

**NATIONAL UNIVERSITY OF PUBLIC SERVICE
DOCTORAL SCHOOL OF MILITARY SCIENCES**

THESIS OF DOCTORAL (PhD) DISSERTATION

Dr. Jur. Tibor Kozma, Police Lieutenant Colonel

Author's summary of PhD dissertation entitled:

**Applied Law Enforcement Organizational Models in European Union
Member States and Possible Applications in the Development of Hungarian
Law Enforcement Structures**

Scientific Advisor:

Police Brigade General Gábor Kovács, PhD

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THE SCIENTIFIC PROBLEM

The applied law enforcement organizational models of the Member States of the European Union (EU) are extremely diverse. The identified scientific problem of the conducted research has been based on the fact that there are not any known Hungarian scientific publications dedicated to the research and analysis of applied law enforcement organizational models of the Member States of the European Union. Therefore, in this regard, there is a lack of substantive scientific recommendations to the applied Hungarian law enforcement organizational model. This does not mean that there are not a number of excellent publications referring to some sub-elements of the subject. Presumably, the complex nature of the research topic may explain why this topic and some of the sub-areas of the research are rarely published. It should be noted, that in respect of some sub-areas of the research, such as the history of Hungarian Law Enforcement, one can find a rich source of scientific publications.

The scientific task which I aimed to meet in this research was to conduct in-depth research on all sub-areas of the topic and, by linking all newly gained scientific results, provide an overview and a new understanding of its complexity.

The Hungarian law enforcement organizational model has recently undergone significant changes. To highlight this point, between 2010 and 2014, the Hungarian law enforcement organizational model was restructured into several new institutions. The changes must be researched and the effects need to be studied and evaluated in order to be completely understood.

HYPOTHESES

1. Hypothesis:

Due to its attributions, historical background, and developmental stages, the contemporary Hungarian law enforcement organizational model shows significant similarities to other law enforcement organizational models of the “continental” Member States of the European Union.

2. Hypothesis:

The law enforcement organization models of the EU Member States are characterized by considerable diversity. It is assumed that in spite of the diversity some sub-groups could

be identified based on a certain degree of similarity to other national law enforcement organizational models. Further, the sub-groups can be categorized into different types of law enforcement cultures. Identifying models by law enforcement cultures implies not only internal cohesion but that such a classification could assist in understanding the differences between the compared law enforcement cultures. I wish to examine the accuracy of this hypothetical statement to determine if indeed the examined EU Member States can be classified into distinct law enforcement cultural groups.

3. Hypothesis:

It is assumed that the specific attributions of the law enforcement organization models (the number of law enforcement organizations, the degree of concentration and centralization of the examined institutions) show certain correlations with the size of a country's territory and population. Presumably, it can be proven by this research that, in looking at EU law enforcement models on average, countries with smaller territories and populations possess certain characteristics in their national law enforcement organizational models such as enhanced law enforcement centralization and concentration.

4. Hypothesis:

Significant changes which could occur to the law enforcement organizations of the examined States appear to point in one single direction; which is in fact towards a decreasing number of differences between the organizational models. Therefore, it is further assumed that one can witness that national law enforcement organizations are becoming more and more similar to each other and are showing homogenous attributions.

RESEARCH OBJECTIVES

1. Review the foundations and attributions of law enforcement; interpret the meaning of the law enforcement organization model.
2. Examine and analyze the law enforcement organizational models of European Union Member States; identify commonalities and differences.
3. Define the range of the most relevant law enforcement organizational models to the Hungarian law enforcement model. The level of relevancy should be based on objective parameters.
4. Research and present the changes related to contemporary law enforcement; present trends and developments.
5. Research and present the possible direct and indirect relationships between law enforcement organizational models and historical development of the examined states, taking into considerations the social and geopolitical environment.
6. Examine the idea of differing law enforcement cultures.

