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Editors:

**ORSOLYA CZENCZER**

**GÁBOR KOVÁCS**

**BENCE MÉSZÁROS**



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Authors:

Zoltán Bács – Assistant Professor, University of Public Service, Faculty of Law Enforcement  
Mária Zsóka Bellavics – Fellow Researcher, University of Public Service, Faculty of Law Enforcement  
Andreia Borges – University Institute of Lisbon, Business Research Unit  
Orsolya Czenczer – Associate Professor, University of Public Service, Faculty of Law Enforcement  
Imre Dobák – Associate Professor, University of Public Service, Faculty of Law Enforcement  
Ştefania Dumitrache – University Lecturer, Police Academy “Alexandru Ioan Cuza”, Bucharest  
Aida Diana Dumitrescu – University Lecturer, Police Academy “Alexandru Ioan Cuza”, Bucharest  
László Hanka – Associate Professor, Óbuda University  
Vincent Holubiczky – Assistant Professor, Academy of the Police Force in Bratislava  
Ivan Košč – Assistant Professor, Academy of the Police Force in Bratislava  
Éva Kovács – Language Teacher, University of Public Service, Faculty of Law Enforcement  
Gábor Kovács – Professor, University of Public Service, Faculty of Law Enforcement  
Elena Nikolajová Kupferschmidtová – Assistant Professor, Academy of the Police Force in Bratislava  
Otakar Jiri Mika – Lecturer, Police Academy of the Czech Republic in Prague  
Sónia Morgado – Higher Institute of Police Sciences and Homeland Security, Lisbon  
Rui Coelho de Moura – Higher Institute of Police Sciences and Homeland Security, Lisbon  
Ádám Ferenc Nagy – PhD Student, University of Public Service, Faculty of Law Enforcement  
Ihor Nalyvaiko – Lecturer, Dnipropetrovsk State University of Internal Affairs  
Gábor Németh – Assistant Professor, University of Public Service, Faculty of Law Enforcement  
Iveta Nováková – Head of the Department of Languages, Academy of the Police Force in Bratislava  
Péter Nyeste – Associate Professor, University of Public Service, Faculty of Law Enforcement  
Dávid Papp – Assistant Professor, University of Public Service, Faculty of Law Enforcement  
Dávid Petrétei – Assistant Professor, University of Public Service, Faculty of Law Enforcement  
Nelson Ramalho – University Institute of Lisbon, Business Research Unit  
Gabriella Ürmösné Simon – Associate Professor, University of Public Service, Faculty of Law Enforcement  
Tomáš Škrinár – Lecturer, Academy of the Police Force in Bratislava  
Ilona Szuhai – Assistant Professor, University of Public Service, Faculty of Law Enforcement  
Vince Vári – Associate Professor, University of Public Service, Faculty of Law Enforcement  
Cătălin Vasile – University Lecturer, Police Academy “Alexandru Ioan Cuza”, Bucharest  
Nataliya Vnukova – Professor, Simon Kuznets Kharkiv National University of Economics

Editors:

Gábor Kovács – Dean, University of Public Service, Faculty of Law Enforcement  
Bence Mészáros – Vice-Dean, University of Public Service, Faculty of Law Enforcement  
Orsolya Czenczer – Associate Professor, University of Public Service, Faculty of Law Enforcement

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# New Tendencies and New Challenges in Organized Crime

Zoltán Bács<sup>1</sup>

The changing international political and security environment has generated certain changes in the activities and priorities of the organized crime. The development of the organized crime as a phenomenon includes more and more the strengthening of the international links and cooperation. The aim of the present study is to highlight some key point of the actual organized crime, as for example the global and regional challenges for increased activities, the possible counter-actions of the law enforcement structures, highly rentable merchandises and services in the criminal market and the growing threat what the organized crime groups (OCG) mean. The study also informs the readers about the expected growth of some crimes in several fields and areas.

**Keywords:** changing conditions, profitable merchandises, growing threats and crimes.

## Introduction

Organized crime has been having some extraordinary capabilities. It has succeeded to adapt to the local conditions with a speed exceeding the reactions of the political and legal structures. The organized crime detects any oscillation on the financial market, on the food markets, on the stock exchange, in the legal frames regulating all the aspects of the economic and financial processes. It is able to elaborate its own responses creating the conditions for the highest proficiency and the maximum profit. It is able to reinvest the revenues and launder its parts received from illegal activities in order to extend the influence onto other possible fields. The organized crime has two basic principles: protect and defend its own business shares in the already conquered fields and using all the opportunities to growth and consolidate its dominance in new fields. The high-level dynamism is a specific feature and vital condition of organized crime.

## I. The situation in recent past

The first European Police Chiefs' Convention was held in The Hague in July 2011 under the aegis of Europol. More than three hundred representatives of the law-enforcement agencies discussed the priority fields of inter-agency cooperation. They underlined the urgent necessity to elaborate innovative methods of action to fight organized crime in many of its forms and fields, including thefts, financial crimes and terrorism. In the document "The Future of Organised Crime Challenges and Recommended Actions"<sup>2</sup> the police chiefs describe the situation of 2011 "*The conservative and reactive nature of policing and ever tightening budgets leave agencies insufficiently prepared for new threats. Having enjoyed a monopoly on crime fighting for many years, we remain good at policing what we are comfortable with, but our resistance to change means that we risk developing blind spots for those crimes that we do not routinely investigate.*"<sup>3</sup> Is there any development since then? Have we made successful steps to shrink the already existing blind spots and to prevent the

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<sup>1</sup> Dr. Zoltán Bács PhD, assistant professor, University of Public Service, Faculty of Law Enforcement, E-mail: bacs.zoltan.gyorgy@uni-nke.hu ORCID:0000-0003-3454-9539

<sup>2</sup> „*The Future of Organised Crime Challenges and Recommended Actions*” Europol Police Chiefs Convention 2011 <https://www.europol.europa.eu/sites/default/files/documents/epcc-organisedcrimeconclusions.pdf> Downloaded: 23. 09. 2023.

<sup>3</sup> Ibid.

rapid growth of new ones? Yes, the law-enforcement agencies have achieved impressive results in many terrains fighting organized crime groups even cross-border crime organizations. The prevention is another problem. In this field, the focus was set onto the terrorist attacks to be prevented as early as possible. There were, also successful operation in many countries, but the terrorism is still an imminent and clear danger, however it has undergone certain changes.

Another clear risk factor is the massive migration, mostly illegal from different countries of Asia and Africa toward Europe. This is either a new phenomenon but in spite of the warning data collected from different sources even before 2015 none of the European countries were prepared either in economic or social or in national security and communication aspects.

Among the priorities in the document, referred above, the cybercrimes and frauds occupied the first place. The authors of the document underlined that the “*law enforcement often relies on doing what it has always done*”<sup>4</sup> following the old routine and carrying out what was written in the protocols long time before. Meanwhile, the criminals do everything possible to be several steps ahead of the law-enforcement bodies. The chiefs of police also stated in 2011, the “*given the financial constraints under which we all currently operate, we need to consider smarter ways of working.*”<sup>5</sup> It seems, the leaders of the European police bodies had already been aware of some challenges, risks and threats. The convention’s document pointed out the demographic shifts, the geopolitical unrests as the sources of appearing in Europe large diaspora communities “*excluded from mainstream employment, and therefore vulnerable to the influence of criminal groups.*”<sup>6</sup>

The foreseeably growing economic disparity between the immigrants and local population and among different social groups of the locals, aggravated by thy economic crisis, increased the vulnerability of the most exposed to poverty groups, pushing them closer to organized crime groups.

Among the wide range of problems, the law-enforcement leaders pointed out there was the question about the emerging markets too. These markets could be and really became the hotbed of economic, financial and ecological crimes and became sources of financing terrorism. The market of alternative suppliers of energy, the infrastructural services became a preferred field of activities of the organized and financially strong crime groups. Nowadays, there are also numerous cases of organized both national and international crime groups participating in the trade of rare materials. Another priority area of criminal organizations is the management of toxic waste and re-cultivation of contaminated pieces of land. The goal of these criminal is the “*monopolisation in markets in which there are large incentives, and which are not subject to sufficient scrutiny or competition from legitimate investors.*”<sup>7</sup>

The lack of harmony between the changing parameters of the criminal activities and the legislation prosecuting them is a permanent topic in all discussions at all the levels of law enforcement. Unfortunately, it seems, the situation has not changed since the police chiefs mentioned the problem in 2011.

More than eleven years ago, the leaders of the European police forces foresaw the growing menace of the internet-based crimes. They warned “*Internet and related technologies will not only put new tools at the disposal of all criminal groups, but will also expose new vulnerabilities in our information society.*” Practically it means that we have to find the new ways to combat the criminal intends of a new generation rather smarter and skilled in informatics than we have ever been. This

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<sup>4</sup> Ibid.

<sup>5</sup> Ibid.

<sup>6</sup> Ibid.

<sup>7</sup> Ibid.

new and even newer generations are not only able to manage the IT background to be used for criminal purposes, but they are also able to develop the necessary capacities and capabilities, both hardware and software, at a much higher level. These factors may contribute to the faster and more efficient convergence of using IT capabilities operated by non-criminal elements for criminal purposes upon the requirements and need of organized crime groups and syndicates. Between them, the common point is the achievement of higher benefits, mostly of material and financial character. Their targets may be elements of vital infrastructure, scientific research institutes and programs, databases, mostly containing classified or highly classified data of different fields, what could represent value to be sold on the illegal markets, clouds, containing sensitive personal data, what can be used to influence individuals or groups of individuals. Production and supply systems, mass media, local media, selected social groups and groups of professionals may also become targets. Without the intention of generating panic, it is clear that these criminal efforts are able to influence the efficiency of governability what is an open risk to fulfill our international obligations and national strategic goals. This is the darkest possible perspective.

In 2011, the European police commanders paid great attention to the possible measures, ways and methods to prevent the increasing of the organized crime. They recommended “*collaboration with partners in the private sector, NGOs and academia.*”<sup>8</sup> It is the clearest expression of abandoning the old “elitarian” approach to law enforcement when only the law-enforcement agencies had to deal with all the aspects of criminal activities and the role of extra-agency groups was strictly limited. The new approach meant the opening-up toward different and wider social and professional strata giving a chance to have a wider base including scientific researches, tools and studies in the given field. The role of civilian groups, NGO-s and even local civil watch organizations must be considered as regular auxiliary tool for law-enforcement activities at all the appropriate levels and not as an incidental and secondary option for gathering information.

Another recommendation of the Convention of the European Police Chiefs was to unify “*threat and risk assessments bringing together a range of EU security actors such as Europol, Frontex, SitCen, and ENISA.....*”<sup>9</sup> This supposed fusion center could significantly reduce the time of data processing, analysis and assessment necessary for decision-making. This joint assessment could guarantee the coherent measures taken even by different agencies in different countries.

Since 2011 eleven years have already passed. Actually, we face an urgent need to boost up the process of widening the cooperation beyond the bodies and organizations, mentioned above. The harmonization of the activities must embrace the fields of training and development of new tools. The harmonized and coordinated training and preparation provides an important advantage of harmonic and well-prepared implementation of operative measures at international level, especially in cybercrime, economic crimes and fraud. All the crimes in these realms can be a part of asymmetric operations in a new field of unarmed warfare, where the targets are not aimed to take human lives but to worsen their living conditions and perspectives from the material, financial and socio-political point of view. In order to increase the efficiency of prevention the police chiefs recommended the standardization of tools of investigation as far as it fitted the local criminal procedural code. This legal base was one of the points where a wider cooperation was also required to harmonize the investigations in the procedural field. The police chiefs also recommended establishing a minimum requirement to start an investigation. Its implementation would be a significant step forward joint effort of crime prevention.

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<sup>8</sup> Ibid.

<sup>9</sup> Ibid.

## II. Actual situation and challenges

Sadly, the relatively short and intensive time passed since the first convention of the European police leaders was over, did not bring all those results, which had been aimed then. According to the document emitted by the European Parliament “*Organised crime in Europe: Emerging trends and policy challenges*”<sup>10</sup> published on 25<sup>th</sup> March, 2022 the damage caused by the organized crime to the European economy in 2019 was 139 billion euros, what is practically 1% of the GDP of the European Union.<sup>11</sup> As for 2021, the organized crime groups have been diversifying their criminal activities. While the 80% of these groups were active in one field, mostly drug-related crimes, smuggling, trafficking, property crime, fraud,<sup>12</sup> etc. ... actually they try to extend their activities onto other fields as well. This intention sharpens the controversies between groups also increases the use of violence protecting and extending respectively their sphere or territory of influence. According the referred above EP document, 60% of organized crime groups use the violence as permanent part of their activities.<sup>13</sup> If we search for the reasons of this diversification tendencies, we see that the changes of European regulation to be more strict and rigorous and the activities of the law-enforcement agencies shrank the opportunities of the organized crime groups to keep their dominance and use the benefits of one single field of activities. In order to be on the safe side, the crime organizations try to secure their permanent flow of incomes, necessary on one hand for the operation of their group and on the other hand for their own benefit.

Another factor of the increasing violence is the possible further internationalization of criminal activities and the intromission of foreign groups in the markets where some “national” crime groups were the dominant protagonists.

Another repugnant data in the European Parliament’s paper was that the cyber-related crimes are increasing. This phenomenon is considered as a side-product of the globalization, digitalization, development of new technologies<sup>14</sup> also the neglecting behavior of IT-users. When the pandemic changed the life of the huge masses, the cyber criminals have adapted their *modus operandi* immediately. In 2021, we saw a steady rise of crimes through IT-networks. This tendency was absolute clear in the realm of transactions using cryptocurrencies. The challenge for the law-enforcement forces is still imminent. Although some successful operation against criminals using the IT-technologies were carried out, in many places, in many countries the tools of investigation and legislation for sanctioning such crimes is still far from being up-to-date.

One of the long-lasting plagues of all the times and countries is the corruption. This crime has multiple faces and levels but the threat what it means is universal. Corruption is a tool, which makes the criminal organizations easier to achieve their goals, to obtain and consolidate of their protection and advantages, what corruptive links with decision-makers can offer them. Although the Criminal Code if each country describes this crime and all the possible collateral phenomena, the prosecution is not so easy. The corruptive links between state actors, non-state actors, private companies, sometimes representing the interests of organized crime groups, or even individuals, might influence on the process of investigation and even on the decisions in the courtroom. “*Europol reports that 60 % of criminal networks in the EU engage in various forms of corruption, and that*

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<sup>10</sup> *Organised crime in Europe: Emerging trends and policy challenges* At a Glance 25.03.2022. [https://www.europarl.europa.eu/thinktank/en/document/EPRS\\_ATA\(2022\)729338](https://www.europarl.europa.eu/thinktank/en/document/EPRS_ATA(2022)729338) Downloaded: 28.09.2022

<sup>11</sup> Ibid.

<sup>12</sup> Ibid.

<sup>13</sup> Ibid.

<sup>14</sup> Ibid.



*more than 80 % use legal business structures to carry out or to hide criminal activities.”*<sup>15</sup> In all European Union member countries anti-corruption strategies have been elaborated, but their efficiency did not achieve the optimum level. A significant step forward would be that all the countries joined the European Public Prosecutor's Office, actively and widely using the tools and resources of this body to constrain corruption.

The internationalization of organized crime activities is another big challenge for the law-enforcement structure. According to the European Parliamentary document, *“almost 70% of such networks are active in more than three countries: 65% are composed of members of multiple nationalities. Non-EU criminal groups also operate within the Union's borders; over half of organised criminals active in the EU are thought to be non-EU nationals.”*<sup>16</sup> So, it is another challenge for the law-enforcement structures. Speaking in the practical language, the services, including the national security bodies as well, also have to internationalize their activities, to strengthen their contacts across the borders, to make the exchange of information a daily routine, to overcome the still existing legal barriers by improving the legislation in the given field. The internal challenge is that all the security services involved in investigation and prosecution of organized crime have to switch their mentality from old style exclusiveness to the new style of appropriate openness and cooperation with the society. The services also have to improve their training system and language skills. They also have to pay growing attention to the regular renovation of their tools and capabilities. The challenge for the governments is to understand and accept the growing importance of countering the organized crime with special attention to corruption.

We have already touched the changes in the types of crimes, provoked by the pandemic. We have seen how the organized crime groups have adapted to the new circumstances, how they used the newly opened opportunities for their own benefits. It would not have been possible without the positive, receptive attitude on behalf of the population. In this regard, the *“EU Serious and Organised Crime Threat Assessment 2021”* states that *“A global economic crisis may bring ordinary EU citizens into closer proximity to organized crime. Communities may become more tolerant of certain types of crime such as the distribution of counterfeit goods or the cultivation of cannabis.”*<sup>17</sup> This higher level of social tolerance to crimes is not a challenge, but it is a clear threat. The acceptance of benefits brought to certain social strata, certainly to the most vulnerable ones, by the organized crime may create an ambience when the organized crime groups will be able to exercise influence on the population in different fields of activities as well.

For the whole law-enforcement community the acceptance of criminal benefits by locals means new and more difficult conditions to implement its mission. It is like navigating in headwind, so it requires new skills, new abilities also new capabilities. The dynamic upgrading of intelligence activities in this field is one of the essential requirements.

The ranking of the most destructive crimes gives us a real picture about the threats of these criminal activities for the European society. The Interpol document considers the cybercrime to be the most dangerous. On the second place is the trade in the illegal drugs in the EU, on the third the environmental crime. This type of crime is one of the newest threats, not only in continental scale but globally as well. To fight with this crime the law-enforcement bodies need not only an urgent

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<sup>15</sup> Ibid.

<sup>16</sup> Ibid.

<sup>17</sup> EU Serious and Organised Crime Threat Assessment 2021 p. EU SOCTA 2021 p. 97 [https://www.europol.europa.eu/cms/sites/default/files/documents/socta2021\\_1.pdf](https://www.europol.europa.eu/cms/sites/default/files/documents/socta2021_1.pdf) Downloaded: 28.09.2022

updating of the criminal code but a significant scientific support on behalf of the experts of biology, chemistry, geology, meteorology, entomology, ornithology and other scientific fields.

On the fourth place, we find the trade in illegal firearms and explosives. It is a “classic” crime in our region, where huge stocks of firearms are out of control as consequence of the armed conflicts in the Balkans.

The fifth place is given to another well-known crime, the fraud. The evolution of the modus operandi of this crime shows that the perpetrators widely use the advantages of the internationalization and globalization of the economic and financial relations.<sup>18</sup>

### **III. Consequences of the Russian-Ukrainian war in the field of organized crime**

Any military conflict raises the activity of criminal groups. Since the profit is the utmost motive for the criminals, their activities will be aimed at obtaining the maximum benefit. Obviously, the organized crime groups have better chances to achieve this goal. Which are the types of crimes, which have higher revenue?

- Operation on the illegal markets of goods, financial transactions and foreign currencies;
- Operations, related to emission of false, falsified or counterfeited personal identification documents, banking documents,
- Falsification of foreign and domestic currencies,
- Cybercrimes,
- Money laundering,
- Smuggling goods and humans, including material values, pieces of art, narcotics, currency, illegal migrants, among them potential terrorists,
- Production and commercialization of non-licensed goods, medicines, food, etc.

The list is not complete and it cannot be. According to the assessment of the Europol, “serious and organised crime is both resilient and versatile and continues to evolve and adapt to reduce the risks to its own business, maximise profits, exploit new opportunities and evade law enforcement attention.”<sup>19</sup> The permanent evolution of the versatility and resilience of the organized crime relay special responsibility on all the law-enforcement and national security community. Let us take only one of the crime types referred above! Smuggling goods and humans has always been a highly rentable crime even in peacetime. The benefits from this crime increase parallel to the increasing tension and clashes between the belligerent sides. People forced to leave their habitat, try to save as much of their material assets as possible and take it to safe places. Once the legal opportunities might be limited, due to the armed conflict, the organized crime groups are in the position to facilitate to take these assets out from their original place. Since the organized crime groups have the necessary contacts and network, even across borders, able to provide illegal services for remuneration, it does not matter, whether illegal migrants, terrorist groups, or non-state actors use these illegal services. There is a chance that they may intend to perpetrate asymmetric or hybrid operations, even under alien flag. It is a clear and imminent threat.

### **IV. Conclusions**

It is an old axiom that the most efficient way of operating a criminal organization is having support from inside the governmental structures as high level as possible. This is the real and already

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<sup>18</sup> Ibid.

<sup>19</sup> Ibid.

tangible threat! If organized crime groups or syndicates succeed to control even partially the preparation, the taking and the implementation of decisions of the political structures the organized crime represents an absolute high level of national security threat.

Another source of a growing threat is the convergence of the terrorist organizations, which had already passed the change of their tactical paradigm. The shift of terrorist methods from the openly violent and repugnant action to the slow and systematic “smooth and smiling” infiltration is a real strategic threat we should not ignore. The earlier we recognize its possible destructive and menacing consequences, the earlier we can react and counter-act.

What refers to further threats, the Europol assessment says: “As digitalisation increases, so do the challenges from the increasing spread of misinformation, fake news and conspiracy theories. The use of deepfakes will probably become a serious challenge for the digital environment.”<sup>20</sup>

What about the geopolitical factors? The Europol assessment was written before 24<sup>th</sup> February, 2022, before the Russian aggression against Ukraine. Nevertheless, the document pointed out the “active conflicts in Ukraine and between Armenia and Azerbaijan.[...] Stability in certain post-conflict areas remains fragile and there is a risk of relapsing into active conflicts should conditions deteriorate.”<sup>21</sup> Seemingly, the circumstances are still worsening, so the crime rate in the realm of the organized crime might grow significantly. In this growth, the cross-border cooperation between criminal organization and groups from different countries may play an important role.

As I have already mentioned before, the third place of the environmental crimes among the most threatening types of crimes ranked in the Europol assessment document, was a surprise. Following this, the document forecasts the “Criminals will seek to profit from development by orchestrating increasingly complex and far-reaching fraud schemes involving investments, energy and green certifications. Waste management and recycling will become key sectors.”<sup>22</sup>

What could the law-enforcement and national security structures do to prevent and thwart the organized crime? Neither the prevention nor thwarting is an exclusive mission for those bodies. When implementing their tasks they must have a solid support on behalf of the society and its representatives, the legislators and the government.

