general by HM Order No. 1855 of 7 November 1973. His summary of service (dates of rank) is as follows:

1. 1949 junior second lieutenant
2. 1949 second lieutenant
3. 1951 first lieutenant
4. 1952 captain
5. 1956 major
6. 1961 lieutenant colonel

[5] Hungarian People's Army, Commissioned Officer Basic Evaluation 1963: Lt. Col. Barna Kazai. Chief of Staff of Motorised Rifle Division. Ministry of Defence Archives
[6] Ibid.
[7] "*Order 18/1967. of the Minister of Defence made arrangements for the establishment of the school, for the future fate of the permanent staff, bases and materials of the disbanded Unified Officers' School and for the transfer of the cadets already enrolled in the school to the college."* Füzesi, Ottó (2012): Felderítő tisztképzés a Kossuth Lajos Katonai Főiskolán [Reconnaissance Officer Training at the Lajos Kossuth Military College]. In: Hadtudományi Szemle 5/2. 20

7. 1966 colonel
8. 1973 major general.

Knowing the waiting periods in the ranks in socialism, it can be noted that Barna Kazai's promotions were always exceptional, which is the greatest recognition of his work. Furthermore, in 2002, in recognition of his performance as a college commander, he was awarded the PRO MILITUM ARTIBUS (for military science) medal, for the following reasons, in recognition of his achievements in officer training: *"As college commander, he has made an unparalleled contribution to the organisation of quality training for officers in the combat arms and combined arms over two decades, and also to the professional and training of young officers to the devotion of duty.*[8]*"* In my opinion, the successful work of Major General Barna Kazai, Commander of the KLKF, is best illustrated by the fact that hundreds and thousands of young officers who graduated from the college served in the Hungarian People's Army, later in the Hungarian Defence Forces, the Border Guard and the Police, and there are still, although fewer and fewer, officers serving today who studied at the College during his time.

Barna Kazai's work for the town of Szentendre was recognised by the town council with the "*Pro Urbe*" award in 1978, and with the title of honorary citizen in 1988[9]. His dedication to public affairs is shown by the fact

[8] Source: https://www.uni-nke.hu/document/uni-nke-hu/PMA.pdf
Accessed 11.07.2023

[9] The reason given by the municipality: *"a military institution commanded by the major general works in full agreement with the people of Szentendre. Some 5,000 students can pursue sports in the various sports sections and clubs of the college. Many of these students have gained reputation beyond the national borders. The conscripts and officers, under the leadership of Barna Kazai since 1968, fought alongside the people of Szentendre in the difficult days of the town. Floods, building dams, providing food supplies in difficult winters are the hallmarks of this friendship. The students of KLKF have created millions of forints worth of social work. Just a few of the most notable activities: building a bridge on the Little Danube branch on Pap Island, Dezső Mészáros Statue Park, beautification and landscaping of schools and institutions. The college opened its swimming pool to the youth leaders in Szentendre and its cultural centre to all. The people of Szentendre have*

that he was the president of the Hungarian Modern Pentathlon Association for several decades.

His academic activities, in addition to his work as a commander, are attested by several scientific publications, and interviews on officer training. Among these (a non-exhaustive list), the following main articles appeared in the scientific journals of the People's Army:

- Let's Increase the Speed of Columns: Honvédségi Szemle 1962 – Special issue;
- Anxiety and Fear in Combat (co-authored with Zoltán Vladár): Zrínyi Katonai Kiadó, 1973;
- Experiences and Tasks of Guidance into the Professional Military Career: Honvédségi Szemle. 1975/12
- The Role of Education in the Training of Military College Cadets as Future Commanders: Honvédelem, 1971/10
- Self-Activity – the Leverage of Achievements and Results. In Honvédségi Szemle 1962. 3
- Attacks by Motorised Rifle Units. In Honvédségi Szemle 1962/6
- NCOs, the Primary Helpers of Officers. In Honvédségi Szemle 1962/11
- Anti-Tank Warfare in Modern Combat. In Honvédségi Szemle 1963/5
- On the Combat Activities of Rifle Units. In Honvédségi Szemle 1963/12
- Better Technical Knowledge for Our New Principles. In Honvédségi Szemle 1964/3
- Conference on Military Tactics. In Honvédségi Szemle 1978/7

The officers' graduation ceremony on 20 August 1988 was the last official public appearance for Major General Barna Kazai as a commanding

always felt the college their own place. And Barna Kazai' has a decisive impact to make this happen." Pest Megyei Hírlap, 1988. 32/ 304. 1

officer. On reaching the maximum age for service, pursuant to Article 5 (1) and Article 7 (2) of the Decree No. 10 of 1971 of the Presidential Council, he officially retired from service by order 01207 of the Minister of Defence effective as of 1 December 1988, and at the same time he was granted a 45-year of service award. After his retirement, he returned to the KLKF several times for retirement reunions, but in the 1990s he lived in the privacy of his family. Major General Barna Kazai passed away on 27 April 2007, his funeral with full military honours did not take place at the request of his family.

