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BELÜGYI SZEMLE



PROFESSIONAL AND SCIENTIFIC PERIODICAL OF THE MINISTRY OF INTERIOR



ZSOLT LIPPAI – ERNA URICSKA – TAMÁS NAGY: The protection of very important persons in Hungary – the legislation of personal protection from 1997 to the present day

ÁKOS ERDŐS: Cops and drugs: Illicit drug abuse by police personnel

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ELENA NIKOLAJOVÁ KUPFERSCHMIDTOVÁ: Communication with third-country nationals in detention facilities

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PREFACE

Dear Reader,

We are delighted to be publishing our second English-language edition in 2022, and we can say that this has been continuous since 2020. The language of the international scientific world is undeniably English, which is why we have strived and will continue to strive in the future to publish as many publications as possible in this format. The past years have taught us many things, the forced situation created by the pandemic, working from home, and online contact have made communication and information acquisition in the digital space even more valuable. Science, the results of scientific research, and their presentation know no boundaries. It is good for researchers, scientists and users alike if this valuable information gets from one point to another as quickly as possible. Nothing can stand in the way of development and innovation, it is good to experience that everyone values useful innovations in the same way, that representatives of science, users, and readers adapt flexibly to every innovation.

The topics covered in this publication are diverse, covering a wide range of professional and scientific fields. The presentation of Hungarian regulations on personal protection contains information and summaries on the topic that are interesting not only for domestic professionals, but also useful for well-informed, up-to-date foreign colleagues.

The study entitled ‘Crimes related to new psychoactive substances in rural segregates of Miskolc in Hungary’ explores an area of constant change. Until the end of the world, everything is in a state of perpetual change. Unfortunately, this is also the case with various harmful psychoactive substances. Professionals and law enforcement colleagues have to be on constant alert in order to do their job effectively and efficiently.

The phenomenon presented in the study ‘Communication with third-country nationals in detention facilities’ was also seen in the news. Since 2015, with the appearance of migration on such a scale, society had to face unexpected consequences. The number of inmates from third countries, who in many cases do not speak a language other than their own, has increased significantly in penitentiary institutions. For the organization's colleagues, this is another test, presenting also new challenges to the system.

The study entitled ‘The army’s participation in maintaining the public order in the Kingdom of Hungary between 1867–1918’ invites the reader on a journey

through time, a historical retrospective of perhaps one of the most interesting periods of Hungarian defence.

The study entitled 'Cops and drugs: Illicit drug abuse by police personnel' also shows that the Police is able to face the problems and deal with them. Since their appearance, drugs have been a serious threat in all countries of the world, for all segments of society. This is no different in Hungary either.

We hope that our short introduction has sparked your interest in our publication, and we hope you enjoy reading it.

Editorship



The protection of very important persons in Hungary – the legislation of personal protection from 1997 to the present day

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Abstract

Aim: The aim of this study is to describe the transformation of the institutional system of personal protection briefly over the last twenty-five years and to outline the main legislative and personnel (in particular, the scope of very important persons) changes up to the present day.

Methodology: Governmental law enforcement has been characterised by constant change over the last quarter of century. This process involved not only changes in tasks and authority, but also the transformation, dissolution and creation of institutions. Despite this fact, there are few areas of law enforcement that have undergone such a complex and extensive transformation as personal protection in Hungary. After the change of regime, between 1990 and 1996, the field closely followed democratic transformation in the spirit of reform efforts, but no profound reform was achieved as comprehensive legislation was not ready until 1997.

Findings: After 2010, there were several organisational, operational and regulatory changes resulting in the loss of the unity of personal protection and the emergence of a parallel institutional network with different types of bodies and different functions. This process is interpreted as a kind of slow reform of the field, but it is debatable from several viewpoints.

Value: The study highlights the fact that the designation or removal of protection for public managers, and the reorganisation of tasks and authority between bodies give the overall impression that the professionalisation of the field took place in recent years without any real sectoral strategy.

Keywords: personal protection, very important person, Rapid Response and Special Police Services, Parliamentary Guard

Introduction

In December 2020, several daily newspapers reported that the government would end the personal protection of the President of the Curia. It is unknown whether this announcement is related to the fact that there was a change in the leadership of the Curia, the new President has been holding office from 1 January 2021. The official communication also stated that the President of the Curia is then only allowed to use the services provided to ministers, such as an upper mid-range car and a security driver provided by the Rapid Response and Special Police Services. As the current President of the Curia (formerly the Supreme Court) is one of the state leaders who have been entitled to permanent personal protection since 1 January 1997¹, the announcement was not particularly newsworthy for the general public, but it pointed out an interesting development for the professional community.

Government Decree 160/1996 (XI.5.) on the protection of protected persons and designated establishments entered into force at that time, and for a long period (until 2012), it was the only legislation that designated the public offices that were essential to protect, furthermore the professional framework for such protection. The scope of protected persons and the institutional framework surrounding them, apart from minor amendments, hardly changed between 1997 and 2010 (as illustrated by the almost complete absence of alterations in the text of the Regulation), albeit this process accelerated after 2010. An extensive transformation of domestic policing was initiated during this period, covering almost all areas of specialisation, including personal protection. Although the regulation of policing could never have been considered permanent, it was the first time after two decades that the scope of persons enjoying permanent protection was modified in such a way that a public office was removed from it. In order to understand the significance of such a change, it is important to note that threats to the highest public dignitaries also affect the smooth operation of the state. Ensuring the functioning of the state and state authorities provides a

1 Government Decree 160/1996 (XI.5.) on the protection of protected persons and designated establishments on the basis of Annex No.1.

good reason why the circle of protected state leaders² in all countries, including Hungary, rarely changes. For a better understanding of the developments since 2010, a brief description of the post-regime change background of the field is essential as sufficient objectivity is required to interpret any subsequent changes.

The impact of the regime change on personal protection

In Hungary, the system of the previous socialist period based on ideological and party status was fundamentally altered by the regime change. The democratic opening brought a new social and political approach, with which the proliferation of state influence of previous decades became incompatible. The process resulted in dramatic changes in the economy, society and politics; and democratisation showed a nature of compromise, in which not only the newly formed social forces but also the socialist political elite of the state supporting the reforms played an important role. Partly due to this, and partly to the reform efforts based on public law, the democratic transition was peaceful and non-violent. The main aim of the change was the abolition of the one-party system, the introduction of political liberties and the capitalist economic system. All these were guaranteed by laws passed by the Parliament. Therefore, an extensive transformation started after the change of regime and did not leave the administrative system untouched. This transition posed a number of difficulties, as maintaining public safety in the country and the expansion of law enforcement responsibilities required the creation of new law enforcement agencies and the transformation of existing institutions. As in other segments of the administration (Balla, 2017), *'it was necessary to review the previous structure and operation of law enforcement agencies'* (Finszter, 2018). This process could not have been avoided by the reorganization of the Ministry of the Interior³, which under socialism was responsible for the protection of party leaders and the heads of state and government⁴. During the restructuring, the activity of the body remained

2 The scope of these persons does not coincide with the persons listed in Government Decree 160/1996 (XI.5.), as it also includes the protection of the Speaker of Parliament as defined in a separate law (abbreviated to Ogytv. in Hungarian).

3 Ministry of the Interior's Instruction No. 53/1990 on the organisation and internal order.

4 According to the Rules of Procedure of the Government Guard of the Ministry of Interior (10-650/1972), this included the members of the Political Committee of the Hungarian Socialist Workers' Party, the Secretaries of the Central Committee, the President of the Presidential Council of the Hungarian People's Republic, the President and the Vice-Presidents of the Hungarian Revolutionary Workers-Peasant Government, and party, state and government leaders of similar level who were in Hungary or passing through Hungary, as well as other Hungarian and foreign persons determined by the MSZMP Political Committee (The Hungarian Socialist Workers' Party is abbreviated to MSZMP).

essentially unchanged, but there were several changes in the official names: the name of the Government Guard was temporarily changed to the Government Guard of the Republic of Hungary from 1 January 1990, referring to the democratic transformation, and then to the Republican Guard Regiment on 1 January 1992. After the change of regime, *'the Office that was under the authority of the Law Enforcement Office of the Ministry of the Interior was integrated into the National Police Headquarters (hereinafter: ORFK), and after the dissolution of the Office on 1 May 1993, it continued to operate as a body with the status of a Directorate General of the ORFK'* (Verebélyi, 2020). In addition to structural reforms, the plans included the revision of the law enforcement system, which was essential, especially in the case of the police. There were several reasons for this: on the one hand, this organization had the largest number of employees, and on the other hand, due to its political affiliation (formed during the socialist era), its social perception was very unfavourable during this period, and in the years after the regime change the organisation also had to deal with efficiency problems. The majority of theoreticians and practitioners agreed that, if the restructuring is successful, it would guarantee that the newly developed structure would meet the requirements of the age. To that end, the creation of an independent police law was essential, as the previous operation of the police disregarded legal guarantees in most cases. The legislative process was seen by the majority as an essential tool for coherent, transparent and modern regulation of the police. One of the most important aspects of the codification work was that the new law should arrange the tasks and authority of the body and define the rights and obligations of the organisation (and its personnel). It is also important from the viewpoint of personal protection because this activity became the responsibility of the police via the integration of the Republican Guard Regiment after 1 January 1993, thus the normative definition of the tasks and authority could also be settled. With the entry into force of Act XXXIV of 1994 on the Police (hereinafter: Rtv.), *'the legislator referred the protection of very important persons to the interests of the Republic of Hungary to the tasks and authority of the primary law enforcement body, the National Police Headquarters'* (Balla, 2017). The text of the law stated as follows:

'In the field of protection of public security and internal order, the Police shall, within the scope of their duties of crime prevention, law enforcement and public administration as defined in this Act and other legislation authorized by law:

g) protect the life and physical integrity of very important persons to the interests of the Republic of Hungary (hereinafter: protected person) and guard the designated facilities.'

The development of the professional framework of the activity was not nearly complete at that time, as the Rtv. only specified the institutional framework of the activity, the method and detailed rules of protection, it did not specify the scope of protected (very important) persons. This issue is addressed in the implementing regulation of Government Decree 160/1996 (XI.5.). Its Annex No.1. designated the category of state leaders who received permanent personal protection and they are as follows:

- the President of the Republic of Hungary,
- the Prime Minister of the Republic of Hungary,
- the Speaker of the Hungarian Parliament,
- the President of the Constitutional Court of the Republic of Hungary,
- the President of the Supreme Court of the Republic of Hungary.

This list was incorporated into the professional terminology to the extent that personal protection generally and primarily means⁵ the protection of the highest public dignitaries (according to the regulations in force: very important persons). The main features of permanent personal protection are:

- its subjects are very important persons for Hungary (i.e., regarding the functioning of the state),
- the legislation provides for the scope of persons entitled to permanent protection, and the protection is not aligned with a specific person, but with a specific position,
- personal protection is continuous during the term of office (under certain conditions before and after it), it can be waived only with the special permission of the law (in advance and in writing),
- professional tasks related to personal protection (implementation) fall within the tasks and competence of law enforcement agencies that have the specially trained apparatus required to perform the task.

The criteria listed are also important because they reflect the organizational, operational and regulatory framework associated with the activity. In addition to the protection of very important persons, it is important to mention that the text of the standard did not only include the previous activities of the police, as the law gave the police a dual (personal protection) function: on the one hand,

5 In some respects, the form of witness protection that Act LXXXV of 2001 calls a Protection Programme may also be assessed as a personal protection activity. It covers such a complex activity that, among other things, includes the activities necessary to deal with physical hazards (personal insurance, home insurance, travel insurance, etc.), but its order, unlike the protection of very important persons, is not a statutory automatism but a result of a private law contract.

to protect the very important persons, and on the other hand, it also covered the subsequent tasks of the competent authorities related to their personal protection activities. *'The interesting aspect of this provision is that the actual regulation of the service⁶ provided on a market basis was only introduced years later'* (Nagy & Lukács, 2019), under Act IV of 1998.⁷ The establishment of the role of the police in the protection of persons can be considered definitive with the entry into force of the Police Act and the implementing decree. Under the Rtv., the National Police Headquarters became responsible for the tasks and competences of the activity, following the development of the institutional background, but the actual implementation was the responsibility of the Republican Guard Regiment (as a body with the status of the General Directorate of the ORFK), under the Regulation.⁸ The institutional and operational background thus established remained largely unchanged until 2010.⁹

The age of changes

After the change of government in 2010, a comprehensive public administration reform was launched, involving extensive institutional changes too. With regard to the police, *'the most important change was the comprehensive amendment of the Police Act that significantly rearranged the previous situation'* (Christián, 2014). The most fundamental change was in the organizational structure of the police. The provision that was incorporated into the Police Act¹⁰ defined the structure of the police as follows: *'The police shall consist of a body set up to carry out general police tasks, a body responsible for internal crime prevention and detection, and a body responsible for combating terrorism.'*¹¹ Besides the body established to carry out general police tasks (ORFK), two other police organisations were established. From the viewpoint of personal protection, the change is significant because, with the establishment of the Counter Terrorism

6 The protection of persons and property and the activities of private detectives are carried out on a temporary basis in accordance with Decree 87/1995 (VII.14.).

7 Act No. 4 of 1998 on personal protection, property protection and private detective activities within the framework of the private sector, and regarding the Personal, Property Protection and Private Detective Chamber.

8 Decree of the Minister of Interior No. 69/1997 (XII. 29.) on the tasks, authority and competences of the Republican Guard Regiment.

9 Under the amendment to the legislation, the minister without portfolio supervising civilian national security services was also granted permanent protection for a short period, but this was abolished in May 2002.

10 Act CXLVII of 2010 amending certain laws on and related to law enforcement, Section 9.

11 Act XXXIV of 1994 on the Police, Section 4 (2), (the state before 1 July 2019).

Centre,¹² and its role as a counter-terrorism body, the government assigned the personal protection tasks of the Prime Minister and the President of Hungary.¹³ The Counter Terrorism Centre was established on 1 September 2010 and officially carries out its assigned tasks¹⁴ from 1 January 2011. With the partial assignment of personal protection powers, the previous situation when the Republican Guard Regiment was the only police body in Hungary to perform tasks related to the protection of very important persons was abolished. It is important to mention that the law was amended not only in terms of the division of personal protection tasks but also in terms of the number of permanently protected persons, as it was extended to include the Prosecutor General, whose personal protection was still provided by the Republican Guard Regiment. In addition to the Rtv., the new Staff Regulations that entered into force¹⁵ in 2012, while maintaining the provisions of the previous regulations related to the protection of persons and objects,¹⁶ expanded the elements of the personal protection service form¹⁷ and named the bodies performing personal protection tasks.

The next significant change was implemented within a short period of time, as the Republican Guard Regiment ceased to exist with the amendment of Government Decree 329/2007 (XII. 13.) on the tasks and authority of police bodies in 2012, and its tasks (and personnel) were taken over by the Rapid Response and Special Police Services (hereinafter: the KR).¹⁸ In terms of personal protection tasks, it did not bring any significant change, as the Rapid Response and Special Police Services had the same powers and competences¹⁹ as the Guard Regiment, and the tasks and the organisational elements of the Guard Regiment were integrated into the Directorate of Personal and Property Protection of the KR. The institutional stability of the area was only relative even after the integration, as the preparations for the establishment of the Parliamentary Guard (hereinafter: the Guard) and accordingly the transformation of the responsibilities for the protection of persons and objects took place at the same time. The legal predecessor of the Parliamentary Guard is the Guard of the House of

12 Government Decree 232/2010 (VIII. 19.) on the Counter Terrorism Centre.

13 Government Decree 295/2010 (XII. 22.) on the designation of the agency responsible for counter-terrorism and the detailed rules for the performance of its duties, Section 3 (1) d).

14 After 1 September 2010, the Counter Terrorism Centre was responsible for the protection of the Prime Minister and the President of the Republic.

15 Decree of the Minister of Interior No. 30/2011 (IX. 22.) on the regulations of the police service.

16 62/2007 (XII. 23.) IRM Decree on the Regulations of the Police Service (IRM means Decree of the Minister of Justice).

17 Decree of the Minister of Interior No. 30/2011 (IX. 22.) on the regulations of the police service, Section 79 (1) a)-f).

18 The amending provisions entered into force on 1 July 2012.

19 IRM Decree 67/2007 (XII. 28.) establishing the territory of jurisdiction of the Police, Section 2 (2)

Representatives that was established by Act LXVII of 1912, and from 1913 it performed the guarding and protection duties related to the Parliament. *‘With regard to the Guard of the House of Representatives, it is worth mentioning that the body was never officially abolished, and it raises a number of legitimacy issues’* (Nagy & Lippai, 2021), but its original purpose ceased to exist in 1945 with the dissolution of the Guard of the House of Representatives. The Parliamentary Guard, like the Police, was established on the basis of a cardinal law (Ogytv.)²⁰, but an important difference is that Act XLIII of 2010 did not include the list of law enforcement agencies.²¹ Due to its organizational and operational regulations,²² the Guard is an armed body with national competence under the direct control of the Speaker of the House, and its tasks are regulated by the *Ogytv.* defined as follows:

*‘The Parliamentary Guard shall be in charge of protecting the National Assembly, safeguarding the National Assembly’s independence and its operation free from external influences, performing the functions connected to maintaining the order of the sessions as well as the duties of personal protection and facility security as laid down in this Act, ceremonial marching, and performing primary fire extinguishing and fire safety functions.’*²³The tasks of the Guard differ widely, from the personal protection of the Speaker of the National Assembly,²⁴ they also cover all tasks related to ensuring the operation of the National Assembly, even free from outside influence, and they have received guarantees to this effect provided in the Fundamental Law.²⁵ The normative background of their activities is defined in Act XXXVI of 2012 on the National Assembly, however, the details of its operation are regulated to some extent by the decrees issued by the Minister responsible for law enforcement. In connection with their personal protection activities, it is worth emphasizing that the provisions of their service regulations²⁶ overlap closely with the personal protection tasks included in the police service regulations (personal protection as a form of service). With the establishment of the Parliamentary Guard, the personal

20 Act XXXVI of 2012 on the National Assembly.

21 Act XLIII of 2010 on Central State Administrative Organs and on the Legal Status of Government Members and Secretaries of State, Section 1(5).

22 Speaker’s Decree 6/2017 of the Speaker of Parliament on the Rules of Organisation and Operation of the Parliamentary Guard.

23 Act XXXVI of 2012 on National Assembly, Section 125 (1).

24 Besides personal protection, the Parliamentary Guard has branches of service in the areas of the provision of facilities, protocol escort, policing meetings, firefighting and fire safety, patrol and guard services.

25 Article 5 (9) of the Fundamental Law of Hungary (25 April 2011) ‘The security of Parliament is guaranteed by the Parliament Guard. The Parliament Guard operates under the direction of the Speaker of the Parliament.’

26 Ministry of Interior’s Decree No. 84/2012 (XII. 28.) on the Rules of Service of the Parliamentary Guard.

protection of the Speaker of the House was removed from the tasks of the police, the normative concept of very important persons was narrowed down and the Speaker of the National Assembly was removed due to Government Decree 160/1996. (XI. 5.).²⁷ The next significant change concerned the performance of tasks related to protected persons, and also resulted in minor organisational changes. On 1 April 2015, the Presidential Guard of the Republic (hereinafter: KEŐ) was established within the Rapid Response and Special Police Services to perform personal and object protection tasks related especially to the permanent protection of the President of the Republic. The interesting thing about the reorganisation is that *'in parallel with the fact that the Presidential Guard of the Republic took over this task from the Counter Terrorism Centre, the tasks related to the personal protection of the Prosecutor General were transferred to the Counter Terrorism Centre'* (Balla, 2017). The reorganization was technically controversial as it also affected the exchange of personnel among agencies, and because the Presidential Guard started operating not as part of the Directorate of Personal and Property Protection of the Rapid Response and Special Police Services, but as a unit directly subordinated to the Commander of the Rapid Response and Special Police Services, with the status of a department (parallelism within the institution). The rise of the Counter Terrorism Centre in the field of personal protection is well illustrated by the fact that besides the protection of the Prime Minister and the Attorney General, the protection of the Minister of Foreign Affairs and Trade is also covered by Act 160/1996. (XI. 5.) of 2018 on the personal protection duties of this body.²⁸

Professional overview nowadays

As a result of the above-mentioned transformations, the field of personal protection by state police was divided into two parts. The first element of the dual system is the Hungarian Police, including the Counter Terrorism Centre, and the second element is the National Police Headquarters – Rapid Response and Special Police Services. These bodies have an almost identical legislative background, including Act XXXIV of 1994 on the Police, the regulation of personal protection and the provisions of the service regulations on personal

27 As the Government Decree 160/1996 (XI. 5.) regulates only the activities of the police (Rapid Response and Special Police Services, and Counter Terrorism Centre), it does not regulate the activities of the Parliamentary Guard.

28 Government Decree No.120/2018. (VII. 4.) Amendment on Government Decree 160/1996 (XI.5.) on the protection of protected persons and designated establishments.

protection (Titles 40 and 57).²⁹ The explicit source of the provisions on cooperation between the two bodies is the Police Act itself.³⁰ Besides the Rapid Response and Special Police Services and the Counter Terrorism Centre, *'the third major actor of personal protection within the state police is the Parliamentary Guard. Unlike the former ones, it does not operate as a law enforcement (police) body, but as an armed body operating alongside the legislature'* (Szalai, 2018). Based on current legislation,³¹ the Counter Terrorism Centre currently provides personal protection for the Prime Minister, the Attorney General and the Minister of Foreign Affairs and Trade. The ORFK – Rapid Response and Special Police Services is responsible for the protection of the President of the Republic (Presidential Guard) and the President of the Constitutional Court (Directorate of Personal and Property Protection), while the Parliamentary Guard is responsible for the protection of the Speaker of the House of Representatives. Besides the fragmentation of the institutional background, the regulation of the activity underwent significant changes after 2013, in line with the normative background, governance and responsibilities of each body. It is important to note that, in the case of the Rapid Response and Special Police Services, in addition to the parallel operation of the different bodies, there is also a kind of internal (institutional) parallelism, caused by the creation of the Presidential Guard. The result is that within the same body there are two independent personal protection units: the first one is the Presidential Guard of the Republic, that is, a departmental unit under the direct authority of the Commander of the Rapid Response and Special Police Services, and the other one is the Personal Protection Department within the Directorate of Personal and Property Protection.

The fragmentation of the field is best illustrated by the fact that the training of the personal protection units, the equipment they use and the nature of the means of force (e.g., type of weaponry, vehicles, bulletproof vests, etc.) do not present a united front even within the Rapid Response and Special Police Services.

29 Decree of the Minister of Interior No. 30/2011 (IX. 22.) on the regulations of the police service.

30 Section 7/G. (3).

31 The Rtv. and Government Decree 160/1996 use the normative concept of persons of special importance, but they do not contain provisions relating to the Speaker and are not part of the norms regulating the activities of the Parliamentary Guard.

Conclusion

In the last twenty-five years, the police and the personal protection sector underwent many changes; the sectoral legislation, the institutional system and certain activities, including the definition of very important persons were revised. The latter is an area of state policing that was relatively stable between 1997 and 2010, but after 2010, the professional change accelerated significantly. The transformation of this area does not appear to be complete, given the disorder of the normative background, and its effectiveness is also questionable, as it fragmented the previous organisational structure, creating competing elements within the organisational system in a way that was not justified from an efficiency or a financial viewpoint. This contradictory situation is compounded by the constant change in the scope of the protected persons that appears to be ad hoc, based on the professionalisation of each body. The designation or removal of protection for public managers, and the reorganisation of tasks and authority between bodies give the overall impression that the professionalisation of the field took place in recent years without any real sectoral strategy.

References

- Balla, Z. (2017). *A rendészet alapjai és egyes ágazatai* [Basics of policing and specific sectors]. Dialóg Campus Kiadó.
- Christián, L. (2014). A rendőrségre és a titkosszolgálatokra vonatkozó szabályozás változásai. [Regulatory changes for the police and secret services]. *MTA Law Working Papers*, 43. Magyar Tudományos Akadémia.
- Finszter, G. (2018). *Rendészettan* [Policing science]. Dialóg Campus Kiadó.
- Nagy, T. & Lukács, Zs. (2019). A személyvédelem rendészeti jellemzői és magánbiztonsági szerepe [Law enforcement characteristics of personal protection and the role of private security] In Christián, L., Major, L.; Szabó, Cs. (Eds.): *Biztonsági vezetői kézikönyv* (pp. 165–195). Ludovika Egyetemi Kiadó.
- Nagy, T. & Lippai, Zs. (2021). Politikai és egyéb csatározások a Képviselőházban – a Képviselőházi Őrség megalakulása és szerepe. [Political and Other Battles in the House of Representatives – the Establishment and Roles of the Guard of the House of Representatives], *Magyar Rendészet*, 21(1) 41–52. <https://doi.org/10.32577/mr.2021.1.3>
- Szalai, A. (2018). *A Közigazgatási jog alapjai* [Basics of Public Administration Law]. Dialóg Campus Kiadó.
- Verebélyi, I. (ed) (2020). *Rendszerváltozás és modernizáció a belügyi közügyekben (1989–1994)*, [Organising and modernising the home affairs administration (1989–1994)]. Dialóg Campus Kiadó.