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<sup>20</sup> Ibid.

<sup>21</sup> Ibid.

<sup>22</sup> Ibid.

# The Psychiatric Correlations of Criminal Behavior

*Mária Zsóka Bellavics<sup>1</sup>*

The link between criminal acts and the mental status has been disputed for decades. The psychiatric condition is one of the most studied one of the characteristics may shape human behavior hence criminal activity. Several psychiatric disorders are known to be significant criminogenic risk factors. Recently vast number of researches have been conducted in correctional facilities and extremely high prevalence of psychiatric disorders has been found. These findings raise the question; whether psychiatric disorders have a direct role in the actual criminal behavior. Juvenile offenders are considered to be a sensitive population both in terms of the development of the criminal carrier and the onset of psychiatric disorders. Therefore, studies investigating the psychiatric correlates of underage crime show a growing number, although compared to research focusing on adults, the knowledge about them is still limited. In the present paper the prevalence of psychiatric disorders in juvenile offender group and the role of psychiatric condition in deviant behavior was examined. During the latter, the symptoms of mental disorders were in focus.

**Keywords:** criminal psychiatry, mental disorder, juvenile crime, juvenile detainee, risk factor of crime

## I. Introduction

Psychiatry is a medical science includes both theoretical and practical areas. The aim of psychiatry is to investigate the nature and etiology of mental disorders on one hand, and find solutions for them on the other hand. Psychiatry, as so many other natural sciences has a wide range of application possibilities.<sup>2</sup> One is in the field of law enforcement and criminal justice, although in domestic practice it has only little significance so far. International scientific results and practical experience both suggest that the fulfillment of this lack of the utilization of psychiatric knowledge could be fruitful on several levels. The assessment of criminal liability based on the mental condition is the main aspect of crime management there psychiatry is utilized with the greatest importance.<sup>3</sup> Although forensic psychiatry has been in practice for decades in Hungary on a daily basis, the scientific background of it still lacks special scientific studies designed for this particular purpose and carried out on domestic samples. Besides the examination of mentally troubled offenders psychiatric experience can have its benefits in other areas of law enforcement activities. We collected here only a few examples of the possible importance of psychiatry in law enforcement, but one can assume that the scientific knowledge of human psyche can be applicable in all activities of that the agenda is serving society's wellbeing. Criminal profiling is a special activity in the service of investigative work of which the methodology is still under development. One of the latest approaches of criminal profiling applies clinical experience of which the basis is given by the psychiatric field. In the training of police staff a basic psychiatric knowledge could by

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<sup>1</sup> Mária Zsóka Bellavics, fellow researcher, University of Public Service, Faculty of Law Enforcement, Department of Criminal Psychology. E-mail address: bellavics.maria.zsoka@uni-nke.hu.

<sup>2</sup> Yasuhiro Monden, *Principles and practice of forensic psychiatry*. (Boca Raton: CRC Press, 2003).

<sup>3</sup> Sófi Gyula, 'A szakértői tevékenység jogi szabályozása', in *Igazságügyi gyermekpszichiátria*. ed. by Sófi Gyula and Fodor Miklós (Budapest, Oriold és Társai, 2014).

useful, especially if we consider that the most psychiatric patients have at least one encounter with law enforcement professionals during their lifetime. Therefore, being familiar with the practical manifestations of the most important mental disorders can be a great aid for policework in the field. In correctional facilities the psychiatric prevalence is extremely high, therefore prison and reformatory staff could benefit from a basic level psychiatric knowledge as well.<sup>4,5,6</sup>

Within the offender population juvenile criminals are a special subgroup. In terms of criminal carrier adolescence is crucial, since in this age-group criminal rate is outstandingly high.<sup>7</sup> On the other hand the onset of several psychiatric disorders is in the late adolescence or early twenties. Therefore, several empirical researches target this population when investigating the prevalence of mental disorders and its correlations with crime among offenders.<sup>8</sup> These studies found extreme levels of psychiatric affectedness among underage offenders.<sup>9</sup> In Hungary there are only a few studies have similar aims being carried out. One of them is led by the Department of Criminal Psychology, at the Faculty Law Enforcement at the University of Public Service.<sup>10</sup>

The aim of the present paper is to examine the potential link between psychiatric disorders affect juvenile offenders and criminal behavior. We examine the prevalence of mental disorders among young offenders based on international literature and results of a domestic empirical study. Then we discuss the potential role of the most common psychiatric disorders in deviant behavior with a special regard on the symptomatology.

## II. The prevalence of psychiatric disorders among juvenile offenders

Lately numerous studies aimed to assess the prevalence of psychiatric disorders among juvenile detainees. Based on their results mental problems in this population is extremely common; most empiric studies found prevalence between 50 and 90 percent.<sup>11,12</sup> Comorbidity shows remarkable levels as well, certain findings suggests that more than half of underage criminals meets the

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<sup>4</sup> Edwin I. Megargee, 'the Need for a New Classification System', *Correctional Psychologist* 4, no 2 (1977), 107-114. doi:10.1177/009385487700400201.

<sup>5</sup> Julio Arboleda-Flórez, 'Forensic psychiatry: contemporary scope, challenges and controversies', *World psychiatry : official journal of the World Psychiatric Association* 5, no 2 (2006), 87-91.

<sup>6</sup> Glenn E. Schellenberg et al., 'A review of arrests among psychiatric patients', *International Journal of Law and Psychiatry* 15 no 3 (1992), 251-264.

<sup>7</sup> Alex R Piquero, David P. Farrington and Alfred Blumstein, 'The criminal career paradigm', *Crime and justice* 30 (2003), 359-506.

<sup>8</sup>János Csorba et alii., 'Epidemiological investigation of psychiatric diseases of Transdanubian adolescent outpatients', *Mentálhigiéné és Pszichoszomatika* 9, no 1 (2008) 1. 35-59. <https://doi.org/10.1556/mental.9.2008.1.2>.

<sup>9</sup>Seena Fazel, Helen Doll and Niklas Langström, 'Mental Disorders Among Adolescents in Juvenile Detention and Correctional Facilities: A Systematic Review and Metaregression Analysis of 25 Surveys', *Journal of the American Academy of Child & Adolescent Psychiatry* 47, no 9 (2008), 1010-1019. <https://doi.org/10.1097/CHI.ObO13e31817eef3>.

<sup>10</sup> Haller József, Bellavics Mária Zsóka and Baráth Noémi, 'Kriminálpszichiátria — elméleti háttér és gyakorlati hasznosítás és használhatóság', *Magyar rendészet* 3, (2020), 119-135. DOI: 10.32577/mr.2020.3.7.

<sup>11</sup> Christine Wilson Duclos et al., 'Prevalence of common psychiatric disorders among American Indian adolescent detainees', *Journal of the American Academy of Child & Adolescent Psychiatry* 37, no 8 (1998), 866-873.

<sup>12</sup> Daniel Rijo et al., 'Mental health problems in male young offenders in custodial versus community based-programs: implications for juvenile justice interventions', *Child and Adolescent Psychiatry and Mental Health* 10, no 1 (2016), 1-12.

diagnostic criteria more than two psychiatric disorders at a time.<sup>13</sup> The most common psychiatric disorders in juvenile offender population are summarized along with the levels of international prevalence in the table below. In the aim of demonstrating the severity of mental problems affecting juvenile offenders, we presented the prevalence of psychiatric disorders of the normal population as well.

*Table 1: The international prevalence of the most common psychiatric disorders among underage offenders<sup>14,15,16,17,18,19,20,21,22,23,24</sup>*

Psychiatric disorders		Prevalence in underage offender population	Prevalence in underage normal population
Conduct disorder (CD)		50-95%	5-14%
Oppositional Disorder (OD)		5.4- 53 %	
Substance Use Disorder (SUD)		39- 95%	1,8%
Alcohol Use Disorder (AUD)		25.9-55.8%	1,3%
Attention Deficit and Hyperactivity Disorder (ADHD)		11- 62.2 %	1,7-17,8%)
Posttraumatic Disorder (PTSD)		4.8%	5-10 %
Affective Disorders	Depression	17-78 %	0.2-17%
	Bipolar Depression:	2-20%	0-0.9%
Psychotic Disorders		3.8-45.3%	7.5%

<sup>13</sup> Ana M Abrantes, Norman G. Hoffmann and Ronald Anton, 'Prevalence of co-occurring disorders among juveniles committed to detention centers', *International Journal of Offender Therapy and Comparative Criminology* 49, no 2 (2005), 179-193.

<sup>14</sup> Gail A Wasserman et al., 'The voice DISC-IV with incarcerated male youths: Prevalence of disorder', *Journal of the American Academy of Child & Adolescent Psychiatry* 41, no 3 (2002), 314-321.

<sup>15</sup> Steven R Pliszka et al., 'Affective disorder in juvenile offenders: A preliminary study', *American Journal of Psychiatry* 157, no 1 (2000), 130-132.

<sup>16</sup> O.A. Adegunloye et al., 'Prevalence and Correlates of Destructive Behaviour Disorders in Youths in a Juvenile Borstal Institution', *Niger J Psychiatry*, 8, no 3 (2010), 12-7.

<sup>17</sup> Angela A Robertson et al., 'Prevalence of mental illness and substance abuse disorders among incarcerated juvenile offenders in Mississippi', *Child Psychiatry and Human Development* 35, no 1 (2004), 55-74.

<sup>18</sup> Lanette D Atkins et al., 'Mental health and incarcerated youth. I: Prevalence and nature of psychopathology', *Journal of Child and Family Studies* 8,2 no (1999), 193-204.

<sup>19</sup> Kathleen Ries Merikangas, Erin F. Nakamura and Ronald C. Kessler, 'Epidemiology of mental disorders in children and adolescents', *Dialogues in clinical neuroscience* (2022).

<sup>20</sup> Ian Kelleher et al., 'Prevalence of psychotic symptoms in childhood and adolescence: a systematic review and meta-analysis of population-based studies', *Psychological medicine* 42, no 9 (2012), 1857-1863.

<sup>21</sup> Marcel Aebi et al., 'The validity of conduct disorder symptom profiles in high-risk male youth', *European Child & Adolescent Psychiatry* 28, no 11 (2019), 1537-1546.

<sup>22</sup> Kathleen Ries Merikangas and Vetisha L. McClair, 'Epidemiology of substance use disorders', *Human genetics* 131, no 6 (2012), 779-789.

<sup>23</sup> Belinda Plattner et al., 'Psychopathology and offense types in detained male juveniles', *Psychiatry research* 198,2 no (2012), 285-290.

<sup>24</sup> Annette M La Greca and Mitchell J. Prinstein, 'Hurricanes and earthquakes' in *Helping children cope with disasters and terrorism*, ed by A M La Greca, W K Silverman, E M Vernberg, and M C Roberts (American Psychological Association, 2002).

In Hungary such data of juvenile offenders is limited, since to our knowledge, there has been no empirical findings of the mental status of this population published yet apart from a few examples - although there is such research being carried out at the time of the publication of this paper.<sup>25</sup> In the present paper, we demonstrate the partial results of one of these studies, that is the aforementioned work led by the Department of Criminal Psychology at the University of Public Service. The research in question is based on psychiatric interviews with the inmates of the Reformatory of Budapest. For the psychiatric examination the Mini International Neuropsychiatric Interview for Children and Adolescents (MINI-KID) was applied. The MINI-KID is a structured diagnostic tool designed for scientific purpose.<sup>26</sup> The interview was led by trained professionals. The present results are from 84 adolescents within the age range of 13-20. 96,7% of the participants showed clinically significant symptoms of at least on psychiatric disorder and the average number of mental disorders was 6,08 (SD= 3,011). These values are extremely high even on international levels. Especially considering the level of comorbidity, it is evident that the psychiatric condition is a major issue in juvenile offender population. The prevalence of psychiatric disorders found in the sample are presented in the table (Table 2.) below.

Table 2.: The prevalence of psychiatric disorders in the Hungarian sample

Psychiatric disorders	Prevalence	
Conduct disorder	82,2 %	
Oppositional Disorder	47,6%	
Substance Use Disorder	73,8%	
Alcohol Use Disorder	28,6%	
Attention Deficit and Hyperactivity Disorder	47,6%	
Posttraumatic Stress Disorder	11,9%	
Affective Disorders	Depression	71,4%
	Bipolar Depression	29,1%
Psychotic Disorders	30%	

### III. Correlation between psychiatric disorders and deviant behavior

As we could see afore the prevalence of psychiatric disorders among underage offenders is extremely high. Since psychiatric patients are considered to be odd, sometimes dangerous outcasts in the eye of the laic community – which stigma not only false, but one of the main obstacle both patients and professionals have to face during their battle against the disease-, it is no wonder, that these results raises the question, whether the psychiatric condition has a direct role in the criminal behavior.<sup>27</sup> First of all, we want make that clear, that despite the stereotypes, most psychiatric patients are not violent or mean any threat to the society what so ever. In the other hand, that is scientifically proved that certain psychiatric disorder raises the risk of deviant behavior a great deal. This is true especially in the case of substance- and alcohol use and personality disorders.<sup>28</sup>

<sup>25</sup> Sófi, Gyula and Johanna, Farkas., 'Main characteristics of juvenile psychopathy in law enforcement aspects', 30 *Years of Independent Macedonian State*: 237.

<sup>26</sup> David V Sheehan et al., 'Reliability and validity of the mini international neuropsychiatric interview for children and adolescents (MINI-KID)', *The Journal of clinical psychiatry* 71, no 3 (2010), 17393.

<sup>27</sup> Alison J Gray, 'Stigma in psychiatry', *Journal of the royal society of medicine* 95, no 2 (2002), 72-76.

<sup>28</sup> Kendell L Coker et al., 'Crime and psychiatric disorders among youth in the US population: An analysis of the national comorbidity survey-adolescent supplement', *Journal of the American Academy of Child & Adolescent Psychiatry* 53, no 8 (2014), 888-898.

The basic diagnostic criteria that most psychiatric disorders share and is established by the Diagnostic and Statistical Manual of Psychiatric Disorders – DSM 5 is that all mental disorder must fit one of the following; symptoms cause clinically significant distress or impairment in social, occupational, or other important areas of functioning. This means that in some way the behavior, the attitude or the capabilities of the patient are altered in some way, which causes significant trouble for him and hindering him from successfully managing his daily life.<sup>29</sup> It can lead to damage in several ways. We can see quite often, that the private life of psychiatric patients fell apart with the onset of the disorder and vivid conflicts become the part of his and his loved-one's every-days. They tend to lose their jobs or they are incapable to get one in the first place. Psychiatric patients are often under-educated, or if they are educated, they suffer rough impairment in their professional skills due to the cognitive deficits that comes with the disorder. Therefore, the socio-demographic circumstances of psychiatric patients are often devastating, which is an unfortunate consequence of the disease. This is a burden, not only the patients and their close relatives have to bear, but the whole society. In the light of these considerations, one can suppose that the presence of a psychiatric disorder per se can trigger deviant behavior, therefor criminality, independently of the actual nature of the condition. This is especially true to the underage population.<sup>30</sup> Adolescence is an extremely sensitive time for each human being. The rapid and extensive biological changes can provoke so severe behavioral and emotional turmoil in the teenager's psyche, that it is sometimes a challenge to distinguish the natural phenomena from the pathological ones even for professionals.<sup>31</sup> This is the period of life when vastly important feature of the social persona develops. This is reflected in criminal data as well, as it is a widely known fact that criminal activity shows a spike in the adolescent age-group.<sup>32</sup> Therefore, psychiatric disorders occurring during adolescence may lead to the aforementioned problems even on a more severe level.

As we discussed earlier, the very presence of any psychiatric disorder may raise the risk of deviancy due to the impairment of functioning. But if we consider the actual clinical picture of each mental disorders, we can assume, that the severity of this risk varies with the different symptomatology. This hypothesis is supported by international empirical data as well.<sup>33</sup> In the following, we make an attempt to investigate the link between psychiatric symptoms and criminality through the most common psychiatric disorders among juvenile detainees. Due to scope limitation, we focus only on the most important symptoms.

### **A Conduct disorder**

CD is the most common psychiatric disorders associated with deviant behavior in underage population. Only taking a look at the symptoms of CD the link between the too is evident. The symptoms of CD are the following;

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<sup>29</sup> DSM-5, Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition. Arlington, VA, American Psychiatric Association, 2013. DOI: <https://doi.org/10.1176/appi.books.9780890425596>

<sup>30</sup> Benjamin Lê Cook, Nicholas Carson and Margarita Alegria, 'Assessing racial/ethnic differences in the social consequences of early-onset psychiatric disorder', *Journal of Health Care for the Poor and Underserved* 21, no 2 (2010), 49.

<sup>31</sup> Rachel E Wiley and Steven L. Berman, 'Adolescent identity development and distress in a clinical sample', *Journal of clinical psychology* 69, no 12 (2013), 1299-1304.

<sup>32</sup> Piquero, Farrington and Blumstein, 'The criminal carrier paradigm' (2003).

<sup>33</sup> Carlijn J M Wibbelink et al., 'A meta-analysis of the association between mental disorders and juvenile recidivism', *Aggression and Violent Behavior* 33 (2017), 78-90.



1. Aggression to people and animals
2. Bully, threat, or intimidation
3. Initiation of physical fights
4. Use of weapon
5. Physical cruelty to people
6. Physical cruelty to animals
7. Stealing while confronting
8. Forcing sexual activity
9. Destruction of property
10. Deliberately setting fire
11. Deliberately destroying others' property
12. Deceitfulness or theft
13. Breaking into a house, building or car.
14. Lying to obtain goods or favors or to avoid obligations
15. Stealing items of value
16. Serious violations of rules
17. Staying out at night beginning before age 13 years.
18. Running away from home overnight
19. Truant from school before age 13 years.

CD is a condition which is per se a constant and pervasive rule breaking, violent and hostile attitude that makes the person prone to criminal behavior. CD can be considered as the underage version of antisocial personality disorder, although one must keep in mind, that not all children with CD turn out to be antisocial as an adult. A special subgroup of children with CD shows further antisocial traits: lack of remorse and guilt, callousness, lack of empathy, lack of concern about performance and shallow, deficient affects. They are basically the notorious psychopathic traits, that are well -known in criminological literature.<sup>34</sup>

### ***B Oppositional disorder***

The symptoms of OD are the following;

1. Angry, irritable mood
2. Often loses temper
3. Often touchy or easily annoyed
4. Angry and resentful
5. Argumentative, defiant behavior
6. Argues with authority figures
7. Actively defies to comply with requests from authority figures
8. Deliberately annoys others
9. Blames others for his or her mistakes or misbehavior
10. Vindictiveness
11. Spitefulness

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<sup>34</sup> American Psychiatric Association, 2013

OP can be considered the milder version of CD. The risk of criminality with OD is not as high as with CD, but the provocative, hostile and irritable attitude can lead to deviant behavior- although, when it does, the condition is more correspondent to the diagnoses of CD than OD. Therefore, OP is not as highly associated with crime as CD.<sup>35,36</sup>

### ***C Substance use disorder***

The diagnoses of SUD require deep involvement of substance abuse – both illicit drugs and prescription medication. Therefore, only abusing substance does not mean the presence of the disorder. The symptoms of SUD are the following;

1. Taking in larger amounts of substance than was intended
2. Persistent desire or unsuccessful efforts to cut down substance use
3. A great deal of time is spent in activities to obtain, to use substance or recover from its effects
4. Craving
5. Substance use resulting in a failure to fulfill obligations
6. Substance use despite having persistent problems from it
7. Continued substance use despite having persistent problems caused by it
8. Important activities are given up because of substance use
9. Recurrent substance use in situations in which it is physically hazardous
10. Substance use is continued despite having a problem that is caused by it
11. Tolerance
12. Withdrawal

Substance abuse per se is considered to be an illegal act, so the link between SUD and criminality explains itself. Although besides the illegal nature of drug abusing, there are further effects of SUD that makes the person prone to criminality. SUD has a pervasive destructive impact on the overall personality. Prolonged drug use triggers both psychological and biological dependency to drug. Besides dependency tolerance is a quite risky affect of drugs, since at a certain point the person needs bigger quantities of the drug to achieve the desired effect. Due to dependency the drug becomes a basic need for life, so the subject who started to use drugs for pleasure, after a certain amount of time starts to seek it under the force of the painful symptoms of withdrawal. This is one of the main reasons why drug addicts get involved to illegal activities – they need more and more money the quickest way possible to get the needed substance without what they are incapable to exist.<sup>37,38</sup>

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<sup>35</sup> American Psychiatric Association, 2013

<sup>36</sup> Stehen Scott, 'Oppositional and conduct disorders', *Rutter's child and adolescent psychiatry* (2015), 911-930.

<sup>37</sup> Miguel Chalub and Lisieux E. Telles, 'Alcohol, drugs and crime', *Brazilian Journal of Psychiatry* 28, (2006): 69-73.

<sup>38</sup> Claudia E Van der Put, Hanneke E. Creemers and Machteld Hoeve, 'Differences between juvenile offenders with and without substance use problems in the prevalence and impact of risk and protective factors for criminal recidivism', *Drug and alcohol dependence* 134, (2014), 267-274.