RESEARCH METHODS

1. Bibliographical research

I aimed to research the primary national and international literature, scientific publications and relevant legislation. In order to explore the outlined hypotheses, the research includes all relevant sources, statistical data associated with the national and international law enforcement organizational models.

In order to conduct in-depth research, I have reviewed all available resources, to include military science, historical science, law science, political science and policing science. All research – to the extent appropriate – was conducted in the realm of the above listed scientific disciplines. Consequently, applying a wide range of bibliographical research has ensured that all subjects are linked to law enforcement.

2. Consultation

Throughout my years of research I consulted with Hungarian and international subject matter experts on these topics. The consultations aided me in linking the theoretical components with practical application; these elements together have contributed to the expansion of the substantive elements of the thesis. Indeed, the results of the consultations

have significantly bearing on the thesis. In addition to the consultations, I have also relied on my own gained experience and knowledge from over two decades of service in law enforcement.

3. Analysis

Different methodologies such as analysis, synthesis and deductions were applied while the sub-results were gained and assembled. The aim of the research was to conduct a comparative analysis in order to identify the differences and/or similarities between the examined subjects. I have applied adaptation as working method while applicability of the scientific results were considered. During the analysis process and the resulting conclusions, I have endeavored to use an easy, visual approach by presenting different elements in a reader friendly fashion. The annexes are located at the end of the publication and include different tables, charts, which serve to support, illustrate and justify elements of the thesis.

SUMMARY OF THE CONCLUSIONS

The thesis has expressly aimed to address a wide subject area. From a geographical perspective it includes the twenty-eight Member States of the European Union. With regard to thesis' direct objective, I conducted research on the different law enforcement systems and law enforcement models of the EU Member States. The complexity of the topic has required a relatively extended approach concerning the covered time periods, which further expanded the subject area.

The primary objective of the dissertation is to examine the applied law enforcement models of the EU Member States. This examination includes a discussion regarding the challenge of definitions. It was unavoidable to study the relevant definitions, most exclusively the definition of rule of law and the rule of law organizational model. I found that the definition of rule of law does not fully cover the subject according to the latest Hungarian scientific research. There is no definition of rule of law which would cover all aspects of the subject seamlessly, yet there is no definition which would unanimously meet all scientific researchers' views. Further, there are different scientific positions with regard to which potential law enforcement organizations should fall under a particular definition. The relevant sources of researched

laws leave the definition in question incomplete since the legislature has not consistently applied the legal categorization of law enforcement organizations.

The law enforcement terminology (*rendvédelem*) is a relatively new element in the scientific life, however, it does represent an independent scientific discipline. The concept of law enforcement should not be treated as a synonym with the policing discipline (*rendészet*). The differing interpretations of the law enforcement concept clearly underscore the complexity of the definition; it also highlights the fact that different views on the definition of law enforcement may be result of viewing it through various approaches. Indeed, law enforcement can be examined in many contexts. In addition to the historical context, this thesis will apply the organizational approach to law enforcement.

I have developed a definition of the law enforcement organization model, which is built on five cogent elements outlined as follows. The law enforcement organization model consists of institutions which are founded in law, with an autonomous yearly budget allocated by legislature. The most significant component of law enforcement personnel are professional staff (officers), who perform missions which primarily aim to maintain homeland security by protecting the population and the state (personal and material aspects) with legally authorized force.

The five elements of the law enforcement organization model are below in a more detailed format:

- 1) Separate, *sui generis* legislation (typically two-thirds).
- 2) Respective organizational annual budget apportioned to each institution. The budgets are defined and allocated according to the state's yearly budget.
- 3) The function of law enforcement institutions are primarily aimed at maintaining homeland security through protecting the population and the state (personal and material aspects) interests.
- 4) The authorized members of law enforcement institutions shall have the right and the duty – within legal parameters – to apply necessary measures which even may limit constitutional rights in order to protect and maintain Homeland Security.
- 5) The most significant component of law enforcement personnel are professional staff (officers). They perform their duties in a hierarchical fashion.