To conclude, here is a quote from Major General Barna Kazai, with decades of leadership experience: *"Don't feel infallible,' he warned, 'Good leadership is not a matter of rank, but of knowledge, of constant thinking, of the will to do something.*[10]*"*

In addition to the above thoughts, the memory of Major General Barna Kazai is preserved in the "*Kazai*" classroom at the Faculty of Military Sciences and Officer Training of the National University of Public Service, so even today all military cadets can see Kazai's portrait and read his autobiography on the classroom's picture boards, and non-commissioned cadets can see the former college commander's memorial plaque at the entrance of the former KLKF command building in Szentendre.

[10] Néphadsereg, 1987. 40/44. 7

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ERNA URICSKA

Social networking sites for accident prevention – The representation of mobile phone use while driving on law enforcement profiles in the European Union

Introduction

Distracted driving is one of the leading causes of road traffic accidents.[1] According to the definition of the National Highway Traffic Safety Administration "distracted driving is any activity that takes the attention away from the task of safe driving, including talking on a phone, eating and drinking, talking to people in the vehicle, fiddling with the stereo, entertainment or navigation system".[2] According to the Centers of Disease Control and Prevention and National Highway Traffic Safety Administration, there are three main types of distraction[3]:

- Visual: when the drivers take the eyes off the road;
- Manual: when the drivers take hands off the wheel;
- Cognitive: when the drivers take mind off driving.

[1] Papadimitriou, E., Argyropoulou, A., Tselentis, D.I. & Yannis, G. (2019): Analysis of driver behaviour through smartphone data: The case of mobile phone use while driving. Safety Science, 119: 91–97

[2] NHTSA (n.d.): Distracted Driving.
Source: https://bitly.ws/Wcxa
Accessed 12.10.2023

[3] CDC (n. d.): Distracted Driving.
Source: https://bitly.ws/Wcxv
Accessed 12.10.2023
National Highway Traffic Safety Administration. (2010). Overview of the National Highway Traffic Safety Administration's Driver Distraction Program (DOT HS 811 299) [PDF – 36 pages]. U.S. Department of Transportation, Washington, DC.
Accessed 12.10.2023

Mobile phone use while driving is a subtype of distracted driving, and belongs to all three types. The number of road accidents caused by texting while driving has increased sharply in the last 10 years, especially among young drivers.[4] ROADPOL Operation Focus on the Road is a coordinated pan-European enforcement action carried out by Traffic Police Officers from each ROADPOL member country and takes place on Europe's roads addition to the daily national Traffic Police enforcement activities to combat distraction in road traffic.[5] Mobile phone use while driving is also a subject to increased controls across Europe. The operation was announced for the third time in September 2022, and Hungary was also among the participating countries.[6] In addition to this initiative, the Vision Zero approach, a global framework can be mentioned that aims to reduce road fatalities to zero. The goal of the law enforcement units is to convince and involve citizens in the accident and crime prevention. Social networking

[4]Edgar Snyder & Associates. 2022 Texting and Driving Accident Statistics.
Source: https://bitly.ws/WcAc
Accessed: 12. 10. 2023.
Jannusch, T., Finnbar, M & Mullins, M. (2020): A new version of the Behaviour of Young Novice Drivers Scale (BYNDS). Insights from a randomised sample of 700 German young novice drivers. Accident Analysis & Prevention, 145: 105622.
doi: https://doi.org/10.1016/j.aap.2020.105622
Accessed 12.10.2023
Jannusch, T., Darren, S. Völler, M. Finnbar, M & Mullins, M. (2021): Smartphone Use While Driving: An Investigation of Young Novice Driver (YND) Behaviour. Transportation Research Part F: Traffic Psychology and Behaviour, 77: 209–220
https://doi.org/10.1016/j.trf.2020.12.013
Accessed 12.10.2023
[5] ROADPOL. European Roads Policing Network. ROADPOL Operation Focus on the Road.
Source: https://bitly.ws/WcAh
Accessed 12.10.2023
[6] Magyar Rendőrség [Hungarian Police]. ROADPOL Safety Days "Focus on the Road."
Source: https://bitly.ws/WcBe
Accessed: 12. 10. 2023

sites are appropriate for this framework as possible actors of enhancing accident prevention and creating public safety as they can contribute to the development of the sense of public safety through their adaptation into the digital external organisational communication.

Visual communication and accident prevention

Visual content such as images, videos, paintings, films, drawings, graphs and diagrams are effective tools for communication,[7] as they present and explain phenomena in a complex way that cannot be expressed by simply words. Their most important feature is that they convey complex information, thus enabling them to be more convincing within a shorter period of time.[8]

The choice of the visual content is based on two aspects, firstly, a proper visual form has to be chosen that communicates the desired message, and secondly, a communication channel has to be selected that reaches the desired target audience in a way that the message can be understood and received by the members or the followers.