### ***D Alcohol use disorder***

Same as the case of SUD, AUD comes with a significant and pervasive deterioration of the overall personality and functioning. The symptoms of AUD are the following;

1. Taking in larger amounts of alcohol than was intended
2. Persistent desire or unsuccessful efforts to cut down alcohol use
3. A great deal of time is spent in activities to obtain, to use alcohol or recover from its effects
4. Craving
5. Alcohol use resulting in a failure to fulfill obligations
6. Alcohol use despite having persistent problems from it
7. Continued alcohol use despite having persistent problems caused by it
8. Important activities are given up because of alcohol use
9. Recurrent alcohol use in situations in which it is physically hazardous
10. Alcohol use is continued despite having a problem that is caused by it
11. Tolerance
12. Withdrawal

People with AUD – which is way more than only drink alcohol regularly – are suffer serious damages on the level of cognitive, emotional and social functions. Therefore, their capability to get and keep a job is decreasing with the seriousness of their condition. This leads to gravis financial difficulties most of the cases. If the condition sets on during adolescence the damage might be eve more serious, since the patient misses his most valuable years to get professional skills and become a useful member of society. Since alcohol has a severe impact on emotional regulation, people with AUD tend to be aggressive, especially under the effect of acute intoxication or withdrawal. Since AUD is rarely tolerated by people who do not abuse alcohol regularly, the AUD patient tend to have passionate conflicts with loved-ones, what he often handles with aggression due to his condition. These effects can lead to further social deterioration with the destruction of the privet life of the patient. All these phenomena may raise the probability of criminality on a significant level.<sup>39</sup>

### ***E Attention Deficit and Hyperactivity Disorder***

ADHD is one of the most serious psychiatric disorders affect mainly children. ADHD has an enormous effect on the emotional, cognitive and social development of children. The symptoms of ADHD are the following;

#### **Inattention**

1. Failing to give close attention to details
2. Difficulty sustaining attention in activities
3. Not seem to listen when spoken to directly
4. Not follow through on instructions and fails to finish tasks
5. Difficulty organizing activities

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<sup>39</sup> Jeffrey J Wilson et al., ‘Substance abuse and criminal recidivism: A prospective study of adolescents’, *Child psychiatry and human development* 31, no 4 (2001), 297-312.

6. Dislikes to engage in tasks that require sustained mental effort
7. Loses things necessary for tasks
8. Easily distracted by extraneous stimuli
9. Often forgetful in daily activities

#### Hyperactivity and impulsivity

10. Fidgets with or taps hands or feet or squirms in seat
11. Often leaves seat in situations when remaining seated is expected
12. Runs about or climbs when it is inappropriate
13. Unable to play or engage in activities quietly
14. Is often “on the go,” acting as if “driven by a motor”
15. Talks excessively
16. Blurts out an answer before a question has been completed
17. Has difficulty waiting his or her turn
18. Interrupts or intrudes on others

Young patients suffer from ADHD has to face great distress during their schoolyears. They have extreme difficulties to focus on the material and acquire the skills they would need to success in their adult life. In some cases, these young patients suffer a great deal of emotional distress, since due to their behavioral difficulties they tend to be targets of bullying by peers, and in some occasions even by teachers. All these distresses and the development failures can be indirect causes of deviancy. Impulsivity, the elevated levels of energy and the lack of concentration may be direct factors in the development of deviant behavior alongside with other symptoms of ADHD.<sup>40,41</sup>

#### ***F Post-Traumatic Stress Disorder***

PTSD occurs among the victims of some-kind of trauma. The trauma is usually life-threatening, but based on the DSM 5, it is no longer a requirement, that the threat must be objective, the trauma perceived to be a life-threat only by the victim can trigger PTSD as well. The symptoms of PTSD are the following;

1. Intrusion symptoms (e.g.: distressing memories, dreams of the traumatic event, dissociative reactions, intense distress at exposure to cues related to the traumatic event)
2. Avoidance symptoms (e.g.: memories, thoughts, feelings and external reminders related to the trauma)
3. Negative alterations in cognitions and mood (e.g.: memory loss in relation of the traumatic event, negative beliefs, distorted cognitions about the cause or consequences of the traumatic event, negative emotional state, feelings of detachment or estrangement from others)
4. Alterations in arousal and reactivity (e.g.: irritable behavior, hypervigilence, angry outbursts, problems with concentration, sleep disturbance)

PTSD is a severe and without treatment, a potentially chronic disease. It has a great impact on the patient’s well-being and functioning, meaning what, the lack of adequate medical aid, people with

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<sup>40</sup> Susan Young, 'Forensic aspects of ADHD' in *Handbook of attention deficit hyperactivity disorder*, ed by Michael Fitzgerald, Mark Bellgrove and Michael Gill (Chichester: John Wiley & Sons Ltd, 2007).

<sup>41</sup> Jessica A Simmons and Kevin M. Antshel, 'Bullying and depression in youth with ADHD: A systematic review', *Child & Youth Care Forum* 50, no. 3 (2021).

PTSD may suffer gravis decrease of life-quality. One of the most harmful consequences of PTSD is the loss of the patient's sense of safeties. These people are literally stuck in the alarming emotional state of fight or flight. They are constantly prepared for attacks and ready to escape or fight back. The intrusive flash-backs and nightmares give them a constant terror and keep reminding them the trauma they had suffered. Another extremely painful symptom is PTSD is the loss of the capability to trust in people and the world. They become alienated from loved-ones; they lose interest in daily activities. They are constantly irritable, sometimes hostile and aggressive. All these consequences make the patient vulnerable and prone to deviant behavior, that may lead to crime.<sup>42</sup>

### ***G Affective Disorders***

Both depression and maniac symptoms have their place among the most common mental disorders affect the juvenile detainee population, although the latter has unquestionably the more important role. The most important affective symptoms are the followings;

Depression	Mania
1. Depressed mood	1. Increased energy or activity
2. Diminished interest or pleasure in activities	2. Inflated self-esteem or grandiosity
3. Insomnia or hypersomnia	3. Decreased need for sleep
4. Psychomotor agitation or retardation	4. More talkative than usual
5. Fatigue or loss of energy	5. Flight of ideas
6. Feelings of worthlessness or excessive guilt	6. Distractibility
7. Diminished ability to think or concentrate	7. Increase in goal-directed activity
8. Recurrent thoughts of death	8. Involvement in activities that have a high potential for painful consequences

Depression, especially when associated with irritable symptoms – which is the case in underage population- can manifest in aggressive behavior. In the other hand mania mean a greater risk of deviancy. The sometimes extreme levels of elevated energy, impulsiveness, the accelerated thinking and psychomotor easily can lead to risky behavior, which is actually one of the diagnostic criteria per se. The maniac patient gets involved into social activities with a great, sometimes disturbing intensity. They show higher levels of sexual activity as well, which often manifests in sexually inappropriate behavior. This raises the risk of sexual nature criminality as well. The grandiosity that comes with mania gives the patient a sense of self-importance and entitlement. This self-perception can reach the psychotic level, when the patient loses the touch with reality, and his ideas of grandiosity become irrational. Especially at the case of psychotic mania the threat of criminality is great.<sup>43</sup>

### ***H Psychotic disorders***

We left psychotic disorders for the end not because they are the less significant in terms of criminal behavior, but because the opposite is the case. The main manifestations of psychoses;

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<sup>42</sup> Matthew A Stimmel et al., 'Trauma exposure, posttraumatic stress disorder symptomatology, and aggression in male juvenile offenders', *Psychological trauma: theory, research, practice, and policy* 6, no 2 (2014), 184.

<sup>43</sup> Eileen P Ryan and Richard E Redding, 'A review of mood disorders among juvenile offenders', *Psychiatric services* 55, no 12 (2004), 1397-1407.

1. Hallucinations
2. Delusions
3. Disorganized speech
4. Grossly disorganized or catatonic behavior

In fact, psychotic disorders have a very special place among the offenders with psychiatric disorders. The reason for that they are mentioned only briefly here, is because in the scope of the actual paper we focus on the psychiatric prevalence that was found in normal prison and reformatory population. Perpetrators of crime committed under psychosis are treated in forensic institutions and require a whole different approach. But only because an offender did not suffer from psychoses at the time of the offence, does not mean that he had been never in this special condition, so the empirical findings suggest. Psychosis is a condition can occur on the basis of several psychiatric disorders. Due to scope limitations, we focus here only the psychotic symptoms, and ignore their potential etiology. The most dangerous psychotic phenomenon is hallucination. Within hallucinations the acoustic type has special significance in terms of criminality. Especially commending hallucination can encourage the patient to attack others. Delusions are the other psychotic symptoms with criminal importance. These special beliefs of which the reality the patient is convinced without doubt are often motives of gruesome violence. Persecutory, paranoid ideation, control-override, religious thoughts and misidentification syndrome are supposed to be the most dangerous types of delusions.<sup>44</sup>

#### **IV. Summary**

In the scope of the present paper, we examined the prevalence of psychiatric disorders among juvenile offenders. We presented the prevalence of mental disorders found abroad and presented partial results of an ongoing Hungarian study of which the agenda is to estimate the psychiatric involvement of inmates of juvenile correctional facilities. In the second part of the publication, we summarized the symptomatology of the most common psychiatric disorders and made an attempt to identify the symptoms that may have the most important role in the criminal behavior. Due to length limitation, we did not have the opportunity to dive deep into the dynamics of each psychiatric disorders that show correlation with criminality, this is a task left for further studies to complete. Here, our agenda was to give a highlight of the significance of the extremely high prevalence of psychiatric disorders occur among juvenile offenders. We hope that our brief presentation fulfilled its aim and has successfully convinced the reader that a basic knowledge of psychiatry can support law enforcement staff while performing its task.

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<sup>44</sup>John Gunn, Pamela Taylor and Ian D. Hutcheon. *Forensic psychiatry: clinical, legal and ethical issues*. (Boca Raton: CRC Press, 2014).

- youth,' *European Child & Adolescent Psychiatry* 28, no 11 (2019), 1537-1546.
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# How Did We Handle the Impact of the Pandemic in the Prison Service?

Orsolya Czenczer<sup>1</sup>

The COVID-19 epidemic has put significant pressure on national penitentiary services all over the world to control the impacts that the pandemic has on closed prison environments. The prison services of European Union have responded with incredible speed and effectiveness with preventive and administrative measures to prevent the spread of the virus. The Hungarian Prison Service did as well. The presentation examines the main changes that had to be introduced due the pandemic situation, their effectiveness and long-term applicability in the Hungarian prisons. I would like to present some aspects of inmate contact with the outside world, security issues, admission procedures etc. Hungary has successfully processed and incorporated mostly all of the expectations of the international parties as well, in fact, he took further steps to make the pandemic's outreach contacts of prisoners and relatives more colorful and active. My presentation will highlight this part of the pandemic, also the best practices reached as far.

**Keywords:** pandemic, prison, inmate, security, best-practices

## I. Introduction

On the 30<sup>th</sup> of January 2020, following the recommendations of the Emergency Committee<sup>2</sup>, the World Health Organization (WHO) Director General declared that the SARS-CoV-2 coronavirus disease constitutes a Public Health Emergency of International Concern. Soon, on the 11<sup>th</sup> of March 2020, due to the rapid increase in the number of cases outside of China, the WHO Director General announced that the outbreak should be considered as a global pandemic. This day brought on significant changes in everyday life both in the society<sup>34</sup> and in our prison facilities.

The COVID-19 epidemic also put serious pressure on national penitentiary institutions that endeavored to control the impacts of the outbreak within closed prison environments. The penal organizations in the member states of the Council of Europe (EC) responded incredibly fast to block the spread of the virus by implementing both preventive and administrative measures. Various international participants, protecting the rights of people in detainment and those deprived of their liberty, also presented immediate responses to the news of the pandemic. The objective of the Council of Europe and its cooperative organizations was to support the reactions that endeavored to deal with the situations within prisons by facilitating the exchange of information and best practices. The practice that is still in operation, was that the organizations of the EC: European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), the EC Commissioner for Human Rights, as well as the Working

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<sup>1</sup> Dr. Orsolya CZENCZER corr. lieutenant colonel, associate professor, University of Public Service, Faculty of Law Enforcement, Department of Correction. E-mail: czenczer.orsolya@uni-nke.hu, orcid.org/0000-0002-3318-6767

<sup>2</sup> International Health Regulations.

<sup>3</sup> Ürmösné-Kovács: *Az online oktatás hatékonysága a rendészettudományi karon az oktatók és a hallgatók szemüvegén keresztül – egy hibrid kutatás eredményei*. Védelem Tudomány: Katasztrófavédelmi online tudományos folyóirat 7 : 1 pp. 191-219, 29 p. (2022)

<sup>4</sup> Ürmösné Simon Gabriella, Borszéki Judit, Barnucz Nóra, Uricska Erna: *A rendészeti szaknyelv szerepe a felsőoktatásban és az új nyelvi stratégia bevezetése*. In: PORTA LINGUA 2021: 1 pp. 185-195, 11 p. (2021)

Group of European Prison Cooperation Committee (PC-CP WG) issued declarations and statements as advocates of human rights that are also fundamental during a pandemic. Furthermore, several partner organizations: the directives of Innovative Prison Systems (IPS) (Apóstolo, Martins & das Neves, 2020), the UN Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (SPT)<sup>5</sup> (United Nations, 2020a; 2020b), the information platform of Association for the Prevention of Torture (APT)<sup>6</sup> (URL1), the regular publications of Penal Reform International (PRI, 2020), the temporary guidelines of the European Regional Office of WHO (URL2), just as the network of European non-government organizations, and the interactive pandemic chart of the information network created by the European Prison Observatory (EPO) as well as its reports (URL3) all contributed to the efforts of the penitentiary. Organizations in the member states of the EC were able to handle detained communities during the pandemic in a most effective and humanistic manner. The objective of this present study – due to size limitations, in a non-exhaustive manner – is to introduce the directives of the penitentiary committees of EC and their supervisory bodies, as well as the manifestos, statements and conclusions of their international joint organizations concerning the COVID pandemic.

The penitentiary committees as well as the experts of the Council of Europe (EC) – immediately lined up in the frontlines following the announcement of pandemic situation on the 11<sup>th</sup> of March, and started to formulate their helping and supportive Statements and Recommendations.

On the 7<sup>th</sup> April, 2020, the Secretary General of the Council of Europe issued its statement entitled “*Respecting democracy, rule of law and human rights in the framework of the COVID-19 sanitary crisis*” as “*a toolkit for member states*” (Council Of Europe, 2020a). According to the Secretary General, “*The virus is destroying many lives and much else of what is very dear to us. We should not let it destroy our core values and free societies.*”. The toolkit was intended to guarantee that the measures, which the member states implemented during the epidemic would not be disproportionate with the hazardousness of the situation and could only last as long as it is necessary. The document focuses on four key areas: the interpretation of the derogations from the European Convention on Human Rights in time of emergency; Respect for the rule of law and democratic principles in times of emergency, including the limitations concerning the sphere and the duration of emergency measures; as well as the respect of human rights including the freedom of speech, the right to privacy data privacy and the prohibition of discrimination of disadvantaged groups and the right for education. Finally, the last key area is the protection from crime and the protection of victims of crime, with special focus on sexual and gender-based<sup>7</sup> violence.

## II. Statements of the Committee of the Prevention of Torture

Meanwhile, the experts in the EC committees dealing with the rights of people deprived of their liberty tirelessly worked on the formulation of the recommendations concerning the situation of the group of people they represent. Thus, the first organization to issue a statement of principles concerning the treatment of persons deprived of their liberty in the context of the global pandemic

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<sup>5</sup> Subcommittee on Prevention of Torture.

<sup>6</sup> The Association for the Prevention of Torture created such an informational platform, that summarizes and organizes the data related to imprisonment and and Covid-19.

<sup>7</sup> Ürmösné Simon Gabriella: *Gender, szubkultúriák, genderpragmatika*. In: Navracsics, Judit (szerk.) *Transzdiszciplináris üdvözetek: Lengyel Zsolt számára*. Budapest, Magyarország, Veszprém, Magyarország: Gondolat Kiadó (2014) 238 p. pp. 210-218, 9 p.

was the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT). In their statement, besides recognizing the necessity of effective measures against COVID-19, CPT raised the awareness of the member states to the complete prohibition of torture<sup>8</sup> and inhuman, or degrading treatment. According to the statement, protective measures must never result in inhuman or degrading treatment of persons deprived of their liberty. According to this, the statement contains an appeal that WHO guidelines on fighting the pandemic as well as national health and clinical guidelines consistent with international standards must be respected and implemented fully in all places of detention. At the same time, staff availability should be reinforced, and staff should receive all professional support, health and safety protection as well as training, necessary in order to be able to continue to fulfil their tasks in places of detention.

Regarding the pandemic, CPT also raised awareness that any restrictive measure taken vis-à-vis persons deprived of their liberty to prevent the spread of Covid-19 should have a legal basis and be necessary, proportionate, respectful of human dignity and restricted in time. It is of special importance that persons deprived of their liberty should receive comprehensive information, in a language they understand, about any such measures. They also regulated the situations of detainees with special needs, highlighting that special attention will be required to the specific needs of detained persons with particular regard to vulnerable groups and/or at-risk groups, such as elder persons and persons with pre-existing medical conditions. This includes, inter alia, screening for Covid-19 and pathways to intensive care as required.

According to the CPT statement, the persons deprived of their liberty should receive additional psychological support at this time. In cases of isolation or placement in quarantine of a detained person who is infected or is suspected of being infected by the SARS-CoV-2 virus, the person concerned should be provided with meaningful human contact every day.

The statement considers that although it is legitimate and reasonable to suspend nonessential activities, still, the fundamental rights of detained persons during the pandemic must be fully respected. This includes in particular the right to maintain adequate personal hygiene and the right of daily access to the open air. Furthermore, any restrictions on contact with the outside world, including visits, should be compensated for by increased access to alternative means of communication. The statement also contains recommendations regarding further areas of jurisdiction, namely that concerted efforts should be made by all relevant authorities to resort to alternatives to deprivation of liberty. According to the perspective of CPT, such an approach is imperative, in particular, in situations of overcrowding. Still further, authorities should make greater use of alternatives to pre-trial detention, commutation of sentences, early release and probation. Fundamental safeguards against the ill-treatment of persons in custody also must be seamlessly provided. Similarly, monitoring by independent bodies remains an essential safeguard against ill-treatment. States should continue to guarantee access for monitoring bodies to all places of detention, including places and persons that are kept under quarantine or other kind of isolation. After the issue of the Statement on the 20<sup>th</sup> of March, on the 9<sup>th</sup> of July a follow-up statement was issued, in which CPT particularly gave thanks for the constructive cooperation of member states in which they paid attention to each detail. According to their observations, the member states implemented particularly significant changes concerning the provisions that demanded deprivation of liberty, as several states used the diversionary or postponing arrangements recommended by the CPT. At the same time, the CPT welcomed the measurements introduced by the member states, which eased, facilitated and supported keeping contacts for the detained persons. The follow-up

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<sup>8</sup> Ürmösné Simon Gabriella: *Amazing Penal Institutions and Dwelling Circumstances of Inmates*. Internal Security 11: 2 pp. 179-190, 11 p. (2019)

statement also highlights that several countries paid special attention for the improvement of sanitary measures and practices, not only in relation with the pandemic, but obviously inspired by it. The CPT raised the awareness of the member states that the pandemic provided excellent opportunities to implement several recommendations already suggested by the Committee. They particularly referred to their observations regarding the elimination of the reasons that cause overcrowded conditions, but the review of certain legal institutions could also have actuality. Furthermore, they raised awareness that each limitation regarding the pandemic could only be valid until necessary. This was especially emphasized concerning the detainees' contact with the outside world and other activities that serve their reintegration.

Besides recognizing the necessity of the measures regarding the epidemic, both the original and the follow-up statement of CPT attributed special importance to the absolute prohibition of torture, inhuman or degrading treatment. As both statements emphasize, no protection measure should result in the inhuman or degrading treatment of persons deprived of their liberty.

### **III. Statements of Council of Penological Cooperation of the Council of Europe (PC-CP)**

After the statements of CPT, the Commissioner of Human Rights and the Secretary General of the Council of Europe, the Council of Penological Cooperation of the Council of Europe (PC-CP)<sup>5</sup> also issued its statement. It is important to note that within the Council of Europe, the European Committee on Crime Problems (CDPC)<sup>6</sup> and the Council of Penological Cooperation of the Council of Europe are the responsible bodies for the principles the humanistic treatment of persons deprived of their liberty as well as for the representation of the role of personal staff and the effective and modern prison governmental methods. These two professional bodies create the opportunity for international cooperation and the necessary professional and technical background within the framework of the Statues of the Council of Europe and under the supervision of the Committee of Ministers (Vókó, 2010). On the 17<sup>th</sup> of April 2020, and two later occasions, PC-CP issued follow-up statements, in which they endeavored to lay down guidelines concerning the physical and mental health of detained people and their keeping of contacts; raised awareness about the negative impacts of isolation while enlisting the tools for reducing these; and formulated practical recommendations in order to block virus outbreaks.

The first Statement was basically a shared resolution issued by PC-CP, EuroPris (the European Organization of Prison and Correctional Services) and CEP (Confederation of European Probation) together. In the framework of this, the three professional bodies raised awareness to the statements and recommendations of the Council of Europe, issued days earlier, as well as to the standards and practices, which could help the detention institutes and probation services in dealing with the coronavirus epidemic besides honoring the principles of rule of law and human rights. The statement enlists the aspects that are to guide the detention institutes of the member states in the introduction of pandemic limitations, and in the sustainment of these until necessary. On this level, such principles are formulated, as detention places need to provide the same quality medical and health services that the rest of the members of free society receive. Through this principle, specific recommendations are also formulated, for example, as a part of the admission procedure, each detainee has to go through medical examination – considering medical confidentiality – in order to inter alia discover any illness, including treatable contagious diseases too. However, the isolation of a detained person with contagious disease can only be considered as justifiable, if this isolation would also be applied in the free society for sanitary reasons. The isolation or quarantine of healthy detainees could only be legitimate, if their own health status – especially in case of the weakness

of the immune system – is threatened to a level, where isolation is unavoidable. Detainees with severe musculo-skeletal disorders, end-stage illnesses and elderly people require special treatment; in their case the options of amnesty for medical reasons as well as early release from custody has to be taken into consideration. Similarly, special attention has to be attributed to the detainees in disciplinary confinement; the provision of daily health checks by the staff and if necessary, immediate aid during the duration of isolation is obligatory. The statement emphasizes that although visits and other contact forms could be limited due to the pandemic, a mandatory minimum still has to be secured; the prison staff has to make sure that the detainees have an appropriate level of contact with the outer world. Regarding contacts, in case the detained person gets injured, seriously ill, or required hospital care – unless the detainee declares in a written form that it is against his will – a contact person (spouse, partner, or closest relative) has to be notified. In case of discharge from detainment, the detained person has to go through medical examination, with special attention concerning any mental or physical illnesses that could require further treatment. In case of any contagious illnesses, the detainment facility gets in contact with an outside healthcare institution, in order to continue monitoring or isolation after release if necessary.