Laws and Regulations

- Act CXLVII of 2010 amending certain laws on and related to law enforcement
- Act IV of 1998 on personal protection, property protection and private detective activities within the framework of the private sector, and regarding the Personal, Property Protection and Private Detective Chamber
- Act IV of 1998 on Regulations on Security and Private Investigation Services Provided by Business Enterprises, and on the Trade Association of Security Guards and Private Investigators
- Act LXXXV of 2001 on the Programme for the Protection of those Participating in Criminal Proceedings and Supporting Jurisdiction
- Act XLIII of 2010 on Central State Administrative Organisations and on the Legal Status of Government Members and Secretaries of State
- Act XXXIV of 1994 on the Police
- Act XXXVI of 2012 on the National Assembly
- Decree of the Minister of Interior No. 69/1997 (XII. 29.) on the tasks, powers and competences of the Republican Guard Regiment
- Decree of the Minister of Interior No. 30/2011 (IX. 22.) on the regulations of the police service
- Decree of the Minister of Interior No. 31/2012 (VI. 28.) on amending certain ministerial decrees in connection with the abolition of the Republican Guard Regiment and other organisational changes in the field of law enforcement;
- Decree of the Minister of Justice 62/2007 (XII. 23.) on the Regulations of the Police Service
- Decree of the Minister of Justice 67/2007 (XII. 28.) on establishing the area of jurisdiction of the Police
- Fundamental Law of Hungary (25 April 2011)
- Government Decree 160/1996 (XI.5.) on the protection of protected persons and designated establishments
- Government Decree 232/2010 (VIII. 19.) on the Counter Terrorism Centre
- Government Decree 295/2010 (XII. 22.) on the designation of the agency responsible for counter-terrorism and the detailed rules for the performance of its duties
- Government Decree 87/1995 (VII.14.) on the transitional regulations of protection of persons and property provided by business enterprises, and the activities of private investigators
- Government Decree No. 329/2007 (XII. 13.) on the tasks and authority of police bodies
- Government Decree No. 83/2015 (III.31.) on amending certain government decrees in connection with the protection of the President of the Republic
- Government Decree No.120/2018. (VII. 4.) Amendment on Government Decree 160/1996 (XI.5.) on the protection of protected persons and designated establishments
- Ministry of Interior's Decree No. 84/2012 (XII. 28.) on the Rules of Service of the Parliamentary Guard

Ministry of the Interior's Instruction No. 53/1990 on the organisation and its internal order
National Police Headquarters' Instruction 19/2013 (V. 17.) on police duties for the protection
of very important persons to the interests of Hungary and the surveillance of designated es-
tablishments

Speaker's Decree 6/2017 of the Speaker of Parliament on the Rules of Organisation and Oper-
ation of the Parliamentary Guard

The Fundamental Law of Hungary (April 25, 2011)

Reference of the article according to APA regulation

Lippai, Zs., Uricska, E. & Nagy, T. (2022). The protection of very important persons in Hungary
– the legislation of personal protection from 1997 to the present day. *Belügyi Szemle*, 70(SI2)
8–20, . <https://doi.org/10.38146/BSZ.SPEC.2022.2.1>



Cops and drugs: Illicit drug abuse by police personnel

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Abstract

Aim: Patterns and prevalence of psychoactive drug use are unique in the professions and vary by profession as well as by type of practice (e.g., private/public), gender, and career stage. In this study, we attempt to summarise the results of research over the past decades on the use of illegal substances by law enforcement officers.

Methodology: A literature search was performed in PubMed, HeinOnline, GoogleScholar and other relevant database (such as US Department of Justice) from their inception through April 2022.

Findings: In total, 26 studies met the search criteria. Research data clearly indicates that, in addition to alcohol and smoking, the use of illegal drugs is also prevalent among police officers. Our review shows that the prevalence of illicit drug use ranges widely (0,22% – 21,6%). Results suggest that estimates of the prevalence of illegal substance abuse by police are influenced by a number of factors, such as: *research methodology. deliberate distortion of data; social differences.*

Value: Studies on substance abuse by police officers focus on legal drug consumption (alcohol and smoking) and mostly do not address illicit drug use. However, limited results show that, in addition to alcohol consumption and smoking, police officers also use illegal drugs. There are many consequences of drug use by police officers.

Keywords: illicit drug, use among police, abuse by law enforcement, psychoactive substance



Introduction

Drug is perhaps one of the most commonly used terms in the world. As an example, a Google search using the search term 'drug' returns nearly 4,5 billion results. Yet even today we often have little or inaccurate knowledge of it. According to the World Health Organisation's (WHO) previous definition, drug is '*any substance that, when taken into the living organism, may modify one or more its functions*' (WHO, 1969). Drug is a term of varied usage. In common, the term often refers specifically to psychoactive drugs. According to the WHO Lexicon and Drug Terms, psychoactive drugs (or substaces) are substances that, when ingested, affect mental processes eg. cognition, affect, perception, consciousness (WHO, 1994). Psychoactive drugs have as many pharmacological effects and proberities. Besides these substences also differ in social meaning and legal status. For examples, alcohol, nicotine or caffeine are socially accepted and legal drugs in many western country, while heroin, cocaine or cannabis are classified as illegal substances and are socially discarded by mainstream society (Hilte, 2019).

In 2020, around 275 million people have used any illegal drugs worldwide, up by 22 per cent from 2010. By 2030, demographic factors project the number of people using drugs to rise by 11 per cent around the world (UNODC, 2021). Illicit drug use, despite its illegality, affects a significant proportion of the world's population. However, the prevalence of illicit drug use in general population varies temporally, demographically, and geographically (Nicholson, Mayho & Sharp, 2016), moreover there are significant differences between different social groups as well. As an example, the rates and types of substance use also can be varied by occupation and industry. Patterns and prevalence of psychoactive drug use are unique in many professions and vary by profession as well as by type of practice (e.g., private/public), gender, and career stage. '*Processes of professional socialization influence types of substances used, patterns of use, and estimation of acceptability*' (Kiepek & Beagan, 2018). In Bush and Lipari's (2015) study the highest rates of illicit drug use were found in the accommodations and food services industry (19.1%). Workers in the accommodations and food services industry (16.9%) also had the highest substance use disorder rates. Past month illicit druge use prevalence was also high among artists (13,7%) and managers (12,1%), while the lowest rates were in the educational services (4,3%) and public administration (4,8%) (Bush & Lipari, 2015). While, there are demographic differences across industries, but some of the differences in substance use rates across industries were statistically significant even when controlling for age or gender (Bush & Lipari, 2015). This suggests that occupation

may play an important role in substance use. In this respect, it would also be important to have accurate data on drug use among law enforcement officers.

In this study, we attempt to summarise the results of research over the past decades (between 1980 and 2022) on the use of illegal substances by law enforcement officers. The aim of this review is to give an overview of the prevalence, type and frequency of illicit drug abuse among police personnel. To date, just a few reviews of the illegal psychoactive substance use by police officers has been undertaken (Al-Humaid, el-Guebaly & Lussier, 2007; Dietrich & Smith, 1986; Gorta, 2009; Miletich, 1990). However, they were almost exclusively concerned with the results of the anglosphere countries, such as USA, Canada.

Method

A literature search was performed in PubMed, HeinOnline, GoogleScholar and other relevant database (such as US Department of Justice) from their inception through April 2022. The search was performed by using the following keywords: *drug, psychoactive substance, use, abuse, misuse, by/among law enforcement, by/among police*. The aim was to find as many scientific evidences as possible. In total, more than six thousand records that met the search criteria were reviewed. Because of language barriers, the research focused mainly on studies in English or with at least an English abstract.

Results: Illicit substance abuse in law enforcement

Many public articles suggest that substance abuse is a significant concern in law enforcement as well, moreover, the level of substance use is estimated to be higher than the general population (Lautieri, 2020; URL1). However, as Brunet (2005) notes: *'very little is actually known about the extent of drug abuse and addiction among law enforcement personnel. The research that is available is largely anecdotal and empirically weak.'* (Brunet, 2005). There are also no rigorous published studies on the prevalence of substance abuse disorders within this population (Bradley, 2020). But why should we know more about this? Why would police officers differ from others in the type or frequency of drug use?

Kraska and Kappeler (1988) specify three factors that increase a police officer's vulnerability to drug use: stress, police subculture and opportunity structure. According to Miller and Galvin (2016) law enforcement officers become involved with substance misuse for a range of reasons, such as coping with job

and life stressors, mistreatment of physical pain, addressing anxiety, depression, and post-traumatic stress disorder (PTSD), attempting to stay awake or get adequate sleep, and other physical and psychological medical problems. Other risk factors for substance abuse among police officers include: having a boss who acts in an authoritarian manner, constant awareness of the potential dangers of the job, public unrest and hostility toward the force (Cross & Ashley, 2004).

Mental disorders or symptoms – such as stress, anxiety, trauma, or PTSD – are common experiences to many law enforcement employees (Miller & Galvin, 2016). Police work is among the most stressful, of all professions (Anshel, 2000). Stress can have many negative effects on police officers (Golembiewski & Kim, 1990). Among stress related problems of officers we should consider a wide range of psychosomatic disturbances (e.g. skin disorders, backache, muscle cramps, tension, headaches, bronchial asthma, hyperventilation, ulcers, genitourinary disturbances, cardiovascular problems) (Burden, 1979), mental disorders, such as depression, suicidal ideation, attempted suicide, and addictive behaviours such as eating disorders, sexual addictions, workaholism, nicotine addiction, alcoholism or drug abuse (Congress of the U.S., 1991). Alcohol dependence and drug use are often considered major stress-related outcomes for law enforcement officers (Golembiewski & Kim, 1990; Kohan & O'Connor, 2002). Coping with occupational stressors can also result in illicit drug use or abuse given the frequency of occasions that police are in contact with drug-related criminals (e.g. dealers) (Austin-Ketch et al., 2012).

In an earlier review, Dietrich and Smith (1986) found that estimates on the incidence of alcohol problems among police range from 2 to 30%, and the incidence of serious drug problems among police may be as high as 10%. In the following, we review the research results of the past fifty years to examine the estimated rates of drug use among police officers in different countries. In total, 26 studies met the search criteria (Table 1).

In the late 1970s, the National Institute of Occupational Safety and Health (NIOSH) found the 23% of American police officers had serious difficulties with alcoholism, and 10% of them had serious problems with illicit drugs (Hurrell et al., 1984). In the 1980s, several similar studies based on quantitative methodology were carried out in the United States and Australia. In Australia the results of a self-administered questionnaire based study suggested, that previous year use for marijuana was 6,3% among police officers, while 2,1% of them was current cannabis user. And 1% of the sample had used hallucinogens or stimulants in the year before the survey (Engs & Mulqueoney, 1983).

In the USA, Ostrov (1988) surveyed the prevalence of drug use among recruit candidates. In his research, he found that 21,6% (n=77) of the recruit candidates

evidenced drug use, primarily marijuana use. In a minority of instances, cocaine, THC or barbiturate use was shown. Over the same period, Kraska and Kappeler (1988) found similar high prevalence of drug abuse among sworn officers. According to unstructured self-report interviews, departmental records, and researcher observations, 20 percent ($n = 10$) of the officers used marijuana while on duty twice a month or more. The incidence of non-prescription illegal drug use is markedly lower, but 10 percent ($n = 5$) of the officers using either hallucinogens, stimulants, and/or barbiturates on duty. Kraska and Kappeler's study yielded both predictable and unexpected findings. The incidence of on-duty drug use, both of marijuana and illegal non-prescription drugs, was surprisingly high. However most of the marijuana users and illegal non-prescription users were employed with the department for 4-9 years. The researchers noted that, only focusing on the younger may not be useful (Kraska & Kappeler, 1988).

Since the 1980s and 1990s, researchers have also tried to estimate the drug use of police personnel through the analysis of biological (hair and urine) samples. In these surveys, the proportion of positive tests indicated a much lower rate of drug use by police officers compared to the results of quantitative and qualitative studies. Burden (1986) reports the results of two surveys that found any illicit drug use in 0,22 – 0,38% of the urine samples tested. Other similar studies also had quite low rates of positive tests. On average, 0,28-0,3 of the total sample showed marijuana or cocaine use (Lersch & Mieczkowski, 2005; Mieczkowski, 2004; Mieczkowski & Lersch, 2002; Mieczkowski, Lersch & Kruger, 2002). Hoffman (1999) found, however, 1,5% ($n=20$) of males were positive for cannabis, and 1,2% ($n=16$) for cocaine. And 1,8% ($n=9$) of females police officers were positive for cannabis, and 0,4% ($n=2$) for cocaine.

Previous studies, due to their methodological specificities, have almost exclusively shown the use of cannabis and cocaine among police officers (Carter & Stephens, 1994; Mieczkowski, 2002; Mieczkowski, 2004; Mieczkowski & Lersch, 2002; Mieczkowski, Lersch & Kruger, 2002). However, more recent data from a self-report study by Gorta (2009) suggest that police officers have admitted to using a wide range of illegal drugs: amphetamines, cannabis, cocaine, ecstasy, heroin, ketamine, and non-prescribed steroids. Furthermore, these results show that both male and female officers used illegal drugs. According to Dietrich and Smith (1986) available evidence suggests that male-oriented police culture may be conducive to a high incidence of drug and alcohol use both for socializing and stress reduction.

In recent decades, drug searches have also been conducted among police officers in other continents. Of the Nigerian police officers surveyed by Abikoye and Awopetu (2017), 12,8% use drugs monthly or less frequently, 5,4% two to

four times a month and 4,1% two to three times a week. Analysis indicated that mean score of respondents on Drug Use Disorder Identification Test (DUDIT) was 8.37 (SD = 2,2), a figure that is far higher than the norm for normal populations. Results of the inter-correlational analysis indicates that the younger a policeman is, the more his or her level of drug use ($r = -0,26$). However, gender and number of years of work experience of policemen are not significantly associated with drug use (Abikoye – Awopetu 2017). In Ethiopia, three hundred fifteen (83.1%) of the respondents had consumed alcohol and 33,3% used cigarette, and 18% of the respondents used hashish and shisha. Khat use prevalence was 48,6%, however its not illegal in this country. The researchers also found that substance use like khat, consuming alcohol, and low educational status was the significant predictor of inconsistent condom use among federal police (Tadesse et al. 2020). Nguli (2016) also reported a very high prevalence of alcohol and other drug abuse (93%) in his study of a sample of Kenyan police (n=178). In addition, this study found that the prevalence of PTSD among police officers was at 73%, while depression was at 72%.

In Brazil, several studies have shown a high prevalence of drug use among civilian and military police officers. Costa et al. (2010) found, that lifetime use was 39,9% for tobacco, 87,8% for alcohol, 8,1% for cannabis, 1,8% for cocaine, 7,2% for stimulants, 10% for solvents, 6,8% for sedatives, anxiolytics and antidepressants, 0,5% for LSD, 0,5% for Bentlyl®, and 5,4% for anabolic steroids. The previous year use prevalence was the following: tobacco - 15.4%, alcohol - 72.9%, stimulants - 6.3%, solvents - 0.5%, sedatives, anxiolytics, antidepressants - 3.7%); use in the previous 30 days: tobacco - 14.5%, alcohol - 57.5%, stimulants - 5.0%, solvents - 0.5, sedatives, anxiolytics, antidepressants - 3.7% (Costa et al., 2010). An other urinalyse-based survey found 2,34% prevalence for drug use. The results indicated the presence of the following drugs: amphetamines (0.33%), cannabinoids (0.67%) and benzodiazepines (1.34%); 97.66% showed negative results. The positive cases were distributed as follows: benzodiazepines (57.1%); cannabinoids (28.6%) and amphetamines (14.3%) (Costa et al., 2015).

In Afghanistan, researchers have found that, of the 100518 Afghanistan National Police tested, 9% were positive for at least one of the target drugs: 80.5% screened positive for tetrahydrocannabinol, 15.5% for opiates, 2.5% for d-Methamphetamine, and 1.5% for benzoylcegonine (Arfsten et al., 2012).

In Europe, according to Lintonen, McAlaney, Kaariainen and Konu (2012) drug use was almost nonexistent among the Finnish police students. The reported illicit drug use was 1,0%. However, respondents were also asked to rate the percentage of their peers whom they felt would have smoked or used

recreational drugs in the past month. The estimated drug use prevalence was 2.8%. The researchers noted that police students did indeed overestimate the legal substance use (alcohol, smoking) patterns of their peers, but probably does not apply to drug use. Thus the true prevalence rate of recreational drug use may be higher than reported here (Lintonen et al., 2012).

In Hungary, research has so far focused mainly on alcohol use and smoking among police personnel (Cséplő, Balla & Pusztafalvi, 2015; Mácsár, Bognár & Plachy, 2017). Drug use among Hungarian police officers was last studied in the early 2000s. Results of this survey suggested, any illicit drug use prevalence was 9,9%, 3,7% of the police officers used any drug once, and 5,2% of them abused twice or more. 0,2% was current user (Ritter, 2004).

Another way to estimate the prevalence of illicit drug use among police is document analysis of staff implicated reports and staff implicated complaints. In Australia, Ratcliffe, Biles, Green and Miller (2005) analysing complaint documents from 1993 to 2000. The data showed that of 39797 complaints amounting to 81036 allegations, less than 2% (1,8%, n=1463) relate to drug-related allegations (1063 complaint files, comprising 1463 allegations). 16,6% of the drug-related complaints reported drug use/smoke by police officers, which was 0,3% of all allegations (Ratcliffe et al., 2005). Cubitt (2021) found that 15% (n=90) of the officers who have been considered for serious misconduct between January 2003 and October 2016 used any illicit drugs. In positive tests, cannabis prevalences was 43%, 19% methamphetamine, 17% MDMA, 16% cocaine, 12% amphetamine, 12% steroids, 1% opioids, 1% benzodiazepine, 1% GHB (Cubitt, 2021). In England, Miller (2003) concluded from his analysis of staff implicated reports that any recreational drug use prevalence is 2,0% among police officers.

Table 1: *Main results of the literature review*

S.	Country	Year of data	Method	Sample			Drug use prevalence	Comment	References
				All (n)	male (%)	female (%)			
1	USA	1990-1999	urine and hair samples	48704	85,7	14,3	Avarage positive test prevalence 0,3% (range: 0,1-0,5%) between 1990-99. Marijuana positive (n=26) 17,0% of all positive test. Cocaine positive (n=119) 77,8% of all positive test. Cocaine and marihuana positive (n=3) 2,0% of all positive tests. Refused testing (n=5).	-	Lersch & Mieczkowski, 2005; Mieczkowski & Lersch, 2002
2	USA	1976	self-administered questionnaires	2312	98,1	1,9	10% of respodents had serious drug problems.	-	Hurrel et al. 1984



S.	Country	Year of data	Method	Sample			Drug use prevalence	Comment	References
				All (n)	male (%)	female (%)			
3	Australia	1980	self-administered questionnaires	96	100,0	0,0	Marihuana last year prevalence 6,3%; 2,1% current marihuana user; hallucinogens and stimulants previous year prevalence 1%	-	Engs & Mulqueoney, 1983
4	USA	1987	integrate quantitative and qualitative methodologies	49	94,0	6,0	20% (n=10) of the officers in the department used marijuana while on duty twice a month or more. The incidence of non-prescription illegal drug use is markedly lower, but quite noteworthy, with 10 percent (n = 5) of the officers using either hallucinogens, stimulants, and/or barbiturates, while functioning on-duty as police officers.	-	Kraska & Kappeler, 1988
5	USA	2002-2004	self-administered questionnaires	943	84,3	15,7	Past month illicit drug use prevalence 1,5%; past month marijuana use prevalence 1,1%.	Survey (NS-DUH) estimates for public protective services combine law enforcement and firefighter responses; law enforcement, however, accounts for about three-quarters of those employees)	Larson et al, 2007
6	USA	2010-2014	self-administered questionnaires	1925	N/A	N/A	Past month illicit drug use prevalence 3,1%.	-	Miller & Galvin, 2016
7	England	2000	case analysis (staff implicated reports)	122	N/A	N/A	Recreational drug use prevalence 2,0%.	-	Miller, 2003
8	Australia	2003	qualitative methodologies (case analysis and focus groups)	6 focus groups (n=97); 81 analysed case studies, expert interviews (n=15)	N/A	N/A	Police officers have admitted to using a wide range of illegal drugs: amphetamines, cannabis, cocaine, ecstasy, heroin, ketamine, and non-prescribed steroids	-	Gorta, 2009
9	Nigeria	2007	self-administered questionnaires	389	57,5	32,5	12,8% of the sample used drugs monthly or less frequently, 5,4% two to four times a month and 4,1% two to three times a week.	-	Abikoye – Awopetu 2017
10	USA	1985	urine samples	5174	N/A	N/A	0,34% (n=18) showed any illicit drug use.	-	Burden, 1986
11	USA	1985	urine samples	2300	N/A	N/A	0,22% (n=5) used any illicit drug.	-	Burden, 1986
12	USA	1990-1999	urine and hair samples	46704	N/A	N/A	0,28% (n=133) used any illicit drug.	-	Mieczkowski, Lersch & Kruger, 2002
13	USA	1997	urine and hair samples	1852	72,7	27,3	1,5% (n=20) of males were positive for cannabis, and 1,2% (n=16) for cocaine. 1,8% (n=9) of females were positive for cannabis, and 0,4% (n=2) for cocaine.	-	Hoffman, 1999



S.	Country	Year of data	Method	Sample			Drug use prevalence	Comment	References
				All (n)	male (%)	female (%)			
14	France	2016-2017	self-administered questionnaires	133	93,2	6,8	10,5% cannabis use last year prevalence; 4,5% other illicit drug use last year prevalence. Substance-related and addictive disorders were 68.4% for 'low to very high' tobacco dependence, 3.8% for cannabis dependence, and 3% for pathological gambling.	All police officers admitted consecutively for alcohol. Final population was based on patients who were at least hazardous drinkers.	Brunault et al., 2019
15	Brasil	2003-2008	data-analysis	1390	N/A	N/A	The consumption of marijuana among officers was 0.1% by civil police and 1.1% by military police, and cocaine use 0,4% by civil police and 1,1% by military police. Sedatives and tranquilizers abuse was 13,3% among civil police and 10,1% among the military police. Anabolic steroid use prevalence was 0,3% by civil and 2,6% by military police.	The sample was composed of civil police officers (n=780) and military police officers (n=610).	Souza et al., 2013
16	Brasil	2008	urine samples	299	95,3	4,7	The prevalence of drug was 2.34% (ATS, THC, BZP). The positive cases were distributed as follows: benzodiazepines (57.1%); cannabinoids (28.6%) and amphetamines (14.3%).	-	Costa et al., 2015
17	Brasil	2008	self-administered questionnaires	221	95,0	5,0	Lifetime use prevalence: cannabis (8.1%), cocaine (1.8%), stimulants (7.2%), sedatives, anxiolytics, antidepressants (6.8%), LSD (0.5%), Bently® (0.5%), anabolic steroids (5.4%); Previous year use prevalence: stimulants (6.3%), sedatives, anxiolytics, antidepressants – (3.7%). Previous 30 days use prevalence: stimulants (5.0%), sedatives, anxiolytics, antidepressants (3.7%).	-	Costa et al., 2010
18	Ethiopia	2015	self-administered questionnaires	379	90,8	9,2	18% of the respondents used hashish and shisha. Khat use prevalence was 48,6%.	Khat is not illegal in this country	Tadesse et al. 2020
19	USA	1989-1999	urine and hair samples	68347	N/A	N/A	Between 1989-1999, average 0,21% (n=42) showed cocaine or cannabinoid use among probationary officer (n=19643). Cocaine (n=33), cannabinoid (n=7), refused (n=2). Between 1990-1999, average 0,3% (n=147, 0,12-0,55) showed cocaine, cannabinoid or both abuse among working officers (n=48704). Cocaine (N=119), cannabinoid (n=26), both (n=3), refused (n=5).	-	Mieczkowski, 2004
20	Afghanistan	2009-2010	urine samples	100518	N/A	N/A	Of the 100518 Afghanistan National Police tested, 9% (n=9034) were positive for at least one of the target drugs: 80.5% (n=7269) screened positive for tetrahydrocannabinol, 15.5% (n=1399) for opiates, 2.5% (n=226) for d-Methamphetamine, and 1.5% (n=140) for benzoylcegonine.	-	Arfsten et al. 2012



S.	Country	Year of data	Method	Sample			Drug use prevalence	Comment	References
				All (n)	male (%)	female (%)			
21	USA	1985	mixed methodologies (self-administered questionnaires and urine sample)	357	N/A	N/A	21,6% (n=77) of the recruit candidates evidenced drug use, primarily marijuana use. In a minority of instances, cocaine, THC or barbiturate use was shown.	-	Ostrov, 1988
22	Australia	1993-2000	case analysis (staff implicated, drug-related complaints)	1063	92,6	7,2	0,3% of all allegations related drug use/smoke by police officer.	-	Ratcliffe et al., 2005
23	Finland	2009	self-administered online survey	364	70,3	29,7	Drug use was almost nonexistent among the police students. The reported illicit drug use was 1,0% and estimated drug use was 2,8%.	-	Lintonen et al., 2012
24	Hungary	2004	self-administered questionnaires	620	84,0	16,0	Any illicit drug use prevalence was 9,9% (n=58). 3,7% of the police officers used any drug once, and 5,2% of them abused twice or more. 0,2% (n=1) was current user.	-	Ritter, 2004
25	Australia	2003-2016	case analysis (serious misconduct)	600	78,3	21,7	90 officers who tested positive for illicit substances between 2003-2016. In positive tests: 43% cannabis, 19% methamphetamine, 17% MDMA, 16% cocaine, 12% amphetamine, 12% steroids, 1% opioids, 1% benzodiazepine, 1% GHB	-	Cubitt, 2021

Figure: Location of Table 1 (Annex).

Conclusion

Al-Humaid, el-Guebaly and Lussier (2007) reviewed researches from several countries, found that studies on substance abuse by police officers focus on legal drug consumption (alcohol and smoking) and mostly do not address illicit drug use. According to Mieczkowski (2002), very little is actually known about the prevalence and types of drugs used by police officers, because this data is either not collected or, if it is collected, is withheld from the public. On one hand, research data clearly indicates that, in addition to alcohol and smoking, the use of illegal drugs is also prevalent among police officers. On the other hand, our review shows that the prevalence of illicit drug use ranges widely. Our results suggest that estimates of the prevalence of illegal substance abuse by police are influenced by a number of factors, such as:

- *Research methodology.* Many methods have been used over the past decades to test or estimate drug use by police officers, police cadets and applicants. In addition to the quantitative (e.g. self-administered questionnaires)

methods, qualitative methods (e.g. interview, focus groups), content analysis biological samples are used to measure the prevalence of drug use by sworn police officer, cadets or applicants. In exceptional cases, polygraph tests have even been used for this purpose (IACP, 1989). However, studies based on different methodologies produce different results. For example, studies based on biological samples regularly report very low prevalence of drug use (0,22% – 9,0%). Questionnaire surveys, on the other hand, usually indicate multiples of these prevalence rates (1,5% – 21,6%). However, it should also be noted that biological sample test based surveys always measure current consumption. In contrast, in questionnaire-based surveys, reserchers usually ask about lifetime, previous year or past 30 days drug use prevalence.

- *Deliberate distortion of data.* According to Robinson, MacCulloch and Arntsen (2014) ‘*an obvious consideration with respect to illicit drug use is that, by admitting to this behaviour, a police officer is confessing to a criminal offence. It is therefore unlikely that such data could be reliably collected from police officers.*’ Ballenger and his colleges (2010) also found that police officers are open to disclose lifetime consequences due to alcohol use, but a reluctance to respond to questions about current illicit drug use. The fear of being punished for drug use may be one reason why subjects falsely report or deny their substance use (Jeffery et al., 1991). So self-reported sensitive information such as drug use is prone to social desirability bias and underreporting that may have resulted in systematic measurement error and lowered prevalence estimates (Mbatia et al. 2009).
- *Social differences.* The results suggest that there are different levels of drug use among police officers in different countries. One possible reason for this is the differences between societies in which police officers live. Cultural norms may both encourage and discourage use of drugs and heavy use, and may make the use more or less problematic (Room, 2015).