With the rise of social media platforms such as Facebook, Instagram, TikTok and nowadays BeReal, visual content has come to the fore.[9] They are becoming increasingly important and relevant not only for individuals but also for organisations. Public administration organisations also have the opportunity to achieve their communication goals through visual content, and social campaigns can be supported by well-planned visual strategies.

[7] Simon, T. & Kárpáti, A. (2018): Vizuális kommunikáció a tudományközvetítésben [Visual communication in science mediation]. Jel-Kép: KOMMUNIKÁCIÓ, KÖZVÉLEMÉNY, MÉDIA, 4: 87–96

[8] Kuttner, Á., Kristóf, A. & Kárpáti, A. (2021): Instagram közösségi média használata a kiállítási kommunikációban – iskolai kísérlet bemutatása [Using Instagram social media for exhibition communication – a school experiment] Jel-Kép: Kommunikáció Közvélemény, MÉDIA, 4: 19–29
Simon, T. & Kárpáti, A. (2018): Ibid.

[9] Russmann, U. & Svensson, J. (2017): Introduction to Visual Communication in the Age of Social Media: Conceptual, Theoretical and Methodological Challenges. Media and Communication, 5 (4): 1–5

Communication skills are particularly important for law enforcement personnel to achieve high level of professionalism, to formulate their opinions, and to assert them. Due to their tasks and activities, police professionals communicate almost constantly with citizens, whether it is one-way, two-way, offline or online communication.[10] Their communication is primarily a social communication, and often has an additional goal, namely relationship building. Police communication often achieves its goal through its quality, but it is often forgotten that one of the final aims of communication is actually to influence and alter the attitudes and behaviour of the members of the society. In the 21st century, with the advent of internet and social media, communication processes have two main components: a human and a technical one.

The appropriate use of social media can encourage organisations, public administration organisations as well as non-governmental organisations to react to the emerging problems responsibly and effectively in order to achieve mutual cooperation.[11] As a consequence, it can be of vital importance for analysing how new media channels are used in everyday practices to improve the quality of external organisational communication.

Both on a national and international level, there is a growing number of research on how the emergence of social media affects the number of crimes committed, how social media can be used for gathering information

[10] Tajudeen, F. P., Noor, I. J., & Ainin, S. (2017): Understanding the impact of social media usage among organizations. Information @ Management 55(3): 308–21; Fielding, N. G. (2021): Police communications and social media. European Journal of Criminology, 1–19
Source: https://doi.org/10.1177/1477370821998969
Accessed 23.10.2023.

[11] Papadimitriou, E., Argyropoulou, A., Tselentis, D.I. & Yannis, G. (2019): Analysis of driver behaviour through smartphone data: The case of mobile phone use while driving. Safety Science, 119: 91–97; Dekker, R., van den Brink, P. & Meijer, A. (2020): Social media adoption in the police: Barriers and strategies. Government Information Quarterly, 37 (2): 1–9

in law enforcement,[12] and how social media can be integrated into external organisational communication to enhance police–public relations and dialogue, and promote the social role and responsibility of law enforcement units.[13] Police forces as organisations can also reach citizens and engage them in prevention activities.

Digital visual strategy can include the representation of a campaign against a social problem on social media for which the most appropriate and convincing content has to be created both quantitatively and qualitatively to support the campaign's aim. Visual representation is a kind of a reflection of the real world,[14] the signs can represent a special social problem.

In the field of law enforcement, the strategic use of images and videos on social networking sites in external organizational communication and the representation of social problems are in their introductory phase, and according to Dekker and co-authors (2020), the main obstacles are the lack of appropriate professionals and a strategic approach.[15] This study aims to present the research results whether the above-mentioned offline initiatives are represented on social media platforms in the online sphere.

Research sample

The research examines a subfield of digital law enforcement communication, the representation of a campaign against distracted driving and mobile phone use while on the Facebook pages and Instagram profiles operated by

[12] Gyaraki, R. (2021): A közösségi média hatása a kiberbűncselekmények elkövetésére. [The impact of social media on the commission of cybercrimes], Magyar Rendészet, 21(2): 67–82

[13] Dekker, R., van den Brink, P. & Meijer, A. (2020): Social media adoption in the police: Barriers and strategies. Government Information Quarterly, 37(2) 1–9

[14] Ioannidis, Y. (2009): Representation. In: Liu. L. & Özsu, M. T. (eds.) Encyclopedia of Database Systems, 3405-3410. Boston, MA: Springer.
Source: https://doi.org/10.1007/978-0-387-39940-9_449
Accessed 24.10.2023

[15] Dekker, R., van den Brink, P. & Meijer, A. 2020.

law enforcement agencies in the 27 Member States of the European Union. The sampling was implemented twice for a month-long period. The first sampling was conducted between 01 September 2022 and 30 September 2022, when ROADPOL Safety Days Focus on the Road operation was implemented, and then the sampling process was repeated in an average month between 01 December 2022 and 31 December 2022.