In the framework of their shared statement, PC-CP, EuroPris and CEP raised the awareness of the member states that clear information has to be provided orally and, if possible, also in writing to all inmates and their family as well as to staff and all efforts are to be made to provide all necessary explanations in relation to the pandemic and the measures related to it. Publication of FAQs on prison service websites and /or establishing a helpline to answer questions of families of inmates was recommended.<sup>10</sup> Also an emphasized issue that at admission and before release inmates should be accommodated in single cells. Obviously, accommodation in single cells was a general recommendation for every inmate and should be provided as possible. The transportation of inmates to other institutions can only be executed if strictly necessary for security or other well-founded reasons.

Concerning the reintegration of the inmates PC-CP also formulated some specific recommendations. According to these, in prison facilities, where family visits are cancelled due to the pandemic, the prison services should provide free-of-charge additional possibilities for phone or video calls or other means of contact and correspondence. In countries where inmates can no longer work and earn money, they should be paid a compensation for the loss of income. Where collective recreational or sports activities are cancelled, they are to be replaced by additional TV and other electronic entertainment options and additional out-of-cell activities while respecting social distancing. Concerning the education of detainees whose final exams are scheduled, or a special training is about to finish, educational courses should be offered through online media. This is especially important in the case of juvenile inmates.

According to CEP, if probation offices are forced to cancel personal visits to the facility due to pandemic limitations, inside probation staff should take over their responsibilities in case of vulnerable inmates. In detainment facilities, where specific forms of visits are allowed (visits of lawyers, probation services or family visits to juveniles), the required distance and other protective measures are to be respected. Further on, the statement goes on to specify the recommendations concerning probation staff. The statement in detail specifies that if there isn't any opportunity for screening within the facility, the inmates are to be escorted to outside medical units for COVID-19 tests in case of requests or indication of contamination. Disinfectants and other sanitary equipment are to be provided and staff has to wear masks, gloves and sometimes other protective equipment as necessary. At this point, body temperature of inmates, visitors and staff is to be taken on a daily basis. In order to minimize the chance of outbreaks, the Statement also recommends that the staff should be divided in shifts/teams in a manner that the different teams/shifts do not come in contact

with each other, and the duration of the shifts is to be shortened. Besides these, it strongly recommended to provide additional support by staff psychologists and counselling are offered to all staff in need. Finally, as a closing thought, it draws the attention of the stakeholders to the fact that a number of countries have introduced emergency measures aimed at decreasing prison numbers and reducing prison overcrowding, and that – in case of inmates who are deemed to be suitable for such – alternate ways of sanctioning were preferred in the course of the sentencing process.

In September 2020, in the framework of an online conference, the workgroup of PC-CP analyzed the impacts that the six months since the start of the pandemic had on the penitentiary system, as well as the observations made during the visits of CPT and EuroPris. The conference concluded by the issue of a follow-up statement ([Council Of Europe, 2020b](#)) on the 28<sup>th</sup> of September, in which – seeing that the pandemic will be present in life of the member states for a longer period of time – they formulated key principles and recommendations in order to deal with the long-term impacts of the pandemic. The follow-up statement welcomed the efforts of the member states; that in spite of the serious pandemic situation they were able to provide early and proportionate reactions by trying to restore previous, good practices, and by offering new arrangements to the limitations caused by the novel situation.

The statement highlighted, that the pandemic revealed, how important it is to provide high quality healthcare conditions and provision in prisons, therefore maintaining these standards would also be valid after the pandemic. The training of sanitary staff, ensuring sufficient stocks of necessary hygienic items and keeping the general healthcare rules all require special attention. According to their standpoint, the introduction of new technologies in prisons and by the probation services is a positive trend, which needs to be further evaluated and supported.

The follow-up statement in detail enlists the advancements and the new best practices that were introduced in an incredibly fast and effective manner in the prisons of several countries. Such advancement is the compensation of prisoners with free-of-charge phone calls and other means of communication, which according to the PC-CP should remain as a complement to normal face-to-face contacts even after the pandemic. Further on, the follow-up statement refers to the recently revised and updated (on the 1<sup>st</sup> July, 2020) European Prison Rules ([Council Of Europe, 2020c](#)), with special focus on points 53 and 60.6, which recommend paying extra attention to the mental and physical health of inmates who are in solitary confinement for disciplinary or other sanitary or safety reasons, while recommending that any such confinement should be coupled with counterbalancing activities, such as increased number of free-of-charge phone calls, books and other reading material, TV and other media, in-cell educational, training and recreational activities and others. PC-CP raised special awareness that such periods of solitary confinement should be ended immediately with the end of the reason for their imposition. As a general rule, the PC-CP wishes to underline that any such restrictions on rights and freedoms of persons under the supervision of prison or probation services should be temporary only and should be proportionate to the severity of a crisis, as well as to its impact and time-span, and should be lifted as soon as the source for their introduction has ceased to exist.

Another remarkable impact of the pandemic was the decrease in the number of detainees in the member states. This process was achieved by different early release schemes (releases on parole, custodies to help reintegration), release of the perpetrators of minor acts of crime, change of judicial practices, applying the legal institutions of postponement and interruption of prison sentences as well as more frequent community sanctions. Although according to the PC-CP this trend should be welcomed and maintained in the future, it should also be noted that this has led in many countries to pressure on the caseload of the probation services. The PC-CP WG therefore urged the national

authorities to evaluate the impact of such measures on the work of prison, probation and police services and to ensure sufficient staffing levels and other resources, as well as other necessary measures, in order to allow these services to deliver quality work in the interest of public safety and reduction of crime levels.

During the pandemic, the general rise in suicide, domestic violence, sexual assaults, as well as the crimes related to substance misuse and addiction could be observed ([Council Of Europe, 2020b](#)). In several member states the increase in the numbers of these acts has also been quite marked among the population in prison and under probation supervision. The PC-CP WG therefore urged the prison and probation services to pay specific attention to dealing with these problems, by offering additional responses, including services for victims, as well as medical and psychological treatment, cognitive behavior therapy, addiction therapy and other interventions as appropriate, for offenders.

And finally, in the follow-up statement, the PC-CP WG urged the national prison and probation services, in case they have not yet done so, to evaluate the experiences they have had so far in fighting this pandemic and to agree and adopt crisis management plans which would help them deal with similar crises in the future in a coherent manner in full respect of human rights and the rule of law. These plans should include specific training of staff, appointment of a reference member of staff responsible for dealing with such situations and decision-taking procedures. The working group also urged the development of a strategy dealing with the media, including appointing and training staff members responsible for public relations and for providing transparent and regularly updated information to offenders and their families on the crisis situation.

Soon after the publication of the follow-up statement, on 14<sup>th</sup> of October 2020, PC-CP issued a revised version ([Council Of Europe, 2020d](#)). In this issue, one recommendation – nr.14 – was modified, which dealt with the practice of quarantining new arrivals in the course of the reception process, and the soon to be released detainees during the process of release; emphasizing that this measure is only due to the pandemic, and should not last more than strictly necessary.

#### **IV. International Recommendations, Domestic Implementations**

The outbreak of coronavirus also brought Hungarian penitentiary system into a situation of extreme challenges, as within a couple of weeks several such decisions had to be made and implemented, in which Hungarian penitentiary system neither had any theoretic, nor practical experiences. The Head Office of National Prison Services continuously introduced preventive and limitation measures, which were adjusted to the spread and the characteristics of the epidemic, while, besides the protection of human life, they constantly focused on maintaining safe detention services and securing the rights of the detainees. Last, but not least, the organization attributed special importance to the risk-mitigating measures that served the direct protection of the health of prison staff and the detained population. Since more than a year has passed, we can safely declare that the recommendations and measures included in the above introduced statements were outstandingly implemented in domestic penitentiary circles during the management of the pandemic. Five action plans and their amendments were issued by the Operative Staff of the penitentiary system, that pertained to the whole of penitentiary organizations, complemented by several letters that imposed certain tasks for specialized areas, as well as methodological guides and protocols that facilitated implementation, and information materials for the detainees and their contacts – that often (by date) preceded the statements of international professional bodies – endeavored to cover the sensitive

areas influenced by the pandemic, offering special solutions and arrangements in accord with international expectations.

For example, from the first appearances of COVID-19 in Hungary, the penitentiary system attributed special importance to provide information to detainees and their contacts, making use of up-to-date technical possibilities. Informal posters were created, video materials – created by the cooperation of detained participants – were aired through the closed prison video networks, and besides the national central homepage, every penal institute continuously raised awareness to the importance of prevention on their own homepages, while also providing information about the implemented safety measures. Furthermore, the penitentiary system created a so-called call-center, which provided authentic and up-to-date information on a daily basis for those who called, about the actual measures related to the pandemic situation.

International recommendations also imply that keeping track of the detainees' morale and their counselling became an accentuated issue. In Hungary, the pandemic situation and its joint measures had a negative impact on the inmates' morale, which required – simultaneously by dealing with the epidemic – immediate actions. The area, in which the pandemic affected the inmates' life the most, was keeping contacts. The pertinent legal regulations –in case the existence of certain conditions – normally allow to keep contact between the inmates and their registered contacts in six different ways – which could even include leaving the penitentiary institution. The protection measures that were created due to the pandemic, terminated these, – among others – finding a solution to bridge this issue became necessary. The Commander of the National Penitentiary Organization ordered that in order to reduce the negative impacts of the limitations that arose due to the health crisis, the inmates are allowed to use every available electronic contact form, regardless of their regime. The detainees are also allowed to initiate phone-calls in a frequency and duration that exceed the measures pertaining to the regime of their prison sentence; and if they do not possess the necessary financial deposit, upon request the penitentiary institute can take over the costs of the phone-call as a unique decision; besides that, they can receive or send parcels on several occasions per month. (Kovács, 2021) The new measures provided bonuses for the inmates by the extension of making phone-calls and sending parcels, and also, by loosening the conditions of keeping contact through Skype – as the latter was only available for detainees with irreproachable conduct and performance as well as low security risk classification. Regarding contacting through Skype, we have to mention contacting with the advocates, as Skype facilitated the full compliance of procedural rights concerning the keeping of contacts with these advocates.

Another important and regular point of international statements is the cooperation with partner organizations, and the creation of appropriate sanitary and hygienic conditions. In the course of their constant evaluating and analytical endeavors, the Hungarian penitentiary organization attributed special importance to getting in contact with the competent judicial, defensive and other partner organizations, which shortly after the outbreak of the pandemic could be executed. Regarding sanitary aspects, several measures became immediately operative, such as the 14-day-long isolation of new arrivals; the mandatory wearing of masks outside prison cells; the isolated joint allocation of inmates who are above 65 years of age, pregnant, or vulnerable due to their sanitary or mental conditions; regular disinfections; and several other sanitary measures.

In the light of the international recommendations, Hungarian judicial authorities also considered the execution of various alternative reduction measures. Thus, the *ex officio* investigation of the application of custody for reintegration in order to reduce the number of inmates and thus the chance of infection, and the delay of new arrivals all contributed to the reduction of possible sanitary and safety risks. Furthermore, in order to reduce the load on the endpoints of distant trials and to minimize the risks of the transportation of inmates to judicial trials and police interviews,



meeting rooms were developed in several correctional facilities, while the existing ones were put into service.

Naturally, the field of probation services also could not remain untouched by new regulations. Electronic administration became a new, dominant form of contact, by which the probation staff was able to get in contact with competent professional bodies, organizations or institutions in order to fulfil their responsibilities.

## V. Closing Thoughts

Early on, in the pandemic, the potential risk of COVID-19 outbreaks occurring inside prisons was highlighted. Indeed, owing to overcrowding and structural issues people in detention (PiD) and prison officers (POs) were considered at higher risk of acquiring COVID-19 infection. (Giuliani *et al*, 2021)

The impacts of the coronavirus epidemic on the operation and the legal framework of European penitentiary organisations as well as on prison population will remain in the crosshairs of researchers, analytics, and legislators for a long time. (Ürmös, 2019). Since the March of 2020, the penitentiary organizations of the member states of the Council of Europe introduced several legal institutions while also making amendments for some existing ones. However, these amendments and innovations that were due to the pandemic, also led to new discoveries. Online contacting became widely used with success, extended e-learning possibilities became available in prisons, the sanitary support and toolkit of penitentiary facilities went through significant improvements, several alternative judicial arrangements were proven to offer effective and permanent solutions for overcrowding, and so on.

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# The Hungarian Practice for Teaching National Security Studies at the University of Public Service

*Imre Dobák<sup>1</sup>*

In general, it can be stated that the national security services play a special role in the state administration, the importance of which is becoming more and more appreciated these days. Their tasks are manifested in supporting the security and providing relevant information to decision-makers at the political level. This requires qualified staff, in which higher education plays an important role. In Hungary, the national security higher education is among the official training offer at the National University of Public Service, whose civil national security field appears among the Faculty of Law Enforcement courses. The training structure, the competences to be acquired, the security policy and the analysis approach are in line with similar examples on the international scene. Along the lines of the above ideas, the study describes the Hungarian practice at NUPS, and formulates ideas for higher education in national security.

**Keywords:** national security, higher education, security

## I. Introduction

Nowadays, the effective working of national security services requires highly qualified professionals. Generally stated, universities all over the world provide an important higher education background to meet this need, with a very diverse range of courses on offer. A significant proportion of their staff are graduates from higher education, and many different skills may be required in the security services system. One can think of engineers, computer scientists, lawyers, or financial specialists. Concerning the workforce, as an additional option, university degrees closer to their security role and professionalism are also becoming important. This could also help them to develop and broaden their knowledge in the scientific fields relevant to the sector.

Because of the complex sectoral structure, this paper deals with the place and role of the Institute of National Security and its role as a science organizer in the field. It will discuss the purpose of the so-called civilian national security training courses offered by the Faculty of Law Enforcement<sup>2</sup>, with particular reference to the specificities of the leadership courses. It is worth pointing out that there are many similar higher education courses in the international arena, designed to meet the needs of the security sector. In the Western training context, all these can be found in the training categories of national security studies or even intelligence studies. The paper will discuss the role of competences and knowledge, their development in higher education and the importance of the academic activities behind these courses.

Nowadays, in the complex security policy environment, the knowledge also comes from several disciplines, so that in addition to the traditionally dominant military science, police science, as well as law and history, also play an important role. In this context, the aim is to provide a higher education framework adapted to the training needs of the public administration - defence - law enforcement sector, where a wide range of disciplines and knowledge is represented.

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<sup>1</sup> Imre Dobák PhD, E-mail: [dobak.imre@uni-nke.hu](mailto:dobak.imre@uni-nke.hu), [orcid.org/0000-0002-9632-2914](https://orcid.org/0000-0002-9632-2914)

<sup>2</sup> Gábor, Kovács: *A Rendészettudományi Kar további fejlesztésének főbb irányai*. *Belügyi Szemle* 2022, 70(10), 2047-2060. <https://doi.org/10.38146/BSZ.2022.10.7>

## II. The training framework

The need for higher education training in the security sector is present in many European countries. On the one hand, universities provide the general environment for the transfer of knowledge, and on the other hand, historically, they have been one of the key centres for the concentration of new knowledge and skills. Accordingly, this environment should be seen not only as an educational environment, but also as a place for academic relations and development. It will allow for the enlargement of the literature on national security/intelligence studies, the publication of new theories and even methodologies. This is the place where a community of historians and researchers can present and discuss the history of the profession and learn from international experience. The role of international literature and research databases, which the university environment offers a wide range of opportunities for accessing, can be highlighted.

In Hungary, the framework for higher education in national security at university level can be found in the training offered by the National University of Public Service. Due to its history, the field of training is close to both military and law enforcement thinking, so its training areas have a place in both fields. Looking back at the history of the secret services in the 20th century, the two fields had their own training history, which was abolished with the change of regime. It was only about a decade later that the process of developing training for the national security services in higher education started to be developed and launched again. „Military higher education played a decisive role in this, as national security training was already a constant feature at the Miklós Zrínyi National Defence University.”<sup>3</sup> In the years that followed, the university created bachelor's and master's degrees in national security with a military orientation, in line with the "Bologna system". The civilian-oriented national security courses could already be offered after the creation of the University of Public Service.<sup>4</sup>

Currently two faculties at the University of Public Service offer national security courses. The Faculty of Law Enforcement and the Faculty of Military Science and Officer Training. These trainings are coordinated, among other things, by the Institute of National Security, a specific organisational element of the University.

This Institute and the three coordinated departments are responsible for higher education in national security. The Institute's role is stated on the university website

*"The Institute of National Security (INS) is an interdisciplinary institute responsible for higher education and training on national security at the Ludovika - University of Public Service. The main tasks of the Institute are to organize the national security higher education programs with the cooperation of three university departments (Military National Security Department, Civilian National Security Department, and the Counterterrorism Department) and to coordinate the teaching of subjects related to national security. The INS conducts scientific research to develop the educational background, literatures and cooperates with the relevant organizations as well as professional and scientific research institutes."*<sup>5</sup>

In terms of training offerings, both military and civilian national security have bachelor's and master's degrees, which can be seen in the training offerings of the faculties. The Training and

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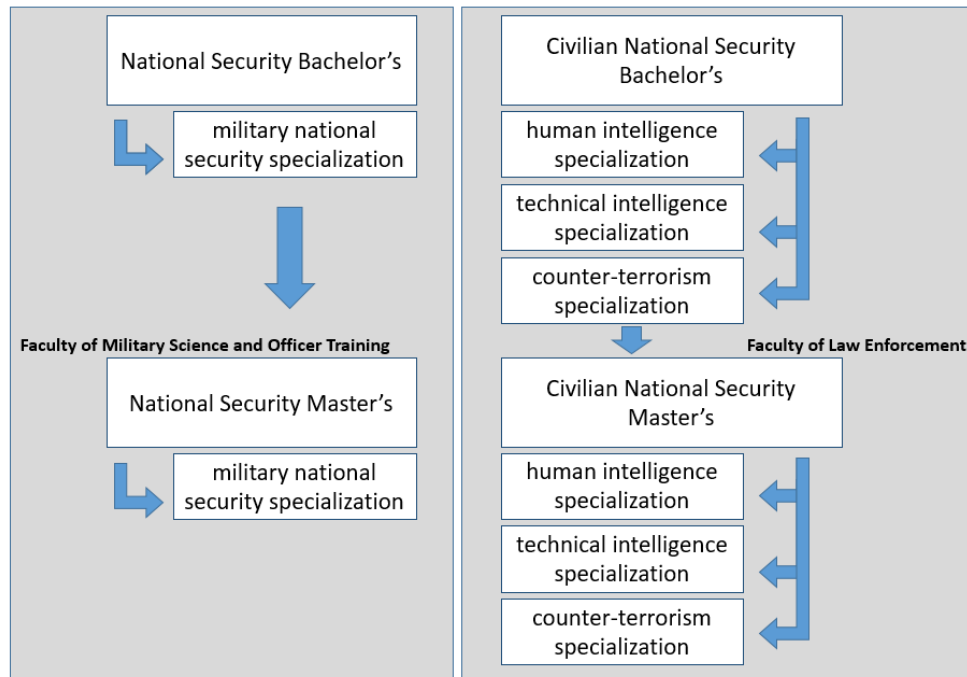
<sup>3</sup> István, Héjja: *A katonai nemzetbiztonsági képzések helyzete (1990-2012)*, Nemzetbiztonsági Szemle. Képzéstörténeti Konferencia, Különszám, 2014.

<sup>4</sup> Imre, Dobák: *Polgári nemzetbiztonsági képzések a hazai felsőoktatásban: A képzésfejlesztés aktuális kérdései*, Nemzetbiztonsági Szemle (Online) 2017, 37-54. (2017)

<sup>5</sup> <https://nbi.uni-nke.hu/english/introduction> (downloaded: 08.28.2022)

Output Requirements can be seen at the 222/2019. (IX. 25.) Government Decree. The Hungarian higher education in national security has several specificities similar to other European countries. (These university programs on national security, are open only for the members of Hungarian authorized organizations, who meets other prescribed requirements also.)

Figure 1: Training structure for national security studies at UPS (Hungary)<sup>6</sup>



### III. Knowledge, competence

As far as the training objectives are concerned, it can be generally formulated that the aim of the Bachelor Degree Programme is to train experts with a high level of professional knowledge, who are familiar with new scientific developments in the field and have theoretical and practical knowledge that goes beyond professional issues (e.g. legal, psychological, information technology, security policy). In the Masters courses, all these training objectives move away from practical training elements towards more comprehensive theoretical issues. In addition to the expert training areas, the ability to develop the theory and methodology of the profession is emphasised, as well as the development of leadership skills. For details of the training objectives, see Government Decree No. 222/2019 (IX.25.) on the register of qualifications in the field of science of public governance and the training and graduation requirements of the programme.

It is understood that the courses include legal, political science, political science, history, security policy and professional subjects. This is not a Hungarian specificity, as these areas (diplomacy, strategic intelligence, analytical evaluation) are also included in the elements of national security and intelligence studies courses that are visible on the international scene.

The development of leadership competencies is also important and is emphasised in the Hungarian training structure, especially in the Master's degree. This is reflected, for example, in the title of

<sup>6</sup> Source: Compiled by the author.

the qualification promised by the civilian national security degree (certified senior national security expert), which appears among the law enforcement area. The name reflects the dual nature of the internal content of the degree, i.e. the combination of professional expertise and management skills.<sup>7</sup>

In the field of national security, the question often arises as to where its professionals can obtain the knowledge specific to the sector. International literature shows that this comes from several directions:

- the wide range of professional knowledge that is available in civilian life is necessary to carry out tasks specific to the sector. This is the case, for example, for HUMINT activities, where specific fields of knowledge, ranging from pedagogy to sociology and psychology, are also present. But we can also think of IT and other technical skills, which are indispensable in the security sector of the 21st century. These do not, however, fully represent the specialised knowledge that is important for the sector, but they do appear in a number of elements.
- this includes specific forms of transfer of knowledge within the sector, where generic knowledge can be passed on to the next generation.
- the national primacy of national security at national level means that national security policy documents (strategies) and the legislative environment in which the intelligence sector operates are an important element.