Results show that, in addition to alcohol consumption and smoking, police officers also use illegal drugs. Why is it important to resarch drug use by police officers? Police officers hold a special place in society. As a result of their unique and powerful responsibilities, the behavior of police officers is always held to a higher standard (Barker, 2002; Kappeler, Sluder, & Alpert, 1998). According to Silverberg (2000) the effects of drug use among police officers include: reduced work performance endangering safety of the public, higher rates of absenteeism; lateness for work; more sick leave; increase the cost of health care benefits; lack of motivation; increased need for supervision; and setting a poor role model.

It should also be noted that, the results also show that cannabis is the most commonly used drug among police officers, regardless of social context. It could be especially important, than several findings suggest that shooting performance may be affected by the use of marihuana. Timm (1988, 416.) found that, among the most relevant findings were:

- Hand steadiness and stability of stance are decreased to some extent.
- Memory is impaired.
- Risk taking activity does not appear to be increased.
- Focusing on one variable to the exclusion of others and having lapses of attention while engaging in daydreaming occur frequently. This type of inappropriate focusing may lead to disorientation as well as to inconsistent, sporadic, compensatory motor and cognitive performance.
- The ability to accurately perceive the feelings and emotions of others may be impaired.

It is important that we continue to pay particular attention to this issue in the future.

References

- Anshel, M. H. (2000). conceptual model and implications for coping with stressful events in police work. *Criminal Justice and Behavior*, 27(3), 375–400. <https://doi.org/10.1177/0093854800027003006>
- Abikoye, G. E. & Awopetu, R. G. (2017). Drug use and multidimensional work performance in a sample of police men in Nigeria. *African Journal of Drug & Alcohol Studies*, 16(2), 59–68.
- Al-Humaid, H., el-Guebaly, N. & Lussier, D. (2007). Substance Use and the Police. *Addictive Disorders & Their Treatment*, 6(3), 107–115. <https://doi.org/10.1097/01.adt.0000210728.38509.3d>
- Arfsten, D. P., Moralez, J. F., Chester, L. L., Mohamad, P. & Weber, T. H. (2012). Drug Use Among the Afghanistan National Police: A National Assessment. *Military Medicine*, 177(1), 85–90. <https://doi.org/10.7205/MILMED-D-11-00086>
- Austin-Ketch, T. L., Violanti, J., Fekedulegn, D., Andrew, M. E., Burchfield, C. M. & Hartley, T. A. (2012). Addictions and the Criminal Justice System, What Happens on the Other Side? Post-traumatic Stress Symptoms and Cortisol Measures in a Police Cohort. *Journal of Addictions Nursing*, 23(1), 22–29. <https://doi.org/10.3109/10884602.2011.645255>
- Ballenger, J. F., Best, S. R., Metzler, T. J., Wasserman, D. A., Mohr, D. C., Liberman, A., Delucchi, K., Weiss, D. S., Fagan, J. A., Waldrop, A. E. & Marmar, C. R. (2010). Patterns and Predictors of Alcohol Use in Male and Female Urban Police Officers. *The American Journal on Addictions*, 20(1), 21–29. <https://doi.org/10.1111/j.1521-0391.2010.00092.x>
- Barker, T. & Stephens, D. W. (1988). *Drug abuse of police officers: An analysis of critical policy issues*. Charles C. Thomas

- Bradley, K. D. (2020). *Promoting Positive Coping Strategies in Law Enforcement: Emerging Issues and Recommendations. Officer Safety and Wellness Group Meeting Summary*. Office of Community Oriented Policing Services.
- Burden, O. P. (1986). The hidden truth about police and drug use. *Law Enforcement News*, 12(5), 7–15.
- Burden, O. P. (1979). Major departments attempt to cope with police officer stress. *Law Enforcement News*, 5(2), 6–12.
- Bush, D. M. & Lipari, R. N. (2015). Substance Use and Substance Use Disorder by Industry. In SAMHSA (Ed.), *The CBHSQ Report: April 16, 2015*. Substance Abuse and Mental Health Services Administration, Center for Behavioral Health Statistics and Quality.
- Carter, D. L. & Stephens, D. W. (1994). An overview of issues concerning police officer drug use. In Barker, T., Carter, D. L. (Eds.), *Police deviance* (pp. 101–122). Anderson Publishing Co.
- Congress of the U.S. (1991). *On the Front Lines: Police Stress and Family Well-being: Hearing Before the Select Committee on Children, Youth, and Families, House of Representatives, One Hundred Second Congress, First Session*. U.S. Government Printing Office.
- Costa, S. H. N., Cunha, L. C., Yonamine, M., Pucci, L. L., Oliveira, F. G. F., Sousa, C. G., Mesquita, G. A., Vinhal, L. B., Dalastra, J. & Leles, C. R. (2010). Survey on the use of psychotropic drugs by twelve military police units in the municipalities of Goiânia and Aparecida de Goiânia, state of Goiás, Brazil. *Brazilian Journal of Psychiatry*, 32(4), 389–395. <https://doi.org/10.1590/S1516-44462010005000023>
- Costa, S. H. N., Yonamine, M., Ramos, A. L. M., Oliveira, F. G. F., Rodrigues, C. R. & Cunha, L. C. da. (2015). Prevalência do uso de drogas psicotrópicas em unidades da polícia militar. *Ciência & Saúde Coletiva*, 20(6), 1843–1849. <https://doi.org/10.1590/1413-81232015206.00942014>
- Cross, C. L. & Ashley, L. (2004). Police Trauma and Addiction: Coping With the Dangers of the Job. *FBI Law Enforcement Bulletin*, 73(10), 24–32. <https://doi.org/10.1037/e311382005-006>
- Cubitt, T. (2021). *The Risk Assessment Inventory: Assessing the Future Misconduct of Operational Police Officers*. Dissertation, Western Sydney University, School of Social Sciences.
- Cséplő, M., Balla, I. & Pusztafalvi, H. (2015). Budapesti Rendőr-főkapitányság Közlekedésrendészeti Főosztály rendőri állományának egészségi állapota és egészségmagatartása [Health status and health behaviour of the traffic police in Budapest]. *Magyar Epidemiológia*, 12(1-2), 5–21.
- Dietrich, J. F. & Smith, J. (1986). The nonmedical use of drugs including alcohol among police personnel: A critical literature review. *Journal of Police Science & Administration*, 14(4), 300–306.
- Engs, R. C. & Mulqueeney, K. E. (1983). A Survey of Drug Use and Attitudes Toward Drugs Among Male Law Students and Police Trainees in Queensland, Australia: A Research Note. *Journal of Criminal Justice*, 11(1), 57–66. [https://doi.org/10.1016/0047-2352\(83\)90098-3](https://doi.org/10.1016/0047-2352(83)90098-3)
- Golembiewski, R. T. & Byong-Seob K. (1990). Burnout in police work: Stressors, strain, and the phase model. *Police Studies*, 13(2), 74–80.

- Gorta, A. (2009). Illegal drug use by police officers: Using research and investigations to inform prevention strategies. *International Journal of Police Science & Management*, 11(1), 85–96. <http://doi.org/10.1350/ijps.2009.11.1.112>
- Hilte, M. (2019). Psychoactive drugs and the management of time. *Sociologisk Forskning*, 56(2), 111–124. <https://doi.org/10.37062/sf.56.19750>
- Hoffman, B. H. (1999). Analysis of Race Effects on Drug-Test Results. *Journal of Occupational and Environmental Medicine*, 41(7), 612–614. <https://doi.org/10.1097/00043764-199907000-00010>
- Hurrell, J. J., Pate, A. & Kliesmet R. (1984). *Stress Among Police Officers*. National Institute of Occupational Safety and Health.
- IACP (1989). *Building integrity and reducing drug corruption in police departments*. International Association of Chiefs of Police.
- Jeffery, N. W., Andrew, L. S., Patterson, M., Setoda, D. & Gorelick, D. (1991). Discrepancies between patient report, clinical assessment, and urine analysis in psychiatric patients during inpatient admission. *Psychopharmacology Bulletin*, 27(2), 149–154.
- Kappeler, V. E., Sluder, R. D. & Alpert, G. P. (1998). *Forces of deviance: Understanding the dark side of policing*. Second edition. Waveland Press, Inc.
- Kiepek, N. & Beagan, B. (2018). Substance Use and Professional Identity. *Contemporary Drug Problems*, 45(1), 47–66. <https://doi.org/10.1177/0091450917748982>
- Kohan, A. & O'Connor, B. P. (2002). Police officer job satisfaction in relation to mood, well-being, and alcohol consumption. *Journal of Psychology*, 136(3), 307–318. <https://doi.org/10.1080/00223980209604158>
- Kraska, P. & Kappeler, V. (1988). Police on-duty drug use: a theoretical and descriptive examination. *American Journal of Police*, 1(7), 1–28.
- Lautieri, A. (2020). Substance abuse in law enforcement. *American Addiction Centers: Sunrise House Treatment Center*. <https://sunrisehouse.com/addiction-demographics/law-enforcement/>
- Lersch, K. M., & Mieczkowski, T. (2005). Drug testing sworn law enforcement officers: One agency's experience. *Journal of Criminal Justice*, 33(3), 289–297. <https://doi.org/10.1016/j.jcrimjus.2005.02.008>
- Lintonen, T., McAlaney, J., Kaariainen, J. & Konu, A. (2012). Substance use among police cadets: The role of normative misperceptions. *The Police Journal*, 85(1), 29–39. <https://doi.org/10.1350/pojo.2012.85.1.547>
- Mácsár, G., Bognár, J. & Plachy, J. (2017). Sportolási és életmódszokások kérdőíves vizsgálata a Budapesten szolgálatot teljesítő rendőrállomány körében [Questionnaire examination of sports and lifestyle habits among police officers serving in Budapest. recreation]. *Recreation*, 7(3), 13–15. <https://doi.org/10.21486/recreation.2017.7.3.1>
- Mbatia, J., Jenkins, R., Singleton N. & White, B. (2009). Prevalence of alcohol consumption and hazardous drinking, Tobacco and drug use in urban Tanzania and their associated risk factors. *Journal of Environmental Research and Public Health*, 6(7), 261–273. <https://doi.org/10.3390/ijerph6071991>

- Mieczkowski, T. (2002). Drug abuse, corruption, and officer drug testing: an overview. In Lersch K. M. (Ed.), *Policing and Misconduct* (pp. 157–192). Prentice Hall.
- Mieczkowski, T. (2004). Drug testing the police: some results of urinalysis and hair analysis in a major US metropolitan police force. *Journal of Clinical Forensic Medicine*, 11(3), 115–122. <https://doi.org/10.1016/j.jcfm.2003.10.007>
- Mieczkowski, T. & Lersch K. M. (2002). Drug-testing police officers and police recruits. *Policing: An International Journal of Police Strategies & Management*, 25(3), 581–601. <https://doi.org/10.1108/13639510210437041>
- Mieczkowski, T., Lersch, K. M. & Kruger M. (2002). Police Drug Testing, Hair Analysis, and the Issue of Race Bias. *Criminal Justice Review*, 27(1), 124–140. <https://doi.org/10.1177/073401680202700107>
- Miller, J. (2003). *Police corruption in England and Wales: An assessment of current evidence*. Home Office.
- Miller, T. R. & Galvin, D. M. (2016). Assessing and responding to substance misuse in law enforcement. *Southern Illinois University Law Journal*, 40(3), 475–499.
- Miletich, J. J. (1990). *Police, Firefighter, and Paramedic Stress: An Annotated Bibliography*. Greenwood Publishing Group.
- Nguli, E. K., (2016). *An Assessment of the Effects of Traumatic Exposures among Police Officers in Nairobi County, Kenya*. Dissertation, Daystar University, School of Human and Social Sciences.
- Nicholson, P., Mayho, G. & Sharp, C. (2016). *Alcohol, drugs and the workplace. The role of medical professionals. A briefing from the BMA Occupational Medicine Committee*. Second edition. British Medical Association.
- Ratcliffe, J. H., Biles, D., Green, T. & Miller, S. (2005). Drug-related complaints against police some findings from new south wales study. *Policing: An International Journal of Police Strategies and Management*, 28(1), 69–83. <https://doi.org/10.1108/13639510510580986>
- Ritter, I. (2004). *Rendőrök és szenvedélyszerek*. Kutatási beszámoló [Police and addictive substances. Research report]. Országos Kriminológiai Intézet - Egészséges Ifjúsáért Alapítvány.
- Robinson, S., MacCulloch, R. & Arentsen, V. (2014). The Effects of Gender and Country on Stress and Resilience: A Comparative Study of Police Academy Recruits from Australia, China and Canada. *The Police Journal: Theory, Practice and Principles*, 87(4), 245–257. <https://doi.org/10.1350/pojo.2014.87.4.678>
- Room, R. (2015) Cultural aspects of and responses to addiction. In: El-Guebaly, N., Carrà, G. & Galanter, M. (Eds.), *Textbook of Addiction Treatment: International Perspectives* (pp. 107–114). Springer. https://doi.org/10.1007/978-88-470-5322-9_6
- Silverberg, C. (2000). *Alcohol use and abuse in policing*. Calgary Police Commission.
- Tadesse, T., Zewdu, T., Tadesse, F., Endazenaw, G. & Alemu, T. (2020). Assessment of Magnitude of Consistent Condom Use and Associated Factors Among Police Force at Riot Control, Addis Ababa, Ethiopia: A Cross-Sectional Study. *HIV/AIDS: Research and Palliative Care*, 12, 243–252. <https://doi.org/10.2147/HIV.S254176>

- Timm, H. W. (1988). Research Findings Relevant to the Effects of Marihuana on Shooting Judgment. In Reese, J. T. & Horn, J. M. (Eds.), *Police Psychology: Operational Assistance* (pp. 409–422), U.S. Department of Justice, Federal Bureau of Investigation.
- Ostrov, E. (1988). Validation of police officer recruit candidates' self-reported drug use on the Inwald Personality Inventory Drug Scale. In Reese, J. T. & Horn, J. M. (Eds.), *Police Psychology: Operational Assistance* (pp. 327–338), U.S. Department of Justice, Federal Bureau of Investigation.
- UNODC (2021). World Drug Report 2021. United Nations Publication.
- WHO (1969). WHO *Expert Committee on Drug Dependence. Sixteenth Report*. World Health Organization.
- WHO (1994). *Lexicon of alcohol and drug terms*. World Health Organization.

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Crimes related to new psychoactive substances in rural segregates of Miskolc in Hungary

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Abstract

Aim: The article examines the relationship between new psychoactive drugs and segregation in one city (Miskolc), showing the mechanism of its effects. The study indicates that deprived social milieu, poverty, and hopelessness are excellent breeding grounds for this new form of drug crime by structuring drug crime into a crime involving new psychoactive substances (NPS), affordable for the poorer classes, and classic drugs.

Methodology: Given the purpose of the research, the study was based primarily on literature and historical data, a review of legal sources, and an analysis of police headquarters case statistics and CSO data. The regulatory efforts of urban decision-makers to address the problem have also been analyzed. With regard to the purpose of the research, the study was based primarily on literature and historical data, a review of legal sources, and analysis of police headquarters case statistics and CSO data. The regulatory efforts made by city policymakers to address the problem were also analyzed.

Findings: New psychoactive drugs target slums, thus structuring the drug market. The poor have easy access to NPS, while the wealthier classes turn to classic drugs (cocaine, MDMA, etc.). The presence of NPS in a given area alters the crime trend and perpetuates underdevelopment. In the long term, it slows down improvement. Law enforcement and judicial instruments are not sufficient to address and reduce it. In addition, the law threatens to lower penalties for dealing in NPS so that even the risk premium is not built into the price of such substances, ensuring easy access for the impoverished. Meanwhile, such chemicals' health and social dangers are at least if not higher than those of traditional drugs.

Value: The results may be helpful for city policymakers, crime prevention



professionals, and police management. The study has the potential to inform the broader scientific community about the complex dangers of NPS. The study can be an essential starting point for further research into new phenomena of drug crime and the extent of health and social harm associated with new psychoactive substances. As well as to develop new methods and criminological recommendations for law enforcement.

Keywords: segregate, rural crime, psychoactive drugs, police, criminal geography

Introduction

The North-Eastern region of Hungary, Borsod-Abaúj-Zemplén County, Miskolc has been undergoing significant economic and cultural change since the 1990s, and there are parts of the city (mainly Miskolc - Lyukóvölgy, Tetemvár) that have become disconnected from the rest of the town and have started to move downhill. Unemployment, poverty, multiple deprivations, and exclusion all create and result in the spatialization of crime (Jansen, 1991).¹ The question is how to stop the destabilizing balance and crisis of the city, of the society. In addition, this region is heavily over-represented in terms of population by the Roma minority, thus adding to the crime a marked tension between the majority society and the Roma community that has been present for decades, further exacerbating the racist exclusionary voices within the country.²

The question arises as to the path that led to the emergence of this particular subculture and, through it, to the increased crime. Fundamentally, economics and deprivation are closely and inextricably linked to the criminality of people and, in particular, relatively new criminality to the phenomenon of the proliferation of psychoactive substance³ use (Szécsi & Sik, 2016), which narcotic substances can now be called the 'heroin' of slums. Since the emergence of the so-called new psychoactive substances, which have eclipsed traditional drugs and are gaining ground, the inhabitants of economically deprived segregated areas have gained more accessible access to the new psychoactive substances

1 In the United States, research by the Chicago School has found that crime is a consequence of poor housing, poverty and social disorder.

2 Poverty for Gypsies in Hungary is also associated with ethnic tensions, is not independent of means-tested policies at the local level, and deepens conflicts in local societies.

3 New psychoactive substances are defined as '*new narcotics, or psychotropic drugs, in pure form or in preparations, which are not controlled under the United Nations drug conventions but which may pose a threat to public health to the same extent as the substances listed in the conventions.*'

and these are preferred to be sold to young people (Lannert, 2017). The main problem is that New Psychoactive Substances (furthermore: NPS), with their new formulations, often containing unknown compounds, are much cheaper than drugs

Therefore, it is becoming available and popping up in circles where before, sellers of this type of product could not find potential consumers. Mind-altering drugs, taking a new form and changing their name, have targeted isolated, so-called slums in large cities (e.g., Miskolc) to expand, as the sale of the drug represents a significant source of income compared to the low living conditions in these areas. Thus, the consumption and sale of NPS have become the most common crime in slums in Hungary, a moderately developed EU country. It is a significant health and social threat (URL1). Hungary has lost its favorable position compared to other European countries (National Anti-Drug Strategy 2013-2020).

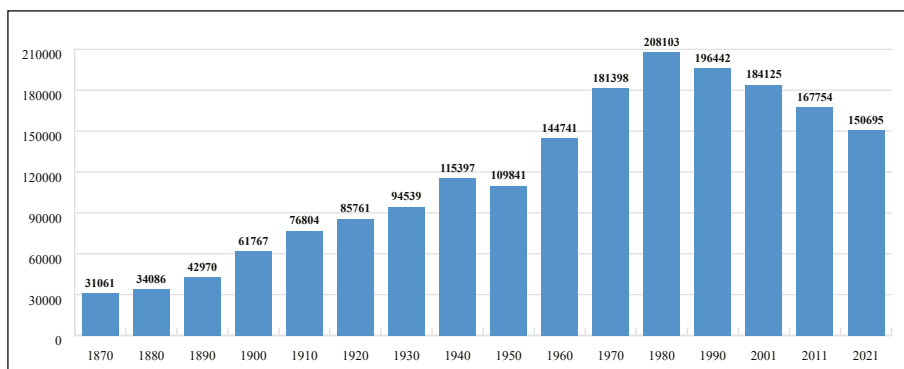
The intensification of online drug trafficking further exacerbated the situation in 2020-2021 due to the Covid-19 pandemic (Mezei, 2019). This is because detecting and proving crimes committed in this way is becoming increasingly complex and costly (Ritter, 2016). Therefore, it is futile to threaten increased penalties if the chances of being caught are low, the latter being criminologically more important (Grogger, 1991). In comparison, slum dwellers are used to psychoactive drugs and can obtain a 'daily dose' at the cost of minor property crimes, only to walk the streets like living zombies for a few hours afterward (URL2). In doing so, they cause consternation and, having become accustomed to it, indifference and insensitivity among citizens of good conscience. The police and local politics are also helpless; the increasing number of criminal actions and police pressure, the growing police presence has not been able to reduce this criminal phenomenon in any meaningful way, at most, it has succeeded in shifting it to other places periodically and locally (URL3).

In my study, I try to point out that NPS is typically concentrated in slums and ghettos, where policing and legal instruments do not help solve a particular area's crisis.

About Miskolc

Today, Miskolc is one of the most disadvantaged regions of Hungary. On almost all indicators, the situation is worse than the national average, and the gap with Europe is enormous. The facts and trends are worrying, but the city's assets, past, and existing values would allow for renewal.

Figure 1. *The population development of Miskolc*



Source: Office of Central Statistical (KSH, 2020) census data.

After the Second World War, the industrial development policy set the city on a completely new and different path: it became a symbol of the manufacturing industry. Newly built housing estates absorbed tens of thousands of new arrivals while the destruction of the historic city center began. By the end of the 1950s, Miskolc's population had multiplied, heavy industry and metallurgy seemed to be flourishing, with much of the active population linked to this activity, and university training was started in 1949 to provide a technical supply of production. By the 1980s, it was clear that the one-sided industrial development was taking its revenge due to the divorce that was then taking shape. After the change of regime, the collapse of the heavy industry led to thousands of people losing their jobs and becoming unemployed overnight, families in crisis in terms of income and social situation, and an increase in the prevalence of deviant behavior, especially alcoholism and mental illness.

Miskolc is now the fourth most populous city in the country and has experienced similar trends in population change to those? (the other cities?) in the country, but more markedly. From a peak population of 211,660 in 1986, the city's population fell to 154,521 in 2019, meaning that in 30 years, the city has lost almost more than 25% of its population (Mihályi, 2020).

A similar trend is highlighted by, among others, the Organization for Economic Cooperation and Development (OECD), which states that one of the long-term challenges of the 21st century is demographics. While overpopulation is a global problem, post-industrial societies - particularly in Europe - are experiencing another phenomenon: aging and depopulation, leading to a decline in the proportion of the working-age population and ultimately reducing competitiveness,

one of the European Union's key objectives. Since the regime change in 1989, Miskolc has had a negative migration balance, in contrast to the previous thirty years, i.e., a loss of migration year after year. The main reason for emigration within Europe is the significant difference in wages, and thus also internal migration (Haraszti, 2018). In many cases, people who lost their jobs started to migrate with their families or alone to smaller settlements in the county, or the capital, or Western Hungary for better economic opportunities.

The Miskolc region can be considered a disadvantaged district and falls entirely within the scope of the beneficiary municipalities and communities of Government Decree 105/2015 (23.IV.) and 106/2015 (23.IV.). The classification is based on a complex indicator, which is developed based on the characteristics of four groups of hands: (1) social and demographic characteristics; (2) housing and living conditions; (3) local economy and labor market situation; (4) infrastructure and environmental conditions. This is important because beneficiary municipalities and districts have an advantage in accessing development aid. The segregation of urban areas determines the disadvantaged situation. Segregation is where different social strata, ethnic groups, etc., within a municipality, are highly segregated. Segregation is associated with substantial inequalities in income and municipal infrastructure (Andorka 2006 [1997]). A segregation area is a physically contiguous part of a settlement, consisting of at least one block of land between four streets or public areas. At least 50 percent of the working-age population living there has no income from work and no more than eight years of secondary education (Census 2011, cited in Varró & Kadét, 2010). According to the KSH (Office of Central Statistical) definition, 13 segregations were identified in Miskolc during the 2011 Census, of which two (Lyukóbánya and Lyukóvölgy) were located on the outskirts of the city (URL4). The Anti-Segregation Programme expands the definition and includes areas where people receive regular social assistance is twice the municipal average (Varró & Kadét, 2010). In Miskolc, segregation is now concentrated in suburbanized areas. They surround the central settlement like a ring. Administratively, they belong to the main settlement and the police station and are located within 10-15 km from the 'mother settlement' (Mátyás, 2020). The eradication of Miskolc's slums is ongoing (Integrated Settlement Development Strategy 2014), resulting in an increasing shift of deep poverty and the drug problem from inner-city slums to suburban suburbanized areas.

Miskolc before and after the regime change

The bankruptcy of state socialism in 1990 affected the whole country. Of all the major cities in Hungary, Miskolc suffered the most. The city had to face economic restructuring and social and political regime change at the same time. Before the regime change, the city had four major industries. These were spinning, mining, cement, steel, and machinery. Iron production and other consumers in Miskolc were served primarily by the Lyukóhány coal mine. This made it one of the largest underground coal mines in the country in 1978. Still, in 2004, the mining was finally closed down following the liquidation procedure (Moldova, 2009). In 1914, the first lime works were established in Hejőcsaba - now a part of the city of Miskolc - which initially employed 110-120 workers. In 1960, a new factory was built, using a total of 1200 people. Due to restructuring, fall in demand for cement, and environmental changes, the old factory was demolished, and the site was built on grass. Today, the successor, Holcim Hungária Co. employs 170 people. The long history of steel production in Diósgyőr dates back to 1770. Before the regime change, the factory needed tens of thousands of people in Lenin Metallurgical Works. In essence, the city became a center of the iron industry under socialism. In 2009, its successor, DAM 2004 Ltd., ceased its activities in 2009, and the Diósgyőr steelworks ceased to exist. Perhaps the driving force of the region was the machinery industry. It became independent in 1948 under the name DIMÁVAG Machine Factory. In 1963, the Diósgyőr Machine Works (DIGÉP) merged several divisions and became one of the centers of machine manufacturing in Hungary. Until the end of the 1980s, the main products of the factory were cable machines, machine tools, and railway bicycles, in addition to military products (URL5). During this period, some 10,000 people worked there. In 1999, liquidation proceedings were opened against DIGÉP, but it still employed 5 300 workers even then. In 1990, liquidation proceedings were opened, and 44.8 hectares of the factory were sold. A total of 2000-2500 people are now employed by the companies that have relocated here. After the fall of communism, the economic downturn hit the industrial towns of Northern Hungary the hardest, with one of the highest unemployment rates in the country and a drastic decrease in the population of Miskolc. The privatization of Lenin Metallurgical Works and DIGÉP and its various adverse consequences caused severe disadvantages for the people living here (Lóránt, 2017).

The emergence and regulation of the NPS

The year 2010 marked a turning point in the domestic and international drug market. In 2009, mephedrone was introduced in Hungary, followed by synthetic cannabinoids in 2010, becoming extremely popular among consumers. The 2011 ESPAD study also showed that the prevalence of mephedrone use among 10th-grade students in Budapest was 10.2%. Since 1 January 2011, mephedrone has been banned, but several chemically related substances have appeared that are legal, available online or in certain shops, and have effects similar to stimulants (ESPAD, 2011). Those sold on the internet are generally marketed as not intended for human consumption but have no known use other than drugs (National Strategy on Drugs 2013-2020). The police and NGOs, and public organizations dealing with drugs have been confronted with some problems for which no successful response has been found for years - some of which, unfortunately, remain today. This has led to the need to develop a new and different drug policy (Sivadó 2014).