Modern law enforcement agencies have several consistent characteristics, in particular, they are: 1) organizations which are created to maintain public order and public security 2) organizations which are related to the justice system, 3) organizations which

are serving the central budget revenue's interest and supporting the economic policy of the State, 4) special law enforcement agencies providing state security.

I have observed that the following occurred while law enforcement structures developed:

- 1) Decentralization. At local, municipal and provincial levels, locally identified needs and locally applied responses have been the primary drivers of development.
- 2) Centralization. Political leaders have used law enforcement and its institutional solutions to achieve the interests of central power. Among these we could mention the creation of modern public administration and the central powers' efforts to standardize applied processes and to maintain control by using law enforcement institutions.
- 3) Centrally established powers have made efforts to create institutions charged with generating and maintaining public safety. These institutions were not only focused on public safety but they were also capable of actively supporting land forces in accordance with the interests of the central power. While the decentralized law enforcement institutions were under development, the central powers largely applied one tool, which was to convert and merge the locally established law enforcement institutions into one state-owned system. The above endeavors have occurred in parallel to each other.

In certain cases the developmental phase resulted in competing events in which centralization and decentralization worked against each other. In many cases in Continental Europe, development towards a decentralized system maintained a dominant position. It happened typically in the age of European history when the interests of the central powers shaped the elements of modern law enforcement.

It is clear that different forms of government and the diversity of the constitutional arrangements significantly determine the structure of the applied law enforcement organizational model. For example, in the case of the Federal Republics (such as Germany and Austria), the applied structure of the law enforcement accurately reflects a provincially-based federal governing structure. After examining the constitutions of several EU Member States, I noted that constitutional legislators applied many different approaches in deciding upon the regulations of the rule of law system. A number of the examined constitutions have specific regulations with regard to law enforcement institutions, including constitutional guaranties and regulations. However, this approach cannot be considered universal. Many constitutions do not include detailed regulations concerning national law enforcement. Moreover, in certain constitutions the legislature has chosen an indirect approach, notably laying down constitutional principles and constitutional (fundamental) rights which generally regulate all state governed

institutions, including the law enforcement institutions. In such an approach, law enforcement is not mentioned specifically, therefore the regulations should be considered as indirect. The grouping of the examined national legal systems into two major types – the Common Law Family and the Roman-Germanic Law Family – is necessary in examining various law enforcement systems.

From the perspective of this thesis, it is particularly important to review the different legal sub-groups within the Roman-Germanic Law Family. These sub-groups could be labeled according to the noteworthy models, such as the French, German and Northern European legal sub-groups. The above approach is important in the third chapter of the thesis.

Looking at the characteristics of concentration, centralization, decentralization and de-concentration is a useful tool in conducting in-depth analysis of the law enforcement organizational model. Typically, the above attributes appear collectively. I have observed that in case of small states (in terms of population and state territory) the dominant characters of the applied model are the concentration and centralization. Correspondingly, states with relatively large populations and area are able to create a balanced law enforcement model in which elements of decentralization and de-concentration are significant.

Duplication of responsibilities could be effectively mitigated and further eradicated by law enforcement models operating with a smaller number of personnel. Meanwhile, duplication of effort is common within the law enforcement systems of the larger and more populous states (primarily those with populations over 10 million). Duplication of effort should not always be viewed as a negative phenomenon. There are three types of duplication which can occur: 1) institutional; 2) field specific and 3) capacity specific.

In the course of my research, I have found a correlation between the size of the state territory, the size of state population and the applied law enforcement structures. The above elements such as the size and the population of the state effectively determine the applied structure of law enforcement organization model.

The ratio of inhabitants to police officers is a considered indicator in this thesis. The ratio of 1 police officer per 300 inhabitants is viewed as a medium-level indicator. Applying the above indicator as a guiding principle, specific categories can be created such as:

1) States with a low ratio of law enforcement officers per capita, limit: 1:255;

2) States with a medium ratio of law enforcement officers per capita, from 1:256 to 1:345;

3) States with a low ratio of law enforcement officers per capita, greater than 1:345.