The above indicate that the university environment provides an opportunity to develop an alignment between the profession and the knowledge taught by academics. This ensures that in many fields, such as law, history and security policy, a respected community of academics and researchers can share their knowledge with students.

#### **IV. The training methods**

In terms of the structure of training, both theoretical and practical subjects are taught in the Bachelor's degree (BA), while in the Master's degree (MA), are more prominent the theoretical subjects. As regards the training objectives, it can be generally stated that the bachelor's degree aims to train professionals with a high level of professional knowledge, who are familiar with the latest scientific results in the field and have theoretical and practical knowledge, while in the master's degree all these training objectives are shifting away from the practical training elements towards more comprehensive theoretical issues. In addition to expert knowledge, particular focus is given to the ability to develop the theory and methodology of the profession, and to the development of leadership skills. This, together with the duality of the internal content of the degree, is reflected in the title of the diploma, which combines expert and managerial skills ("Senior Expert in Civil National Security").

The structures of the subjects consist of core subjects, specialisation subjects and electives. The core subjects cover the main knowledge specific to the field of national security, complemented by specialisation subjects.<sup>8</sup> Regarding training-teaching methods: In addition to theoretical training, part-time courses have a smaller share of practical training. At the same time, creative training methods play an important role, and in addition to classroom-based individual and group work placements, there are field trips. See table 1.

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<sup>7</sup> Imre, Dobák: *A nemzetbiztonsági felsőoktatás aktuális kérdései*, Hadtudományi Szemle, 11,1 pp. 157-172. , (2018)

<sup>8</sup> József Boda: *A nemzetbiztonsági képzés helyzete Magyarországon*, Belügyi Szemle 66 : 2 pp. 5-21. (2018)

Table 1: Core subjects at the Bachelor's and Master's programme<sup>9</sup>

In the subject structure of the Bachelor's programme, they appear, among others, in the core subjects:	In the subject structure of the Master's programme, they appear, among others, in the core subjects:
Special knowledge of security and defence Law knowledge Military technology Analysis and evaluation of information Criminalistics, Criminology National security studies International institutions Law enforcement pedagogy Law Struggle against terrorism History of the secret services	Hungarian foreign and security policy International security institutions General theory of national security Law Diplomacy studies Studies in counter-intelligence Intelligence studies Introduction to Scientific Research Evaluation-analysis-information in national security Challenges, risks, threats in the 21st century National security and ethics

### A The place and role of management skills

Subjects directly related to the teaching of leadership skills:

- Theory of leadership and management theory, leadership of law enforcement activities 1-2
- Theory of leadership and management theory, leadership of national security activities

The internal content of these subjects will introduce students to management theory, organisational models and organisational theory issues. The subjects will cover the management process, decision-making, organisational coordination, strategic planning and management, project management and their sectoral specificities.

The course structure includes additional subjects such as, the theory and practice of leadership psychology, human resources management and development, communication, leadership skills, management communication, management competencies, development of leadership skills. Highly qualified professionals<sup>10</sup> teach all these from the relevant departments of the University.

### B The discipline

In Hungary, the growth of professional literature related to the field of national security has accelerated mainly in the last two decades, which has also indicated the expansion of the number of researchers, academics and professionals working in this field. Traditionally, historians and researchers have been present, researching the past of the secret services. There is also a growing number of researchers and studies dealing with national security theory, issues of analysis and evaluation, and the security challenges of the 21st century.

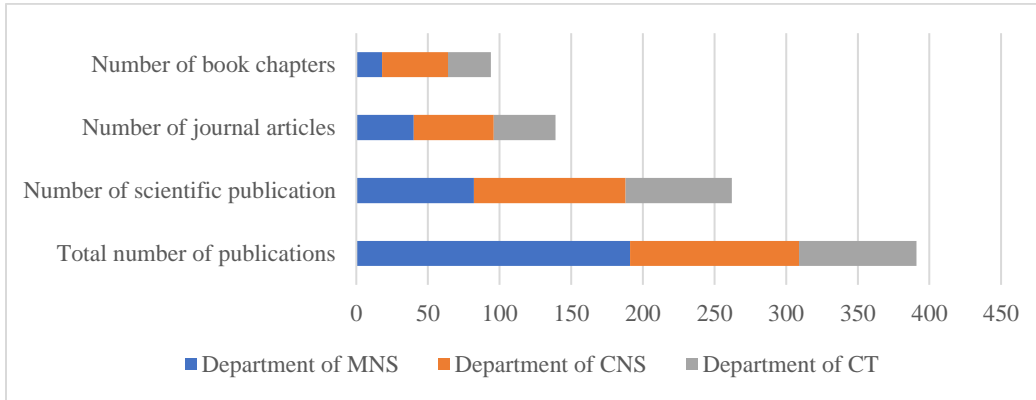
Concerning the members of the INS, we have reviewed the expansion of the range of scientific literature appearing in scientific database (MMTM - Hungarian Scientific Bibliography). For the field of training coordinated by the Institute, the number of publications (2012-2022) registered in the MMTM (Hungarian Thesaurus of Scientific Works) shows the participation of the academics linked to the field in scientific publications and thus their scientific activity. However, the composition of the literature defines the aims to the future, which is the strengthening of publication

<sup>9</sup> Source: Document of the training. Compiled by the author.

<sup>10</sup> Gábor, Kovács: *Expectations of the Lecturers of the University of Public Service Faculty of Law Enforcement*, In: Nenad Koropanovski. Archibald Reiss Days 2011. ISBN: 9788670204706, 9788670201903, pp. 253-259.

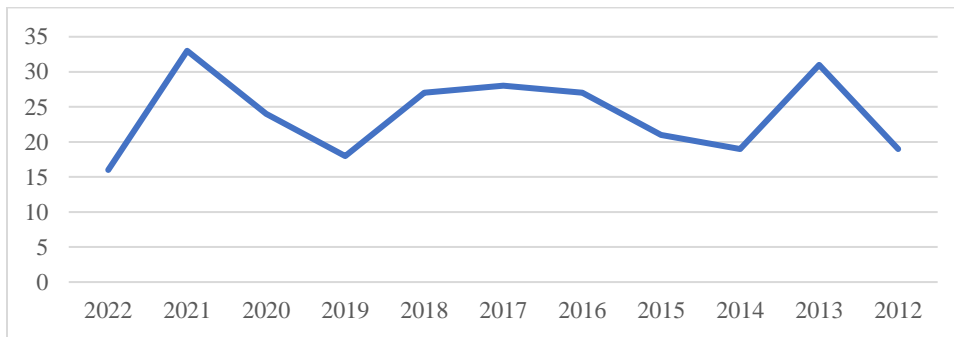
activity in the international scientific environment, where the dominance of English language is evident.

Figure 2: Number of publications registered at the INS, in the Hungarian Scientific Bibliography (MTMT) database (2012-2022)<sup>11</sup>



The graph below shows the 263 scientific journal articles published by year in the INS aggregate.

Figure 3: Number of scientific journal articles published by the UPS National Security Institute community 2012-2022<sup>12</sup>



## V. Closing remarks

Overall, the Hungarian national security higher education direction is well aligned with international patterns in many elements. The academic environment ensures a broad range of knowledge and the continuous development of the discipline.

While the “market” for training can be seen as limited, international examples confirm that there is a place for intelligence/national security training in the university curriculum. With the technological environment and the continuous development of the information society, many areas of knowledge (e.g. open information gathering, analysis and evaluation) are also valuable for external economic and business actors. It is becoming increasingly important to understand the complex relationships and contexts of our times and, indirectly, to develop the literatures,

<sup>11</sup> Source: Hungarian Scientific Bibliography (MTMT) database [www.mtmt.hu](http://www.mtmt.hu)

<sup>12</sup> Source: Hungarian Scientific Bibliography (MTMT) database [www.mtmt.hu](http://www.mtmt.hu)



particularly in areas that contribute to understanding, interpreting and addressing the challenges of our times.

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- József Boda: A nemzetbiztonsági képzés helyzete Magyarországon, *Belügyi Szemle 66 : 2 pp. 5-21. (2018)*
- 22/2019. (IX. 25.) Government Decree (on the list of qualifications in the field of public administration and the training and outcome requirements for these qualifications)
- UPS, Faculty of Law Enforcement, Sample curricula for the Bachelor's and Master's degree in Civil National Security.

# Some Legislative Vulnerabilities in the Matter of Equal Treatment and the Principle of Non-Discrimination in the Legal Service Relations of Police Officers

Ștefania Dumitrache<sup>1</sup>  
Cătălin Vasile<sup>2</sup>

In the analysis of our study we had as a starting point the principle of non-discrimination and equal treatment that governs legal employment relationships, so that later we migrated to the service relationships of police officers, on which occasion we identified their specific features and some vulnerabilities of the legislation in force, which have generated and continue to generate practical problems during the implementation of those legal provisions. The importance of the theme is reflected in the fact that the functioning of the Police organization is directly proportional and depends on the degree of legal protection offered to its members (police officers), and the organizational balance is built on individual balance, or such a desire can be achieved, including ensuring and, above all, respecting the principle in question.

**Keywords:** equality, non discrimination, service relationships, Police, statute, special law, judicial practice.

## I. Introduction

*The principle of equal treatment and non-discrimination* is one of the guiding ideas applicable in the field of labour law, having its origin in the provisions of art. 16 of the Romanian Constitution (*"The citizens' equality of rights"*), reiterated by the Labour Code in art. 5, this time with direct action in the field of both individual and collective employment. Thus, *"in labour relations, the principle of equal treatment of all employees and employers works"*, any direct and indirect discrimination being prohibited, as defined by the art. 5 of the Labour Code. On the one hand, we are dealing with a duty of the legislator to regulate the legal relations *"under the conditions of legal equality of the parties"*<sup>3</sup>, being an equality before the law, which, when not observed, raises the issue of unconstitutionality of the adopted normative act. On the other hand, we identify a legal obligation incumbent on the employer to not discriminate the employees, an obligation supplemented by the provisions of the Government Ordinance no 137/2000 which provides in art. 1 par. 2 that *"The principle of equality between citizens, the exclusion of privileges and discrimination are especially guaranteed in the exercise of the following rights: (...) (i) the right to work, to free choice of employment, to fair and satisfactory work conditions, the right against unemployment and to an equal wage for equal work, the right to a fair and satisfactory*

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<sup>1</sup> Dumitrache Ștefania PhD, University Lecturer, Police Academy "Alexandru Ioan Cuza", Bucharest, Romania. E-mail: [stefaniaa13@yahoo.com](mailto:stefaniaa13@yahoo.com).

<sup>2</sup> Vasile Cătălin PhD, University Lecturer, Police Academy "Alexandru Ioan Cuza", Bucharest, Romania. E-mail: [catadanvasile@yahoo.com](mailto:catadanvasile@yahoo.com)

<sup>3</sup> Alexandru Țiclea, *Labour law treatise. Legislation. Doctrine. Caselaw*, 10th updated Edition, (Bucharest: Universul Juridic Publishing House, 2016), 60.

*remuneration; (...) ”, the contrary behaviours meeting the constitutive elements of some contraventions and being sanctioned accordingly<sup>4</sup>.*

*Sui generis*, in a contractual legal relationship, discrimination entails the occurrence of an unfavourable situation for one of the parties in a discretionary manner without objective justification. We must necessarily recognize the existence of situations of inequality imposed or permitted base on objective criteria, but supplemented by compensatory legislative interventions in favour of the person in a position of inferiority<sup>5</sup>.

*In concreto*, in labour relations, the employer's obligation to ensure equal treatment for all employees is deeply violated by favouring some of them, thus disadvantaging others, without the existence of circumstances that would allow such an approach. The concept of employee means both the natural person who is part of an individual labour contract as a wage earner and who is subjected to the provisions of the Labour law, and the natural person as part of a labour relation, governed by special normative acts. The legal labour relations of police officers are not based on the conclusion of an individual employment contract, but on an unwritten agreement of wills, formed by the will of the police officer manifested prior to the occurrence of the labour relations (through a multitude of behaviours starting with the enrolment in one of the educational institutions of the Ministry of Internal Affairs or filling in a vacancy to taking the oath of allegiance) and the will of the Ministry of Internal Affairs as an employer (expressed in the administrative act of appointment to the first position). The labour relations of police officers are born, executed, modified, suspended and terminated under the conditions of Law no 360/2002 and other special normative acts, the provisions of the Labour Code representing the common law in labour relations, which is equivalent to the fact that its provisions will be applicable to labour relations, whenever some matters are not addressed by the special laws in force. Such a case in which we have to resort to the provisions of common law is represented by the principle of equality and non-discrimination of police officers.

Our study aims to highlight and analyse some of the legislative vulnerabilities that could generate practical inequities in terms of police officers exercising some of their rights.

## **II. Results and discussions**

Results are presented in three different sections: 1 Appreciations regarding the support given to police officers in the purchase of a house; 2. Considerations about the legislative evolution regarding the granting of days off for parents in order to supervise children, in case of limitation or suspension of teaching activities that require the actual presence of children in schools and early childhood education units, following the spread of SARS-COV2 coronavirus; and 3. Some aspects regarding the salary of the teaching staff within the Ministry of Internal Affairs

### ***A Appreciations regarding the support given to police officers in the purchase of a house***

According to art. 31 par. 1 of Law 360/2002, “the police officer who meets the conditions for being granted the monthly rent compensation and who receives a real estate or a mortgage loan for the purchase of a house benefits from the monthly rent compensation for a period, which may not exceed the duration of the credit in question, for the payment of the instalment or a fraction of the loan instalment”. Therefore, it is about the right of the police officer, appointed in the first position

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<sup>4</sup> Ibid.; Ion Traian Ștefănescu, *Theoretical and practical labour law treatise.*, Revised 4th Edition, (Bucharest: Universul Juridic Publishing House, 2017), 90;

<sup>5</sup> Ion Traian Ștefănescu, *Theoretical and practical labour law treatise*, 90.

or moved in the interest of work and who does not own a personal property in the locality where he works, to receive monthly compensation for rent, even after purchasing a personal property in the locality where the police unit is based, based on a sale-purchase contract with the payment of the price in instalments by contracting a mortgage or real estate loan. The legislator makes express reference to a certain category of police officers, namely those who meet the conditions for being granted the monthly compensation for rent, who will continue to collect the compensation in question. Per a contrario, the police officers who purchased a home through sale-purchase contracts with the payment of the price in instalments, prior to 2018, when this right was recognized by Law no 288/2018 for amending and supplementing some normative acts, do not receive financial support for the payment of the instalment or a fraction of the instalment. Practically, at the moment, there are police officers who are granted financial support for the payment of instalments related to loans contracted for the purpose of buying personal property and police officers who, although they pay instalments contracted with the same motivation, do not benefit from any compensation from the employer on the grounds that they bought the houses before 2018. We appreciate that this is an inequity generated by the deficient expression chosen by the legislator that focused on rent compensation and not on what was intended to be the right to benefit from financial support for the purchase of housing with the payment of the bank loans in instalments, meaning a compensation granted to police officers "in consideration of their special obligations, in order to stimulate their loyalty to the institutions they work for, the values and principles of the Romanian state and European Union, in the spirit of the most competent and adequate service possible for the benefit of the citizens". We ask ourselves whether the legal provision is constitutional in the context in which there are police officers to whom the provisions of art. 31 par. 1 of Law no 360/2002 do not apply, but they are in situations that are similar to those to whom the provisions already apply, and who purchased houses through bank loans and pay the monthly instalments. That is why we propose the modification of the phrase "benefit from the monthly rent compensation" with "benefit from a compensation equal to the monthly rent compensation" by *lex ferenda*, as well as the completion of the legal text in the sense of its applicability *ex nunc* to police officers who currently pay instalments following the contracting of mortgage or real estate loans intended for the purchase of a house in the locality they work in.

***B Considerations about the legislative evolution regarding the granting of days off for parents in order to supervise children, in case of limitation or suspension of teaching activities that require the actual presence of children in schools and early childhood education units, following the spread of SARS-COV2 coronavirus***

In its current form, the Government Emergency Ordinance no 147/2020, establishes, as a rule, the obligation of employers to grant days off to employees for the supervision of their minor children under 12 in case of limitation or suspension of teaching activities that require their actual presence in schools or early preschool education units where they are enrolled for reasons related to the evolution of the pandemic that has affected the entire world.

By derogation from this rule, pursuant to Art. 4 par. 1, the employees of the national defence, public order and national security system, the penitentiary employees and the personnel of the public sanitary institutions benefit from days off upon request and only with the employer's approval, as there is no longer an obligation of the employer in this case, but a right of the employee that will be analysed from the perspective of the public interest served by that the unit where he is employed. Thus, if the days off cannot be granted, under the conditions of art. 4 par. 3, the employee will have the right to a salary increase granted in addition to the due salary rights, as compensation, in the

amount of 75% of the basic salary/official salary/official pay corresponding to a working day, but not more than the daily correspondent of 75% of the average gross salary used to substantiate the state social insurance budget.

In its original form, par. 1 of Art. 4 expressly provided that the employees in question, including police officers, did not benefit from days off for the supervision of their children, and par. 3 stipulated that *"If both work in one of the fields stipulated in par. (1), only one of them is entitled to a salary increase in addition to the due salary entitlements, in the amount of 75% of the basic salary/official salary/official pay corresponding to a working day, but not more than the daily correspondent of 75% of the average gross salary used to substantiate the state social insurance budget, corresponding to the number of working days in the period stipulated in art. 1 par. (1)".* Surprisingly, in the case of police officers, the legal text was interpreted and applied in the sense that the salary increase would have been granted to one of the parents, only if both of them were employees of the Ministry of Internal Affairs or other fields taken into consideration, thus refusing to recognize the compensation provided by the law to police officers whose spouses were not employed in the national system of defence, public order and national security, of penitentiaries or in a public health unit, despite the fulfilment of all the conditions provided. Noticing these difficulties of interpretation and implementation of the legal text, the legislator intervened by Law no 278/2020 for the approval of the Government Emergency Ordinance no 147/2020, amending the text of the law in the sense of express recognition of the right to the additional increase of salary rights in the context of the prohibition of granting days off, both if only one of the parents works in one of the areas mentioned, and if both parents are in such a situation. However, for the period between the adoption of the normative act and its amendment, the approach set out without any legal basis was maintained, the recognition of the compensatory right being made starting with the date of the legislative amendment described above, for police officers whose spouses were not employed in the national system of defence, public order and national security, of penitentiaries or in a public health unit and, implicitly, refusing to pay the salary increase for the previous period.

We are of the opinion that such an interpretation was contrary to both the rules of interpretation of normative acts and the "spirit of the law" and we appreciate that, in the situation where only one of the parents works in one of the fields provided in art. 4 par. 1 of the Government Emergency Ordinance no 147/2020, this was entitled to the additional increase of salary rights in the amount established by the normative act in question, including in the period preceding the entry into force of the legislative amendment for the following reasons:

- the purpose of the legislator in adopting the Government Emergency Ordinance no 147/2020 was to regulate measures for the protection and support of children and parents in case when the teaching activity in schools is limited or suspended. In addition, "the granting of paid leave applies to all employees in the public and private sector", as expressly stated in the explanatory memorandum on Law no 278/2020. The interpretation of a text of law with disregard for the above aspects in the sense of its non-application is contrary to the adage *actus interpretandus est potius ut valeat, quam ut pereat*, which expresses one of the rules of logical interpretation of normative acts.

- the establishment of the interdiction aimed at the employees of the national system of defence, public order and national security, the employees of the penitentiaries and the personnel of the public health units, in the sense that they did not benefit from free days for the supervision of their children under the provisions of Government Emergency Ordinance no 147/2020, is justified by the importance of the field the parents work in. However, it was compensated by the legislator by granting a salary increase so that this personnel category, working in key areas, should not be discriminated against in comparison with other employees of the labour market. Yet, as regards the

staff in the situation under consideration, the interpretation was unfair, in the sense that by not granting the salary increase, the negative impact of the measures imposed, in view of the exceptional situation in which the employees were, was much stronger than in the case of other employees, because they could not benefit from days off according to the law, and that prohibition was not compensated in any way.

- in addition, the legislator did not expressly provide at any time the conditions for both parents to work in the national system of defence, public order and national security, penitentiary or public health, but merely stated that only one of the parents has the right to a salary increase granted in addition to the due salary rights, if both work in one of the listed areas. The legislator did not distinguish between parents who have the quality of employees in the national system of defence, public order and national security, penitentiary or public health in terms of granting a salary increase only for some of them, and *ubi lex non distinguit, nec nos distinguere debemus*. Moreover, over the time the restriction of the right to take days off for the supervision of children in the event of suspension of the activity of the educational establishments in which they are enrolled has been permanently accompanied by the granting of a salary increase as compensation without distinction or discrimination (see provisions of art. 32 of the Decree – Law no 195/2020, art.47 of Decree – Law no 240/2020, art.7 of Government Emergency Ordinance no 70/2020).

- in addition, by Law no 278/2020, amendments were made to the Government Emergency Ordinance no 147/2020 in order to eliminate any differences in the interpretation of the initial texts such as those set out above. The hypothesis in which the staff that is the subject of this study met the conditions of a *pendente* legal situation so that in this regard the new law will be applied - Government Emergency Ordinance no 147/2020 in its current form with amendments and completions, including the law for its approval - without being able to be considered retroactive.

### ***C Some aspects regarding the salary of the teaching staff within the Ministry of Internal Affairs***

As a general rule, the remuneration of police officers is made under the Law no 153/2017, a normative act that includes a number of nine annexes dedicated to various professional categories in the budget sector, Annex no VI referring to the occupational family of budgetary functions "*Defence, public order and national security*". We will further refer to the staff of the Ministry of Internal Affairs who has the quality of police officer employed as a teacher, which is part of the teaching staff in its own educational institutions, according to the provisions of the National Education Law no 1/2011 (published in the Romanian Official Gazette, Part I, no 18 of 10.01.2018, with subsequent amendments and supplements), our intention being to demonstrate whether this professional category can benefit from a salary increase for neuro-psychical overload.