Some of the NPS entering the country are not considered drugs as they are not on any prohibition list, so their use and trafficking is not a criminal offense and therefore not on any register. However, a significant number of people regularly consume NPS, not on a prohibition list. Their use is particularly problematic in deprived communities, where many people living in extreme poverty use the drug, which they can afford because of its low price (Tihanyi et al. 2020). According to the Health Behaviour in School-aged Children (HBSC) 2014 study (Health, 2014), those who try drugs at a young age are particularly at risk because early experience increases the chances of later problem drug use and addiction (URL6). Frequent substance use in a younger generation may result in early school dropout, unprotected sexual contact, or delinquency. Early heavy cannabis use can be associated with poorer school performance, dropout, depression, health problems, co-use of other substances, and crime (Sumnall, Evans-Brown & McVeigh, 2011). Poverty, social polarization, and the lack of opportunities to catch up generate many criminological situations and problems (Lengyel, Vas, Lukovics & Gyurkovics, 2015).

The regulation of NPS is a significant problem around the world, mainly because it is not possible to define exactly what should be banned, and this is the problem the UK faced when it introduced a total ban (Reuter & Padro, 2017). However, the supply of primarily synthetic psychoactive substances that are not legally drugs has expanded to unprecedented levels in the last 4-5 years. These substances, which have no other use, are not on the drug schedules of the international (public) conventions, so their production, trade and distribution, and

even advertising, are uncontrolled and virtually free. Since the health risks of their consumption are significant, their regulation is justified. Based on foreign - mainly European - experience, worrying domestic developments, and - not least - social demands, a new Hungarian rule was launched in 2011. Background and legal context According to Act CLXXVI of 2011 on Medicinal Products for Human Use and Other Medicinal Products Regulating the Pharmaceutical Market, from 1 March 2012, the production and distribution of psychoactive substances not previously regulated are subject to authorization. Section 79(4) of the Act amended the Medicines Act and introduced the following definition of NPS (Ujváry, 2013).

Act XCV of 2005, § 1, item 37: *'An NPS is a newly marketed substance or group of substances or compounds, not having a medicinal use, which is capable of altering or modifying the state of consciousness, behavior, or perception by affecting the central nervous system and which may therefore pose a threat to public health. This is similar to that posed by the NPS means, as proclaimed by Decree-Law No. 4 of 1965, New York, 1961. substances listed in Schedules I and II of the Annex to the Single Convention on Narcotic Drugs, signed in Vienna on 21 February 1971, promulgated by Decree-Law No 25 of 1979, or in the schedules of psychotropic substances set out in Annex I and II to the Convention on Psychotropic Substances, signed in Vienna on 21 February 1971, or in Annex 2 to that, and has accordingly been classified as such by the Minister responsible for health by decree.'*

Initially, the Penal Code only criminalized the production, supply, transfer, placing on the market, and trafficking of NPS. Still, it did not criminalize its acquisition and possession once it reached 10 grams of a pure active substance. From 1 January 2016, the purchase and possession of small quantities of NPS were considered a misdemeanor (Act II of 2012, § 199/B.). Instead of addressing social and economic problems thoroughly, the legislator saw fit to increase the penalties in response to the criminal situation. 184.§. (4). of the Penal Code introduced, from the above date, the notion of NPS of a significant and particularly significant amount in addition to the not considerable amount. Paragraphs (5) to (8) of Section 461. define in detail the notions of small quantity for different types of substances, which for several kinds of substances is less than 2 grams as in the previous legislation, and of significant and particularly significant quantity. In addition to the above amendments, the penalties for the various offenses have also been changed, bringing them closer to those for drug-related crimes. The amendment essentially aligned the scope of criminal conduct related to NPS with traditional drugs, significantly increasing the risk of committing such offenses. Despite this, the experience of the last six months

shows that the tightening has not had a significant impact on crime. Criminalization has not substantially affected NPS uptake, as this group is essentially already habituated to these substances.

The dangers of NPS

Of course, in general, the prevalence of traditional drugs is still dominant, which primarily shows that the majority of drug users are in the more ‘developed’ and wealthier countries. Still, we should also note the phenomenon that NPS mainly threatens the more underdeveloped social strata of developing or developed countries (Fabio, 2019). The emergence of NPS was facilitated by the fact that they were not illegal drugs, as they were not included in the list of narcotic substances (Madras, 2016). Therefore, the primary need was to speed up the legislative process. The Hungarian solution included the new substances, which appeared on the market relatively quickly after their seizure, in the EMMI Decree 55/2014 (30.XII).⁴ From then on, they became criminal prosecutable. However, chemical compounds are being replaced by substances of other compositions entering the market so rapidly that now seized substances cannot be identified as NPS (Ritter, 2016). Experience has shown that by changing the substitutes for common base compounds, i.e. by exploiting loopholes in the regulation based on individual compounds, a large number of compounds with similar effects enter the drug market, posing a completely new challenge for legislators and authorities. Structural modifications to compounds can significantly affect the strength of psychoactivity, alter the potency and even increase toxicity through specific biological mechanisms. Since 2015, around 400 previously reported NPS have been found in Europe every year (EDR, 2021).

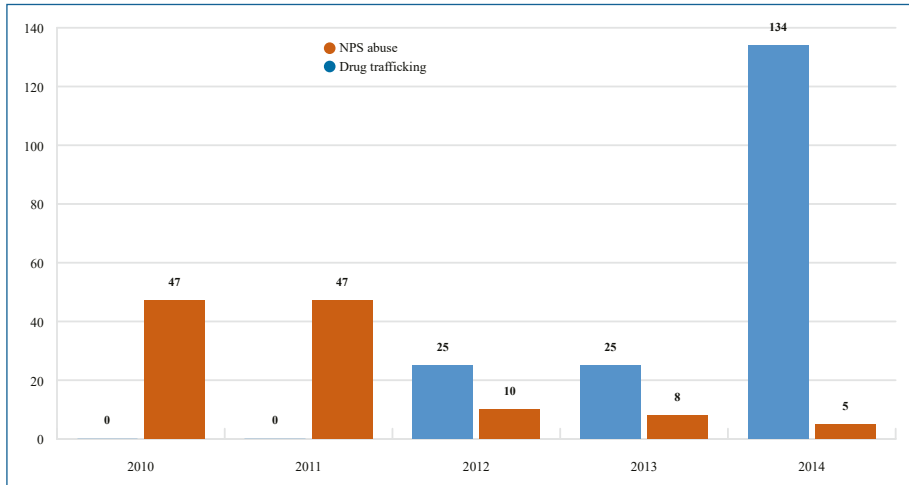
The 2013 UN Annual Report on Drugs calls for concerted action by countries to collectively eliminate the production, trade, and use of these substances. They are readily available online. Eighty-eight percent of countries with a domestic NPS market indicated that the internet plays a crucial role in supplying NPS to the domestic market (UN, 2013). They are marketed on these sites as bath salts, flavored fragrances, relaxing incense, herbal nutrients, with no long-term health effects (King & Kicman, 2011). Therefore, these substances are rapidly increasing in number and are also posing a growing threat to public health. In Europe, at least one sense appears on the market every week.

4 Decree of the Ministry of Human Resources (EMMI) on substances or groups of substances classified as new psychoactive substances

Situation of Borsod-Abaúj-Zemplén County and Miskolc with regard to NPS abuse

As shown in the previous chapter, the abuse of NPS was not included in the category of priority crimes, so I relied on the data in the police database RZS (RobotZsaru) to quantify them.⁵

Figure 2. Evolution of criminal investigations ordered in connection with NPS and traditional drug trafficking at the Miskolc Police Station

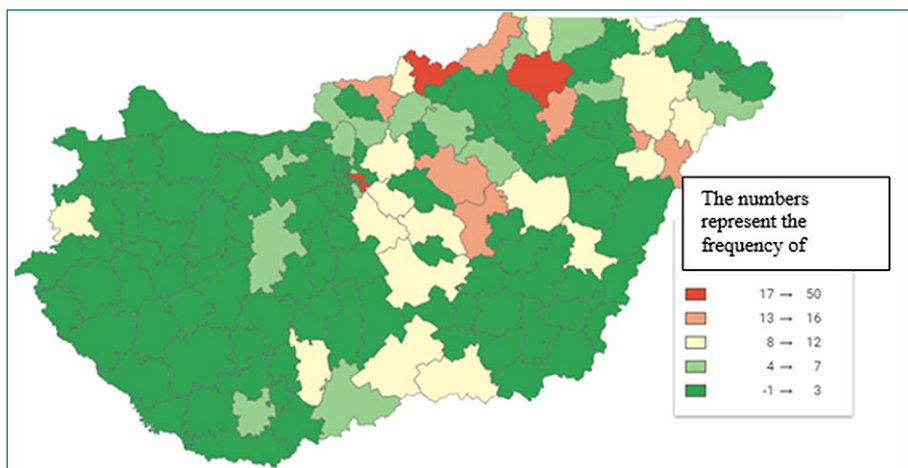


Source: Crime Statistics - Ministry of Interior ([URL7](#)).

When comparing the numbers of drug abuse and new psychoactive substance investigations, it can still be concluded that these two offenses with similar legal elements interact. Designer drug-related dealer behavior appeared in the statistics from 2012 onwards and has been overtaken by drugs. The NPS, as the 2014 data shows, has taken a monopoly in the world of mind-altering drugs, which would be sufficient reason to give it a position in the priority crime category or to take the place of drugs and give it priority there.

⁵ Robotzsaru (Robocop) is the integrated case management, case processing and electronic records management system used by the police, which contains a wealth of statistical data on crime.

Figure 3. Incidence of NPS abuse offenses by precinct by area in Hungary 2012-2020

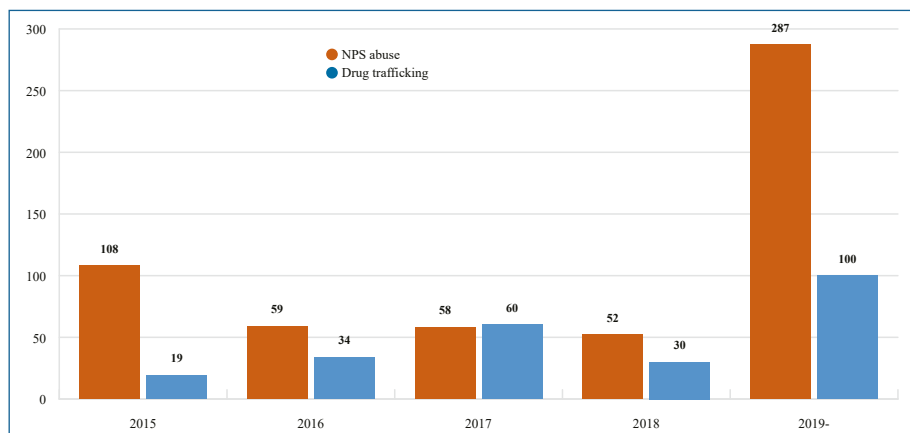


Source: Pre-stat, Lachner Centre (URL8).

The graph above, broken down to precinct level, shows that the Miskolc Police Precinct has committed the highest number of NPS offenses in Hungary since 2011, when it was introduced as a separate offense in the Criminal Code.

Relationship between drug trafficking and psychoactive substance abuse offenses in Borsod-Abaúj-Zemplén County

Figure 4. Number of NPS and traditional drug trafficking offenses in Borsod-Abaúj-Zemplén County



Source: Crime Statistics - Ministry of Interior (URL9).

As mentioned above in 2016, possession of a small amount (of what) became an infringement, so the above chart shows the decline (in what), which has increased significantly from 2019 onwards and is still the highest in the country. The trend observed in recent years has been that the consumption and trafficking of substances classified as NPS have overshadowed the classic drugs. In 2019, 71 consumers were interviewed as witnesses for NPS abuse, and 10 persons were treated as suspects of drug trafficking. The number of suspects in the cases (it means criminal case) ordered will continue to increase, given that several individuals have been named by those interviewed as consumers. Drug-related cases are typically committed in the city of Miskolc but not in other municipalities in our jurisdiction. This is not the case with NPS abuse, which is more prevalent in some limited regions of the town of Miskolc (Újgyőri main square, Numbered streets, Lyukóbánya), but is also significant in the surrounding municipalities of Felsőzsolca and Köröm. In all cases, the consumption of these drugs is linked to people living in extreme poverty, which represents a significant income for traders. In 2020, the Miskolc Police Station ordered investigations into 105 cases of NPS abuse and 75 cases of drug-related cases, for a total of 180 cases. The quantity of seized substances ranged from minimum (contamination, smearing) to 430 grams: NPS (5F-MDMB-PICA, 4-CMC, 4F-MDMB-BINACA, ethylheptedrone, ethylhexedrone, MDMB-4en-PINACA, etc.): 87, cannabis: 35, amphetamine: 5, ecstasy (MDMA): 5, cocaine: 2 cases (Miskolc police station data request).

The data show an increasing trend in the prevalence of both classical drugs (marijuana, speed (amphetamine), ecstasy (MDMA), cocaine) (from 62 to 75) and ‘designer’ drugs or NPS compared to the previous year 2019 (from 73 to 105 cases).

In a significant proportion of cases, the seizures of new psychoactive substances suspected of being present in the drug are below the threshold of a minor quantity, and the users are charged with offenses.

In 10 of the investigations ordered, the expert appointed concluded that the seized substance was neither a drug nor NPS. Two investigations (05010/2710 / 2020.bü and 05010/3268 / 2020.bü) in which two young people died after consuming the NPS 4F-MDMB-BICA, colloquially known as ‘BIKA,’ (meaning bull in Hungarian). In both cases, the person from whom they had purchased the substance before the consumption that caused their deaths, was identified and arrested.

The increase in the number of drug-related cases was partly due to the investigation of drugs from abroad, caught in the incoming parcel controls of the NAV Airport Directorate of Magyar Posta Zrt. on 1 July 2018. There have been 8 cases in this group of patients this year. The number of cases has been further increased by the changed measure of the prosecutor’s office, whereby consumers must be separated from the main file of the investigation during the

procedure and sent with a charge as a new case. This generates up to 5-10 additional issues for a single criminal case.

Therefore, the data analyzed shows that the police can rarely act effectively in cases of this offense, as the recent and constantly renewed substances are unknown to the authorities and cannot be criminalized in time. The above facts also show that a significant number of cases are closed because the seized substance, although having the same effects on the human body and the central nervous system as known and controlled substances, has not yet been prohibited by law.

In the case of NPS abuse offenses, it seems to be confirmed that the new types of drugs are being supplied in large numbers to disadvantaged people because of their easy availability and low prices. The known case figures for individual counties clearly show that most cases are concentrated in counties considered economically and socially disadvantaged. The highest values are found in the capital and Pest counties, while in the following counties the figures are below the national average (Borsod-Abaúj-Zemplén, Szabolcs-Szatmár-Bereg, Hajdú-Bihar, Jász-Nagykun-Szolnok, Nógrád). In the period 2013-2017, Borsod-Abaúj-Zemplén county had the highest values. It is certainly striking that there was hardly more NPS misuse in the capital than in Borsod-Abaúj-Zemplén county (76↔69), which has a much smaller population, but there was also a small difference between Pest and Nógrád counties (34↔22), which certainly shows that there is a strong correlation between extreme poverty and psychoactive substance use (Table 1).

Table 1. Average number of drug-related offenses (number of cases) for each type of drug

Counties in Hungary	drug trafficking	drug possession	NPS abuse	facilitating the manufacture of drugs
Budapest	155	2119	76	3,8
Baranya	17	190	12	0,6
Bács-Kiskun	15	126	18	0,2
Békés	10	114	12	0,2
Borsod-Abaúj-Zemplén	38	133	69	0
Csongrád	21	199	14	0,2
Fejér	20	235	13	0
Győr-Moson-Sopron	24	346	3	0
Hajdú-Bihar	20	131	27	0,2
Hives	7	81	17	0,2
Komárom-Esztergom	19	248	6	0,2
Nógrád	12	74	22	0
Pest	39	376	34	0,2
Somogy	13	125	7	0
Szabolcs-Szatmár-Bereg	17	131	33	0
Jász-Nagykun-Szolnok	9	113	26	0
Tolna	9	106	11	0,4
Vas	15	104	19	0,4
Veszprém	18	137	6	0
Zala	7	127	2	0

Source: Crime Statistics - Ministry of Interior ([URL10](#)).

Local government and law enforcement solutions to the NPS problem

The strategic objective is to make Miskolc an even safer municipality, meeting the requirements of objective security and the population's expectations. Government Decision 1744/2013. (X.17.2013.): *'Hungary's crime policy aims to strengthen public order, increase the security of public spaces, limit and reduce the volume of crime, mitigate the damage and negative effects of crime, provide adequate protection for families and individuals, and ultimately improve citizens' sense of security.'* (Government Decision 1744/2013 (X.17.), preamble).

The municipality intends to further strengthen professional cooperation between the municipal police, the police, and the bodies with appropriate information and competence in public order, public safety, and crime prevention. The primary objective is to achieve coordinated and organized work between the bodies and persons involved in this field, which may limit the number of criminal activities. Preventive presence, i.e., frequent checks on public areas, public places, and places at risk of crime, is of particular importance. The city administration is convinced that the visible presence of a police officer, municipal policeman, property guard, or vigilante can deter potential offenders from committing offenses. Their number will decrease in the future.

For 2021-2026, the Local Equal Opportunities Program of the Municipality of Miskolc County Municipality addresses young people using substances of abuse as a priority and considers its reduction a critical objective. As it puts it, the use of cheap and easily accessible drugs increases in deprived neighborhoods. To reduce harm, the operation of the Miskolc KEF16 (Resolution III-46 / 3.192 / 2001 of the General Assembly of the City of Miskolc) is of particular importance. Its task is to coordinate the work of the institutions and organizations operating in the city in prevention, supply reduction, treatment, care, and recovery. To achieve this goal, the position of the Drug Advisory Forum is strengthened and supported by the Municipality (2021-26 Miskolc Equal Opportunities Program. 2021, 40.) As the most recent 2021-26 Municipal Crime Prevention Strategy states: the priorities of The National Crime Prevention Strategy should be complemented by the prevention and treatment of drug use and drug-related crime, with particular attention to the affected areas of the city, such as the Újgyőr square, the cemetery, the Lyukobánya area, by applying the specificities of the city of Miskolc. Miskolc is an area of fundamental vulnerability, both in drug use and the development of an associated trafficking layer. Analyzing the trends, it will be necessary for the future to step up the fight against this problem by orders of magnitude, not only by law enforcement means but

by all other means that influence social life. At present, it is still unpredictable what serious social conflicts could arise if the process is not slowed down or stopped (Miskolc Crime Prevention Strategy 2021-26).

Municipal patrol

Based on the cooperation agreement signed on 3 September 2012 between the Miskolc Municipality and the Borsod-Abaúj-Zemplén County Police Headquarters, the 20-strong foot patrol service started working in the most frequented areas of the city. Under the agreement, the pedestrian patrol service comprises police and public area patrol pairs, whose task is to strengthen public safety. Miskolc's town council has taken on the cost of setting up and running the patrol service, stating that the local authority has a primary duty to care for local public safety. The city is taking this step to combat deviant behavior that harms society and quality of life, thus improving the safety of the population.

The cooperation with the municipality continued in 2015, ie, for the third year in succession, the police have received support for public safety and public order protection tasks with joint patrol services, which has led to an increase in the subjective sense of security of the population. For 2015, the donor provided a gross amount of HUF 65,000,000 to implement this task. In all cases, the location of the patrols was adapted to the needs of the population and the municipalities. To ensure that the selection of the most prominent areas requiring patrols was based on actual problems, the head of the public order department of the police station, the public safety officer of the municipality, and the law enforcement agency representative were in constant contact.

The staff is on duty every day from 14:00 to 22:00, with the addition of a car patrol and a joint surveillance duty from 06:00 on Saturday to 06:00 on Monday. On weekdays, there are usually eight mixed pairs (police officer - public guard or field officer), one police officer pair, one motorist and one surveillance pair, and two police officer pairs ([URL11](#)).

Development of a surveillance system

In Miskolc, 207 cameras have been installed (until 05.09.2021), some of which are fixed, ie, they cannot be rotated, focus on a specific area, and scan the area in 360 degrees, and there are also number plate recognition cameras.

Staff working in the Miskolc Municipal Police building monitor the city's covered areas 24 hours a day. They can detect minor things, such as a dog walking without its owner picking up the dog's litter, alert nearby colleagues on duty in the public area or can call an ambulance for a person who has fallen ill at a tram stop. Furthermore, the police often request footage that could be decisive evidence of a crime (Miskolc Crime Prevention Strategy 2021-26). *'It is indeed possible to see that these cameras can be used as a preventive measure to maintain public order and public safety'* ([URL12](#)).

Summary

In my study, I investigated the extent to which the spread of NPS, which was criminalized in 2012, was influenced by the classic drug's cheapness, regulation, and a region's socio-economic underdevelopment. As a hypothesis, I formulated that the emergence and spread of NPS are primarily concentrated in suburbanized, deprived areas. From this point of view, I presented Miskolc, one of the most disadvantaged cities in Hungary. To get an idea of where NPS started from and what conditions made their dominance over classical drugs possible. In this place, people from low social status, forming a subculture, typically supported themselves by petty theft. Taking advantage of regulatory failures and the ease of access to the drug, they switched to selling mind-altering drugs. The shift, in the beginning, was also facilitated by the fact that possession and consumption of the drug was not a criminal offense, which increased the consumer base. The financial benefits for the dealers of serving it were considerable. By 2016, the new legislation had reached the point where the consumer was threatened with an infringement, but this did not deter them. From 2021, quantity limits were set, as for classic drugs, and possession of small quantities became a criminal offense (Act C of 2012, § 184. (4)). However, criminalizing the offense is not enough to curb demand for the drug, especially as the online trade-in drugs make it increasingly difficult to detect and prove such offenses. Conventional drug tests make use undetectable, which increases consumer confidence: this is particularly dangerous for naïve, 'virgin' consumers, for whom it is desirable to try designer drugs, creating the illusion of safety. Comprehensive social programs are needed, and, in terms of law enforcement, the main priority should be to oblige addicted users to use health services to help them quit. In contrast, highly severe penalties for dealers could be used next. NPS, therefore, requires a very different treatment from the authorities than the traditional drugs known so far ([Peacock et al, 2019](#)).

The city of Miskolc has also recognized the new psychoactive problems. This is why a so-called eradication program for segregated areas was launched in 2008 as a solution to partially eliminate the conditions that foster crime (Anti-segregation plan, 2008). The municipal police initiate infringement proceedings as a law enforcement measure against drug addicts in public places. However, this is not sufficient. Potential users should be aware that NPS users' bodies deteriorate more rapidly than classical drug addicts. There is no possibility of more severe relief of the psychological symptoms of addiction by substitute medication. The emergence and spread of NPS in the more backward regions make it extremely difficult for these regions to catch up, perpetuate backwardness, and render meaningless the catch-up programs designed to improve competitiveness. Exist NPS problems in cities undermine the long-term prospects for urban development by hampering the city's ability to retain a well-educated young population. Because of such crime tendencies, the city will not be a liveable and attractive destination for the young who would be the guarantors of the long-term development of the cities. In the light of the above, I see the NPS as a huge threat, especially related to rural, impoverished communities, as drug-related crime will also be a feature of poorer communities. The NPS, therefore, represents nothing more than differentiation of drug availability by social position, which slows down or makes impossible the catching-up of such people and municipalities.