Looking specifically at Hungary, at 1:264, it falls into the medium category. From the Hungarian point of view, there are two relevant groups of law enforcement organizational models. The first group consist of states which are in particular significant due to their political weight, economic potential and historic role. Therefore, states in this group are highly relevant for this study. These are: the United Kingdom, France and Germany. The second group of countries which are also very relevant and important to be studied because they have similar, comparable parameters to Hungary, most notably, Austria and the Czech Republic.

The law enforcement systems differ not only in general attributions but also in specific outlines. In investigating these differences, the focus of attention has been put on the police. Further, I have conducted police institution-specific research according to the following points:

1) Prevention – response context.

2) A military versus civilian type of organized law enforcement or law enforcement approach.

3) Focus on general knowledge or on specialization.

4) A single police institution or multiple police organizations in a competing system.

5) Integration or creation of new capacities, outsourcing of new organizations.

The radical transformation of a law enforcement systems may require a multi-year process, while the development of a new institutional system is an even more prolonged process. This general supposition is consistent with my earlier conclusions regarding the development of the Catalan Police. I also observed that complex targeted changes (reforms) do not necessarily meet all desired objectives. Consolidation, integration and other reforms changing the structure of the law enforcement model require thorough preparation. The entire process of the preparation – taking into consideration profound targeted changes – typically require at least a one- or a two-year time frame.

In the most recent decades, there have been many strategic level changes and fundamental reforms of the law enforcement sector in the Central-European and East-European Regions. These changes have been brought about due to the alteration of external circumstances. However, it is expected that further reforms – similar to previous

or ongoing reforms – will take place, especially due to possible changes in the external environment.

In this thesis, I present several policing concepts. These concepts are not unknown by practitioners and academic researchers. Nevertheless, I have included my own research on policing concepts due to their effects on the law enforcement organizational models. Selecting and applying the correct policing concept may significantly increase the effectiveness of the concerned police institution and, further, it may also improve the law enforcement organizational model. Knowledge of the policing concepts and their effects should be an essential element of modern law enforcement leadership training.

Contemporary law enforcement models may also experience reform and other changes without aiming for strategic reforms, such as converting, refurbishing or modernizing the organization. The implemented changes may have impacts in various directions such as a reduction or elimination of duplications, possible functional integration within the same organization and/or consolidation. It could also foster an increase in international law enforcement cooperation and it could be effective in establishing new institutional framework in order to meet new security challenges. Law enforcement responses to new security challenges may have institutional consequences such as termination or establishment. It is important to constantly assess the security environment and emerging challenges and, in line with that, conduct a review of the existing capabilities. If necessary, the existing capacities should be strengthened or new skills should be developed. One possible outcome during the developmental or reform phase could be a further increase in law enforcement personnel. This could partly offset the need for technical modernization, although, paradoxically, even technical modernization requires an increase in personnel in the early stages. The opportunities offered by technological developments must be scrutinized and validated before implementation.

In the thesis, I have pointed out that, by applying a global view, one can identify typical law enforcement systems based on fundamental attributions. By looking at these major characteristics, the existing worldwide law enforcement systems can be categorized into four groups. The groups are as follows: the Anglo Democratic Group, the Continental Democratic Group, the Autocratic Group and the Economically Developing World's Law Enforcement System Group. In line with the purposes of the research, the latter is of limited importance.

In this thesis, I introduce a new definition, the concept of law enforcement cultures. In my view, law enforcement culture is exerted over the totality of the

characteristics of a country's law enforcement system. Law enforcement culture is a value-based bridge connecting the countries and their law enforcement systems which are closely related to the historical, social and political development, along with distinctive spiritual and material values.