In our approach we take into account the provisions of art.16 of Annex no I - *Occupational family of budgetary functions "Education"* of the Law no 153/2017, according to which "*the teaching staff in the educational institutions (...) is granted an increase of neuro-psychical overload of 10% of the basic salary*" corroborated with art. 13. Par. 1 of Annex no VI of the Law no 153/2017, which stipulates that "*the legal provisions establishing bonuses, compensations and other salary rights for the staff in other fields of activity of the budgetary sector apply also to the military personnel, police officers, civil servants with special status of the penitentiary administration system and civilian personnel, who are in similar situations, regardless of the type of unit in which they work, with the approval of the Ministry of Labour and Social Justice*".

In this context, from the systematic interpretation of the legal texts invoked above, we believe that it is clear that the increase for neuro-psychical overload must be granted to all police officers who, according to Law no 1/2011 of National Education, are part of the teaching staff regardless of the

legal provisions under which the gross monthly salary is calculated, depending on whether they belong to an occupational family or another. The opinion is based on the following considerations: analysing the nature of the work, the training conditions and the working conditions, all teachers must be considered as being in a comparable situation, performing the same work or work of equal value; consequently, the right to equal pay for equal work is born, whose legislative and domestic consecration "excludes any discrimination in the establishment or modification of wages from one category of employees to another"<sup>6</sup>(Ștefănescu, I.T., 2017: 666); a salary increase represents the variable component of the salary, which has the character of compensation for the fact that the work is carried out under certain specific conditions. In this case, the increase in neuro-psychical overload gives greater effectiveness to the work performed by any teacher, whether police officer or not.

In support of our statements, we recall the opinion of the High Court of Cassation and Justice expressed in Decision no 46/2008 (published in the Romanian Official Gazette, Part I, no 495 of 16.07.2009): "regardless of the education level, the importance, complexity and work duties, the position, the profession, the quantity, quality and value of the work, branch, field or level of activity and the amount of the basic salary (wages) of an employee, *he/she must be given a certain salary increase if he/she actually works under the conditions provided by law for being granted that increase.*

*There is no legitimate, objective and reasonable justification that, in the case of 2 employees, (..) who both work - by way of example - in the same special working conditions, such as heavy, dangerous or harmful conditions, only one of them should receive the bonus and the latter should not receive it on the grounds that the law or ordinance on the basis of which the latter employee is remunerated does not provide the granting of this salary increase.*

In other conditions, taking into account the conditions mentioned above, of which the role, responsibility and complexity of the duties of the various positions, functions and activities are distinguished with priority, the legislator may establish different salary rights for certain categories of staff, without bringing any violation of equality of rights provided by art. 16 of the Constitution, but this differentiated treatment must refer only to the establishment of the basic salary (wages), of the compensations that constitute the amounts paid to certain employees according to specific work criteria or expenses necessary to fulfil work obligations, as well as compensations to the basic salary that are granted according to the individual performances".

### III. Conclusion

The police officers carry out their professional activity in special conditions, performing a job in a public service of general interest, reason for which it is essential that both the legislator and the employer in the process of implementing some normative acts with incidence in the matter of labour relations should ensure a fair balance between the rights and obligations that form the content of these relations, as a guarantee of the principle of combining particular interests with general ones (national order and security, respect for the citizens' rights and freedoms). In a modernist approach, the Police is an organizational structure built on its members, and their stability and individual performance are based on internal and external motivational tools alike. Ensuring the principle of equality and non-discrimination is such a lever at the end of which is the recognition of the importance of the work performed by police officers, as well as the conditions under which this work is performed.

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<sup>6</sup> Ion Traian Ștefănescu, *Theoretical and practical labour law treatise*, 666.

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# Challenges and Legal Solutions for the Energy Crisis within the European Union

*Aida Diana Dumitrescu*<sup>1</sup>

On all levels we are all facing a complex challenge posed by a multi-sectoral crisis. The subject of the present study addresses one of the facets of this contemporary crisis, namely the energy crisis. The identified legal solutions have a common ground for all states and particular notes considering the specifics of each of the states (individual energy situation, sizing of their own production categories, the possibility of resizing their production capacity in the short or medium term, etc.). The "red thread" - the key that runs through the common ideology that I believe must be manifested by all states (competent authorities) must be the reality that today we are all vulnerable captive consumers of electricity, this need being an essential need of modern man.

A present need for studies in the field of energy sector is undoubted, the legal component of such materials being mandatory. The conceptual unity of the measures adopted by the states must go beyond what is desired and be de facto imposed.

**Key words:** energy, crisis, national solutions, European solutions

## **I. The imperative of developing the legal norm within the limits imposed by the fundamental principles of law and fundamental human rights**

Contemporaries today are facing a crisis specific to our generation and first of all we must be aware individually but also at the national, European and global level that each of the previous generations faced specific crises. The emergence of a crisis, even complex, multidisciplinary, macroeconomic, is not new; the history of mankind is marked by a succession of crises of various natures, the novelty can only be in terms of the content (extent, structure, etc.) of that crisis.

The current European energy crisis does not present a high degree of novelty, it cannot be considered a "surprise" for decision-makers and specialists, it can be surprising for the population, for consumers; sectoral energy crises, not only in Europe, have existed before, the precedent being in measure to give us useful hints for the possibilities of reaction; the reality of the existence of some categories of limited energy resources is known and assumed by mankind, as well as the growing demand for energy at the global level, the limited number of energy sources, the limited number of states with exploited energy potential, etc.

We propose in this study to identify challenges and legal solutions of the current crisis for the states of the European Union, with a preference to establish the legal limits within which it is possible to regulate without bringing serious impacts to our democracy and, at the same time, identifying and applying effective solutions. The extent to which the European Union understands today to elaborate the normative framework for the implementation of the necessary measures in the energy sector, by which to ensure the respect of legal principles and fundamental human rights, is essential for its consolidation internally and externally.

The ideological space for establishing and implementing the necessary measures to minimize the effects of the energy crisis in the EU member states. it is guided by the historical values of European

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<sup>1</sup> Aida Diana Dumitrescu, University Lecturer, Police Academy "Alexandru Ioan Cuza", Bucharest, Romania

democracy. The European Union is today, once again, in the position of taking an exam and the discipline "law" is part of its tests. The limits of action are clearly established primarily through the fundamental principles of law and fundamental human rights, and any "forcing" of these limits can have repercussions that are difficult to anticipate.

The fundamental principles of law (the principle of the supremacy of the law; the principle of legal responsibility; the principle of guaranteeing the freedom, life and integrity of the person; the principle of good faith in the exercise of rights and obligations; the principle of ensuring the legal basis for the functioning of the state; the principle of guaranteeing the freedom and equality of individuals; the principle of equity and justice, etc.) forces a normative reaction under the auspices of good faith, by which to ensure equality between states and between individuals from different states, respectively from the same state. This "equality", however, needs the support of each individual for an effective implementation, to whom it must be proven that this "equal treatment" is not only regarding the "settlement of a liability" but also when "shareholders' dividends" are distributed to the union", because only when we obtain the intimate conviction of the citizen that he is in a partnership do we actually obtain a higher degree of voluntary compliance in relation to the measures ordered and automatically a lower degree of resistance - opposition to the implementation of those measures.

This crisis is therefore a good opportunity for the European Union to seriously analyze and correct its shortcomings from this point of view, in order to be able to request the support of its citizens and obtain their predominantly voluntary participation. Respect for fundamental human rights (respect for human dignity; freedom; democracy; equality; the rule of law; solidarity; non-discrimination) in accordance with the provisions assumed by the Treaty on the European Union<sup>2</sup> and the Charter of Fundamental Rights of the European Union<sup>3</sup> is essential for the legality and efficiency of the implementation of any rule.

## **II. Legal challenges in the European energy crisis**

The challenges raised by the energy crisis in the European Union plan are complex and aim at several levels (economic, social, legal, sociological, etc.) of which the legal one is in turn marked by the degree of cohesion - homogeneity of the member states, by the specificity (the position geo-strategic; the structure and level of natural resource reserves; the degree of industrialization; the level of technology, etc.) of each state so that the dichotomy between challenges specific to each of the states of the union and challenges common to them is a reality.

On the one hand we have the fundamental principles of law and fundamental human rights which are common values of the European Union states and on the other hand we have the energy crisis which is a common challenge.

### ***A Legal challenges specific to EU states.***

The "architect" of the normative framework whose object is the necessary measures to counteract the effects of the energy crisis in the European Union plan must have in mind a multitude of criteria but, first of all, he must ensure that he achieves compliance with the fundamental principles of law and of fundamental human rights.

The criteria to be considered include, in an exemplary enumeration:

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<sup>2</sup>[https://eur-lex.europa.eu/resource.html?uri=cellar:9e8d52e1-2c70-11e6-b4901aa75ed71a1.0020.01/DOC\\_3&format=PDF](https://eur-lex.europa.eu/resource.html?uri=cellar:9e8d52e1-2c70-11e6-b4901aa75ed71a1.0020.01/DOC_3&format=PDF)

<sup>3</sup> <https://eur-lex.europa.eu/legal-content/RO/TXT/HTML/?uri=CELEX:12012P/TXT&from=RO>

- the existence of different legal systems of the member states (Romanian or common law systems),
- different national legal provisions;
- the different structure of national energy producers,
- the different weight of the state's participation in the national energy producers;
- ongoing vertical and horizontal contracts regarding energy resources (concession contracts, supply contracts, etc.);
- the structure of the national energy market (if and what percentage is owned by the state);
- specific financial and fiscal provisions (different fee and tax systems);

Apparently, only the complexity of the specific criteria can seem like an insurmountable impediment, but I believe that the "key" can be summed up as "we must reach the same destination together, respecting the same principles" and the idea of own solutions must not generate fear but must be appreciated as proof of adaptability and a clear materialization of the concept of "unity in diversity".

It is interesting to analyze, from state to state, depending on the specific situation, to what extent this energy crisis can be invoked or not as a situation of "foreseeability".

The limitation and insufficient diversification of resources, respectively the increased demand for energy are elements known by all actors, the size of the evolution of these elements has determined a crisis, a state that is already susceptible to be joined to the concept of "unpredictability"; further, the amplitude of the crisis, the solutions for reducing its effects, are elements that can greatly particularize the legal context and can determine a clear inclusion in the category of situations of "unpredictability". The legal effect of this conclusion is fundamental because such a qualification allows the contractors of ongoing energy contracts to invoke unpredictability and to request either the adaptation or the termination of the respective contracts.

### ***B Legal challenges common to the EU states.***

"Armed" with common values in the face of a common "enemy" represented by the energy crisis, our states also face common legal challenges such as:

- the need to respect predictability and proportionality (legal security);
- compliance with competition rules;
- compliance with domestic and international legal provisions in the field of classified information (access to information specific to Security areas - energy security);
- respecting modern fundamental human rights (second generation, third generation).

Some ideas are important to remember in terms of respecting the economic, social and cultural rights of contemporary man, for whom respecting these rights means guaranteeing equal access to goods, services and basic socio-economic opportunities.

In this context, we have to answer some essential questions:

- How is our society prepared to qualify the citizen's access to energy?
- How are we, as European citizens, prepared to qualify access to electricity?
- We understand that we are in the presence of a European citizen's right, is the household consumer's need for energy a basic need in the contemporary world?
- Is it necessary to express the right to energy or is the fact that this right derives from other rights sufficient for its recognition?

To the extent that such an essential need, in my opinion, for the contemporary European citizen should be regulated, we would open a "Pandora's legal box" and we can prepare for the regulation of the right to drinking water, the right to a certain air quality, etc. Ofcourse we can take the

reasoning further and raise the problem of access to energy vis-a-vis humans, in general, but I think it is necessary that we, the citizens of the union, clarify this position first, within our own community.

On the other hand, I reiterate the fact that the solutions that are identified for these energy challenges are themselves real challenges for us, lawyers, for citizens, for states.

We consider that the security component of the energy crisis is a common challenge of states with a strong legal side, which leads us to discuss the concept of legal security in the energy crisis. Specific to the security component of the energy crisis is the fact that it can determine an atypical legal-socio-economic reaction mechanism, justified precisely by the security interest; this reality allows the implementation of some radical legal solutions (allowing the substantiation of the expansion of the use of nuclear energy; the nationalization of some producers; the imposition of harsh sanctions for non-compliance with consumption limits, etc.).

The financial-fiscal component of the energy crisis and implicitly the normative changes in this field are very important challenges, common to the states of the union, but the solutions (overtaxing producers, overtaxing suppliers, capping and compensating prices, limiting consumption, overtaxing consumption, etc.) tend to be predominantly individual, dictated by the national regulatory framework and the national structure of the producer-supplier-consumer chain.

### **III. Viable legal solutions to the European energy crisis.**

#### ***A General considerations***

Legislative power - the national (Parliament, Government), respectively European (Parliament, Council of the European Union, European Commission) has identified and is in the process of identifying some legal solutions for the above-mentioned challenges, more or less radical solutions; solutions that refer to standardization in various fields.

Reality has shown us that in the context of the energy crisis, both individual legal solutions and common legal solutions have been identified. Moreover, initially individual legal solutions, as a result of proven increased efficiency, became individual solutions, respectively, initially joint legal solutions, as a result of poor practical efficiency, were gradually abandoned.

What exactly are the solutions we are talking about? In an exemplary enumeration we identify:

- change of co-contractors, internal and external suppliers;
- change of co-contractors, internal and external producers;
- the reactivation of some energy sources that had previously been included in the category of those that must be abandoned at an accelerated pace (fossil fuels);
- reconsideration of energy sources (nuclear energy<sup>4</sup>);
- the accelerated diversification of energy sources (solar energy, wind energy, nuclear energy);
- overtaxation of producers;
- overtaxation of suppliers;
- elimination of some suppliers from the contractor chain;
- limitation of energy consumption;
- overcharging of energy consumption;
- ceiling on energy prices;

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<sup>4</sup> <https://www.europarl.europa.eu/factsheets/ro/sheet/68/politica-energetica-principii-generale>

“The Treaty establishing the European Atomic Energy Community (Euratom Treaty) serves as the legal basis for most European actions in the field of nuclear energy”.

- compensation of energy prices;
- nationalization of some energy producers;

The varied palette of solutions corresponds to the concrete diversity of the energy situation of the states of the union and, as I have already shown, to the extent that the respective solutions respect the principles of law, fundamental rights, ideological and concrete commitments of the union, they are an effective materialization of the concept of "unity in diversity".

Regarding the measures of a financial-fiscal nature, it is relevant to mention the particularity that, in the states where the state owns the majority packages of producers, respectively energy suppliers, a price ceiling or a profit surcharge generates a significant impact on the budget state. There is also an impact on the budget when the price is capped without compensation (effect on the producer or supplier) or with compensation (exclusive budgetary effect). Thus, we appreciate that it is correct that when measures of a financial-fiscal nature are taken, a fair, balanced bearing of the "price" of this crisis by all its actors (state, producers, suppliers, consumers) should be taken into account; otherwise, significant imbalances are created materialized through the bankruptcy of economic agents and the contraction of the economy, through the decrease in the purchasing power of the consumer and the state's lack of financial levers that would allow it to maintain a decent standard of living of the citizen, etc.

### ***B "Nationalization" versus "unionization"***

A very controversial legal solution that I think is mandatory to discuss is "nationalization".

Although nationalization was the first legal solution I thought of at the beginning of the energy crisis, the nationalization of the gas and electricity supplier Bulb Energy<sup>5</sup> by Great Britain in the fall of 2021 surprised me because of the state from which this measure came. Of course, later on we all expected that first radical step to be followed by other countries as well, such as France's decision in the summer of 2022<sup>6</sup> regarding the nationalization of Électricité de France (EDF), a giant company in the European energy sector, nuclear producer of electricity and supplier, in which the state had 84% of the shares anyway, was a natural continuation. Just as natural was, in the fall of the current year (2022), the recent decision of Germany against Uniper, more precisely the decision to nationalize 98.5% of the utility company Uniper<sup>7</sup>. Unfortunately, the easiest legal solution does not always produce the most effective long-term results...

The emblem states, the states carrying the European flag are examples for the other states; if these states, with traditional democracies, with capitalist economies throughout their entire history, give in first and resort to extreme measures such as nationalization and invoke as priority the protection of their own citizens, immediately leaving aside the desired common policy and equality of the citizens of the European Union, we are in a point that have some questions us:

- how can we, on a European and Union level, justify the request that the states that have their own natural resources sufficient to fully or substantially ensure their own consumption not to resort to their nationalization to the detriment of ongoing concession contracts?

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<sup>5</sup> <https://www.ziarelive.ro/stiri/furnizorul-britanic-de-gaze-si-electricitate-bulb-nationalizat-fortat.html>

<sup>6</sup> „French Prime Minister Elisabeth Borne has confirmed that her government plans to fully nationalise electric utility company Électricité de France (EDF) in order to ensure energy security in the country....The Prime Minister said that France has to ensure its sovereignty in the face of the war in Ukraine and the impending colossal challenges.” <https://www.nsenergybusiness.com/news/edf-full-nationalisation-french-prime-minister-elisabeth-borne/>, Elisabeth Borne, Reuters.

<sup>7</sup> <https://www.nytimes.com/2022/09/21/business/germany-uniper-nationalized.html> “In its latest outlay to secure energy for Europe’s largest economy, the German government on Wednesday announced the nationalization of Uniper, a company responsible for providing more than a third of Germany’s natural gas.”

- how can we justify to the citizens of other states of the union compliance with common European rules in energy matters (limited consumption, limited temperature, etc.) and how can we obtain mainly voluntary compliance with these rules?
- how can we request other states not to take measures of the nature of protecting their own citizens with priority or of the eighth nature for other energy sources (by exploiting non-compliant or non-approved resources; by contracting with non-approved suppliers or producers, etc.)?

"Nationalization" itself is a simple and effective legal solution, in the energy crisis or in any other crisis, considerations such as security (energy security) fully justify such a measure. The problem is that when we are part of a union, such a measure must not only be well correlated with the energy policy at the union level, but also correctly disseminated, explained, announced, in order not to generate a suspicion of unequal treatment, discrimination, dissociation, prioritization of some states or citizens at the expense of other states, etc.

In this context, a way of integrating the nationalization measure into the broader framework of the common energy policy can allow individual concessions to other states, depending on their specifics. As we stated previously, through different methods, respecting common values, we must reach the same result. Some states may opt for nationalization, other states will have individual negotiations with producers or suppliers, other states will renegotiate their own natural resource concession contracts, etc., but the essential thing is that they will all achieve the desired protection of the citizens of the union while respecting common values.

It would be interesting to observe to what extent this growing trend of European nationalization could in a moment be that factor of union "coagulation" that would increase the density of the union. A common measure of "unionization" of some companies by the legal entity the European Union itself would have been proof of a common response, a common policy, a common union front.

The activity regarding the anticipation and minimization of the energy crisis in Europe has been and is supported, as evidenced by moments such as>

- 2015, the Commission published the Energy Union Strategy (COM(2015)0080)
- 2016, the Commission proposed the Clean Energy for All Europeans package (COM(2016)0860).
- 2019, Decision (EU) 2019/504 introduced changes to the EU policy on energy efficiency and the governance of the energy union, in the context of Brexit.
- 2021, the Commission adopted a package of proposals entitled "Achieving the objectives of the European Green Deal"

But, probably, the materialization of such a measure at the union level is too much for the current state of the union, recently emerging from previous crises (economics, migration, war, covid), without having the necessary time to recover.

#### **IV. Conclusions**

In conclusion, I believe that the epistemological approach offered by this study allows us to formulate some essential conclusions regarding challenges and legal solutions in the energy crisis. A first conclusion, from legal philosophy, is that the common enemy - the energy crisis, must be defeated with respect for common values (fundamental human rights, general principles of law), even if by using different methods - solutions. The desired, which belongs to the future, is that in

the plan of the European Union we reach a unity of decision and method, but the present allows us to respect common values through different decisions and methods.

Another conclusion would be that regardless the content of the package of measures that is opted for, the effect must be the ensurance of a decent and constant access to energy for the consumer, in the context of a correct distribution of the costs between all the actors involved (union , states, producers, suppliers, consumers). We can discuss to what extent the primary needs of the individual are different from one era to another, but certainly the fundamental rights of the individual must be upgraded over the ages, or, from this perspective, I propose to look to this right to access to energy. In the end, we reiterate the fact that it is essential that during the energy crisis, an increase in the degree of reaction and cohesion in the plan of the European Union, a voluntary compliance of visavis citizens with the available measures, but that, we are not too close to this behavior. The materialization of the principles<sup>8</sup> of the common European energy policy is essential for the future of our union.

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Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive (EU) 2018/2001 of the European Parliament and of the Council, Regulation (EU) 2018/1999 of the European Parliament and of the Council and Directive 98/70/EC of the Parliament European and Council regarding the promotion of energy from renewable sources and the repeal of Council Directive (EU) 2015/652



# The Impact of User Training on the Security of Information and Telecommunication Systems of the Police Force in the Slovak Republic<sup>1</sup>

Vincent Holubiczky<sup>2</sup>

This scientific study summarizes knowledge about information security and provides an introduction to the empirical part of the paper. It focuses on our own research via questioning respondents from the environment of the Police Force in the Slovak Republic. We focus mainly on frequency and purpose of using modern technologies at work and their often dangerous habits. We also deal with the impact of user training on the security of information and telecommunication systems. Additionally, examining the technical state and outdatedness of hardware and software, we deal with frequency and purpose of using modern technologies at work.