Hypotheses

Based on the offline campaign, it was assumed that

1) mobile phone use while driving was a highlighted theme in the content observed;
2) distracted driving was a highlighted theme during the operation in September 2022;
3) mobile phone use while driving was a highlighted theme during the operation in September 2022.

Research sample: Instagram and Facebook

Before the present research, pilot research was conducted to select those social networking sites that are appropriate from professional, qualitative and quantitative viewpoints for this current research.[16] Social media platforms that are used for conversations (e.g. Facebook Messenger), and professional or business purposes (e.g. LinkedIn) were excluded out of the top ten platforms.[17] It was planned that the official websites, Facebook pages,

[16] Uricska, E. & Fekete, L., Vinczéné (2022, February 4). Educating the public, in service of crime prevention: Factors influencing persuasiveness of social advertising videos [Paper presentation]. Taní-tani online conference. Miskolc, Hungary: Faculty of Humanities Teacher Training Institute.
[17]Lyons, K. Semrush Blog. (1.11.2022.): 28 Top Social Media Platforms Worldwide. Source: https://bitly.ws/yFaq
Accessed 12.10.2023

Instagram profiles, TikTok profiles and YouTube channels operated by national law enforcement units in the Member States of the European Union would be included in the research sample.

If YouTube is compared to other platforms, it is obvious that watching a YouTube video is not a random act, like in the news feed of Facebook or Instagram, but it is a conscious and deliberate action. The user sits down and watches a video on accident prevention. For this reason, the YouTube channel was excluded from the research sample.

In the middle of the first sampling period, it became evident that law enforcement units of the countries observed were hardly present on TikTok, and as a consequence of it, that there were only few entries. The platform was not used for external organisational communication purposes, and regular content sharing was not part of the external law enforcement communication. The videos posted on TikTok were often shared in the form of private content of police officers, aimed at increasing personal popularity and building individual brands. The videos were constructed in a special style that differed significantly from the official police communication (e.g. arrests under an Eminem song, dancing police officers). On this account, TikTok was not included in the platforms analysed.

The official websites were also excluded from the sample as the number and content consumption habits of the followers and the visitors cannot be observed by an external researcher. Furthermore, social networking sites are becoming important research areas for social communication due to their growing popularity. For the reasons listed above, the verbal and visual content of the two most popular platforms, Facebook and Instagram were analysed. In particular, Instagram profiles are followed by the members of Generation Z in large numbers where the number of accidents caused by distracted driving is particularly high.[18]

[18] Hernandez-de-Menendez, M., Carlos A. E.D. & Morales-Menendez, R. (2020): Educational experiences with Generation Z. International Journal on Interactive Design and Manufacturing, 14(3) 847–859
Source: https://doi.org/10.1007/s12008-020-00674-9
Accessed 12.10.2023

In the starting phase of the research, it was unexpectedly complicated to find the official Facebook and Instagram profiles, as there are (were) more law enforcement pages and profiles with similar, and at the same time misleading names, so the official profiles of police forces in EU Member States were selected from the followers of a personally well-known, official law enforcement profile.

The Facebook and Instagram profiles of law enforcement units at a local or provincial level in EU Member States were not included in the sample, as not all law enforcement units of the provinces were represented on the social media platforms, e.g. in Germany. In addition, not only the police forces of provinces but also the police stations of cities appeared on Instagram on a weekly basis, e.g. in Sweden. They were indicated by the "new" tag on the interface at the time of compiling the manuscript (July 2023).

The method of the research

Visual content analysis was employed as a research method as it is "a systematic observation method that can be used to test hypotheses about how the media portray people, events, and situations"[19] on the social media profiles. During the sampling periods, the communication channels, the communication content, the messages (the concept of *ROADPOL* and the visual representation of mobile phone use while driving), their content frequency were observed in the forms of images and videos created on Facebook and Instagram, and analysed respectively.

The main objective of the quantitative nature of the research was to quantify the data that allows a partial generalisation and conclusion whether the social problem was present on social media platform. The qualitative variables were also identified (language use: foreign and mother tongue, formal and informal).

[19] Bell, Ph. (2001): Content Analysis of Visual Images. In: Van Leeuwen, T. & Jewitt, C. (eds.): The Handbook of Visual Analysis. London: SAGE Publications Ltd. 10–34
Source: https://doi.org/10.4135/9780857020062.n2
Accessed 12.10.2023

Research results

Instagram as a platform observed

Contrary to expectations, the topics of ROADPOL and mobile phone use while driving were not highlighted issues on law enforcement profiles between 1 and 30 September 2022, and they were not represented in 22 out of 27 law enforcement profiles in the Member States of the European Union. At the time of the sampling, the police forces of two countries, Cyprus Police (Cyprus) and Poliisi (Finland) did not have official Instagram profiles. The official website of the Cyprus police does not contain an Instagram presence icon signing that the organisation is not present on the platform, and the Instagram icon on the official website of Finland's police "only" directs the visitor to the profile of the capital, Helsinki. Germany's police created the last content on the platform on 12 February 2016,[20] however the majority of the German municipalities has separate Instagram accounts, and they can be accessed from the official website (POLIZEI)[21].
On Instagram, in the first sampling period, the topic of mobile phone use while driving was represented by only the police forces of Malta and Slovenia, while the Focus on the Road operation by the police forces of Belgium and the Czech Republic.