References

- Andorka, R. (2006). *Bevezetés a szociológiába* [Introduction to sociology]. Osiris.
- ESPAD (2011). *Report Substance Use Among Students in 36 European Countries*. http://www.espad.org/sites/espad.org/files/The_2011_ESPAD_Report_FULL_2012_10_29.pdf
- European Drug Report, Trends, and Development (2021). <https://www.emcdda.europa.eu/system/files/publications/13838/TDAT21001ENN.pdf>
- Grogger, J. (1991). Certainty vs. Severity of Punishment. *Economic Inquiry*, 29, 297–309.
- Haraszti, M. (2018). *A munkaerőhiány kialakulásának okai és hatásai Magyarországon és az Európai Unióban* [The causes and effects of labour shortages in Hungary and the European Union]. Miskolci Egyetem Gazdaságtudományi Kar Világ- és Regionális Gazdaságtan Intézet. <http://midra.uni-miskolc.hu/document/29337/25168.pdf>
- Janssen, H. (1991). Chicago-Schule. In Hans-Jürgen, K (Ed), *Kriminologie Lexikon*. 4. (pp. 181–182). Kriminalistik Verlag.
- King, L. A., & Kicman, A. T. (2011). A brief history of 'new psychoactive substances. *Drug Test Analysis* (3), 401–403. <https://doi.org/10.1002/dta.319>

- Központi Statisztikai Hivatal (2020). *Migration margin in Hungary 2004-2019*. https://www.ksh.hu/thm/2/indi2_1_6.html
- Lannert, J. (2017). *Kábítószer-használat a szegregátumban élő általános iskolás gyerekek körében* [Drug use among primary school children living in segregated areas]. Vezetői összefoglaló. https://www.tudok.hu/files/2/vezetoioszszefoglalodrog_korr.pdf
- Lengyel, I., Vas, Zs., Lukovics, M. & Gyurkovics, J. (Edt.) (2015). *Vidéki járások versenyképessége Magyarországon* [Rural competitiveness in Hungary]. Szegedi Tudományegyetem. <http://eco.u-szeged.hu/download.php?Docid=78781>
- Lóránt, K. (Ed.) (2017). *Az acélváros végnapjai, Hogyan semmisült meg húszezer ember munkahelye a Lenin Kohászati Művekben* [The final days of the steel city, i.e., how the jobs of twenty thousand people ceased in the Lenin Metallurgical Works]. Antológia Kiadó.
- Madras, B. K. (2016). The Growing Problem of New Psychoactive Substances (NPS). In Baumann, M., Glennon, R. & Wiley J. (Eds.), *Neuropharmacology of New Psychoactive Substances (NPS). Current Topics in Behavioral Neurosciences* (pp. 1–18). Springer. https://doi.org/10.1007/7854_2016_34
- Mátyás, Sz. (2020). *A kábítószer-bűnözés elleni küzdelem mint stratégiai kihívás a magyar bűnüldözésben* [The fight against drug crime as a strategic challenge in Hungarian law enforcement]. Nemzeti Közszolgálati Egyetem.
- Mezei, K. (2019). A szervezett bűnözés az interneten [Organized crime on the Internet.] In Mezei, K. (Ed.), *A bűnügyi tudományok és az informatika* [Criminal sciences and IT] (pp. 125–147). Pécsi Tudományegyetem Állam- és Jogtudományi Kar.
- Mihályi, H. (2020). Lélekszám és társai – Kis miskolci demográfia. [Population and others - A small demography of Miskolc]. *Szellem és tudomány különszáma*, 454–465.
- Moldova, Gy. (2009). *Érik a vihar – riport Miskolcra* [A storm is brewing - report from Miskolc]. Urbis kiadó.
- Nagy, J. (2013). *Kritikus kábítószeres hatóanyag-tartalmának fokozott monitorozása*. Nemzeti Szakértő és Kutató Központ.
- Németh, Á. & Költő A. (Eds.) (2016). *Egészség és egészségmagatartás iskoláskorban* [Health and health behavior at school age]. Az iskoláskorú gyermekek egészségmagatartása elnevezésű, az Egészségügyi Világszervezettel együttműködésben megvalósuló nemzetközi kutatás 2014. Évi felméréséről készült nemzeti jelentés.
- Peacock, A., Bruno, R., Gisev, N., Degenhardt, L., Hall, W., Sedefov, R., White, J., Thomas, K. V., Farrell, M. & Griffiths, P. (2019). New psychoactive substances: challenges for drug surveillance, control, and public health responses. *Lancet*, 394(10209), 1668–1684. [https://10.1016/S0140-6736\(19\)32231-7](https://10.1016/S0140-6736(19)32231-7)
- Reuter, P. & Pardo, B. (2017). Can new psychoactive substances be regulated effectively? An assessment of the British Psychoactive Substances Bill. *Addiction*, 112, 25–31. <https://10.1111/add.13439>

- Ritter, I. (2016). Remix – Új típusú pszichoaktív anyagok és a büntetőeljárás [Remix - New types of psychoactive substances and the criminal procedure]. In Vókó, Gy. (Ed.), *Kriminológiai Tanulmányok* 53. (pp. 98-117). Országos Kriminológiai Intézet.
- Sivadó, M. (2014). Új kihívások a droghelyzet kezelésében itthon, Európában és a világban – kis alkoholológiai kitekintéssel [New challenges in dealing with the drug situation at home, in Europe and in the world - with a little alcoholological perspective]. In Gaál Gy. & Hautzinger, Z. (Eds.), *Tanulmányok a „Biztonsági kockázatok - rendészeti válaszok” című tudományos konferenciáról [Studies from the scientific conference ‘Security risks - law enforcement responses.’]* (pp. 235–242). Magyar Hadtudományi Társaság.
- Sumnall, H., Evans-Brown, M. & McVeigh, J. (2011). Social, policy, and public health perspectives on new psychoactive substances. *Drug Test Analysis*, 3. 515–523. <https://doi.org/10.1002/dta.310>
- Szécsi, J. & Sik, D. (2016). Szerhasználat egy hátrányos helyzetű járás szegregátumaiban [Substance use in the slums of a deprived district]. *Esély*, 2, 115–131. http://www.esely.org/kiadvanyok/2016_2/2016-2_4-1_Szecsi-Sik_Szahasznalat.pdf
- Tihanyi, M., Mátyás, Sz, Vári, V. & Krasnova, K. (2020). Drug Policy in Hungary: Current Trends and Future Prospects. *Siberian Law Review*, 4, 485–494.
- Ujváry, I. (2013). *Tudnivalók az Új Pszichoaktív Szerek szabályozásáról* [Information on the regulation of New Psychoactive Drugs]. http://members.iif.hu/ujvary/Drugs/Ujvary2013_C-jegyzek-leiras-20130731.pdf
- United Nations (2013). *Word Drug Report*. https://www.unodc.org/unodc/secured/wdr/wdr2013/World_Drug_Report_2013.pdf
- Vaiano, F., Pascali, J. P. & Bertol, E. (2019). New psychoactive substances: An actual problem or an overestimated phenomenon? *Forensic Science International*, 304, 109941. <https://doi.org/10.1016/j.forsciint.2019.109941>
- Varró, E. & Kadét, G. (2010). *A roma lakosság hozzáférése az uniós fejlesztési forrásokhoz Szabolcs-Szatmár-Bereg és Borsod-Abaúj-Zemplén megyében* [Roma access to EU development funds in Szabolcs-Szatmár-Bereg and Borsod-Abaúj-Zemplén counties]. Társaság a Szabadságjogokért. http://tasz.hu/files/tasz/imce/Varro_kadet_kutatas.pdf

Online links in the article

(URL1): *Egyetlen pohár ital árért beszerezhető, de tudni sem akarod, micsoda horrort szabadít rád.* <https://szon.hu/kozelet/helyi-kozelet/egyetlen-pohar-ital-araert-beszerezhető-de-tudni-sem-akarod-micsoda-horrort-szabadít-rád-4193009/>

(URL2): *Zombik lepték el Pesterzsébetet – fényes nappal kábulnak el a filléres gyilkos drogtól.* <https://www.borsonline.hu/aktualis/zombik-drog-pesterzsebet/233275>

- (URL3): *Drogfront a városban: egyre több a zombi, a rendőrség – egy szinten túl – tehetetlen.* <http://castellum.do/2018/07/25/drogfront-a-varosban-egyre-tobb-a-zombi-a-rendorseg-egy-szinten-tul-tehetetlen>
- (URL4): *Miskolci szegregátumok.* <https://infogram.com/miskolci-szegregatumok-1gvew2vy-g1jq2nj>
- (URL5): *Designer drogok: a kábítószeres új hulláma.* <https://drogkutato.hu/cikkek/designer-drogok-a-kabitoszerek-uj-hullama/>
- (URL6): *Példátlan ütemben terjednek a dizájner drogok.* [http://www.ma.hu/kulfold/164643/Peldatlan_utemben_terjednek_a_dizajner_drogok%20\(utols%C3%B3%20megtekint%C3%A9s:%202013.11.08](http://www.ma.hu/kulfold/164643/Peldatlan_utemben_terjednek_a_dizajner_drogok%20(utols%C3%B3%20megtekint%C3%A9s:%202013.11.08)
- (URL7): *Bűnügyi Statisztikai Rendszer.* <https://bsr.bm.hu>
- (URL8): *Prevenációs bűnözés – Statisztikai Adattár.* <https://prestat.lechnerkozpont.hu/bunmege-lozes/#/modules/elemlzo>
- (URL9): *Bűnügyi Statisztikai Rendszer.* <https://bsr.bm.hu>
- (URL10): *Bűnügyi Statisztikai Rendszer.* <https://bsr.bm.hu>
- (URL11): *Miskolci Rendőrkapitányság 2019-es beszámolója. Ügyszám: 05010-7454-3/2020.ált.* https://www.miskolc.hu/sites/default/files/napirendi_pont/csatolmany/2020-08-18/78021/22._javaslat_a_miskolci_rk_2019._evi_munkajarol_szolo_beszamolo_elfogadasara.pdf
- (URL12): *Miskolc bekeményít: nyolc új térfigyelő kamera vigyázza a rendet a városban.* <https://arhiv.minap.hu/cikkek/miskolc-bekemenyit-nyolc-uj-terfigyelo-kamera-vigyazza-rendet-varosban-videoval>

Laws and Regulations

2005. évi XCV. törvény az emberi alkalmazásra kerülő gyógyszerekről és egyéb, a gyógyszerpiacot szabályozó törvények módosításáról
2011. évi CLXXVI. törvény az egyes egészségügyi tárgyú törvények módosításáról
2012. évi C. törvény a Büntető Törvénykönyvről
- 1744/2013.(X.17.) Korm. határozat a Nemzeti Büntelmegelőzési Stratégiáról (2013–2023)
- 80/2013. (X.16.) OGY határozat a Nemzeti Drogellenes Stratégiáról 2013–2020
- 55/2014. (XII. 30.) EMMI rendelet az új pszichoaktív anyaggá minősített anyagokról vagy vegyületesoportokról
- KSH: 2011. évi népszámlálás 14. A népesség iskolázottsága. Központi Statisztikai Hivatal. www.ksh.hu/docs/hun/xftp/idoszaki/nepsz2011/nepsz_14_2011.pdf
- Miskolc Megyei Jogú Város: Helyi Esélyegyenlőségi Program 2021–2026. [Local Equal Opportunity Program of the Municipality of Miskolc with County Rights for the year 2021–2026.] www.miskolc.hu/sites/default/files/egyszeru_oldal/beagyazhato_csatolma-nyok/2021-04-29/7746/hep_2021-2026_miskolc.pdf

Miskolc Megyei Jogú Város: Integrált Városfejlesztés Stratégia. Miskolc Antiszegregációs Terv [Miskolc County City Integrated Urban Development Strategy Miskolc Antisegregation Plan] III. Kötet (2008. július 3.) www.terport.hu/webfm_send/3762

Miskolc Megyei Jogú Város Integrált Településfejlesztési Stratégiája. [Integrated Settlement Development Strategy of the City of Miskolc with County Rights.] Munkaanyag. http://miskolcvaros2020.hu/sites/default/files/dokumentumok/miskolc_its.pdf

Miskolc Megyei Jogú Város Önkormányzatának Bűnmegelőzési Stratégiája 2021–2026. [Crime Prevention Strategy of the Local Government of the City of Miskolc with County Rights.] Melléklet a Közgyűlés 405/2021. (VI. 30.) számú határozatához. www.miskolc.hu/sites/default/files/dokumentum/csatolmany/2021-07-05/80648/405_melleklet_bun-megelozesi_strategia.pdf

Reference of the article according to APA regulation

Vári, V. (2022). Crimes related to new psychoactive substances in rural segregates of Miskolc in Hungary. *Belügyi Szemle*, 70(SI2), 37–57. <https://doi.org/10.38146/BSZ.SPEC.2022.2.3>



Communication with third-country nationals in detention facilities¹

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Abstract

Aim: is to analyze the current state of the common means of communication and analysis of legislation in the field of mutual verbal and non-verbal communication between detained third-country nationals and police officers within the detention facilities in selected EU countries, which affects the prevention of misunderstandings and conflicts with particular respect to protection of human rights and fundamental freedoms of the detained foreigners.

Methodology: Analysis and comparison of the respective legislative documents in selected EU countries and the European Court of Human Rights Case-law related to the violation of Article 5(2) regarding the right to language assistance is conducted in order to be enable a detained person to communicate in language a detained person understands as these rights directly affects the human rights, namely the right to liberty and security, of a third-country national detained in detention facility within the territory of the EU country.

Findings: The analysis of the respective legislative documents within the selected EU countries showed differences in interpretation and consequently also implementation of the right to language assistance that is guaranteed as one of the procedural safeguards in the context of protection of human rights and fundamental freedoms. Different interpretation and implementation of the right to language assistance prevents effective communication between police officers and third-country nationals detained in detention facilities and causes frustration on both sides, especially during the times of migration crises when

¹ The scientific study is the outcome of the scientific-research task of the Academy of the Police Force in Bratislava, Slovakia registered under the title: Intercultural communication with third-country nationals in detention facilities (VYSK 241).

the effective communication becomes one of the main tools in prevention of misunderstandings and conflicts. The list of common peculiarities experienced across the EU countries was made. The analysis of the European Court of Human Rights case law proved remaining problems in provision of language assistance causing unnecessary complications for the EU countries and affecting the human rights of the third-country nationals detained in detention facilities.

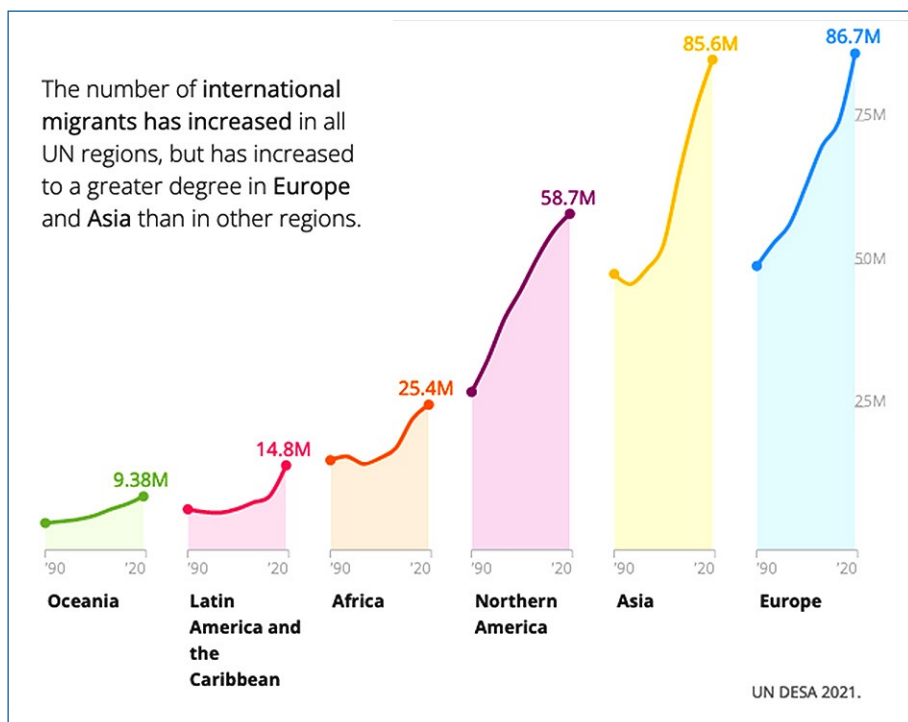
Value: The value of the study lies in provision of general overview of the remaining problems experienced by both – the police officers representing the respective EU countries and third-country nationals arriving into the territory of the EU and being detained in detention facilities, resulting from different interpretation and implementation of one of the human rights – right to language assistance which is guaranteed as a procedural safeguard at the international and European level, and at the national level of the respective EU countries. By detailed analysis of the core legal documents and the European Court of Human Rights case law, the attention is drawn to the legal consequences for the EU Member States. To prevent the negative consequences, the areas of required amendments are pointed out.

Keywords: intercultural communication, EU, legal framework, human rights and fundamental freedoms

Introductory Notes

Migration is becoming not only one of the highly discussed issues nowadays, but a serious concern for vast majority of the European Union (EU) Member States. Primarily due to the war conflict in Ukraine but also due to raising numbers of migrants arriving into the EU illegally. According to the International Organization for Migration (IOM) the total number of illegal migrants and asylum seekers who arrived in Europe in 2021 was 86.7 millions, respectively (Diagram 1) ([World Migration Report, 2022](#)). The population of non-European migrants in Europe reached over 40 million ([World Migration Report, 2022](#)).

Diagram 1. *The number of international migrants according to the UN regions*



Note: Interactive World Migration Report, 2022.

The number indicates migrants arriving into the territory of the European states that tackle the migration, or its consequences according Europe to the national legislation, cultural or political environment of the country. Thus, it is more than important to take into account the diversity of the individual Member States when tackling migration, even when there remains one joint objective – to tackle the migration crisis as effectively as possible and in more or less same manner that is acceptable for all parties involved. To achieve this objective, the EU has adopted several legal instruments that were subsequently transposed into the national legislation of respective EU Member States. By doing so, a common framework to address migration and its consequences was created.

Legal Framework for the Communication with Third-Country Nationals in the Context of the European Legislation

The common framework for all EU Member States is primarily EU legislation, through which the EU seeks to address current issues concerning the stay of third-country nationals in the territory of the Member States and the establishment of rules for communication with them. In order to ensure respect for human rights and freedoms while providing guarantees for their observance, the EU has reflected Member States' efforts to improve the return management of illegally staying third-country nationals, in all its dimensions, with a view to lasting, fair and effective implementation of common standards on return and developed Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals, so-called '*Return directive*'. The Return Directive is a key document in the field of migration, providing a single framework for all EU Member States. Defining an effective return policy is crucial to gain support for elements such as legal migration and asylum.

In case of detention of third-country nationals in detention facilities, in accordance with Article 5 of the European Convention on Human Rights (ECHR)² para. 2, '*anyone arrested shall be informed without delay and in a language he understands of the reasons for his arrest and of any charge against him*'.³ Each third-country national detained in a detention facility shall have the right to communicate in official communication with the competent authorities in a language which he/she understands. The Member State is therefore required to provide an interpreter in order to ensure a standard procedure, i.e. the third-country national can understand and communicate in the interpreted language in all procedural proceedings. The legal regulation concerning standards and procedures in the field of communication in the framework of official contact with third-country nationals in all EU Member States as they are governed by common European legislation. In practice, however, the legislation in question is implemented with regard to specific conditions in individual countries (Kupferschmidtová, 2020).

The rules for official communication with respective authorities form part of the following documents:

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- 2 Convention on Protection of Human Rights and Fundamental Freedoms is also known as the European Convention on Human Rights and for the purposes of the present scientific study the European Convention on Human Rights (ECHR) will be used.
 - 3 Article 5 para.2 of the European Convention on Human Rights.

- Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection;
- Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals;
- Directive 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings;
- Regulation (EU) No 182/2011 of the European Parliament and of the Council 439/2010 of 19 May 2010 establishing a European Asylum Support Office;
- Regulation (EU) No 182/2011 of the European Parliament and of the Council Regulation (EC) No 640/2013 of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person;
- Commission Recommendation (EU) 2017/432 of 7 March 2017 on ensuring more effective returns in the implementation of Directive 2008/115/EC;
- Commission Recommendation of 1 October 2015 establishing a common ‘Handbook on Return’ to be used by the competent authorities of the Member States in carrying out return tasks (C (2015) 6250 final).

The documents themselves clearly define the requirements to ensure proper communication with the competent authorities through an interpreter and additionally, the procedure for examining an application for international protection should normally give the asylum seeker at least: the right to remain in the Member State pending a decision by the determining authority; access to the interpretation service when submitting the case in case of an interview with the authorities; the right to be informed at crucial moments during the proceedings of the legal position in a language he/she understands; and the right to an effective remedy before a court in the event of a negative decision.⁴ At the same time, according to par. 28 of this Directive, it is also necessary to ensure that *‘the basic communication necessary for the competent authorities to be able to understand whether persons wish to apply for international protection should be provided through interpretation.’* Also in the context of the provision of information and advice in detention facilities and border crossing points, individual

4 Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection.

Member States are obliged to provide '(...) interpretation to the extent necessary to facilitate access to the asylum procedure'.⁵ As regards the procedure itself, all Member States are obliged to provide the same guarantees for applicants. Among the procedural guarantees mentioned under Article 12 para. 1 item (a) includes the need to inform applicants '(...) in a language that they understand or may reasonably be presumed to understand, (...)'⁶ and subsequently, in accordance with Article 12 (2); 1 item (b) of Directive 2013/32/EU, it is important that applicants are provided with the services of an interpreter whenever necessary so that they can submit their case to the competent authorities (Kupferschmidtová, 2020).

Implementation of Legal Framework for the Communication with Third-Country Nationals Across the EU Member States

Language mediation remains an important and very sensitive issue, as it is, on the one hand, an integral part of the asylum procedure and has a direct and non-negligible effect on communication between the national authorities of the individual EU Member States and on the other hand, it affects the destiny of the third-country national applying for the asylum in the respective Member State of the EU. Taking into account the quality and efficiency of services provided, it is important, especially in the case of the so-called *first-line* or *destination countries*⁷, which have to deal with a high number of asylum seekers, so that asylum seekers understand each stage of the process and that the authorities are able to properly assess and take into account all the details of the applicant's circumstances. For instance in Italy, being the country directly affected by the system of *hotspots*, the main goal is the fast identification, registration and processing of migrants. In Italy, a third-country national is detained in hotspots for several days and then placed in a detention facility (Berbel, 2020). The stay in the detention facility is significantly affected by the lack of cultural mediators, interpreters and translators into all languages. This is a persistent problem, in particular with interpretation/translation into the languages of sub-Saharan Africa remaining the most problematic. The thirdcountry nationals coming to Italy come in most cases from Nigeria, Eritrea, The Gambia, Sudan, Senegal,

5 Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection.

6 Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection.

7 The country that is a destination for migration flows (regular or irregular).

Somalia, Mali, Bangladesh, Guinea and Côte d'Ivoire. Upon arrival in Italy, the hotspots provide information on the possibility to apply for asylum and individual types of stay in four world languages, i.e. Italian, English, French and Arabic. In view of the fact that the command of world languages is rather rare for incoming migrants, the information in question is provided by the European Asylum Support Office (EASO), as part of the ACCESS project, and by the Office of the United Nations High Commissioner (UNHCR) and in the framework of the ASSISTANCE project, the International Organization for Migration (IOM), assists in less widely used languages, i.e. Kurdish and its extended dialects – Kurmanji, Sorani and Tigrinya. Thus, provision of high standards of language assistance in a wide range of languages remains a challenge not only for Italy, but also for many EU Member States, especially if the asylum seeker speaks only his or her mother tongue, which appears to be an indigenous language or a lesser-used language. There is also the possibility that asylum seekers may speak the language of the country in which they are applying for asylum, e.g. in the case of Colombians or Venezuelans registered in Spain. In cases where a common language is absent, the interpretation of procedural acts in a language that can be reasonably assumed to be understood by the asylum seeker shall become a particular priority. The language barrier must never affect the human rights of third-country nationals and the decision of national authorities on the residence of third-country nationals in their territories.

Information on remedies should also be available in a language that the third-country national understands or can reasonably be presumed he/she understands. Whether the information is provided in written or oral form depends on the receiving Member State. In most cases, the information is provided in the form of leaflets or reference materials. The possibility of standardized templates would streamline the work of the administration and contribute to transparency, as well as significantly contribute to reducing the cost of interpretation services. It could also partially address the persistent problem of a lack of interpreters from/to lesser-used languages. In this paper, the lack of qualified and competent interpreters is not the subject of the analysis, but it is necessary to pay special attention to this topic, because the setting of qualification criteria directly affects the outputs of interpreting services provided for the needs of detention facilities. While in some countries, (usually in the so-called *transit countries*⁸) the qualification criteria are high as they require higher education and specialized

8 The country through which migration flows (regular or irregular) move; this means the country (or countries), different from the country of origin, which a migrant passes through in order to enter a country of destination.

training, e. g. in case of Slovakia in order to ensure effective communication between foreigners placed in detention and the competent authorities, interpreters and translators ensuring official communication with the competent authorities within individual procedural acts are selected from the list of forensic experts, translators and interpreters of the Ministry of Justice of the Slovak Republic. The translator, who ensures the translation of official documentation or information materials, is also selected from the list of forensic experts, translators and interpreters of the Ministry of Justice of the Slovak Republic. However, on the basis of the background documents, the interpretation request is formulated only for the purposes of procedural acts and official communication with the competent authorities. In other countries, e.g. in Sweden, which is considered to be a so-called *destination country*, there are no rules setting out the qualifications of an interpreter and only account is taken of whether the interpreter ‘*speaks two languages*’. In fact, the current situation, regarding the interpretation/translation services provided for the third-country nationals in detention facilities in Sweden, significantly affects the personal security of an immigrant who is completely dependent on interpretation, especially in the case of an asylum interview. However, quality assurance is crucial for protecting access for individuals with limited language skills (ADM). The ability to effectively express the meaning, style and often the tone of the original source is very important, as it can affect the results of the interview with the asylum seeker and, consequently, the stay in the country. In some cases, interpreters seem to lack the skills needed to meet the interpreter’s requirements, or sometimes they simply translate incorrectly, which has serious consequences for the asylum seeker. Due to persistent problems related to the lack of competent and qualified interpreters, many countries have started to use audio/video conferencing to provide asylum seekers with the opportunity to communicate their needs. However, the use of this form of interpretation has its pitfalls, which include a lack of privacy, the absence of an interpreter at the place of detention, etc. In view of the fact that interpretation services are provided free of charge to third-country nationals and that Member States are responsible for all costs associated with these services, national authorities are responsible for selecting individual interpreters. Given that interpreters mostly rely on visual and audio stimuli to determine the meaning of translated speech, the use of technology is said to often suffer from poor sound quality or is interrupted during an interview and hearing is insufficient and frustrating for both parties, asylum seekers but also for the representatives of national authorities, especially when dealing with emotionally demanding situations.

The Member State is free to choose whether to provide a written translation of the relevant information or oral interpretation, provided that the context and

content are clear to the third-country national and that he/she understands his/her current legal situation. The provision in Article 5 of the recast of the Reception Conditions Directive 2013/32/EU requires Member States to make all reasonable efforts to ensure a translation into a language that the person concerned actually understands. The lack of interpreters is not considered to be an objective reason for not fulfilling this right of third-country nationals. In cases of extremely rare languages for which there is an objective shortage of interpreters, Member States are required to provide at least general information sheets explaining the main elements of the standard form in at least five languages most commonly used by illegal immigrants entering the territory of a Member State (Kupferschmidtová, 2021).

Criminal proceedings and the language assistance

With regard to the criminalization of unauthorized border crossings in some Member States, while in other countries unauthorized border crossings are not considered a crime but an offense, the European Commission decided in 2016 to conduct a survey within EU Member States, which concerned issues of concurrence of asylum and criminal proceedings. The initiative brought new findings and insights into the issue of criminalizing unauthorized crossing of the state border of the EU Member States. The comparison of the findings of the European Commission from 2016 with the findings of the United States Government survey of 2019 was performed in order to verify the data regarding the punishment for unauthorized border crossing around the EU Member States. The data of both surveys in relation to the surveyed countries (Slovakia, Czech Republic, Austria, Greece, Italy, Sweden) are identical and show the diversity of approaches to the issue of unauthorized crossing of the state border. At the same time, the initial assumption, that countries which are exposed to a higher wave of migration (in our case – Italy, Greece, Sweden and Austria) will have stricter measures and will tend to criminalize unauthorized border crossings, while countries that are not exposed to intense migration waves (in our case – Slovakia, Czech Republic) will consider unauthorized crossing of the state border as a violation. However, this assumption was not confirmed in all selected countries. Surprisingly, Italy does not consider unauthorized crossing of a state border to be a criminal offense, as is the case in Greece, Sweden and Austria.

The above has been applied as follows: a third-country national who has committed an illegal crossing of the state border is being dealt with criminal proceedings in Slovakia, Italy and the Czech Republic, while in Sweden, Austria

and Greece an unauthorized crossing of the national border is considered a criminal offense. However, it is also worth noting that Slovakia and the Czech Republic prosecute persons for unauthorized crossing of the state border only if the state border is crossed by using force (Czech Republic) or using violence/threats (Slovakia).

Criminal and asylum proceedings are applied simultaneously in Slovakia, for example. However, asylum proceedings preclude criminal proceedings in the Czech Republic, for example, and in the event of a refusal of international protection (asylum), the third-country national is returned to his/her country of origin or to another country to which he or she may be readmitted. Circumstances to be taken into account when assessing the conditions referred to in Article 3 (1) 1 of the Geneva Convention apply in particular to the status of foreigners as refugees, taking into account the individual situation of a third-country national who has illegally crossed the state border of a Member State.