**Keywords:** security technologies, human factor, password management, information systems, training, security incidents

## I. Introduction

We live in a digital age with an extreme amount of different technologies that we use in our daily lives. It is no different even in these times, when almost the whole world and many countries are paralyzed by the coronavirus pandemic - COVID19 and the war conflict in Europe. Because of these threats to our health and lives, in many cases work duties have been moved to the online space.<sup>3</sup>

Information security immediately became the center of attention. This fact is related to the rapid development of new and modern technologies that enable both simple and more demanding users to use electronic services, connect them, and thus create complex systems, which then place high demands in terms of functionality and efficiency.<sup>4</sup>

It is important to realize that this way of performing work duties creates risks due to leakage and loss of sensitive information. In addition, at home it can often be tempting for users to mix private matters with work duties. The so-called "Internet of Things" today offers such possibilities of the online space that we would not have expected a few years ago.<sup>5</sup> The ubiquitous technology and online environment in our daily lives make us less sensitive to potential threats and vulnerabilities.<sup>6</sup>

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<sup>1</sup> This paper is linked to the solution of the partial task „Internet of Things“ of scientific research VÝSK. 245 „Modern technologies in committing, detecting, documenting, proving and preventing criminal activity, while ensuring public order and road traffic safety“, registered at the Academy of the Police Force in Bratislava..

<sup>2</sup> mjr. Ing. Vincent Holubiczky, PhD., assistant professor, Academy of the Police Force in Bratislava. E-mail: [vincent.holubiczky@akademiapz.sk](mailto:vincent.holubiczky@akademiapz.sk), orcid.org/0000-0002-6674-6476

<sup>3</sup> Vincent Holubiczky, *Moderné technológie a účel ich využívania*. In Projjustice (Bratislava: Projjustice.sk, 2020).

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<sup>5</sup> Vincent Holubiczky, *Prítomnosť hrozieb a zraniteľností pri využívaní informačných technológií*. In: *Policajná teória a prax* (Bratislava: Akadémia Policajného zboru v Bratislave, 2020), 5-19.

<sup>6</sup> Vincent Holubiczky, *Moderné technológie a účel ich využívania*. In Projjustice (Bratislava: Projjustice.sk, 2020).

In this article, we have decided to present the partial results of our research regarding security in relatively common activities within the work of users with telecommunication and information technologies used in the private sector and by members of the Police Force in the Slovak republic. Under the term information technology, or communication technology is usually understood as a set of techniques, procedures and means that human society uses to communicate information. From this point of view, the most important communication technologies include language, writing, letterpress, telephone, radio, television and, of course, the computer.<sup>7</sup> This is where information and telecommunication systems come into contact with security. Among them we can clearly include not only computers, but almost all elements and means of the modern world. Many terms are related to this issue, such as security, threat, risk, information, data and others. There are a large number of threats in the online space, while they are aimed not only at the vulnerability of technical equipment, but also to a considerable extent at people, the users of these systems and their subjective perception of security threats.

The relationship between threats and security is described by many authors, among whom Rak, in collaboration with Kopencová and Kolitschová, is intensively devoted to this topic.<sup>8</sup> Security is an extremely complex and multidimensional phenomenon that includes a large number of areas and disciplines - social sciences, natural sciences, but also technical, where informatics is an inseparable part. Each discipline perceives security according to its theory, practice, focus, knowledge and experience.<sup>9</sup> We can divide the threats according to different criteria, but as far as our issue is concerned, when using modern technologies, the most frequently present are "technogenic" and "sociogenic" areas, the source of which is human.<sup>10</sup>

The security of an information system means the ability of a network, or an information and communication system, to withstand, with a certain degree of reliability, accidental events or intentional actions that threaten the availability, integrity and confidentiality of stored or transmitted data or related services provided through this network and information system or accessible through this network and information system.<sup>11</sup>

With the development of technology, the concept of information security gradually became known. Data and information were no longer kept only in physical form in archives, but gradually moved to electronic form. There is an incalculable amount of data in the world. The basic difference between these data and information is that while the data contains some value, a fact, neutral for us, the information has a certain added value (negative or positive) for the given person or institution. Storing information in electronic form is at first glance a very simple matter. However, the opposite is true - there is a great risk of data loss and a number of entities that can cause unexpected negative phenomena in these systems, disrupt security, threaten the stability and functioning of the system.<sup>12</sup>

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<sup>7</sup> J. Šušol, *Elektronická komunikácia vo vede* ( Bratislava: Centrum VTI SR, 2003).

<sup>8</sup> Roman Rak, P. Kolitschová, *Bezpečnosť a bezpečí – základní pojmy a jejich vnímání*. (Bratislava: Akadémia Policajného zboru v Bratislave, 2019), 28-40.

<sup>9</sup> Roman Rak, D. Kopencová, *Bezpečnostní hrozby, vlastnosti a fáze*. (Bratislava: Akadémia Policajného zboru v Bratislave, 2019), 72-85.

<sup>10</sup> Vincent Holubiczky, *Vzdelaný policajt, garant bezpečnosti* In: *Polícia ako garant bezpečnosti* (Bratislava: Akadémia Policajného zboru v Bratislave, 2018), 105-113.

<sup>11</sup> Konceptia kybernetickej bezpečnosti Slovenskej republiky na roky 2015-2020, príloha 1, page 22

<sup>12</sup> L. Šimák, *Terminologický slovník krízového riadenia: aktualizované vydanie*. (Žilina : Žilinská univerzita v Žiline, 2005).

## II. Method

The target group of our research consisted mainly of members of the Police Force of the Slovak Republic and civil servants who use any computing technology in their work, such as a personal computer, laptop, mobile phone or other devices. In addition to this primary group, the questionnaire was distributed for the purpose of comparing the results to other groups, namely employees in the private sector in the field of information technology and full-time students of the Police Academy in Bratislava. The questionnaire was created as an online form. The link to this form was purposefully sent to all senior officers of the Police Force at the level of the Presidium of the Police Force, all regions and districts of the Slovak Republic, and other groups of respondents from the private sector were also addressed. In the case of an online questionnaire, it is very difficult, even impossible, to determine the percentage of completed and returned questionnaires, since the exact number of people who got to the questionnaire and decided not to fill it out is not known. At this point, however, we can say that the link was delivered to more than 2,000 people and the total number of completed questionnaires is 214. This means approximately 10%, while this value may seem low, but in our opinion, it is sufficient for a quantitative and qualitative evaluation of the research.<sup>13</sup>

The main goal of our research was to summarize and analyse knowledge about the state of security of telecommunication and information technologies, used in the activities of the Police Force, by analysing the background of their use (software), technical equipment (hardware) and compliance with relevant legal regulations and internal acts by the operating personnel. In this way, we were able to map the current state of their compliance by the relevant authorities, identify problem areas of security with an emphasis on possible threats and vulnerabilities.

We present an evaluation of the research questions, by answering which we get an insight into the security perception of the research sample and valuable information about their dangerous habits that can lead to security incidents. It is important to remember that the aim of this scientific study is to provide partial research results, therefore we will not devote ourselves to the evaluation of individual questions from the questionnaire, but focus exclusively on the evaluation of selected research questions. It is possible to refer to the results from specific questions of the questionnaire, but these data<sup>14</sup> will always be clearly processed in tables and suitably graphically represented.

## III. Research and results

Here we present the research questions that we will try to answer in the following lines and analyse the results. When determining the research questions, we were based on the scientific problem and also on the determined main goal of the research and sub-goals. With the help of these questions we will try to reveal some deeper connections. We set the following research questions:

- Research question no. 1: How does training affect compliance with internal rules?
- Research question no. 2: What are the habits of users who use work equipment for private purposes?
- Research question no. 3: What are the differences in the views on training and support of those who have already completed such training and those who have not?

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<sup>13</sup> Vincent Holubiczky, *Prítomnosť hrozieb a zraniteľnosti pri využívaní informačných technológií*. In: Polícijná teória a prax ((Bratislava: Akadémia Polícijného zboru v Bratislave, 2020), 5-19.

<sup>14</sup> All data are available upon request from the author of this article.

Some research questions cannot be evaluated simply using only one question from the questionnaire. It is often necessary to use the entire section of questions, or a combination of different sections, in order to clearly clarify the connections. The ideal helper in this case is the use of contingency tables indicating the frequency of responses.

### **A How does training affect compliance with internal rules?**

In this issue, we will address the possibilities of encouraging users to comply with the regulations. We want to find out what effect participation in training has on this. We used two questions from the question section of the "training and support" questionnaire and summarized the results in the table below. It shows the response scales, where 0 means a strong rejection of the statement (definitely not) and the number 5 indicates the strong agreement of the respondent. Such a scale is also used in the evaluation of the remaining questions.

It is clear from the total frequencies that the majority of respondents comply with the regulations.

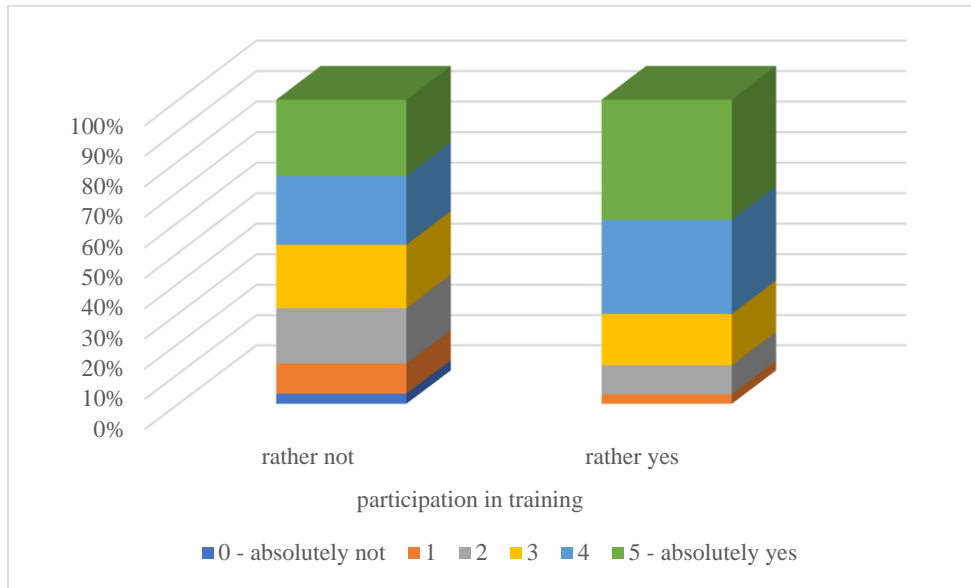
*Table 1: The impact of training on compliance with internal regulations<sup>15</sup>*

Contingency table for RQ1		Training and support (compliance)						
		0	1	2	3	4	5	Σ
Training and support (participation in training)	0	1	8	9	13	12	16	59
	1	2	2	4	4	12	7	31
	2	1	2	9	8	3	7	30
	3	0	2	3	3	5	7	20
	4	0	0	3	3	12	4	22
	5	0	1	3	10	12	26	52
	Σ	4	15	31	41	56	67	214

We can see the status regarding "participation in information security training" in the graph below. We divided the respondents into two groups. In the first column, there is a group that gave rather negative answers to participation in trainings, the second column of the graph indicates the other respondents. Subsequently, the colour scale indicates their attitude towards compliance with regulations. We can see, not too big, but a noticeable difference, which indicates a positive effect of the training. Only approximately 13% of trained respondents stated that they rather do not comply with the regulations, while on the side of untrained or less trained respondents, this value is as low as 32%.

<sup>15</sup> Source: Compiled by the author.

Figure 1: The impact of training on compliance with internal regulations<sup>16</sup>



We believe that training is an effective tool in the fight against the occurrence of security incidents. We clearly perceive their added value also in terms of information and security awareness of users.

**B What are the habits of users who use work equipment for private purposes?**

This research question examines the case where users use work equipment and systems for private purposes. We will specifically focus on the security habits of these users, as irresponsible behavior could endanger the integrity, confidentiality and availability of technologies intended primarily and exclusively for work.

Table 2: Habits of users using work computers for private purposes

Contingency table for RQ2		User habits						
		0	1	2	3	4	5	Σ
Purpose (work computer for private purposes)	advertisement	35	12	3	2	1	0	53
	opening	33	8	3	4	4	1	53
	USB	2	4	4	6	15	22	53
	antivirus	3	2	1	1	1	45	53
	Σ	73	26	11	13	21	68	212

<sup>16</sup> Source: Compiled by the author.

Table 3: Habits of users using work email for private purposes

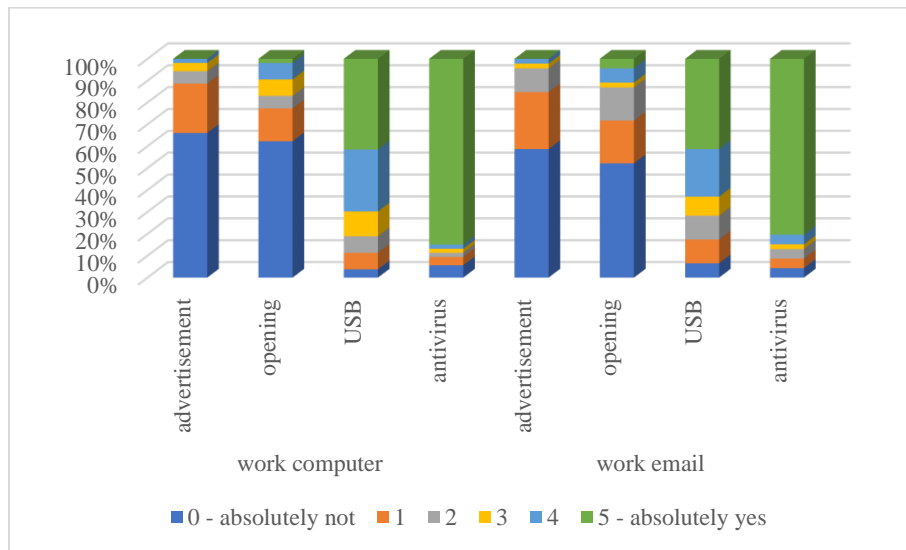
Contingency table for RQ2		User habits						
		0	1	2	3	4	5	Σ
Purpose (work email for private purposes)	advertisement	35	12	3	2	1	0	53
	opening	33	8	3	4	4	1	53
	USB	2	4	4	6	15	22	53
	antivirus	3	2	1	1	1	45	53
	Σ	73	26	11	13	21	68	212

We filtered the range of respondents based on the answers to the items "work computer" and "work email" from the section of questions regarding the purpose of using technology. We take into account only those who confirmed in their answer that they also use work devices for private purposes. Subsequently, we found out the frequency of their answers to questions from the "Habits" section, specifically regarding "advertising offers in e-mail", "opening messages from unknown senders", "using USB to transfer data between computers" and "presence of an antivirus program". The data is shown in the tables above.

We converted the values into percentage indicators by row and created the graph below that clearly presents the results. In the case of advertisements and opening messages from unknown senders, our expectations were fulfilled, as the individuals of the sample group, in both cases, showed a decisive, negative opinion towards them at the level of up to 90%. Even in the case of the use of antivirus applications, the answers of the respondents are at an excellent level, the presence of such software was confirmed by approximately 86% to 89% of them. However, the positive results turn to worrisome when using USB to transfer data between computers. Uncontrolled use of transmission media brings with it a high probability of security incidents. Despite this, up to  $\frac{3}{4}$  of the respondents of the sample group indicated that they use them rather than not.

Based on the above, the answer to the research question can be that, users who use work computers and for private purposes mostly have good habits when working with technologies. They thus mitigate the risk of the influence of threats and vulnerabilities. Of course, with this statement we in no way approve and do not support the elementary fact that they use work equipment for private purposes at all. We hold this opinion especially in the case of using physical transmission media.

Figure 2: Habits of users using work technologies for private purposes



**C What are the differences in the views on training and support of those who have already completed such training and those who have not?**

With the last research question, we want to find out what is the difference in the perception of training by those who have already completed training and those who have never completed training. We divided the respondents into these two groups based on their answers to the question "Have you ever completed information security training?". In the tables, we have named the groups "did not participate", where answers 0 to 2 from the scale are included, and "participated" with values 3 to 5. Subsequently, in the tables below, we present the frequency of responses of these groups to the questions from the "training and support" section. Specifically, regarding the "positive effect of training", "the need to improve qualification", "own feeling of the need to undergo training" and "sufficiency of training offers".

Table 4: Positive effect of training according to participation in training

Contingency table for RQ3		positive effect of training						Σ
		0	1	2	3	4	5	
training and support	did not participate	19	14	27	18	15	27	120
	participated	1	2	12	18	23	38	94
	Σ	20	16	39	36	38	65	214

Table 5: The need to improve qualification according to participation in training

Contingency table for RQ3		the need to improve qualification						
		0	1	2	3	4	5	Σ
training and support	did not participate	3	6	15	24	22	50	120
	participated	0	0	4	15	23	52	94
	Σ	3	6	19	39	45	102	214

Table 6: Own feeling of the need to undergo training according to participation in training

Contingency table for RQ3		own feeling of the need to undergo training						
		0	1	2	3	4	5	Σ
training and support	did not participate	15	22	20	20	17	26	120
	participated	7	14	17	18	17	21	94
	Σ	22	36	37	38	34	47	214

Table 7: Sufficiency of training offers according to participation in training

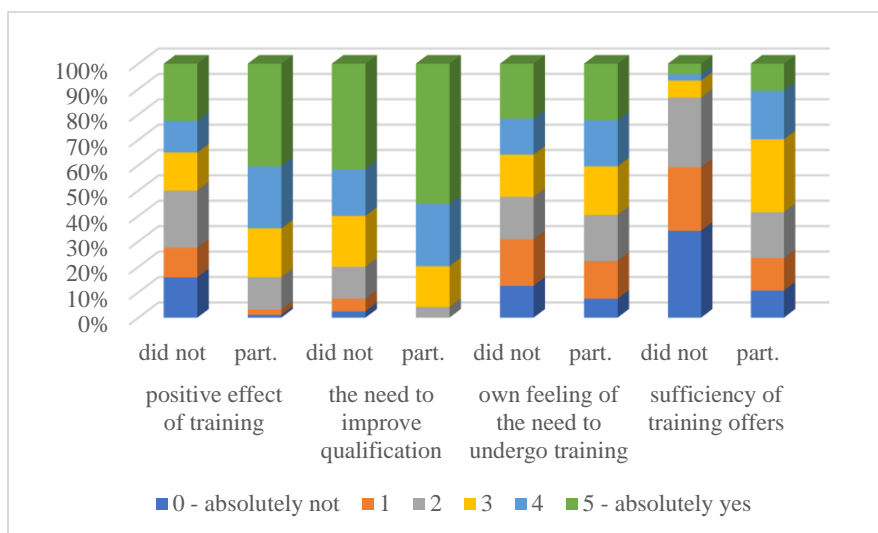
Contingency table for RQ3		sufficiency of training offers						
		0	1	2	3	4	5	Σ
training and support	did not participate	19	14	27	18	15	27	120
	participated	1	2	12	18	23	38	94
	Σ	20	16	39	36	38	65	214

The results stand out better in the chart below. First of all, we can examine the effect of participation in the training on the perception of its positive effect. If we group the answers to "agree" and "disagree", we find that they are divided exactly in half in the case of "non-participants", while "participants" recognize a positive contribution in up to 84% of cases. The other two columns of the graph show the opinions on the need to improve qualifications. Even if in this case even "non-participants" have a favorable opinion at the level of 80%, their trained colleagues clearly recommend increasing the qualification with a 95% favorable opinion.

In the next question, we asked about the subjective feeling of the respondent's own need to undergo training regarding the security of information systems. The answers of both groups are surprisingly at about the same level and say that they would need such training. In the last assessed question, we find the biggest difference between the answers of individual groups.



Figure 3: The impact of participation in training



More than 86% of respondents without training claim that there is an insufficient amount of them on offer, while the second group holds such an opinion at the level of 41%. Even in this case, we cannot say that such an opinion is acceptable.

From the above statistical data, in our opinion, it is clear that training has a positive impact on the perception of security as a complex system. Awareness is an important key to security and is an effective weapon against the indifference and daily routine of users of information and telecommunication systems.

#### IV. Results and discussion

Our task was to determine the degree of compliance with internal and legal regulations on security by users of telecommunications and information systems. According to the answers of the respondents, whether they comply with regulations regarding information security, we could accept a very positive conclusion, since up to 76% of them answered it rather positively. The same applies to knowledge of internal regulations. In connection with this, we also pointed out the positive impact of training in this area, as awareness encourages compliance with basic security measures. Based on the above-mentioned findings, we can conclude that, according to the respondents, compliance with internal regulations is at a high level. At the same time, we also emphasize the answers from the habits section, where we find certain shortcomings and claim that it is necessary to direct the users' attention to these items even more.

Therefore, we recommend providing better and more direct access to all information, recommendations, internal regulations, laws and international legal acts on information security in one place, thus creating a space with a comprehensive overview at all levels. Since these documents are designed by experts and are processed at a high professional level, it is assumed that not every user will understand them and then apply them at the required level. Therefore, we suggest adapting the most important sections to the users' knowledge. Subsequently, it is necessary to present direct and simple facts and instructions to them in an appropriate way. A good solution could be various visual aids, simple infographics or short and concise manuals for safe behavior in the workplace.

One of the most important goals of our work is to examine the impact of training on security. It should be noted that less than 45% of the respondents expressed a favorable opinion on completing information security training. This is, in our opinion, a low level of participation. Despite the small participation of the respondents in the training, a high percentage of them recognize the positive effects of the training and its necessity. It is a certain paradox that can be explained by opinions on the training offer. More than 2/3 of the research participants claim that the number of training offers is insufficient. We defend the opinion that awareness is the key solution in the fight against cybercrime and the occurrence of security incidents.

We can add that our recommendation for this topic is its maximum rate of promotion of information at all levels. Information serves as a preventive measure, and we believe that it is more worthwhile to invest in prevention and prevent the consequences. It is necessary to prepare and ensure an adequate amount of training, while it is also desirable to inform users about these possibilities. However, as a first step, we recommend training and securing high-quality trainers, while considering the possible contribution of the best practices and experience of lecturers from the private sector as well.