On 15 September 2022, the day before the launch of the operation, the Belgian Federal Police shared the ROADPOL Safety Days campaign video twice on the platform, once in Flemish[22] (Figure 1) and at the same day in

[20] Instagram. Immer bereit.
Source: https://bitly.ws/WcJy
Accessed 12.10.2023
[21] POLIZEI. Offizielles Portal der deutschen Polizei.
Source: https://bitly.ws/WcJB
Accessed 12.10.2023
[22] Instagram. Roadpol Safety days.
Source: https://bitly.ws/WcJD
Accessed 12.10.2023

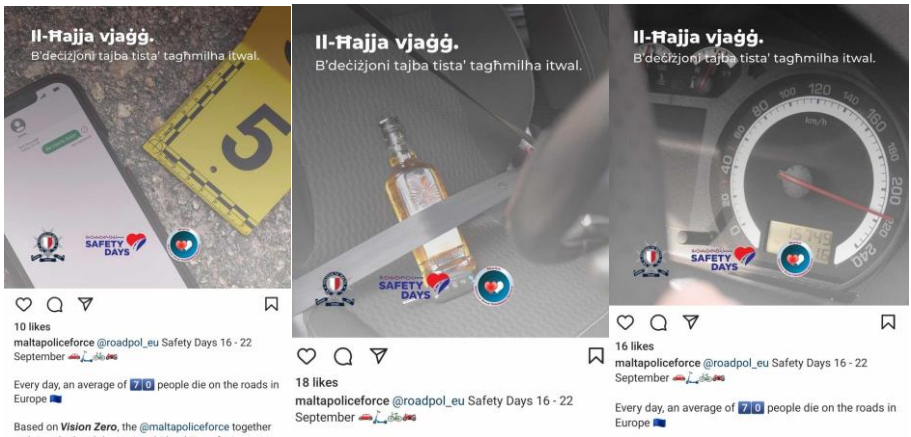
French[23] (Figure 2). Flemish and French are two of the three official languages of the country, but the campaign video was not displayed in German, the third official language of the country.

Figure 1 and Figure 2
The campaign video in Flemish and in French
(Source: Instagram. Belgian Federal Police)

Similarly to the Belgian police, the Czech police (Policie Ceske) shared the ROADPOL Safety Days campaign video in Czech, the official language of the country.[24]

The Malta Police Force shared three ROADPOL operation-related posts presenting prevention messages in relation to mobile phone use while driving (Figure 3), drunk driving (Figure 4) and speeding (Figure 5).

[23] Instagram. Roadpol Safety days.
Source: https://bitly.ws/WcJH
Accessed 12.10.2023
[24] Instagram. Startují Roadpol Safety Days 2022.
Source: https://bitly.ws/WcJM
Accessed 12.10.2023



Roadpol Safety Days against:
Figure 3: Mobile phone use while driving, Figure 4: Drunk driving and Figure 5: Speeding
(Source: Instagram. Malta Police Force)

According to Eurobarometer, the police force of Malta presented the citizens' feedback as the organisation reached 69% level of trust among the population.[25] It is supposed that the cooperation and acceptance between the community and the organisation are particularly important.

In the case of Police Slovenia, the *ROADPOL* operation-related campaign video was also shared,[26] and the use of a mobile phone while driving was shown in an image where the image and the text can be understood together as they complete each other. A long verbal description about the offence of mobile phone while driving was explained in a detailed and cyn-

[25] Instagram. Community Engagement Session.
Source: https://bitly.ws/WcJP
Accessed 12.10.2023
[26] Instagram. police_slovenia. Roadpol Safety Days 2022.
Source: https://bitly.ws/ZaTx
Accessed 12.10.2023

ical manner. According to Wood and McGovern (2021), humour and cynicism are also tools for engaging[27] and warning the public like in this case, because the driver was fined.[28]

'I'm on the road 🏁, my boss is calling and I don't have hands-free in my car or haven't set it up yet... what should I do ❓

1️⃣ I answer the phone with my right hand and hold the steering wheel with my left
2️⃣ I answer and hold the phone with my left hand, steering with my right
3️⃣ I don't answer the phone and I text quickly
4️⃣ I answer and use the speaker on my phone
5️⃣ I don't answer, stop safely at the first convenient point and make a call there […]
HOW THE DRIVER IN THE PICTURE TOOK IT ❓
The driver in the picture chose Option 1 and received a fine of €250 and 3 penalty points ... □ *'*

During the second sampling period on Instagram (between 1 and 31 December 2022), none of law enforcement units from the 27 Member States of the European Union created verbal or visual content on the topic of mobile phone use while driving.