Within the geographical limits of this thesis, I developed a classification system based on law enforcement cultures. It has to be noted that the applied system and the created law enforcement cultural groups represent an open model, therefore, there could be further opportunities to include other law enforcement cultures.

I have constructed the following law enforcement cultural circles:

The Continental Law Enforcement cultural circles consists of the French, the German and the Scandinavian Law Enforcement cultures.

The Anglo-Saxon Law Enforcement cultural circle is mostly represented in Europe by the English law enforcement culture.

In the frame of the fourth chapter I have examined the Hungarian law enforcement organizational model. I ascertained that the formation of the law enforcement institutions in Hungary, prior to achieving its current structure, was based on a bottom-up development model, building its pillars on locally established centers. This represents a de-centralized developmental direction, which is a consonant evolution pattern with regard to the examined states' law enforcement history. This also proves a direct connection between the Hungarian law enforcement development and the European direction. Moreover the Hungarian development is not only associated with the European direction, it is an integrated part of it. The historical section of this thesis is dedicated to the development of Hungarian law enforcement and is divided into significant historical eras meant to illustrate the developmental arc of Hungarian law enforcement. I noted that towards the end of the 19th century and at the beginning of the 20th century, among the competing evolutionary directions of Hungarian law enforcement such as the centralization – decentralization and concentration – de-concentration, two have become dominant. These two are the centralized and concentrated characters. These dominant characteristics have been the most defining elements in the development of Hungarian law enforcement organization over the last 100 years.

I concluded that our ancestors laid down the foundations of the modern Hungarian law enforcement in the time of Dualism. Since then, Hungarian law enforcement has formed along of multiple fractures. Overall in the past 200 years, at least seven major law enforcement eras were present up to the end of the last changes (1989–1990). These are

the period of 1848–1849, 1849–1867, Dualism, World War I., the Horthy-era, World War II., and then a period of state party socialism up to 1990.

In this thesis, I present and analyze the contemporary Hungarian law enforcement institutional system, of which the following organizations are part: the Constitution Protection Office (Alkotmányvédelmi Hivatal), the Information Office (Információs Hivatal), the Special Service for National Security (Nemzetbiztonsági Szakszolgálat), the Police (Rendőrség), the National Protection Service (Nemzeti Védelmi Szolgálat), the Counter Terrorism Center (Terrorelhárítási Központ), the National Directorate General for Disaster Management (Országos Katasztrófavédelmi Főigazgatóság), the Prison Service (büntetés-végrehajtási szervezet) the National Tax and Customs Administration (Nemzeti Adó- és Vámhivatal) and the Parliamentary Guard (Országgyűlési Őrség).

I have presented in detail the core tasks of each above listed institutions. Further, I put into context the function of monitoring, control, surveillance, supervision and co-operation. The law enforcement yearly budgets were also examined and analyzed. The applied approach allowed me to conduct a complex background research of the Hungarian law enforcement.

The first part of the fifth chapter is dedicated for a close review of the Hungarian law enforcement organizational model. The first question is how should we see the Hungarian model in light of the research? The second thought is more oriented on the possible proposals which could be made in light of the research. This requires also a frank diagnosis of the current Hungarian law enforcement model. In this framework and based on the findings of the research, I have made seven suggestions for the further development of the Hungarian law enforcement.

NEW SCIENTIFIC RESULTS

I posit that the thesis achieved the following scientific results:

1. I created the definition of the law enforcement organization model. The definition is built on the five binding elements.
2. I analyzed and proved that within the examined countries the development of law enforcement institutions are tied to each other in many ways. This statement is based on the existing and interconnecting elements such as: the geographical proximity, the commonly shared knowledge based on cultural, economic, social and linguistic relations, similarities between the political and government system and last, but certainly not least, the historical background. All the above creates certain links between law enforcement systems and indeed it does indicate visible conformity. Recognizing this, I have identified two basic law enforcement culture groups: the Anglo-Saxon Law Enforcement culture group and the Continental Law Enforcement culture group. Within the latter, there are more subcultures: the French, the German and the Scandinavian law enforcement cultures.
3. Based on a thorough assessment of the history of the Hungarian law enforcement system I revealed that the advancement of the Hungarian national law enforcement has been very much like the development of mainstream European law enforcement systems. Indeed, Hungarian law enforcement is an integral part of the European system, which consists of many different coexisting law enforcement systems. I pointed out that while the Hungarian law enforcement has been interlinked with other countries and not only received, but also contributed to the advancement of other law enforcement systems. Thus Hungarian law enforcement has been a contributor to the developments of other systems, even for those who are far from Hungary's borders.
4. I have conducted a comparative study on the applied law enforcement organizational models in European Union Member States. The study included, among other characteristics, the centralization – decentralization aspects and the concentration – de-concentration aspects as well. I pointed out a correlation between the size of the country, the number of the population and the structure of the law enforcement institution.

THOUGHTS ON THE DEVELOPMENT OF HUNGARIAN LAW ENFORCEMENT PROPOSALS, IN THE LIGHT OF EUROPEAN LAW ENFORCEMENT DEVELOPMENT

The dissertation offers seven suggestions for decision makers with regard to the potential developments of the Hungarian law enforcement. Together, the recommendations cover a wide range of strategic subjects. The key points are listed below:

1. Political consensus on the mid- and long term development of the law enforcement;
2. Advised strategic review of the law enforcement (no review has taken place for decades);
3. Stability of the law enforcement system for efficient performance;
4. Effective structure, effective use of human resources;
5. Service oriented law enforcement approach;
6. Knowledge development on law enforcement, preservation of the values of the national law enforcement model, fostering the law enforcement scientia center;
7. Increased law enforcement cooperation, importance of the international dimension.

The author's publications related to the dissertation

- 1. From Adjusting to Rebuilding Police Institutions.**
Connections – The quarterly journal
Volume XIII. 2014. Number 3. Summer edition
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- 8. Európai Unió Rendőri Misszió, Rendőri Különleges Egység (EUPM) Bosznia-Hercegovina, 2003. január 1.– 2005. december 31.**
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Budapest, 2006.

PROFESSIONAL CURRICULUM VITAE

Name: dr. jur. Tibor Kozma Police Lieutenant Colonel

Personal information:

Birthplace and date: Debrecen, Hungary, May 25th 1973

Professional police officer since 1991.

Married with two children.

Studies:

- 2009.09.– National University of Public Service
Doctoral School of Military Sciences
- 2004.09.–2006.06. Zrínyi Miklós National Defence University
Faculty of Military Science
Security and Defence Policy,
- 1998.09.–2004.01. University of Debrecen
Law Faculty
- 1992.08.–1997.06. Police Academy, Faculty of public policy
Full-time, honors diploma
- 1994.07.–1995.08. École Supérieure des Officiers de Paix
Nice, France

Foreign languages:

- English advanced level: "A" – 2002. "B" – 2004.
French advanced level: "A" – 1996. "B" – 2012.

Foreign services:

- 2010.12.– 2015.05. United Nations Secretariat
Department of Peacekeeping Operations (DPKO)
United States of America, New York
Job title: Police Liaison Officer
- 2007.02.– 2009.01. European Union Police Mission (EUPM)
Border Police Regional Office
Bosnia and Herzegovina, Bosanska Gradiska
Job title: Head of the Regional Office
Head of the Hungarian Police Contingent
- 2002.11.– 2004.06. European Union Police Mission (EUPM)
State Border Service Regional Office
Bosnia and Herzegovina, Bosanska Gradiska
Job title: Head of the Regional Office
Head of the Hungarian Police Contingent
- 1999.10.– 2001.10. UN Police Mission in Bosnia and Herzegovina (UNIPTF)
Job title: Deputy Chief Co-locator, Trebinje (2000–2001)
Job title: Deputy Team Leader, Stolac (1999–2000)