In a view of the fact, that in half of the countries surveyed, unauthorized crossing of the state border is a criminal offense, the judgments of the European Court of Human Rights were analyzed, where on the basis of filtering asylum seekers who came from third countries and at the same time were lawfully awarded compensation for infringements of Article 5 (1). 2 of the Convention, the key judgments were identified in relation to respect for human rights and fundamental freedoms.

It is, of course, not possible to cover the entire asylum or criminal issues related to the conditions for providing language assistance and intercultural communication in detention facilities across all Member States. Of course, a distinction needs to be made between criminal and asylum proceedings. However, for the purposes of the present study, it is necessary to draw attention to the fact that many countries consider the unauthorized crossing of the state border as a criminal offense, not a violation, as in the case of the Slovak Republic, and therefore address this criminal offense in criminal proceedings. Respect for human rights in this regard has therefore been examined through judgments of the European Court of Human Rights, respectively.

Common Peculiarities Related to Language Assistance Provision Faced by the EU Member States

The protection of the fundamental human rights guaranteed under the ECHR in relation to the language assistance is in practice interpreted on the basis of Member States needs and possibilities. The language-related provisions are

drafted in a broader sense, thus giving the way to broader interpretation, e. g. *being 'promptly' informed* can cover the time period from 10 minutes to 24 hours, also the very use of interpreter is also a subject to different approaches as it is not clear if the interpreter should assist the authorities from the moment of arrest or through the next stages of detention. And even the common framework of the language assistance is grounded in the ECHR and the EU Directives, the European Court of Human Rights (EctHR) may help to narrow down various interpretations from the Member States and adopt more unified way through the language provision as the EctHR judgments function as a reference to the future court decision-making also at the national level of the respective Member States.

Challenges related to the language issues have been raised in a number of cases – till the beginning of the year 2022 there were 59 apparent violation of Article 5 §2.⁹ However, there were only few cases marked as the key cases. For the purposes of the present scientific study, the violations of Article 5 §2 related particularly to the following issues were analysed:

- a) information in language understood;¹⁰
- b) information on charge;
- c) information on reasons for arrest;
- d) prompt information.

As the number of the judgments was significant, the further selection was performed not only on the basis of violation of Article 5 §2 criterion but further the current Member States of the EU being the parties involved in the cases criterion was also implemented. Furthermore, only the judgments that appear to be crucial in shaping the provision of language assistance were taken into account based on the thorough analysis of all 59 cases. The selected judgments also reappear in the Court's Assessment section in the latter judgments as the respective judgments of key cases were cited as Principles laid down in the Court's case-law. The following cases/judgments¹¹ were considered as the core ones having impact on the language provision in terms of fundamental rights and freedoms entitled to third-country nationals arriving into the territory of the EU. The following key cases are given along with the reasons of their importance being underlined and subsequently commented on:

9 HUDOC Database of the European Court on Human Rights – Violation of Article 5 para 2.

10 The numbers in the brackets indicate the number of the judgments of the EctHR directly related to the violation of Article 5 §. 2.

11 The judgments are publicly available through the website of the EctHR and are part of Case-law section.

- *the case of Saadi v. the United Kingdom of Britain, Judgment No. 13229/03*, concerns the setting of a precise time frame for the provision of language assistance, as it has not yet been clear who is responsible for informing the detainee of the reasons for his/her arrest, i.e. a member of the Police Force or a legal representative? However, the subject of the judgment is also the form of providing information to the detained person - oral versus written form, as the obligation to provide evidence of the provision of information to a detained person is interpreted differently in the different jurisdictions of the EU Member States. However, on the basis of the judgment, it can currently be concluded that the delay of 76 hours in providing the relevant information (grounds for detention) to the detained person provided a reasonable ground for violating Article 5 para. 2. The judgment also laid down the maximum timeframe available for the provision of information and thus also for the provision of language assistance.
- *the case of Khlaifia v. Italy, Judgment No. 16483/12*, the judgment regulates, *inter alia*, the form in which information is provided to third-country nationals who have illegally crossed the national borders of Greece. On the basis of a court decision, in the event of a return decision, or an entry ban decision and an expulsion decision, it is necessary to issue such decisions in writing, stating the factual and legal reasons, as well as information on available remedies. At the same time, Member States are obliged (following that judgment) to make available general information material explaining the main elements of the standard procedure in at least five of the languages most frequently used or understood by illegal migrants arriving in the Member State concerned. At the same time, detained third-country nationals must be provided with systematic information that explains the rules applicable in the establishment and sets out their rights and obligations. Such information shall include information on their authority under national law to contact selected organizations and authorities. At the same time, it is about covering communication with detained foreigners within the framework of unofficial contact.
- *the case of J. R. and others v. Greece, Judgment No. 22696/16*, judgment regulates the Member State's obligation to provide the third-country national with information material (information brochure) in a language that the detained foreigner understands and at the same time to inform without delay of the reasons for the arrest, while the responsibility for providing that information remains with the UN High Commissioner for Refugees, who assumes the obligation to inform newly admitted third-country nationals in hotspots about their rights and obligations and to indicate how to access

the asylum procedure. According to the government, the same employees distribute information brochures of a legal nature, and subsequently foreigners who wish to do so can turn to lawyers for non-governmental organizations. In that judgment, the court also drew attention to the fact that all information was to be provided in plain language. All information should be provided to the detained foreigners ‘as soon as possible’, but the arresting law enforcement officer may not provide it in full immediately. In this case, the court also determines the content of the information material. At the same time, the court notes that the content of the said material was not such as to provide sufficient information on detention, remedies, that the foreigner may contact a lawyer and a police officer and that he may object to the expulsion decision, etc. within 48 hours.

The rights concerned are obviously intended to represent minimum standards. The language-related assistance is in practice a subject of interpretation from the perspective of the individual countries. Through the case-law of the ECtHR it is shown how the provisions on language assistance can be developed to some extent. Frequently, the language issues are raised together with complaints under Article 5 and 6 and occasionally in conjunction with Article 14 (prohibition of discrimination). Even though the Court has rarely found a violation solely on account of language issues, the above-mentioned cases have given it the opportunity to lay down the basic principles in passages that represent a consolidation of the applicable case-law (Brannan, 2010a).

The Implications of the ECtHR Judgments on Provision of Language Assistance

The right to language assistance is one of the fundamental rights guaranteed by the ECHR and is also enshrined in secondary EU legislation and is therefore binding on all Member States. Thanks to the case law of the ECtHR, the provision of language assistance (i.e. interpretation and translation services) and the scope of their use is specified for future use. Questions concerning the form of interpretation and translation services provided for the purposes of the asylum procedure remain in the hands of the national authorities of each Member State and their preferences (oral form/written form), as long as they can be presented as evidence for potential ECtHR proceedings. Although the ECtHR has ruled in favor of a written translation, it also allows information to be obtained orally from the competent authorities if it can be provided as evidence for possible

proceedings. Similarly, the right to provide information in a language understandable to third-country nationals arriving to the territory of the EU Member States is one of the procedural guarantees set out in the ECHR. However, it is a prerequisite to provide relevant information within 24 hours of the detention of a third-country national, as a person detained in a detention facility has the right to be informed of the reasons for his/her detention and this right is part of the procedural guarantees (Brannan, 2010b). The definition of the exact time frame for providing information for the above-mentioned purposes depends to a large extent on the language skills of the detainee, as according to the case law, the provision of information at the time of detention is preferred. In both forms of language assistance, information is provided in a language that the detainee understands and, in the vast majority of cases, the official language of the third-country national's country of origin is taken into account. Although in many cases, detained foreigners also speak one of the world's languages, the most common are French, Arabic and Spanish. In most cases, the official language of the third-country national's country of origin shall be taken into account while providing the language assistance. The selection of an interpreter remains in the hands of the national authorities and is based on the national law of each EU Member State (Valdmanová, 2020). A common framework for ensuring the quality of interpretation services and the qualifications of individual interpreters remains an unanswered question, as qualification criteria vary from one Member State to another. There are no explicit restrictions on the number of interpreters available for a group of third-country nationals (indefinite number of persons). Based on the judgment no. 51564/99 of 5 February 2002 in the case of *Čonka v. Belgium*, where one interpreter provides interpretation services for a group of persons, the Member State's obligation to assess each case individually is not respected. Given the perception of the third-country national, the individual approach and the physical presence of the person providing language assistance are therefore preferred, although the physical presence of an interpreter or translator is often difficult to achieve from the point of view of national authorities. However, the scope of the information provided should enable the third-country national to understand all the remedies they have at their disposal and their current legal status (Mikkelsen, 1996).

The relevance of the EctHR judgments lays in their power to impose a verdict on a Member State in case the violation of fundamental human rights and freedoms is proved and, thus, the consequences in the form of penalties are imposed on the Member States. By taking into account at least the framework for provision of language assistance to the third-country nationals arriving into the territory of the EU Member States, the possibility of not having a complaint

lodged by the third-country nationals as injured party increases significantly and consequently helps to create a safer place for everyone within the Member State (Norström, 2010).

All third-country nationals detained in detention facilities face challenges that are directly related to their human and procedural rights and that need to be communicated on a daily basis. The language (as well as cultural) barrier does not alleviate the situation for third-country nationals detained in the territory of a Member State whose official language is not spoken by the parties involved in the process described above. Although the right to language assistance and the effective provision of intercultural communication is currently based on the level of legal aid, it still cannot enjoy institutional support in its application practice and is only gradually specified and interpreted thanks to the case law of the EctHR (Novákává, 2018).

Language assistance remains one of the fundamental human rights guaranteed by the national law of the Member States, EU secondary legislation, but also international law and significantly affects not only the status of the third-country national in a foreign country but also guarantees the respect for human rights and the way in which they are guaranteed in the state is one of the key factors influencing the sense of security in the state and also having a significant impact on migrants' prospects in deciding where to settle (Wierlacher & Hudson-Wiedenmann, 2003).

Concluding Remarks

The UN Human Rights Council defines the right to language as a list of obligations imposed by state authorities to use certain languages for specific contexts, as well as the obligation to recognize and promote the use of the languages of national minorities or indigenous peoples. The right to language i.e. human rights combined with the use of a particular language are enshrined in many international instruments and are closely linked to non-discrimination, freedom of expression, the right to privacy, the right to education, the right of linguistic minorities to use their language within a particular language group, etc. This issue is currently a topical issue in many EU countries where third-country nationals have been detected and placed in detention facilities (Tužinská, 2015). While some countries, such as Austria, have a well-functioning police training system for lesser-used languages, other countries face the same problems as the Slovak Republic - the absence of a common language of communication, the absence of quality interpreters. Also Czech Republic faces comparable situation

as the Slovak Republic, where the legislation enshrines the right of a third-country national to a free interpretation service in the case of official contact with the competent authorities. There is no legislative regulation of communication between members of the Police Force and third-country nationals outside official communication (Shultz, 1981). The issue of intercultural communication within the premises of detention facilities, where it is necessary to communicate everyday needs and instructions, whether by members of the Police Force or foreigners, therefore remains unsolved from the point of view of legislation. At this point, it is important to note that the proportion of non-official communication with third-country nationals in detention facilities is much higher than in official communication. With regard to non-official communication, assistance to foreigners is usually provided by non-profit organizations such as Organization for Aid to Refugees (OPU), Association of Citizens Dealing with Emigrants (SOZE), Counseling for Integration (PPI), Word 21, etc. The main goal of non-profit organizations is the implementation of comprehensive assistance to foreigners, especially in the field of integration social and legal assistance or psychological counseling. However, they often implement various educational, cultural and media projects, or they are also involved in projects through which they try to raise public awareness of migration issues. They use both, professional and amateur interpreters to communicate with foreigners, especially in the field of community interpreting. It follows that the scientific research role can be an inspiration for countries facing the same problems in communicating with third-country nationals.

The added value of the research lies mainly in recording the diversity of approaches in addressing the regulation of communication with third-country nationals in detention facilities across EU Member States, which has a direct impact on language provision and respect for human rights of detained third-country nationals (Zachová, 2007).

The scientific research is also original in taking into account the categorization of the surveyed countries in relation to population migration and the application of legal aspects of foreign language communication with third-country nationals, as it provides new insights into communication with foreigners entering the territory of a Member State. At the same time, it provides an overview of existing shortcomings and problems in the provision of interpretation and translation services (Rossato, 2017). By linking information on persistent shortcomings and problems with current case law, the ECtHR also draws attention to the possibility of eliminating Member States' penalties for providing language assistance to foreigners, thus not only contributing to respect for human rights and fundamental freedoms, but also creating scope for consolidating

national legislation across the countries surveyed as well as other EU Member States (Waldnerová, 2012).

The scientific research points at the possibility to make the unification of standard procedure in EU Member States possible as the summarization of problem areas in the foreign language communication affects all EU Member States (not just the countries studied), especially with regard to respect for and protection of human rights and fundamental freedoms to which the injured foreigners are referring, if they apply to a court against the Member State in which they were detained (Viktoryová & Blatnický, 2015). Fundamental rights also include the provision of information in a language that incoming third-country nationals understand in order to ensure a standard procedure, i.e. the third-country national should understand and be able to communicate during all steps of proceedings. Similarly, legislation in the countries surveyed concerning standards and procedures in the field of official communication remains subject to interpretation by individual Member States, in particular as follows:

1. forms of assistance by the interpreter, i.e. the interpreter is physically present or the interpretation takes place via telephone videos, audio calls;
2. the level of interpretation services provided depends on the individual Member State, i.e. the interpretation is provided by a highly qualified professional or an unqualified non-professional volunteer, a member of the Police Force or another foreigner detained in a detention facility who speaks the language of the country of detention.

Defining areas of divergent interpretation makes it possible to unify procedures and harmonize national legislation on the provision of language assistance in all EU Member States (Svensen, 2009).

The scientific research increases the possibility of consolidating the applicable case law - the right of third-country nationals to obtain language assistance should be granted by Member States, in a way that provides the person concerned with a concrete and practical opportunity to use it. Consequently, the possibility of a penalty by the EctHR allows the unification of provisions on language assistance as thanks to the EctHR judgments, it can be interpreted to a certain extent, especially with regard to the provision of interpretation services. ECtHR judgments provide an opportunity to set out the basic principles in passages that consolidate the applicable case law in all EU Member States (Moser-Mercer, Künzli & Korac, 1998).

Based on the summarized conclusions, the following can be recommended:

- to expand the possibilities of learning in the field of foreign languages within the Police Force, especially for Foreign and Border Police, if possible also in regard to the less widespread languages,
- to implement an alternative form of communication in the form of pictures (pictograms) in detention facilities,
- further monitoring of intercultural communication in detention facilities is recommended in order to be able to take appropriate measures to make the communication with third-country nationals more efficient, e.g. extending the communication guide to other languages,
- to consider training in intercultural communication for police officers to streamline not only the verbal but also the non-verbal part of communication,
- to consider establishing cooperation with universities providing training in interpretation and translation programs and highlighting the urgent need for police practice to address the shortage of interpreters/translators, especially for less widely used and non-European languages,
- to draw attention to the need of unified information materials in the languages of detained foreigners to provide basic legal advice, thus enabling Member States to avoid potential penalties from the European Court of Human Rights,
- to consider the possibility of equipping the detention facilities with technological equipment enabling automatic translation/interpretation, which would help to resolve communication situations within the framework of unofficial communication,
- to consider supplementing the subject of intercultural communication within the specialized training courses for members of the Police Force, and thus not only draw attention to the difficulties of working with foreign language within the police practice, but also offer preparation for resolving situations,
- to draw attention to the possibility of harmonizing the way of ensuring intercultural communication within detention facilities, and thus contribute to the creation of a unified system at the national level.

References

- Administrative Detention of Migrants*. <https://www2.ohchr.org/english/issues/migration/task-force/docs/administrativedetentionrev5.pdf>
- Asylum Information Database of the European Council on Refugees and Exiles*. <https://www.asylumineurope.org/comparator/asylum-detention>
- Berbel, E. C. (2020). Challenges and difficulties of translation and interpreting in the migration and refugee crisis in Germany. *Open Linguistics*, 6(1), 162–170. <https://doi.org/10.1515/opli-2020-0014>
- Brannan, J. (2010a). *ECHR case-law on the right to language assistance in criminal proceedings and the EU response*. <https://eulita.eu/wp-content/uploads/files/TRAFUT%20Brannan%20ECHR%20case%20law.pdf>
- Brannan, J. (2012). Raising the standard of language assistance in criminal proceedings: From the rights under Article 6(3) ECHR to Directive 2010/64/EU. *Cyprus Human Rights Law Review*, 2, 128–156.
- Brannan, J. (2010b). *ECHR Case-law on the right to language assistance in criminal proceedings and the EU response*. <https://www.eulita.eu/wp-content/uploads/files/TRAFUT%20Brannan%20ECHR%20case%20law.pdf>
- Brannan, J. (2017). *Identifying written translation in criminal proceedings as a separate right: Scope and supervision under European law*. *The Journal of Specialised Translation*, 27(1), 43–57.
- Mikkelsen, H. (1996). *The profesionalization of community interpreting*. https://www.researchgate.net/publication/41446373_The_Professionalization_of_Community_Interpreting
- Moser-Mercer, B., Künzli, A. & Korac, M. (1998). Prolonged turns in interpreting: Effects on quality, physiological and psychological stress. *Interpreting*, 3(5), 47–65.
- Nikolajová Kupferschmidtová, E. (2020). Legal Framework for Communication with Third-Country Nationals: Study of Slovakia and Italy. *Košice Security Review*, 2, 83–97.
- Nikolajová Kupferschmidtová, E. (2021). The case-law of the European Court of Human Rights and its impact on the definition of the language assistance as a fundamental right of the third-country nationals. *Archibald Reiss days: Thematic conference proceedings of international significance*, 485–492.
- Norström, E. (2010). *Community Interpreting in Sweden and its Significance to guaranteeing legal and medical security*. <http://sens-public.org/articles/781/>
- Nováková, I. (2018). *Interkultúrna komunikácia so štátnymi príslušníkmi tretích krajín v útvaroch policajného zaistenia pre cudzincov: Projekt. /Rieš. výsk. úl. Iveta Nováková, spolurieš. Martina Binderová, spolurieš. Petra Ferenčíková, spolurieš. Emil Semjan, spolurieš. Patrik Ambrus, spolurieš. Jelena Ondrejковиčová, spolurieš. Klaudia Marczyová*. [a i.]. 1. vyd. – Bratislava: Akadémia PZ – K jazykov, 2018. – 39 1.: dokumentácia 11 1. Vto.

- Rossato, L. (2017). Migrant Inmates Mediating between Languages and Cultures. In Antonini, R., Cirillo, L., Rossato, L. & Torresi, I. (Eds), *Non-professional interpreting and translation: State of the Art and Future of an Emerging Field of Research* (pp. 157–174). John Benjamins Translation Library.
- Schulz, R. A. (1981). Literature and Readability: Bridging the Gap in Foreign Language Reading. *The Modern Language Journal*, 65(1), 43–53.
- Svensen, B. (2009). *A Handbook of Lexicography: The Theory and Practice of Dictionary Making*. Cambridge University Press.
- The European Convention on Human Rights*. https://www.echr.coe.int/Documents/Convention_ENG.pdf
- Tužinská, H. (2015). Tlmočenie, migranti, štát rozpoznanie jazykových registrov. In *Jazyk v politických, ideologických a interkultúrnych vzťahoch, Sociolinguistica Slovaca 8*. (pp. 243–258). Veda.
- Valdmanová, K. (2020). Návrh komunikačných jazykových kompetencií úrovne B2 pre ošetrovateľské profesie. In *Kľúčové kompetencie pre celoživotné vzdelávanie V: zborník príspevkov Centra celoživotného a kompetenčného vzdelávania Prešovskej univerzity v Prešove. – Prešov*. (pp. 156–163). Prešovská univerzita v Prešove. <https://www.pulib.sk/web/kniznica/elpub/dokument/gogoval/subor/Valdmanova.pdf>
- Viktoryová, J. & Blatnický, J. (2015). Ochrana ľudských práv vo vyšetrovaní. *Európsky rozmer ochrany ľudských práv v činnosti polície*. Zborník príspevkov z vedeckej konferencie. Bratislava. Akadémia PZ v Bratislave. Katedra verejnoprávnych vied.
- Waldnerová, J. (2012). Jazyk, kultúra, spoločnosť a vyučovanie cudzích jazykov. *Jazyk – kultúra - spoločnosť (vzájomné súvislosti), vedecký zborník, Univerzita Konštantína filozofa v Nitre, Filozofická fakulta*. http://www.jc.ff.ukf.sk/images/publikacie/zb06-jazyk_kultura.pdf
- Wierlacher, A. & Hudson-Wiedenmann, U. (2003). Interkulturalität: zur Konzeptualisierung Eines Grundbegriffs Interkultureller Kommunikation. In Bolten, J. & Ehrhardt, C. (Eds.), *Interkulturelle Kommunikation: Texte und Übungen zum Interkulturellen Handeln* (pp. 193-343). Verl. Wiss. und Praxis.
- World Migration Report 2022*. <https://publications.iom.int/system/files/pdf/WMR-2022.pdf>
- Zachová, A. (2007). *Ľudské práva (európsky koncept)*. Akadémia PZ v Bratislave.

Laws and Regulations

- Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment Adopted by General Assembly resolution 43/173
- Case of J. R. and others v. Greece, Judgment No. 22696/16.
- Case of Khlaifia v. Italy, Judgment No. 16483/12.
- Case of Saadi v the United Kingdom decided by the Grand Chamber in Strasbourg, Judgment of 29 January 2008.

Commission Recommendation (EU) 2017/432 of 7 March 2017 on ensuring more effective returns in the implementation of Directive 2008/115/EC

Commission Recommendation of 1 October 2015 establishing a common ‘Handbook on Return’ to be used by the competent authorities of the Member States in carrying out return tasks (C (2015) 6250 final)

Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals

Directive 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings

Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection

ICCPR General Comment No. 08: Right to liberty and security of persons. UN OHCHR. 30 June 1982. Retrieved 1 January 2020.

Regulation (EU) No 182/2011 of the European Parliament and of the Council 439/2010 of 19 May 2010 establishing a European Asylum Support Office.

Regulation (EU) No 182/2011 of the European Parliament and of the Council Regulation (EC) No 640/2013 of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person

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The army's participation in maintaining the public order in the Kingdom of Hungary between 1867–1918

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Abstract

Aim: As forces originally designed to protect the country against attacks from the outside are required in maintaining the public order amidst extraordinary circumstances today, it was no different in the civic Hungarian state born with the Compromise. The aim of this study is to present a specific segment of the internal policing structure before 1918, the tasks of the armed forces.

Methodology: Document and content analysis.

Findings: The dualist setup of the Austro-Hungarian Empire and the relationship within the Hungarian Kingdom's public order defense organisations and to the civil administration created a unique environment which military units ordered to support police organs of insufficient staffing or capacity had to comply with. In the examined time period, the army's participation in the joint fighting service of the Austro-Hungarian Empire's and the Royal Hungarian Army's engagement in maintaining the public order was common practice, since until the 1885 establishment of the Royal Hungarian Gendarmerie, there was no military organised armed guard force bearing sufficient staffing, equipment and authorization, except in certain towns. As per its military organisational structure, the gendarmerie worked together with the defense forces in an effective way, and has practically taken over the majority of tasks from the armed forces. The current study examines how the armed forces' activities by the military fit into the Hungarian public administration and what was the relationship like between the administrative authority ordering and the tactical combat force being ordered. Examining the armed forces' tasks in the era is therefore necessary, both in its narrow and wider context, and paying special attention to the unique position of the Royal Hungarian Gendarmerie is



also important, which could both be in the position to order the force of arms units and be ordered.

Value: Due to space constraints, the present study does not allow for detailed presentation of the wider range of armed force tasks and their background laid down in the law and various rules, it rather focuses on systematically reviewing the topic and painting a general picture. The topic is still relevant today in the context of the contribution of the armed forces to law enforcement. The historical context explored in this study may also help to inform the development of regulation in the present.

Keywords: force of arms, Royal Hungarian Army, Royal Hungarian Gendarmerie, dualism

Introduction

During the period of dualism, force of arms action meant a means of support of the public administration needed, by the armed forces' presence or measures which had the state monopoly of the legitimate use of force (Finszter, 2007). Society faced different problems and worked on answering different questions for each era (Kovács, 2019). In the examined period, we should differentiate between 'force of arms' and 'police measures', which in fact, did not have a strict boundary. Force of arms may be understood in its narrower and wider context. In the wider sense, it means an armed support of administrative activities, while its narrower sense covers tasks concluded by the use of troops. In the ordinary sense of the expression, force of arms means a way of support manifested by carrying arms and averting threats to the rule of law, in addition to restoring disturbed public order (Vedó, 2018).

Force of arms manifested by law enforcement and defense were also not sharply differentiated, since aside from the Royal Hungarian Gendarmerie as the premier armed force of national competence, the army had also taken part in public safety tasks (e.g. demonstrations, public events, strikes) (Deák, 2015).

Although state police forces existed in the examined time period, in the Kingdom of Hungary, municipal police forces were the basis of urban policing, unable to carry out a team action on a higher scale due to their lack of staffing and preparedness (Parádi, 2018).

In 1873, the first manifestation of the state police, Metropolitan Police was established by the Law on the Unification of Pest, Buda and Óbuda.¹ Eight more

1 Act 36 of 1872 on the establishment and settlement of the Buda-Pest municipal jurisdiction.

years passed until 11th April 1881, the day the National Assembly adopted the legal basis for the first national police, Act 21 of 1881 on the metropolitan police. This act has laid down the organization and staff composition of the police (Lippai, 2017).

Understanding the concept of the force of arms during the Dualism

Amongst all services carried out on the order of the authority or official entitled, it is important to differentiate between force of arms, police measures² and those public safety services with a similar content but a different legal basis, such as an ultimatum or arrangement (e.g. escorting and removing persons, which had been included in multiple legislations). In connection with the military, the only development in regulation concerned its use in the force of arms and its service forms, as other (Vedó, 2014).

The public administration and legal terminology of the time used the term ‘force of arms’ in several senses with different meanings, sometimes even contradicting the measure of the word itself described in the first place. The meaning of the word has also changed, taking on a more nuanced profile over time. While ‘force of arms’ practically meant ‘public safety’ in the beginning, later on it has adopted a meaning of ‘troops’ as in today’s terminology. Force of arms required to continuously be specified and re-interpreted in public administration, as it was sometimes even used to describe a force of only a few staff. It is worth nothing, however, that even a 2-member gendarme patrol ordered to accompany a person who did not appear for their initiation was considered force of arms personnel, as they completely adhered to the conceptual criteria.