[27]Wood, M.A. & Mc Govern, A (2021): Memetic copaganda: Understanding the humorous turn in police image work. Crime Media Culture, 17(3) 305–326
Source: https://doi.org/10.1177/1741659020953452
Accessed 12.10.2023
[28] Instagram. police_slovenia.
Source: https://bitly.ws/WcJR
Accessed 12.10.2023

Facebook as a platform observed

The issue of mobile phone use while driving did not appear in 23 countries in the first sampling period, and there is no official Facebook page operated by the German police. Only the police forces of Latvia, Lithuania, Malta and Slovenia shared content on the topics observed.

Latvia's (Valsts policija) police created content about the ROADPOL operation in four cases in September 2022, including also mobile phone use while driving. The operation was mentioned as part of short news reports in two cases, and the campaign video was also shared.[29] Finally, the operation was presented only in an image. The post contained a call-to-action form, and encouraged citizens to take part in the action against mobile phone use while driving (Figure 6).[30]

[29] Facebook. ROADPOL Drošības dienas.
Source: https://bitly.ws/WcJX
Accessed 12.10.2023
[30] Facebook. Roadpol Drošības dienas.
Source: https://bitly.ws/WcK4
Accessed 12.10.2023

Figure 6
Roadpol - European Roads Policing Network #roadpolsafetydays
(Source: Facebook. Valsts Policija)

Although the Lithuanian Police (Lietuvos policija) did not create any visual content on mobile phone use while driving, however the ROADPOL Safety Days operation was presented once, where the organisation informed the public about the increased police checks as preventive measures.

As an outstanding practice, the Police Force of Malta created the same content in relation to the ROADPOL Safety Days operation on Facebook as well as on Instagram. During the sampling period, there was no other law enforcement unit where the administrators of the organisations shared the same content. Feedback from the members of the public is also particularly important to the police force, and they try to build a relationship between the two parties. There was also a post highlighting the importance of public-police relationship on Instagram.[31]

[31] Facebook. Public Trust.
Source: https://bitly.ws/WcK9

A positive example, a "model" can be found on the Facebook page of the Slovenian police. The ROADPOL Safety Days were presented in four posts, they presented the operation as a process from the beginning of the campaign to its closure. The first post contained a detailed description with three photos about the operation (Figure 7, Figure 8, and Figure 9),[32] and the same day, the organisation also published the campaign video of the operation.[33]

Figure 7: The logo of the Roadpol Safety Days operation, Figure 8: A road check and
Figure 9: A scene from the campaign video
(Source: Facebook. Slovenska policija)

The practical application of the campaign was presented as it shows the penalty for using a mobile phone while driving.[34] Finally, the organisation

Accessed 12.10.2023
[32] Facebook. Roadpol Safety Days.
Source: https://bitly.ws/WcKh
Accessed 12.10.2023
[33] Facebook. Roadpolovi dnevi prometne varnosti.
Source: https://bitly.ws/WcKm,
Accessed 12.10.2023
[34] Facebook. Road check.
Source: https://bitly.ws/WcKp

shared a post on the closing phase of the operation[35] and a report with two images in which they gave feedback for their followers and declared the successful implementation of the operation (Figure 10 and 11).[36]

Figure 10 and Figure 11:
The successful implementation of the operation
(Source: Facebook. Slovenska policija)

Accessed 12.10.2023
[35] Facebook. Roadpol Safety Days.
Source: https://bitly.ws/WcKs
Accessed 12.10.2023
[36] Facebook. Akcija uspela!
Source: https://bitly.ws/WcKx
Accessed 12.10.2023

"The campaign is a success! No fatalities on Slovenian roads again on 21 September.

☞23 countries took part in the international campaign; twelve reached the target, including Slovenia!

☞5,410 road traffic offences detected in Slovenia during the week-long Focus on the Road campaign.

Last week, police officers joined international activities aimed at one goal - zero road deaths, at least for one day - with a number of reinforced checks on Slovenian roads."

Analysing and creating a series of posts in the teaching and learning process both in English and Hungarian (digital organisational communication) can be an example how a campaign that takes place offline can be presented or created in the online sphere.[37]

In the second sampling period on Facebook, the topic of mobile phone use while driving did not appear in 24 countries out of the 27 Member States of the European Union only in three countries, Romania, Spain and Slovakia. The Romanian police (Politia Romana) displayed mobile phone use while driving twice.[38] By both images, users were warned in an informal way: 'You lose focus. You lose control. Stay focused. Drive carefully!' (Figure 12) and 'Stop to answer your messages!' (Figure 13).

[37] Uricska, E. & Suták, M. (2022): Közösségi oldalak rendészeti profiljain található bejegyzések alkalmazása szaknyelvoktatás során. [Applying posts of law enforcement profiles on social network sites in teaching of law enforcement technical language] Magyar Rendészet, 22(1) 107-119

[38] Facebook. #PierziAtenția#PierziControlul.
Source: https://bitly.ws/WcKz
Accessed 12.10.2023
Facebook. #PierziControlul#PierziControlul.
Source: https://bitly.ws/WcKF
Accessed 12.10.2023

Figure 12: Stay focused!
Figure 13: Stop to answer your messages!
(Source: Facebook. Poliția Română)

The Spanish police (Policia Nacional) shared content on mobile phone use while driving twice with the same content (same message and image), at first on 21 December, [39] and then on 28 December (Figure 14).[40]

Figure 14:
Do not use your mobile while driving!
(Source: Facebook. Policía Nacional)

[39] Facebook. Al volante no uses el móvil.
Source: https://bitly.ws/WcKL
Accessed 12.10.2023
[40] Facebook. Al volante no uses el móvil.
Source: https://bitly.ws/WcME
Accessed 12.10.2023

The Police of the Slovak Republic (Polícia Slovenskej republiky) provided only data in the annual accident statistics in relation to mobile phone use while driving on Facebook in December, despite the significant number of pictures shared (229 images). The force informed its followers that mobile use while driving was detected in 752 cases as part of the Operation Sito ('Akcie Sito').[41]

The practical implementation of the research was significantly complicated by two organisations (Italy: Polizia di Stato; Slovakia: Polícia Slovenskej republiky) as they did not apply a time period filter on Facebook. An interesting fact that illustrates the changing importance of social media interfaces is that both organisations already applied a time period filter at the time of writing the manuscript (July 2023). It may indicate the integration of Facebook into external organisational communication, and also the user-friendly development of the site.

Conclusion

The research results suggest that the use of Instagram and Facebook is a new practice regarding conscious content creation of a campaign in the external police communication. 18 law enforcement units in Member States of the European Union did not create any entry on mobile phone use while driving or ROADPOL operation in the sampling periods. The visual representation of the campaign and mobile phone use while driving on the two social media platforms were comparatively low. Only 21 visuals were created altogether, such as the campaign video that appeared in 6 cases and translated into different languages, the ROADPOL operation in 14 cases, 5 images and statistics once.

[41] Facebook. Akcie Sito.
Source: https://bitly.ws/WcMJ
Accessed 12.10.2023

Even Facebook, the most popular platform with the largest number of users has a lot of opportunities to be explored for accident prevention purposes. The police forces of Lithuania, Malta and Slovenia created positive examples on Facebook, and only Latvia, Romania, Spain, Slovakia posted any content regarding ROADPOL or mobile use while driving in one of the sampling periods.

The social networking site Instagram was launched in 2010, albeit it can also be considered a new channel for prevention purposes in digital police communication. Police forces of 4 countries, Belgium, the Czech Republic, Malta and Slovenia created any post in relation to the topic under observation in the sampling periods.

The research hypothesis that mobile phone use while driving would be a highlighted theme on social networking sites was not confirmed. The research hypotheses that distracted driving and mobile phone use while driving would be a highlighted theme during the ROADPOL Safety Days project Focus on the Road in September were not confirmed. The content sharing practices in the online sphere did not harmonise with the road safety campaign and initiation carried out in the offline environment in September 2022.

The content management of social networking sites and the measurement of their impact on accident prevention among citizens are new fields to be developed, and they may become priority issues. The conscious use of the sites is a possible future direction in order to improve the relation between the two parties, and enhance digital organisational communication for prevention purposes.

Summary

Sallai, János – Borszéki, Judit: The beginnings of the history of English and Hungarian policing (5-40)
The aim of the study is to explore, analyse and compare the beginnings of English and Hungarian policing, the system of public administration that comprised it, and the characteristics of criminal justice from the Middle Ages to the establishment of professional police organisations.
The publication draws on the relevant literature in English and Hungarian and on a wide range of sources. Among other things, on data from a work on the history of the police in a small town near Liverpool, based on original sources.

Fenyvesi, Csaba: Personal, criminal methodical and legal possibilities to prevent mistakes in identity parades (41-60)
The study shows the possibilities how we can avoid any mistakes in the field of identity parade/line-up section. It aims to present how we can prevent the false personal identification in criminal cases which can lead the worst outcome: justizmord (miscarriage of justice). The author discusses criminal methodological and criminal tactical suggestions for law enforcement. Lastly, he also proposes to the lawmakers that legal rules ("de lege ferenda") should be modified.