Force of arms was essentially the armed force ordered to restore the disturbed public order, in essence, to ensure the threatened legality. Therefore, it is necessary to distinguish between the force of arms in law enforcement and defence forces. According to the general rule, the military could only be used if public safety organisations at the given place and time were lacking available force. In summary, all activities were considered the force of arms’ task, which required physical force, or its demonstration. Therefore, those organisations were eligible to fulfil force of arms’ duties, which had the right and ability to use physical force in order to complete the given public safety task (Parádi, 2011). Law

2 Minister of Justice Decree No. 8405/1874 on the use of law enforcement and police assistance during judicial executions.

enforcement's duties which required team action only accounted for a part of the force of arms' tasks, as a last resort, only when all other types of solutions were insufficient (Ravasz, 1995; Ravasz, 2004). Even the era's police literature viewed military action as the last resort, which was only complementary to the main tasks of the police, which were to constantly guard the nation and exercise discretionary power (Concha, 1901).

The basic force of arms' task of the Hungarian Royal Gendarmerie was law enforcement in the wider sense of the expression, whereas the military was only required to participate in troop activities. Until the complete establishment of the gendarmerie, however, public administration authorities could use armed forces' troops in a strictly regulated manner. Later on, armed forces were only participating in these activities if the gendarmerie's power was insufficient (e.g. if they feared violence or wanted to prevent it by demonstrating force).

Armed forces' power was not only applied for public safety reasons in extraordinary cases, but when the Royal Hungarian Gendarmerie was being built up, although not in the traditional sense of the word. Based on the supreme decision of 22 April 1885, soldiers were assigned to the gendarmerie being organised, as 'auxiliaries to the force of arms' (Némethy, 1900).

Force of arms' auxiliaries were being commanded until 1887, afterwards, law enforcement application of individual soldiers was prohibited.

The need to establish the gendarmerie's force of arms was often raised as early as 1867, and more and more official proceedings required ministerial-level directives to be issued. In his regulation of 22 June 1867, the justice minister stipulated that the force of arms' demands stemming from private and judicial cases should be met *'by the use of substitutes for the gendarmerie who shall be trusted with the tasks of the gendarmerie'*.³ However, in cases where public safety officials were not available, the army continued to support the official procedures. Costs of their deployment were borne by the ordering authority. In the developing civic state, however, the continuous application of the army for maintaining public order was neither desirable, nor possible, hence, a professional and centralised organisation was needed, which could cater to all areas of the public administration's needs. The majority of the issues were resolved with the establishment of the Royal Hungarian Gendarmerie, as the first service order of the corps stated that the gendarmerie was under the administrative authorities' command, in order to maintain public silence, order and security. The gendarmerie had to obey these authorities' commands and could not override

3 Decree of the Hungarian Royal Ministry of Justice of 22 June 1867 on the use of military force for executions.

them.⁴ A more significant armed power, however, could still only be exhibited by the army, no other guard body was able to support the gendarmerie's force of arms as they were lacking staff or equipment. During the age of dualism, 33 378 people served in the state and municipal law enforcement organisations of the Kingdom of Hungary (Parádi, 2011). Compared to today, organisations were modest in numbers, and had fragmented and scattered garrisons, which significantly limited the length and size of their concentration of power, moreover, their equipment and weaponry were generally not suitable for restoring public order via troop action.

Most probably due to their limited number of staff and their greater prestige resulted in the gendarmerie force assigned to force of arms troop duties was no bigger than a post or platoon. The greatest concentration of force established during the Dualism was of battalion strength (Parádi, 2008).

The gendarmerie was a military-organised force, therefore, knowledge on how to use troops for force of arms duties was included in the training, and mostly was based on military training and combat operations carried out as part of a task force. Personal weaponry was also suitable for troop action (Parádi, 1997; Parádi, 2012; Parádi, 2011b). Bayonet assault and employment of weapons may seem radical today, however, it is important to note that force of arms action was tailored to the equipment available, which was military. Therefore, the gendarmerie employed military tactics and took force of arms action as infantry (or cavalry) combat force. The basic principle was the same throughout the European law enforcement organisations at the time, even in the French gendarmerie, the regular use of the baton only came up in 1929 (Kilián, 1929b).

It was its competence that was an important feature what distinguished gendarmerie from other public security armed guards and mainly from police. Police in the Dualism had autonomous material competence. On the other hand, securing the implementation of administrative efforts meant the task of the Royal Hungarian Gendarmerie, if it was needed by applying physical force, coercive measures and ultimately employment of weapons.

In view of the above, public security bodies did not have monopoly in providing the duties of force of arms. For such duties, according to the above, the army could be still applied. The troops of Royal Hungarian Army were involved in it primarily (Egyed, 1912), however the priority of the joint fighting service would have consequent from it in such cases according to the legal regulation. Commandeering of military units of the army was allowed by the

4 Instruction in line of duty for Royal Hungarian Gendarmerie, 1881, 3.§.

contemporary laws on the army, and the ways of commandeering were set in decrees and regulations. The inclusion of the defence forces in law enforcement troop tasks is also not a Hungarian invention, as the situation was similar in the neighbouring countries, and leading powers of the continent, Germany and France too (Parádi, 2011). By utilising the military for force of arms tasks did not curb what was outlined in legal article 53 of 1912 on exceptional power, as it did not only occur in times of exceptional rule and the force of arms could be drawn into the civilian authority's jurisdiction. Civilian administration had to pay reimbursement per separate settlement to the defence ministry after force of arms and help usage. Until a more detailed regulation, the army could be utilised just as much as forces specifically existing for reasons of finance services, public administration and public safety tasks (such as blockades, maintaining a cordon, escorting prisoners, anti-robbery missions), executing regulations and bans issued by authorities, as tax enforcement forces⁵, postal escorts, to assist in floods and other disasters, to guard treasuries, prisons and other institutions under civil administration⁶ (Balla, 2008).

During Dualism, based on the above, there were clearly no insurmountable obstacles when it came to the cooperation in using outside and inside defence forces between related fields. The metropolitan police's detective corps could for example be used in tasks against the enemy's intelligence (Szigetvári, 2016) and even the military was used in force of arms tasks. Practice back then was to consider how suitable a body was for a particular task.

The important difference in practice between the force of arms tasks of the Royal Hungarian Gendarmerie and the army was that while the personnel ordered to execute such tasks could only be provided in such numbers that could still make it possible to carry out tasks under all circumstances—i. e. at least a squad, but preferably a platoon—the gendarmerie could also be divided into smaller groups. Army-led force of arms were always led by an officer and individual soldiers did not have their autonomous power to act. Whereas gendarmerie officials had the autonomous power to act. In practice, this meant that observers were not allowed to take action if an offence was committed in front of the army personnel, whereas gendarmes were obliged to take action.

As time passed, regulation of the force of arms became more detailed in its broader and narrower sense too, and was treated as a priority issue by civil administration. The regulation of troop action law enforcement, treated as the public safety equivalent of military tasks, was primarily in the jurisdiction of

5 However, during WWI, approximately 250 finance officers lost their lives (Suba, 2014).

6 10 767/1905. MOD Decree on the use of defence forces and joint army of force of arms.

the defence minister, while the justice and interior minister was responsible for how the civil authorities were assigned and costs were borne.

The defence minister's regulation of 1876⁷ and an instruction issued as an annex provided the first complete and accurate regulation of the procedure to be followed by both public authorities and military headquarters. The regulation clearly states that military personnel may only be used for law enforcement if public authority power of the 'political authorities' is insufficient. Except for the most urgent cases, these civil authorities decided whether their power was sufficient and whether they required military assistance (Deák 2014). If the assigning officer went to the competent garrison site of the army requiring urgent assistance, he immediately had to report this to the interior minister via telegram.

The regulation is an annex to the *'Instructions to the public authorities on procedures to follow in case of recourse to conventional soldiers or military'* which outlines the purpose of the law enforcement as such: *'...to support public authorities, in order to provide them with sufficient material power to withstand violent opposition towards their legal provisions and official functions.'* (Utasítás, 1876).

The letter order specified those authorities who could directly turn to the Army Command for requiring force of arms. The k) subparagraph of paragraph 2, already included the Transylvanian Gendarme Marshal and the Flank Commanders, which appeared in later regulations with a continuously expanding personnel. Persons listed could resort to the nearest garrison with their claim by naming the aim of force of arms. Of course, the force dispatched was designated by the commander of the unit, which was prepared for meeting the tasks of force of arms. The Royal Hungarian Army provided force of arms only if the troops of the joint fighting service were not available or were insufficient in manpower (Utasítás, 1876).

It was an important restriction that the Garrison Commander could commandeer force of arms units within the area of the garrison's territorial competence anytime, but outside the area of its territorial competence, he only had the power to do so if it did not decrease its military capabilities significantly. In urgent cases, the duty officers and troop commanders could also send detachments of force of arms from their combat personnel if they took the responsibility for any such action. However, foreseeable demands were always submitted through the Royal Hungarian Ministry of the Interior, which had their orders completed by the General Headquarters of Budapest.

7 Minister of Defence Decree No. 1962/1876 Instruction on the procedure to be followed by the public authorities when using the military or military force of the army.

In the case of real commandeering tactical combat force of arms resorted by non-militarian authorities, the civil servant was relegated, and until making further measures, decisions were purely based on military viewpoints. It was a serious guarantee against using military force for political or selfish reasons, however, more detailed rules were not precisely worked out at the time.

The Decree and Letter Order mentioned above were amended and revised by the Circular Decree of 1886 by the Minister of Defense (henceforward referred to as MOD) on 16 January 1887.⁸ The '*Letter Order*' issued as an annex of the new decree did not contain significant amendments, it rather meant updates to the changes in the organization of the administrative authority. Due to the new situation resulting from the establishment of the Royal Hungarian Gendarmerie, k) subparagraph of paragraph 2 lists among the bodies directly entitled to request military force of arms, the Marshal Commands of Gendarmerie and every gendarme officers in duty, if necessary. The fact that the Royal Hungarian Ministry of Interior conveyed the claim to the competent Corps Command meant a change in the assignment system of the force of arms regarding foreseeable demands.

A subsequent amendment and significant addition was made by the MOD Letter Order of 1896 '*the procedure needed to be followed by administrative authorities when using MP or military force of arms in the Lands of the Hungarian Crown*'. (Utasítás, 1896).

This Letter Order, unlike the previous ones, contains significant and detailed rules concerning interfering and commandeering the force of arms. Paragraph 2 highlights that the assignment of military force of arms shall be carefully considered because the timely application of gendarme troops and the lawful prosecution of troublemakers is more effective than demonstrating the military force. If the available gendarme troops are not sufficient to accomplish a task, the Minister of Interior should be requested to provide more gendarme troops as reinforcement. An important arrangement boosting the ethos of the civil state was the fact that the military power could only be requested if the reinforced gendarmerie force was insufficient. It can therefore be concluded that the gendarmerie force of arms strengthened so much after 1886 that they were already considered the primary executor of troop missions. It had to be taken into account that in cases affecting bigger areas or requiring severe armed struggles, the army's force of arms was the primary way to counter the breach of peace.

8 Minister of Defence Decree No. 4539/1886 Instructions on the procedure to be followed by the public authorities in the event of recourse to the armed forces.

According to the contemporary interpretation of the law, the force of arms assigned to a particular combat mission which? was provided by the army and the gendarmerie and police could turn to the army's force of arms. However, they could also concentrate power within their own organisations. According to the detailed text of Act 21 of 1881 on the Budapest Police, in the event of bigger public gathering or an actual rebellion that jeopardizes public order and peace, the help of conscript service or the army could be availed. Police – although the Metropolitan Police also established a subsidiary force of arms within its organisation later on – all in all, could not accomplish the mission of handling masses of people, therefore they turned to a more appropriate armed force to counter it. Subsequently, turning to the military force of arms was being pushed more and more into the background, and gendarmes were gaining a bigger and bigger role instead.

However, there may have been instances where a representative of an organisation having the capacity to use force of arms could have asked to detach the force of another organisation for a reason of need. The MOD Letter Order of 1896 still listed gendarme officer in duty, among authorities and bodies empowered to require military force of arms, but only Gendarme Marshalls could request the Royal Hungarian Minister of Interior to provide them with force of arms upon prior coordination. This also proves that detailing force of arms was not in fact determined by the specific body but the competence in the particular mission, which resulted in a very flexible and rapid reaction structure in the force of arms.

It was a novelty in the Letter Order of 1896 of force of arms that it included a detailed regulation on troop assignments. The military force of arms was always assigned in writing, with indicating the aim and time of the application, and the official body appointed to be in liaison with the force of arms.

To provide guarantee, the Order included another important regulation. Similarly, to the gendarmerie's service operation provisions, military force of arms was also to not take part in authority activities. This restriction was so serious that in cases of police inefficiency, assigned representatives of other authorities and even 'trustworthy men' delegated by other authorities could be employed, but not soldiers.

The same regulation restrained the gendarmerie's force of arms actions, which put both the ordering administrative authority and the gendarme officers being ordered in transparent conditions of responsibility. Both parties responded to cases occurring within their own organisations, made their own decisions and bore the consequences. The proper freedom of choice was also available when commandeering the force of arms, which – according to the text of the 1896

Order – had to occur ‘preferably in agreement’ with the official representative of the civil authority. A properly sized police force had to be commanded along the barriers made by troops of the army or the gendarmerie, so that carrying out an identity check and blocking the crowd could be ensured.

The Decree of the Minister of Justice issued on the subject of commandeering the force of arms made it clear for judicial authorities that the new regulation was to be absolute and it also promulgated the order for the force of arms too, in its annex.⁹

By developing the legal system and introducing as many regulations aimed as guarantees as possible, the Ministry wanted to avoid giving any opportunities for using the force of arms for party aims or for private interest. The circle of those authorised to assign forces was to be modified on the basis of any subsequent negative experiences. For example, an 1905 MOD Decree added lord lieutenants to the circle authorised for commandeering force of arms, however it was annulled by a Decree issued in 1906 by the Ministry of Interior (henceforward MI).¹⁰ It was justified by the scope of the lord lieutenants’ duties and the fact that the state wanted to entrust the deployment of the force of arms to the representatives of the administrative apparatus, especially trained for this task.

With regulating the detailing and commandeering of force of arms, restraints of the freedom of assembly were getting clearer and clearer. According to the instruction in line of duty of the gendarmerie of 1900, gendarme officers had to pay special attention to labour movements, strikes, other concourses, about which they had to give a report immediately to the administrative authority. In the case of people gathering and people’s assemblies, the gendarmerie had to respond according to the instructions of the administrative authority, but as far as the practical implementation is concerned, they did not receive more instructions than the general provisions. The regulation of the freedom of assembly was not complete for a long time and the ‘instruction of administrative authorities’ got bigger emphasis while filling the legal gap. However, by developing the legal regulation, the scope of gendarme actions became more defined and it was increasingly set on a more and more legal basis.

9 Minister of Justice Decree No. 58 440/1896 amending Instruction No 8405/1874 IM. on the use of military force.

10 Minister of Defence Decree No. 9732/1905 amending the instructions to the gendarmerie; Minister of the Interior Decree No. 40 192/1906 on the abolition of the right of archbishops to exercise the prerogative of military power.

Actions of the army and the gendarmerie as force of arms

Characteristically of the civic way of thinking in the age of dualism, force of arms was interpreted as a kind of preventive and deterrent service. Thus, reconnaissance and the preparation of the force of arms were emphasised and regulated in detail. While gendarmerie regulations also dealt with practical questions of implementation, the reconnaissance activity of the force of arms and the prevention measures in fact, did appear in military regulations. Army and Gendarmerie Commands, at their discretion, for preventive reasons, could introduce such regulations that were needed for the immediate intervention by the force of arms.

As the events became visible and protesters took to the streets, civil authorities detailed the force of arms. In the period of events requiring troops to accomplish a mission, the civil servant was withdrawn and until the legal order was restored, the commander of the force of arms took control. The commander introduced measures required to silence the riot, on a clear military basis and he proceeded with them according to the Field Manual of the Royal Hungarian Army (Szabályzat, 1875). It was a basic rule that every tactical combat force of arms had to be as strong as needed for the accomplishment of its mission and to ensure the honour of the arms under every circumstance.

Besides the force of arms, the commandeered numerical strength determined the representation of the administrative authority. While the presence of a police organ was enough accompanying a smaller patrol personnel of the force of arms, bigger troops required the accompaniment of a Chief of Police or leader civil servant. Without the presence of an administrative servant or a policeman, the force of arms detailed by the army did not act, unless it experienced severe violence. On the other hand, tactical gendarme forces could initiate action by their own decision if it did not jeopardize the force of arms' objective. However, it was uniformly true for all forces of arms that if the employer authority were unreasonably and permanently absent, the force of arms withdrew to its detachment until further orders. The force of arms were not allowed to critique the police action, but if it was 'obviously and clearly' unlawful, the force of arms could refuse to cooperate on the basis of the gendarmerie duty instructions (Szolgálati utasítás, 1900).

The commander of the force of arms carefully surveyed the location and the expected mission before commandeering, then he accommodated the allocation of the available forces to that. The commander organised the force or arms into groups of four troops, so-called 'double-patrol pairs', led by a non-commissioned officer. The 'double-patrol pairs' could be sent on a separate mission

during commandeering, but they could also remain in the division unit (Pajor, 1912). Important to note that hiding concentrated troops or pretending that no forces of arms were present – even if administrative servants requested – was banned. If they had not banned the aforementioned actions, the goal of concentrating the forces could not be achieved, thus deterring the crowd from violent acts would also not have been successful, which is – in essence – the ultimate goal of all measures.

The basic forms of commandeering were the hedge column and the moving line. According to the wording of the Field Manual for the Royal Hungarian Army, the goal of creating such lines was basically to separate and keep crowds off certain areas during celebrations and events attracting so that they remain free to move through. The detailed force was usually activated in two hedge columns with proper spaces. The nature of the hedge column was that of securing a formation, which had to demonstrate force and calmness towards the assembled crowd. The Field Manual emphasised that the commanders of hedge columns shall keep the order within their detachments without raising their voices and running when it is not necessary, and where it is in fact, necessary, they should intervene in a supportive or educational way. The hedge column was an ideal form to flexibly follow the behaviour of the crowd and provided the possibility to move, to displace the crowd and even to let patrols easily step out. However, its function was still peaceful, being designed for surrounding the crowd, securing the traffic and demonstrating the presence of the force of arms. It followed the dynamism of the crowd with taking into consideration the primacy of prevention. This is supported by the fact that the military personnel applied in the hedge column, marched out without a rucksack, and held firearms with a hidden bayonet, on their shoulders or at their legs.

If the nature of the expected mission was a mass dispersion rather than a general securement, the location of the hedge column was chosen depending on the possibilities of the area. It was positioned at a 10-20-step distance from the crowd in order to keep an eye on the people and have enough time to defend itself in the case of an attack. They tried to line up in a way so that a wall of a house or any other obstacle is behind their backs, so they could not be attacked from that direction. If it was not possible and the crowd besieged the troops, they took the defensive position back-to-back.

The most important mission was to capture the organisers of the riot, therefore the patrol separated directly for this function, after pulling out from the side, noted down the personal description of the captured people, the circumstances of the capture and the names of the people who took part in the capture so that the data was available in a later proceeding. They were handed over to

the authority servant detailed by the troops. If the crowd attacked the troops by throwing stones at them or bearing any other arms, they had to be warned again of the employment of weapons. If warning was no longer possible, the commanders had to order fire on the resisting crowd. Before the employment of weapons, namely before the bayonet attack by the infantry and the cavalry's assault, the buglers had to blow the 'assault' signal, expecting it would back the crowd off and prevent violence. On the one hand, the bugle sign was a warning to the crowd, that the force of arms would employ weapons soon, on the other hand, resisting veterans would come round while recognising the sound of a bugle.

Before the disbandment of the rioting crowd more ultimatums had to be shouted. If these did not lead to sufficient results, only then arms could use force. However, employment of weapons was not inevitable when employing force of arms. Many examples show that in front of the furious crowd, peacefully dispersing the masses using the authority of the gendarmerie could be effective, which meant 'escorting' people out of the area.

It is important to discuss the troop units' right to employ weapons when accomplishing a force of arms duty and how it worked in practice because it does not follow the general rules of how the gendarmerie could employ weapons. The gendarmerie force of arms could apply physical force in accordance with the Field Manual of the Royal Hungarian Army, while the Letter Order on Gendarmerie had to be observed regarding the employment of weapons by the gendarme patrol accomplishing police measures. Therefore, armed struggle applied for suppressing riots, was accomplished by the military force of arms and gendarmerie force of arms on the basis of the same regulations. The cases in which armed forces could be rightfully applied is summarised as follows:

1. In cases where the expressed and reasonable request of the authorised administrative servant at riots and forward movements if previous warnings on restoring the legal order did not lead to results and the military commander was also convinced on the necessity of the intervention.
2. In cases where the detailed troops are being insulted, attacked by weapons, if the crowd pushes towards the troops with weapons for hostile purposes and it is feared that the operation of the troops will be prevented or too restricted.
3. If the administrative representative is not at the scene, the commander of the troops is obligated to call for restoring the legal order if persons, properties or public institutes are being attacked, and intervenes at their discretion when it does not lead to results (Vedó, 2014b).

However, the strict rules concerning the employment of weapons still had to be observed in the above cases, i.e. the principles of ‘maximum possible tolerance’ and ‘purposefulness’. ‘Maximum possible tolerance’ meant that weapons could only be used in order to antagonise the assaultive or rebellious person, and to render the dangerous evildoer incapable of escaping.¹¹ The other element of the tolerant weapon use was the fact that armed forces had to pay special attention to protect elders, women and children.

The principles of ‘purposefulness’, on one hand said that the gendarme officer who was authorised and obligated to use his weapon could only do so in a military manner (for instance, they could only use the carbine for shooting and never to hit somebody or for scimmages), on the other hand, it stated that the gendarme officers should target the main armed rioters and the instigators instead of shooting into the air. The gendarme policeman had to bear strict responsibility for overstepping his rights to employ weapons. Any shot fired from the unit without a preparation command had to be regarded as an unlawful employment of a weapon.

The Field Manual of the Royal Hungarian Army also mentions the above restrictions in summary form. According to its wording, even if certain challenges arose, or the excited crowd started shouting – which was usually considered an inevitable part of riots – the unit could not use weapons, as long as the hostile expressions towards the unit became a serious threat. However, when the employment of weapons became necessary, the unit had to instruct the entire riot to disband or capitulate and they were not allowed to start discussing any forms of compromise.

Intervention of the cavalry division units of the force of arms is also important to note, which – according to the military and gendarmerie regulations – was an effective asset in keeping the infuriated crowd in check. First, military cavalry division units were often applied for this mission. At such occasions, the peacetime company teams of the arm at service each formed a segment and organised a company from four such segments (Berkó, 1928; Balla, 2008; Ravasz, 1995).

Later on, to support the force of arms, a cavalry division subunit was established in every district of gendarmerie, which was applied successfully. The cavalry division was perfect for clearing out spaces without using armed force, however it had to be applied in close formation and the dispersed mass was not to be chased. It was also an important cavalry task to prevent the enlargement of the crowd by patrolling (Schrédli, 1930).

11 Instruction in Line of Duty for the Hungarian Royal Gendarmerie. 1900. 64.§.

Summary

In summary, the Hungarian law enforcement structure of the era was not structured around force of arms activities, especially in relation to the troop tasks of the force of arms. In the observed time period, the Hungarian practice followed the time-tested and economical solution, namely if it was necessary, troops of defense forces were applied for missions requiring troops of the force of arms, in cases where either numerous personnel, or an intervention was needed at multiple locations, simultaneously. By developing the legal regulation and the development of the civil state, the law enforcement type force of arms was prioritised, which was supported by the fact that the Royal Hungarian Gendarmerie was the proper and capable force to be responsible for this task. The normative regulation was based on adopting tactical military practices into the area of public security, therefore they could be applied for both professional, trained gendarmes and the conscript, trained force's personnel. As a consequence of the administrative structure and the era's concept about maintaining the order, the force of arms and its frontier areas interacted in thousands of ways with the civilian authorities, thus their intervention continuously stayed under control. By the end of the era, the developing regulation was based on more elaborated and proper, detailed regulations, (Parádi & Vedó, 2018) most of which formed the basis of the regulations issued between the two world wars.

References

- Balla, T. (2008). A Magyar Királyi Honvéd Lovasság karhatalmi célú alkalmazása a dualizmusban [The use of the Hungarian Royal Cavalry for military purposes in the dualism] *Rendvédelem-történeti Füzetek*, 15(18), 13–15.
- Berkó, I. (Eds.) (1928). *A Magyar Királyi Honvédség története 1868-1918*. [History of the Royal Hungarian Defence Forces 1868-1918.]. Magyar Királyi Hadtörténelmi Levéltár.
- Concha, Gy. (1901). *A rendőrség természete és állása szabad államban* [The nature and status of the police in a free state]. Magyar Tudományos Akadémia.
- Deák, J. (2014). Military industry and readjustment in the Hungarian hinterland in the First World War. *Central European Papers*, 2(2), 23–35.
- Deák, J. (2015). A Magyar Királyi Belügyminisztérium a háterszág közbiztonságáért a Nagy Háború idején [The Hungarian Royal Ministry of the Interior for public security in the hinterland during the Great War]. *Társadalom és honvédelem*. 19(4), 79–84. <https://doi.org/10.25142/cep.2014.025>

- Egyed, I. (1912). Karhatalom az önkormányzatban [Force of arms in local government]. *Városi Szemle Különlenyomat*, 529–534. Székesfővárosi házi nyomda.
- Finszter, G. (2007). *A kriminalisztika elmélete és a praxis a büntetőeljárás reform tükrében* [The theory and practice of criminology in the light of the reform of criminal procedure]. Rendőrtisztviselői Főiskola.
- Kilián, Z. (1929). Francia csendőrélet [French gendarmerie life]. *Csendőrségi Lapok*, 19(19), 571–573.
- Kilián, Z. (1929b). Külföldi csendőrségek. A francia csendőrség [Foreign gendarmeries. The French gendarmerie]. *Csendőrségi Lapok*, 19(20), 611–612.
- Kovács, I. (2019). *Egy empirikus kutatás részletei* [Details of empirical research]. Dialóg Campus.
- Lippai, Zs. (2017). *Rendfokozati vizsga tananyag főtisztek részére* [Rank examination study material for senior officers]. II. kiadás. Belügyminisztérium.
- Némethy, F. (1900). *A m. kir. csendőrség szervezete, szolgálata és viszonya a közigazgatási hatóságokhoz* [The organisation, service and relations of the Hungarian Royal Gendarmerie with the public and administrative authorities]. Országos Központi Községi Nyomda.
- Pajor, T. (1912). Összpontosításoknál követendő eljárás [Procedure to be followed for concentrations]. *Csendőrségi Zsebkönyv*, 26, 277–283.
- Parádi, J. (1997). A Magyar Királyi Csendőrség megalakulása és működése 1881-1918. [The formation and operation of the Royal Hungarian Gendarmerie 1881-1918.]. *Rendvédelem-történeti Füzetek*, 7(8), 78–83
- Parádi, J. (2008). A magyar rendvédelem fejlesztési reformjai a XIX. század második felétől a XX. század közepéig [The development reforms of the Hungarian police from the second half of the 19th to the middle of the 20th century]. *Rendvédelem-történeti Füzetek*, 15(18), 98–112.
- Parádi, J. (2011). Rendvédelem-karhatalom 1867–1945. [Law enforcement and armed forces 1867-1945] *Rendvédelem-történeti Füzetek*, 20(23), 111–123.
- Parádi, J. (2011b). A Magyar Királyi Csendőrség szervezete [Organization of the Hungarian Royal Gendarmerie]. *Rendvédelem-történeti Füzetek*, 21(24), 80–90.
- Parádi, J. (2012). *A Magyar Királyi Csendőrség. Az első magyar polgári, központosított, közbiztonsági őrtisztület 1881-1945.* [The Hungarian Royal Gendarmerie. The first Hungarian civilian, centralized, public security guard corps 1881-1945.] Szemere Bertalan Magyar Rendvédelem-történeti Tudományos Társaság.
- Parádi, J. (2018). A polgári magyar állam rendvédelme, In Parádi J. & Vedó A. (Eds.), *A polgári magyar állam karhatalmi tevékenységének szabályozása 1867-1944.* [The regulation of the military activities of the civil Hungarian state 1867-1944.]. Szemere Bertalan Magyar Rendvédelem-történeti Tudományos Társaság.
- Parádi, J. & Vedó, A. (Szerk.) (2018). *A polgári magyar állam karhatalmi tevékenységének szabályozása 1867-1944.* [The regulation of the military activities of the civil Hungarian state 1867-1944.]. Szemere Bertalan Magyar Rendvédelem-történeti Tudományos Társaság.