Hegyaljai, Mátyás: Migration in light of the EU Presidency Trio priorities (61-69)
One year before taking over the presidency of the European Union, it is worth reviewing the challenges we face in the field of migration. This area has a prominent role in the common programme of the countries cooperating in the trio framework, which requires a European solution, so the member countries will continue the work related to the reform of the Common European Asylum System. Although there is an understanding among them that renewal is necessary, there is no consensus on how the

system itself should be transformed. There is a strong will of the committee to adopt all elements of the Pact on Migration and Asylum before next year's European Parliament elections, which is supported by the majority of the Member States, but there are also some opponents, such as Hungary. In order to understand the present situation and the expected future, the current status of each file must be reviewed, and also a more detailed check of the two most controversial documents is needed.

Kalmár, Ádám: Organisational and security effects of the accession of the Republic Of Croatia to Schengen (70-81)

The police leaders of Baranya County had an excellent strategy for the full Schengen accession of the Croatian Republic for several years, which would have kept the majority of border policing officers in the field of border management. However, the prolonged decision-making process in the EU left little time to restructure the organisation. Thus the number of officers carrying out inland control was reduced to a third, despite what had been planned previously.

Kisfonai, Bernadett: Artificial Intelligence approach for crime prevention and detection(82-97)

Artificial intelligence (AI) plays an ever-increasing role in crime prevention and crime detection. With intelligent algorithms and data analysis methods, large amounts of data can be processed quickly and efficiently, enabling the prediction of crimes through their analytical and predictive capabilities.

Lippai, Zsolt – Uricska, Erna: The peripheral actors of policing: Reaching public safety as a common collective product (98-106)

Very few law enforcement researchers have focused their attention on the non-state actors of security, on the special organs, the "peripheries" of policing, on the use of methods other than the traditional concept of policing. In my study, I want to point out the importance of the joint work of state and non-state actors, the complementary and mutually reinforcing effect of

creating and maintaining our common security, and the possibility of re-thinking the respective roles.

Mágó, Barbara: Ways of protection granted by citizenship (107-115)
This paper will attempt to analyze the protective function of citizenship, the possibilities and limitations of citizenship deprivation and the concerns that arise in the process of deprivation. Uniformity in the form of an EU directive cannot be expected in this field. Each state codifies by its own values, traditions and legal policy objectives. Modern experiences as well as the fear of the devastating effects of terrorist attacks and the true risk of radicalization of naturalized persons have led many states to resort to non-criminal means to guarantee security.

Nagy, Anita: Conditional release (116-129)
The aim of the article is to describe and discuss the current problem of the conditional release system in Hungary. Real life imprisonment is an essential problem which deserves attention. However, in Hungary a so called "mandatory pardon procedure" was introduced. It means that, when a prisoner has spent 40 years of his sentence, he has the opportunity to be released from prison. This study contains both previous and present information and statistics about presidential pardon, mandatory presidential pardon and the procedure and system of presidential pardon in Hungary. The author tries to emphasize that real life imprisonment is a significant problem before the European Court of Human Rights, and she also offers some *de lege ferenda* ideas to resolve this situation.

Sallai, János: Major General Barna Kazai, soldier and pioneering leader (The commander of KLKF from 1967 through 1988) (130-138)
In recent years, the Lajos Kossuth Military College (KLKF) has played a key role in the training of Hungarian commissioned officers. The first two decades of the KLKF were intertwined with those of Major General Barna Kazai, who was the commander of the college from its foundation until 1988. Barna Kazai's life and work served as an example for students and

teachers. This motivated me to explore and present the major milestones of his life and work. Barna Kazai graduated from Lajos Kossuth Military College and M. V. Frunze Military Academy in Moscow, served in the Hungarian People's Army from squad leader, and platoon commander to division chief, and was later appointed college commander. Throughout his career, he kept learning, and performed his duties with great diligence. is appearance and attire were carrying authority. His memory is preserved in the Kazai Hall at the Faculty of Military Science and Officer Training, University of Public Service (NKE HHK) and on a memorial plaque in Szentendre.

Uricska, Erna: Social networking sites for accident prevention - The representation of mobile phone use while driving on law enforcement profiles in the European Union (139-158)

The number of road accidents caused by distracted driving, including mobile phone use while driving has risen sharply worldwide, especially among young drivers. Since the emergence of social media, visual communication has been playing a significant role. *ROADPOL Safety Days Focus on the Road* is a coordinated pan-European law enforcement action. It takes place on Europe’s roads, and aims to reduce these numbers. The question may arise whether profiles operated by law enforcement units employ any visual social advertising content to reduce the number of road accidents. The research was completed by systematic sampling of the Facebook and Instagram profiles of law enforcement units in the Member States of the European Union twice for a month-long period. It was observed whether, how, and how often the issue of mobile phone use while driving appears. 2104 post were created by the police agencies in the sampling periods, but only 21 different visuals (images or videos) contained the topic either of *ROADPOL* or *mobile phone use while driving*. The results suggest that the content shared is not aligned with the offline campaigns and initiatives. The social problem has not been highlighted in the online sphere, although the potential for accident prevention purposes is available through the appropriate use of social media platforms.