- Ravasz, I. (1995). A Magyar Királyi Honvédség karhatalmi jogosultságai [The law enforcement powers of the Royal Hungarian Defence Forces]. *Rendvédelem-történeti Füzetek*, 5(6), 81–88.
- Ravasz, I. (2004). A Magyar Királyi Honvédség karhatalmi alkalmazásának szabályozása a Horthy-korban [The regulation of the use of the Hungarian Royal Defence Forces in the Horthy era]. *Hadtörténelmi Közlemények*, 119(1), 269–284.
- Schrédli, V. (1930). Közbiztonsági helyzetmegítélés karhatalmi szolgálatban [Risk analysis in the armed forces]. *Csendőrségi Lapok*, 24(32), 978–984.
- Suba, L. (2014). A pénzügyőrségi sajtó kezdetei [The beginnings of the Financial Guard press]. *Hadtudományi Szemle*, 7(1), 113–120.
- Szabályzat (1875). *Szolgálati Szabályzat a Magyar Királyi Honvédség számára. 1875.* [Field Manual of Hungarian Royal Army, 1875]. Magyar Királyi Honvédelmi Minisztérium.
- Szigetvári, O. (2016). A fővárosi rendőrség detektívtestülete 1885-1918, In Parádi J. (Ed.), *Ünnepi parergák Ernyes Mihály 65. születésnapja tiszteletére* [Festive parchments in honour of Mihály Ernyes' 65th birthday] (pp. 133–162). Szemere Bertalan Magyar Rendvédelem-történeti Tudományos Társaság. <https://doi.org/10.31626/HU-EISSN2530094X.IITOM.133-162.p>
- Szikinger, I. (1993). A rendvédelmi jog szabályozása a dualizmus korában [Regulation of law enforcement law in the dualist era]. *Rendvédelem-történeti Füzetek*, 3(4), 187–198.
- Szolgálati utasítás (1900). *Szolgálati utasítás a Magyar Királyi Csendőrség számára* [Instruction in Line of Duty for the Hungarian Royal Gendarmerie]. Pesti Könyvmda.
- Utasítás (1876). Utasítás a sorhadi vagy honvédségi karhatalomnak igénybevétele alkalmával a közhatóságok részéről követendő eljárásról [Instructions on the procedure to be followed by the public authorities in the event of recourse to military force]. *Magyarországi Rendeletek Tára*, 10(1) 285–289.
- Utasítás (1896). Utasítás a magyar korona országaiban a hadseregbeli vagy honvéd karhatalomnak igénybevétele alkalmával a közhatóságok részéről követendő eljárásra nézve [Letter Order on procedure needed to be followed by administrative authority in cases of requisition of MP or military force of arms in the countries of Holy Crown of Hungary]. *Magyarországi Rendeletek Tára*, 20(1) 385–395.
- Vedó, A. (2014). A Magyar Királyi Csendőrség karhatalmi fellépésének gyakorlata [The Royal Hungarian Gendarmerie's practice of force of arms action]. *Rendvédelem-történeti Füzetek*, 24(39-42), 143–154. <https://doi.org/10.31627/RTF.XXIV.2014.39-40-41-42N.143-154P>
- Vedó, A. (2014b). A haderő karhatalmi tevékenysége 1867-1918. [Law enforcement activities of the armed forces 1867-1918.]. *Rendvédelem-történeti Füzetek*, 24(39-42), 155–166. <https://doi.org/10.31627/RTF.XXIV.2014.39-40-41-42N.155-166P>
- Vedó, A. (2018). A Magyar Királyi Csendőrség karhatalmi tevékenysége [The military activity of the Hungarian Royal Gendarmerie]. In Parádi, J. & Vedó, A. (Eds.), *A polgári magyar állam karhatalmi tevékenységének szabályozása 1867-1944.* [The regulation of the military activities of the civil Hungarian state 1867-1944.]. Szemere Bertalan Magyar Rendvédelem-történeti Tudományos Társaság.

Laws and Regulations

- 10 767/1905. HM.kr. a közös hadseregbeli és a honvédségi karhatalom igénybevétele tárgyában
1962/1876. HM.kr. utasítás a sorhadi vagy honvédségi karhatalomnak igénybevétele alkalmával
a közhatalóságok részéről követendő eljárásról
- 40 192/1906. BM.kr. a főispánok karhatalom-igénybevételi jogának megszüntetéséről
- 4539/1886. HM.kr. Utasítás a sorhadi vagy honvédségi karhatalomnak igénybevétele alkalmával
a közhatalóságok részéről követendő eljárásról
- 58 440/1896. IM.r. a karhatalom igénybe vételéről szóló 8405/1874. IM. utasítás módosításáról
- 6707/1896. HM.r. Utasítás a magyar korona országaiban a hadseregbeli vagy honvéd karhat-
alomnak igénybevétele alkalmával a közhatalóságok részéről követendő eljárásra nézve
- 8405/1874. IM.kr. a bírósági végrehajtások alkalmával a karhatalomnak s illetőleg a rendőri
segélynek miképpen leendő igénybe vétele tárgyában
- 9732/1905. HM.r. a csendőrségi utasítás módosításáról
- A magyar királyi igazságügy minisztérium 1867. június 22-én kelt rendelete a katonai karhat-
alomnak végrehajtásoknál igénybe vétele tárgyában

Reference of the article according to APA regulation

- Vedó, A. (2022). The army's participation in maintaining the public order in the Kingdom of Hungary between 1867–1918. *Belügyi Szemle, 70*(SI2), 79–96. <https://doi.org/10.38146/BSZ.SPEC.2022.2.5>



BOOK REVIEW

Critical Thinking

The MIT Essential Knowledge Series

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Abstract

Aim: The *MIT Press Essential Knowledge* series provides the reader with accessible, concise, yet interesting and completely up-to-date information. Till now, we have reviewed the following members of the series: *Neuroplasticity* (Németh, 2021a), *Anticorruption* (Németh, 2021b), *Collaborative Society* (Németh, 2022).

Methodology: Each part was written by excellent experts on the subject, in a language understood by non-experts, too. In this way, the current research data and results in the field of each topic can be really used. Nowadays, it is not easy to find in the endless set of information obtainable on the World Wide Web those that essentially provide the fundamental knowledge on a particular topic (Tidor, 2020).

Findings: Critical thinking is a new trend in the fields of learning and comprehending methods. The author's book embraces a complex mindset in front of the reader.

Value: In this book of the series, Jonathan Haber provides a complex view to readers about the phenomena of *critical thinking*.

Keywords: lifelong learning, adult literacy, problem solving, analytical skills

Preface

Critical thinking, as a newly emphasized learning skill serves those complex processes like the adult literacy and lifelong learning. *'In a 2009 address focusing*



on national education policy, President Barack Obama issued this challenge: *I'm calling on our nation's governors and state education chiefs to develop standards and assessments that don't simply measure whether students can fill in a bubble on a test, but whether they possess 21st century skills like problem-solving and critical thinking and entrepreneurship and creativity.*' (Haber, 2020).

Global economic changes have accelerated the conscious and standardized development of new learning methods such as critical thinking, problem-solving, etc. *'In 2018 the world's most economically advanced nations, (...) began a project to study how critical thinking can be taught and assessed in support of a growing consensus that formal education should cultivate the creativity and critical-thinking skills of students to help them succeed in modern, globalized economies based on knowledge and innovation.'* (Haber, 2020).

As explained above, critical thinking has been taking on a prominent role in education. Instead of memorizing facts and details, the well-developed ability to *'think critically'* has become more useful and demand in the employment market. Because the new jobs require more and more problem-solving. *Critical thinking* is a cognitive skill that supports us to avoid the trap of manipulation in the fields of communication (Német & Szabó, 2022).

Review

The book consists of 207 pages, four chapters. Beginning in chronological order from the historical origin of critical thinking. The second chapter gives us an insight into the required necessary skills for critical thinking. While in the third one, the author shows us the current educational aspects of this skill. Finally, in the last chapter, we can get a prediction about the future of critical thinking. And as we have already learned, each piece of the MIT Essential Knowledge series has got an own glossary in the end of the book. *'Finally, it includes everyone on any kind of educational journey, in the classroom or on their own, who longs to think more effectively and live in a world where decisions are made through reason and thoughtful deliberation.'* (Haber, 2020).

Summary of the chapters

In the first chapter, the author introduces the *Genealogy of Critical Thinking*. Haber explains the early definitions of *'critical thinking'* in different fields of science, such as psychology, philosophy, etc. The author gives us several

examples in various disciplines. *'One of the skills researchers and educators agree critical thinkers should possess, and practice is the ability to look at a problem from different perspectives.'* (Haber, 2020).

In the field of philosophy, we can recognize the root of the written and oral communication importance which however developed and changed since then, but kept its weight: *'The schooling of ancient Greeks and Romans, for example, began with the so-called trivium, which involved studying logic, rhetoric, and grammar (language and composition).'* (Haber, 2020). The other era which had significantly changed the mainstream thinking in Europe was the Scientific Revolution *'started in the fifteenth century when breakthroughs in mathematics and the physical sciences, discovered through new approaches to inquiry, led to great and controversial discoveries like the earth not being at the center of the universe.'* (Haber, 2020). After the Scientific Revolution and Enlightenment, religion and science had split. From that time got into the habit of using the phrase *scientist* instead of *natural philosophers*. The discipline of psychology describes how we memorize our beliefs in different ways. *'While all three of these methods for fixing belief (a priori, authority, and tenacity) have something to recommend them, none are great bets as exclusive methods for getting to the truth.'* (Haber, 2020). Information and raw knowledge have become more and more accessible at the end of the twentieth century. And this tremendous amount of knowledge requires another approach in view of a process. Thus, political and educational leaders started supporting the teaching and spreading of critical thinking as one of the most important 21st century skills.

In the second chapter, Haber introduces the Components of Critical Thinking. According to the author, critical thinking has several main components. The first component is structural thinking: what about and what purpose do we think? We can use formal logic and informal logic. The second component is language skills. At this point, I felt that the author was mesmerized by the former chapter. However, sounds logic that we have to be able to translate the structured thinking without mistake, but sounds extremely theoretical for me. *'Much of the work of critical thinking involves translating everyday human communication into clear, structured language.'* (Haber, 2020).

The third component is argumentation by definition, according to the author: *'Given that the goal of critical thinking is to find reasons to support beliefs, activities like fighting that provide only reasons to avoid physical or emotional pain fall outside the definition of argumentation used by reflective thinkers.'* (Haber, 2020). The fourth component is background knowledge: *'Information literacy provides a framework for approaching information everyone needs today as information sources expanded exponentially and entered our classrooms, homes,*

and workplaces via ever-present computers and mobile devices.’ (Haber, 2020). These components have a significant correlation with the human decision-making process. John Lehrer’s book ‘How we decide’ is one of the best in this topic. (Lehrer, 2009). I have already written a book review about it. (Németh, 2022).

In the third chapter of the book, we learn about ‘*Defining, Teaching and Assessing Critical Thinking*’. There are different definitions of critical thinking and no consensus about it. According to ‘The Foundation for Critical Thinking’, the definition of it is: *‘that mode of thinking — about any subject, content, or problem — in which the thinker improves the quality of his or her thinking by skillfully analyzing, assessing, and reconstructing it. Critical thinking is self-directed, self-disciplined, self-monitored, and self-corrective thinking. It presupposes assent to rigorous standards of excellence and mindful command of their use. It entails effective communication and problem-solving abilities, as well as a commitment to overcome our native egocentrism and sociocentrism.’* (Haber, 2020). Next to the question of general definition, there is another important question: whether critical thinking is teachable? According to some research, adolescence is the right period to start teaching the background skills of critical thinking, because: *‘Just as infancy is a time of massive expansion of cognitive ability in areas such as language and motor skills, adolescence is a period of similar rapid growth in the parts of the brain that control reasoning.’* (Haber, 2020). One of the most valuable features of critical thinking is knowledge transfer, thus the learned knowledge parts complement each other. This means the separate knowledge and information come alive in a participated thinking method. The participation theory is also well known for connecting different disciplines in one process (Németh, 2014).

The fourth chapter is ‘*Where do we go from here*’. In this part, the author collected some outcomes of critical thinking and tried to predict its possible future. *‘The question that remains is how exactly do we create individuals who think more carefully and in better ways along with a society that appreciates a critical-thinking approach to life’s important choices?’* (Haber, 2020). The prospects are encouraging because all the required participants are on the board. The education policy-makers, higher education employees, teachers, and parents also want the same: to rise up a more conscious and critical-thinker next generation.

Summary

Haber’s book, ‘Critical Thinking’ embraces a complex mindset in front of the reader. Actually, a slow paradigm shift is taking place. The data comment is

already passed because the machines do it. We have to learn to think about the huge amount of data and the correct use of it. Several skills are required to fulfil this mindset. The summary of their acquisition leads to the acquisition of Critical Thinking. This is humankind's next level.

References

- Haber, J. (2020). *Critical Thinking*. The MIT Press.
- Németh, V. (2021a). Neuroplasticity. *Belügyi Szemle*, 69(SI5), 124–127. <https://doi.org/10.38146/BSZ.SPEC.2021.6.8>
- Németh, V. (2021b). Anticorruption. The MIT Essential Knowledge Series. *Belügyi Szemle*, 69(SI4), 121–124. <https://doi.org/10.38146/BSZ.SPEC.2021.4.9> ,
- Németh, V. & Szabó, Cs. (2022). *Collaborative Society*. The MIT Essential Knowledge Series. *Belügyi Szemle*, 70(SI1), 179–184. <https://doi.org/10.38146/BSZ.SPEC.2022.1.10>
- Németh, V. (2014). Mediation as Problem-Solving Scene in the Light of PTC. *KOME*, 2(11), 3–13. <https://doi.org/10.17646/KOME.2014.12>
- Németh, V. (2022). Hogyan döntünk? ...és hogyan kellene? *Belügyi Szemle*, 70(1), 201–206. <https://doi.org/10.38146/BSZ.2022.1.12>
- Lehrer, J. (2009). *How We Decide?* Houghton Mifflin Harcourt Publishing Company.

Reference of the article according to APA regulation

- Németh, V. (2022). Critical Thinking. The MIT Essential Knowledge Series. *Belügyi Szemle*, 70(SI2), 97–101. <https://doi.org/10.38146/BSZ.SPEC.2022.2.6>



BOOK REVIEW

The sociology of migration 3.0

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Abstract

Aim: The aim of the review of Endre Sik's book '*The Sociology of Migration 3.0*' is to present new ideas and values summarizing the changes in the research and theoretical approach to migration.

Methodology: In preparing the book review, I have endeavoured, through the comparative content analysis carried out, to provide a readable description of the new findings and conclusions that differ from the findings of the previous two books.

Findings: The author presented the thematic comparison in his previous books and the book under review as a separate elements, presenting the new elements that can be read as separate novae. With characteristic wisdom and direct simplicity, the author shows that this book is part of a process, a partial reinterpretation of the accelerated global social phenomenon, the antecedents of which were presented in his two previous books. The author has lived up to expectations by updating the processes, events and theoretical approaches he has previously analysed with research findings and references.

Value: The global social process of migration, researched and described by the author of the book, is presented with research findings and additions, interviews, which make the book newly identifiable as a seminal work in the literature on migration. It succeeds in describing the phenomenon, the characteristics of its migration patterns in the period following the mass irregular immigration of 2015, in a way that is comprehensible to non-migration researchers, and also presents current social value judgments.

Keywords: migration, moral panic button, policing, sociology



Introductory thoughts

As a dedicated researcher of migration theory, I have come to know the name of Endre Sik as one of the most-cited authors in the domestic and international source literature. Among his numerous publications, studies and books, I was among the first to find the e-books *Sociology of Migration 1* and *2*, published in 2012 by the Eötvös Loránd Faculty of Social Sciences. These two volumes provided many migration researchers with the knowledge to understand the theoretical foundations of human migration, which, in the context of the mass irregular immigration that hit Hungary in 2015, required a review of the relevance of the knowledge, justified modification and supplementation.

Taking this book in our hands, we can see a similar simplicity to its two predecessors. On opening up the book, we find that instead of photographs and references that can influence our thoughts, the reader is helped to interpret the readable pages by evaluative tables, clear diagrams, descriptions and interview transcripts, whose content can be easily assimilated by non-experts.

Endre Sik, the author of the book, is an economist, sociologist, professor emeritus, member of numerous Hungarian and foreign organisations, as well as a titleholder and researcher. His work focuses on research into the phenomenon of migration and the analysis of migration factors. The volumes of summaries of migration theory published about a decade earlier have provided a good basis for the author to share new or reconsidered elements with the readers after examining the changes that have taken place.

The book can be seen as a niche publication, even though in recent years several publications on migration have been published by domestic publishers. The *Sociology of Migration 3.0* was published by the University of Debrecen at the end of 2021, with professional proofreading of Borbála Simonovits. The topicality of the topic cannot be questioned even if the external border of Hungary does not have the mass irregular immigration phenomenon as in 2015, but it has not disappeared, only the migration pattern has changed.

About the book

Bearing the logo of the publishing university, the sponsor of the research activity, the title, edited with a flamboyant characteristic, is evident throughout the book. The reader no longer encounters any highlights that would attract the eye or occupy a few pages but begins to read and interpret the book systematically from the beginning to the last 158 pages.

In keeping with the classic structure, the first pages contain the table of contents, which, in addition to the introduction and the table of contents, lists 10 chapters.

In the introduction, the author states in his first sentence: *'The third volume of The Sociology of Migration serves the aim I set myself in 2001: to teach the sociological phenomena of migration in such a way that it does not become a specialised sociology of migration.'* In an innovative solution, we find a presentation that makes it clear which previous themes are being revisited and updated in Volume 3, and how the conceptual element identified as the 'moral panic button'¹ is presented to readers as new in this synthesis (URL1).

For works of scientific value, it is always recommended to consult the bibliography. In this book, eight pages of sources are recorded, including national and foreign researchers, media items, online databases. This large number and breadth of sources, together with the author's research findings, provide a solid basis for the claim that this book, a worthy successor to its predecessors, is another seminal work on migration theory.

The main message of the first chapter is the interpretation of the concept of migration and its approach. All this is covered in six sub-chapters. The author explains - and already alludes to the later content - that in the case of migration, most societies (including the Hungarian one) are divided. Individual approaches and interpretations of the phenomenon can be identified, as well as of the subjects of migration. There is still no common understanding of what migration is, neither from society, nor international law, nor migration researchers, as it cannot be dealt with in a meaningful way by narrow thinking.

In addition to describing the diversity of migration and its ever-shortening timeframes due to global acceleration, Endre Sik presents his minimal definition of migration. The dichotomy of the perception of migration phenomena may also be familiar with different approaches, but the 'chameleon character' presented to the reader - also based on interviews - may also be novel in addition to the international perspective and the presentation of Hungarian conditions.

In the second paragraph, the author applies the findings of the institutional theory of migration analysed earlier by Douglas S. Massey to the migration events in Hungary in 2015. In doing so, he conducts data analyses and presents interviews to illustrate the specific, case-by-case characteristics in comparison

1 *'The 'Moral panic button' mean is a situation in which people feel threatened by the world they live in, they feel threatened by the moral order that helps them to feel safe and to find their way in the world, and they become frightened. This process can be initiated from below, but it can also be initiated by ,moral formal shapingh entrepreneurs' from above. The intensification of panic is first intensified and then extended by the media, only to be forgotten.'*

with the current emergence of migration theory, with an emphasis on human smuggling and trafficking and their financial support.

In the third chapter, the current features of cumulative causality theory are presented from the period of mass migration in 2015. The author summarises that ‘...each migration modifies the social context in which the decision to migrate is made, generally in a way that increases the likelihood of the migration process persisting. ... once the migration has started, it does not stop, at most, it changes its form (from commuting to resettlement, the emergence and consolidation of diasporas, etc.).’ In comparing theory and migration patterns, we can also gain insight into migration processes at the US-Mexico border, the typological elements of which were present on many surfaces during the mass irregular immigration at the Hungarian border in 2015 (e. g. ethnically organised people smuggling, active US immigration legislative correction).

In the fourth chapter, the author presents an updated assessment of network and social capital theory. He provides the reader with transcripts of interviews to aid understanding. In doing so, Endre Sik shows a link between the migration bubble that is associated with his name and the theories under consideration. ‘*The migration buffer is thus the set of links between different parts of the network mobilized for the success of migration and the result of a conscious investment in this effort.*’

In the fifth chapter, Endre Sik introduces the diaspora and transnational migrant community, providing an interpretative summary of them. Citing sources within the chapter, he presents the classical Jewish diaspora as a model in its own right. The conceptual interpretation of the quasi-diaspora and its presentation in the form of diagrams is a highly topical element, given the impact of the Russian-Ukrainian war near the Ukrainian-Hungarian state border, which is still going on at the time of writing the review. Within the chapter, the author presents the diaspora policy and institutions of the quasi-diaspora in the period since the publication of the previous volumes by presenting sources, data tables, analyses and interviews.

The author shares his thoughts on the theory of mediating minorities in chapter six. The theory assumes that ‘... (a) there is a strong ethnic-based community formation within the migrant group, (b) the host society is hostile to migrants, and (c) migrants’ activities are concentrated in a narrow range of intermediary economic roles.’ In this chapter, we can learn how members of Far Eastern nations have appeared in Hungary, how the Chinese and Vietnamese diasporas, for example, have emerged and grown. The author also supports the reader’s interpretation with interviews.

In the seventh chapter, Endre Sik writes about the informal economy, border and ethnic resources. He presents ethnic-based cross-border resources and their

typological characteristics through interview transcripts of cross-border informal economic transactions, informal trade (fuel and/or tobacco smuggling, black marketeering etc.), helping to interpret the conceptual framework.

The description of the moral panic button, which is linked to xenophobia and not yet discussed in the previous two volumes, is presented as a new element in chapter eight. The author has previously continued his research on inward irregular migration and Hungarian xenophobia in the context of the mass immigration at Hungary's state border in 2015. In doing so, he described the conceptual scope of the moral panic button ([URL2](#); [URL3](#)). The chapter provides a comparative process analysis of xenophobia in European and national contexts, as well as an evaluative presentation of its national sociography. As a separate element, the author describes the impact of personal familiarity on xenophobia. The source-theoretical basis of the moral panic button is also presented in a separate chapter, with the author stating that this particular button *'is invented and developed by state propaganda.'* Endre Sik illustrates this identifiable process with a series of images linked to the series of events presented on page 108.

Chapter nine provides further insights into the Hungarian refugee case, which has already been examined. A summary assessment of the history of the period preceding what the author identifies as the *'age of innocence'* is provided, accompanied by interview transcripts. We learn about the social and state actors of the period, their activities during the period of mass immigration that affected Hungary in the 20th century, and the history of the events that took place. In his summary, Endre Sik concludes that *'The age of innocence, however, as is the case with innocence, did not last long. The state soon found itself, and the inertia of the path of the rapidly reorganising power (which was perhaps not only the heir of the socialist total state but also carried the legacy of the regimes of government before and during the Second World War) was so great that it soon undermined the liberal initiative that had seemed to emerge in the age of innocence.'*

In the last, tenth chapter, the author presents the globalisation of migration and its emergence in the buffer concerning to the current period. In doing so, he discusses the labour market context, network migration and Hungary's position in the system of international migration. In a separate sub-chapter, the author presents the relationship between the period of regime change in Europe and migration.

Concluding thoughts

In the light of Endre Sik's work and the elements of the book that have been re-examined and new elements presented, there is only one decision to be to - read it! This book, in addition to the topicality of the content of the period preceding its publication, the war events of the present period and the economic effects and migration processes that have followed them, lead to the conclusion that the author's ideas are forward-looking, the conclusions are correct, and that the problems can be addressed by understanding and following them.

References

Endre, Sik. (2021). *A migráció szociológiája 3.0.* [The Sociology of Migration 3.0.]. Debreceni Egyetemi Kiadó.

Online links in the article

URL1: *A morálistpanik-gomb 2.0.* https://www.academia.edu/40971554/A_mor%C3%A1listpanik_gomb_2_0

URL2: *Egy hungarikum: a morális pánikgomb (tanulmányterv).* https://szociologia.tk.hu/uploads/files/2018/mozgo_vilag_1610_Sik.pdf

URL3: *Ez a szupermanipuláció az igazságra törekvés értékét is eltüntetheti.* <https://24.hu/belfold/2019/05/31/sik-endre-moralis-panik-propaganda/>

Reference of the article according to APA regulation

Éberhardt, G. (2022). The sociology of migration 3.0. *Belügyi Szemle*, 70(S12), 102–107. <https://doi.org/10.38146/BSZ.SPEC.2022.2.7>

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