## V. Conclusion

We assumed that through our research we would find certain gaps in the security system of the Police Force, especially in the area of the attitude of the personnel. On a certain level, our expectations in this regard have been fulfilled. But in no case do we want and cannot critically evaluate the work and efforts of the workers responsible for the security of the telecommunications and information systems of the Police Force. We emphasize that after personal consultations with competent people, we perceive this issue even more sensitively and recognize its complexity. It is not possible to find a general solution to some identified shortcomings, and even security managers in the highest positions cannot influence a person's free will. However, we want to point out that long-lasting positive results can be achieved with more frequent and regular training in the field of information security.

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# Mobile Modular Center for Crisis Management of International Migration<sup>1</sup>

*Ivan Košč<sup>2</sup>,  
Vincent Holubiczky<sup>3</sup>*

Nowadays, the global situation is heavily affected by the two crisis factors. Firstly, the health and economy crisis based on the COVID-19 pandemic, and secondly, military and human crisis with the strong influence on the global economic situation caused by the situation in Ukraine. Considering the impact of the global situation and the established processes, new approaches to the border management should be set.

In this work the new issues of international border regulation and the consequential impact on performed border controls and management are discussed. The new realization platform of border controls based on the introduced Mobile modular center for crisis management of international migration is presented. The variable cluster design of mobile, modular, testing and evaluating units was proposed. Our presented research in this area reveals the advantage of using the technologies of artificial intelligence algorithms for management of national and international borders. The new realization platforms of border controls based on the introduced mobile module testing and evaluating center are able to be offered for EU members or FRONTEX.

**Keywords:** border control; health check; cooperation; crisis management; mobile module

## I. Introduction

The current global health, migration and security crisis have brought new issues in the field of Europe Union Member States and their borders regulation. The COVID-19 pandemic directly impacts the healthcare of citizens in countries worldwide. Unregulated travelling, migration and crossing the internal (in our case Schengen) or external country borders present high risk of uncontrolled spreading of various diseases. Therefore, crossing the external borders is highly ranked subject of the new EU legal regulation. Moreover, these effects are multiplied by a new wide-spectrum crisis in Ukraine that developed from military to human, health, economical, energy and migration crises. These factors mixed show potential to affect everyday lives of all the people in Europe.

As a result, new partnerships, cooperation, business models, organizations and markets have been changed. These facts lead to wide deployment of new legal regulation. Therefore, new international border regulation and consequential impact on performed border control are also widely discussed. In this way the situation leads to new issues in the field of entering Slovakia and EU. This work solves the problematics of border control automation and security using Mobile modular center for crisis management of international migration. The general aim of the proposed modular center is to design an optimal set-up and system arrangement containing a precisely specified series of

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<sup>1</sup> This article is an integral part of the scientific research project VÝSK. 257: Mobile data collecting and analytical center for management of crisis situation of the Academy of the Police Force in Bratislava (Slovakia).

<sup>2</sup> Ing. Ivan Košč PhD., assistant professor, Academy of the Police Force in Bratislava. E-mail: [ivan.kosc@akademiapz.sk](mailto:ivan.kosc@akademiapz.sk), <https://orcid.org/0000-0003-0807-9764>

<sup>3</sup> mjr. Ing. Vincent Holubiczky, PhD., assistant professor, Academy of the Police Force in Bratislava. E-mail: [vincent.holubiczky@akademiapz.sk](mailto:vincent.holubiczky@akademiapz.sk), <https://orcid.org/0000-0002-6674-6476>

necessary workplaces providing a high degree of variability and configurability into the required functional cluster. Depending on the nature of the crisis situation (a natural disaster, a major industrial accident, a pandemic, a migration wave, a state of threat, a state of war, etc.), it is possible to build an ideal complex of the workplace modules for management, control and diagnostics of people in the most optimal geographical location in relation to the currently solved crisis. This complex testing and evaluating units aim to minimize the physical contact of passengers or immigrants and border guards (police officers) deploying modern intelligent sensors and systems. These facts result in the need of integral management of EU borders upgrade. This article is an integral part of the scientific research project VÝSK. 257: Mobile data collecting and analytical center for management of crisis situation of the Academy of the Police Force in Bratislava (Slovakia).

## II. Present regulation connected to borders

Basically, the border checks mean the checks carried out at border crossing points, to ensure that persons, including their means of transport and the objects in their possession, can be authorized to enter the territory of the Member States or are authorized to leave it. On entry and exit, third-country nationals shall be subject to thorough checks.

The conditions of internal borders and external borders involving the entering process of the third-country nationals to territory of the EU Member States (including the Slovak Republic) have been fixed by the Regulation (EU) 2016/399 of the European Parliament and of the Council<sup>4</sup>.

- 1 Based on the valid legal regulation, mandatory preventive checks are appertained not only to the inhabitants of the Slovak Republic, but mainly to foreigners entering the territory of the republic. In current epidemiological situation more strict requirements and preventive health checks against the introduction of communicable diseases are needed to ensure health protection.<sup>5</sup>

### A *New legal regulation of borders*

The COVID-19 pandemic directly impacts the healthcare of citizens of any country. Unregulated travelling, migration and crossing the internal (Schengen) or external country borders present high risk of uncontrolled spread of the disease. This is one of the reasons that crossing the external borders is subjected to the new EU legal regulation connected to New Pact on Migration and Asylum. Based on a holistic assessment, the Commission is proposing a fresh start on migration: building confidence through more effective procedures and striking a new balance between responsibility and solidarity. Migration affects Europe as a whole and all Member States must play their part to address the challenges and opportunities that it brings. To foster confidence and guarantee a well-functioning EU migration management system, the Pact sets out a new framework that ensures fair sharing of responsibility and solidarity between Member States while providing certainty for individual applicants. Several basic points are specified: new compulsory pre-entry screening; new, faster asylum border procedure; integrated and modern migration and border

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<sup>4</sup> Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the Rules Governing the Movement of Persons Across Borders (Schengen Borders Code) (codified version).

<sup>5</sup> Kuřková, Jana, 2022. *Právna analýza umiestňovania technických prostriedkov na hraniciach počas a mimo krízovej situácie*. (Bratislava: Projjustice.sk, 2022).

management system with the improved Eurodac database; legal guarantees<sup>6</sup>. Mostly the part with the new compulsory pre-entry screening is highly innovative in the management of borders. According to New Pact on Migration and Asylum, the point of the new compulsory pre-entry screening is based on the key processes of: Identification, Health checks, Security checks and Fingerprinting and registration in the Eurodac database. Considering the impact of these key processes, mainly Health checks performed during border control, new partnerships with the sectors of medical and pharmaceutical care are essential. Therefore, one of the most important issues nowadays is to set fast and effective cooperation between members of border guards (Ministry of Interior of the Slovak Republic, Academy of the Police Force), members of medical and pharmaceutical care (Ministry of Health of the Slovak Republic, Medical and Pharmaceutical Universities) and business entities (producers of medical and pharmaceutical products, materials, technology, vaccines, etc.). Proposed cooperation setting for new border control management is depicted in Figure 1.

Figure 4: Upgraded cooperation scheme for border control management according to the new standards with proposed data flow diagram via crypto tunnels and central data center.

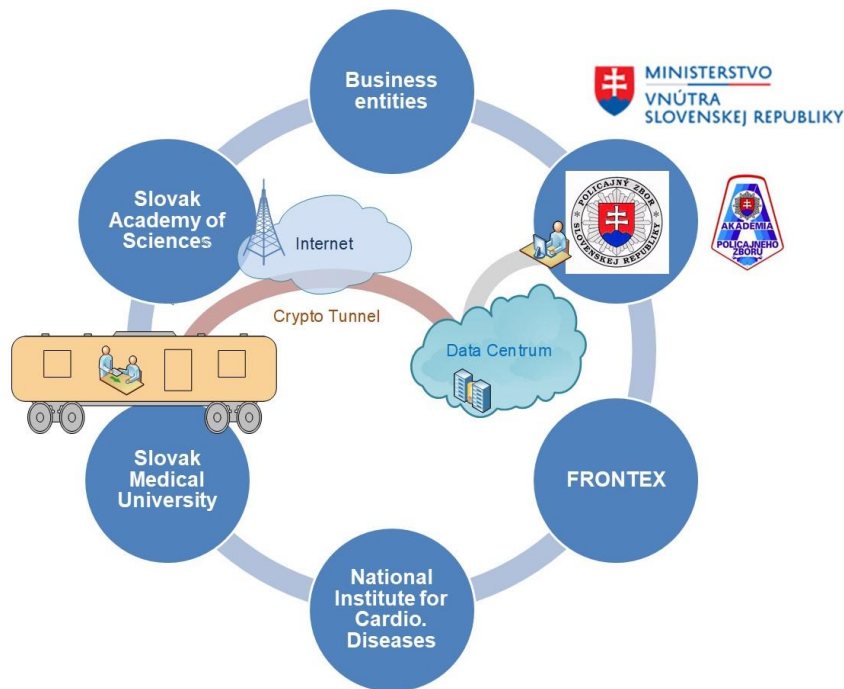


Figure 1 is enlarged with the suggested data flow diagram using the central data centrum and dedicated access for specialists and border guards or other police officers in remote areas (offices, hospitals, laboratories) through the created set of crypto tunnels. This solution offers extended tool for the presented police officers or army officers directly in the area of the borders. Generally, skilled and experienced specialists in their local facilities are going to use their best practise to evaluate each case needed and remotely provide results of the innovative border placed checks via secured data connection. In the case of health check, the role of the border officer is to set the exact

<sup>6</sup> The website of the European Union: [https://ec.europa.eu/info/strategy/priorities-2019-2024/promoting-our-european-way-life/new-pact-migration-and-asylum\\_en](https://ec.europa.eu/info/strategy/priorities-2019-2024/promoting-our-european-way-life/new-pact-migration-and-asylum_en) (date of access: 5th February 2021)

position of subject for correct measurement and subsequent selection (positive/negative) under the remotely approved results of the artificial intelligence by the specialists in radiology and medicine.

### III. Proposed border anagement

The problematic of the heath checks during border control is innovative and need new realization platforms and complex legal regulation<sup>7</sup>. Proposed mobile module testing and evaluating center was first time introduced in the Science and Technology Week in the Slovak Republic, intended for integrated border management, temporary reintroduction of internal border controls, management of the mass unregulated migration and critical situation overcoming seems to be highly suitable to meet the new criteria of the Pact on Migration and Asylum and also for the FRONTEX<sup>8</sup> joint operations.

Automation processes will be set to optimize the intensity of the physical contact between passengers / immigrants and border guards (police officers). Modern methods based on the intelligent sensors<sup>9</sup> and smart systems with direct but also with sophisticated remote evaluation will be performed to reveal subject risk (or security) potential. The widened potential of the mobile module testing and evaluating center for border control management consist of:

- Capture of potentially dangerous subjects using non-contact temperature measurement and indicative laboratory diagnostics from blood and swabs.
- Diagnosis of pulmonary diseases symptoms like COVID-19 using radiological examination of lungs and accelerated identification by implementation of artificial intelligence elements involved in automated evaluation of processed data.
- Capture of entities crossing the border giving false information about their age or state of health, with a focus on possible pregnancy or presence of foreign objects in hollow organs.
- Remote assistance of specialists confirming the data analyses in remote specialized offices and laboratories.
- Operational change in the filtration of risk subjects based on a change in the range of parameters of border control and a change in the range of parameters of diagnostics and screening of the health/medical condition of subjects.
- Minimization of risky personal contacts in the process of data collection, analysis, and subsequent evaluation. Application of cognitive functions of neural networks can eventually lead to full autonomy in evaluating data.
- Optimization of European border management processes.

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<sup>7</sup> Decree No. 585/2008 Coll. of the Ministry of Health of the Slovak Republic, which defines details on prevention and control of communicable diseases

Act No. 355/2007 Coll. On protection, encouragement and development of public health and Amendment and Supplementation of Certain Acts.

Act No. 404/2011 Coll. on Residence of Aliens and Amendment and Supplementation of Certain Acts.

<sup>8</sup> The website of the European Border and Coast Guard Agency: <https://frontex.europa.eu/>, (date of access: 6th February 2021)

<sup>9</sup> I. Kosc et al. Sputtered TiO<sub>2</sub> thin films with NiO additives for hydrogen detection, *Appl. Surf. Sci.* 269 (2013) 110–115 (2013: 2.538 - IF, Q1 - JCR Best Q, 1.045 - SJR, Q1 - SJR Best Q)

I. Kosc et al. Double layer films based on TiO<sub>2</sub> and NiO<sub>x</sub> for gas detection, *Appl. Surf. Sci.* 312 (2014) 120–125 (2014: 2.711 - IF, Q1 - JCR Best Q, 0.948 - SJR, Q1 - SJR Best Q)

## ***A Usability of the system by Frontex***

Frontex, the European Border and Coast Guard Agency, promotes, coordinates and develops European border management in line with the EU fundamental rights charter and the concept of Integrated Border Management. In the past was by the Council Regulation (EC) 2007/2004 of 26 October 2004 established the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex). This Regulation was repealed by Regulation (EU) 2016/1624 of 14 September 2016, establishing Frontex, the European Border and Coast Guard Agency. The latest amendment of the Frontex mandate occurred when the Regulation (EU) 2019/1896 of 13 November 2019 on the European Border and Coast Guard (OJ L 295, 14.11.2019, p. 1) came into force.<sup>10</sup> Frontex coordinates operational cooperation between Member States in the field of external border management, assists Member States in the education and training of national border guards, conducts analyses, monitors research developments, assists Member States in situations that require increased technical and operational assistance at external borders, and provides the necessary assistance to member states in organizing joint operations in cases of return of persons. Frontex works closely with other partners of the European Community and the European Union who are responsible for the security of the external borders.<sup>11</sup>

In recent years, the external borders of Europe have seen an unprecedented influx of refugees and migrants who wanted to enter the territory of the European Union. Controlling the external borders of the European Union is the responsibility of the countries on whose territory these borders are located. However, Frontex can provide additional technical support for European Union countries that are facing large pressures from migrants. For this purpose, Frontex coordinates the deployment of additional technical equipment (such as ships and planes) and specially trained border guards.<sup>12</sup> In our opinion, the mobile modular testing and evaluating center developed by us is a suitable technical equipment for providing assistance to member States during migration crises. Therefore, our goal is to offer this technology as a ready-made solution for EU states through FRONTEX.

## **IV. Mobile modular testing and evaluating center**

The aims of this project can be specified and described in following steps:

- 1) Design, development, and automation of a mobile module control, testing and evaluating center for the analysis and collection of data from modern sensor systems intended for the management of the European borders.
- 2) Provision of possible technical solution of mobile modular system that includes all necessary workplaces with a high degree of variability in the mutual configuration leading into the required functional center.
- 3) Recording of the sensory responses to specific stimuli depending on the current requirements and types of needed tests.
- 4) Real-time data collection, storage, and eventual transfer of collected data to remote locations.

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<sup>10</sup> The website of the European Border and Coast Guard Agency: <https://frontex.europa.eu/>, (date of access: 28th September 2022)

<sup>11</sup> Denisa Szajková, *Možnosti účasti príslušníkov Policajného zboru na vyslaniach Európskej agentúry pre pohraničnú a pobrežnú stráž a zahraničnej jednotky Úradu hraničnej a cudzineckej polície Prezídia Policajného zboru*. (Bratislava: Akadémia Policajného zboru v Bratislave, 2020).

<sup>12</sup> Ibid.



- 5) Local analysis of the obtained data and subsequent evaluation of the subject's safety or risk level.
- 6) Centralization of data and subsequent division and distribution to location of designated highly qualified experts for further analysis and evaluation. Case closing after all necessary outputs recollected and reevaluation of safety or risk subject potential.
- 7) Operational change in the filtration settings, dedicated to considered risks, based on a change in the range of parameters of border control and also in the range of parameters of diagnostics and screening of the health or medical condition of subjects.

#### ***A Proposed mobile modular testing and evaluating center platform characteristics***

Project base point represents mobile platform for the mobile modular testing and evaluating center. This mobile platform can be designed in several mutations according to the possibility of easy transportation. The final solution is platform in the specific design of mobile trailer or customized mobile containers. All the variations needed should be possible to get to final destination by all means of standard transport systems (vehicle, train, boat and plane transport).

The implementation stages are discussed in the way of basic or general implementation stage and the exact implementation of the project. The basic or general implementation stage is suggested as a variable cluster of units based on the provided platform suitable for effective transportation and subsequent fast center construction in a specified location. The designed cluster necessarily consists of a main check unit and security corridors, a documents' control unit, energy and supply modules unit, an ambulance unit and specialized units. The exact implementation of this project is aimed to the eastern border of the EU and for the Police departments, Ministries of interior and Ministries of defence of the Eastern border EU Member States. In the current Ukrainian situation, the exact project implementation is a matter of the National and Eastern EU security issues. The exact implementation and the exact cluster layout depend on the actual deployment regime and character of crisis.

##### *(i) Validation study of artificial intelligence system*

Great benefits are expected to be brought using artificial intelligence in automation processes. Medical part of this project is focused on the analysis, collection and evaluation of data and results, implemented to promptly address and provide a screening program for the diagnosis of pulmonary diseases symptoms for example like COVID-19. Radiological examination of lungs is one of the basic procedures of medical irradiation performed by a radiological technician. Artificial intelligence is used in the automatic and accelerated identification and health care of high-risk persons crossing the borders of the Slovak Republic. The records of examinations will be kept in a form that allows statistical evaluation of the radiation exposure of the individual in accordance with the requirements of protection against ionizing radiation. (Decree of the Ministry of Health of the Slovak Republic No. 99/2018 Coll. On the provision of radiation protection, NV No. 87/2018 Coll. On radiation protection). This project uses the modern mobile X-ray device Fujifilm FDR Nano (Fig. 2) equipped with integrated artificial intelligence Fujifilm REiLI, Lunit INSIGHT CXR3 ver. 3.0.0.1 analytical algorithm, irradiation side sampling, virtual grid, hydro Ag anti-bacterial surface, flexible control panel and Fujifilm Synapse PACS.

In this place, it is also necessary to mention, that the Slovak legal framework is in compliance and harmonized with the European legal framework.

In this work the performance of a chest X-ray system with artificial intelligence REiLI was tested and evaluated. Specifically, the system detecting the presence of atelectasis, calcifications, cardiomegaly, consolidation, fibrosis, mediastinal enlargement, pulmonary nodules, pleural

effusion, pneumoperitoneum, and pneumothorax. During the validation study of artificial intelligence REiLI very promising results were obtained. Patients hospitalized in the National Institute for Cardiovascular Diseases in Bratislava, mostly suffering from cardiac diseases were included in the study. This group of patients usually exhibits abnormalities on the X-ray especially in the configuration of the heart and pulmonary vascularization. Many of the patients have postoperative complications as pneumonia or conditions associated with heart failures. This spectrum of patients is very promising training sample for the validation study of artificial intelligence based on Fujifilm REiLI program. Each X-ray image result evaluated by the REiLI system was afterwards evaluated and checked by experienced radiologists. For the purpose of our scientific research project VÝSK. 257 of Academy of the Police Force in Bratislava the total amount of 560 examinations (X-rays) have been carried out.

*Picture 1: Use of artificial intelligence in automatic diagnosis of pulmonary diseases using X-ray of lungs.*



The observed pathologic findings, which had a high prevalence in the group of 560 examinations, were identified by the system implying the artificial intelligence with a high degree of success. In these cases, the agreement of the artificial intelligence results with the true reality of radiologist's opinion consensus was very good. The efficiency of the artificial intelligence algorithm decreased mostly for the atypical findings on X-rays, especially in the summation of parts of medical devices in the bodies, which is not normally the case of border regime subjects. The morbidity of examined group of patients is testified by the fact that only 16 examinations (from 560) in our group had an X-ray image of the chest completely without pathologic findings. For all patients with a normal chest X-ray image (healthy subjects), the agreement of the consensus of radiologist's opinions and the artificial intelligence algorithm was absolute. This result together with the measured average time of the artificial intelligence evaluation of about 20 s per subject are very promising results for the proposed mobile modular center for crisis management of international migration and new border regime

## V. Conclusion

New needs of integral EU border management lead to innovative solutions in border control optimization. Novel mobile module testing and evaluating center was introduced. Automatic smart processes will be set to minimize the intensity and maximize the effectivity of the physical contact between members of border control. In the COVID19 era and the post-COVID19 era much bigger effort to follow strict health standards and rules is expected. New concepts based on intelligent systems, smart sensors and artificial intelligence are tested to bring more precise and selective outputs. This way seems to bring very satisfying results. Training sample of 560 chosen patients of the National Institute for Cardiovascular Diseases in Bratislava was able to reveal very promising results for implementation of artificial intelligence systems to the proposed mobile modular testing and evaluating center. Important results of the realized validation study of the artificial intelligence Fujifilm REiLI focused on the chest X-rays were obtained in the way of very fast evaluation (about 20 s per subject) and very effective selection of patients with negative findings (healthy patients). These findings can be marked as very promising for the crisis management of international migration and border regime.

## VI. Acknowledgements

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# The Present and Future of Leadership Training in Police Officer Education at the Faculty of Law Enforcement

*Gábor Kovács<sup>1</sup>*

The university-level (bachelor and master) training of police officers has been ongoing for ten years at the Faculty of Law Enforcement of the Ludovika-University of Public Service in Hungary Budapest. A significant part of the supply of police managers is provided by the Faculty in the full-time and correspondence bachelor's degree program and the part time master program in the in law enforcement management. In the study, the current system of police leadership and management education is presented. The reader also gets some relevant information of future plans. For professionals and experts, teachers, who are dealing with the topic, in the study find good practices, that can be adapted in the training system of police officers in different countries.

**Keywords:** UPS - Faculty of Law Enforcement, management theory, management practice, leadership competencies.

## I. Introduction

One of the defining and most important institutions of Hungarian public service training - the Ludovika-University of Public Service began its operations on January 1, 2012. In the time that has passed so far, the structure and content of the training courses have been significantly renewed. This includes the transformation and modernization of the teaching of management and organizational theoretical knowledge, which we witnessed recently.<sup>2</sup>

The entire teaching staff of the Faculty of law enforcement strives to fulfill the requirements set by the founding ministers. The law enforcement professionals should be able and capable - equipped with knowledge corresponding to the requirements of the modern age - the emerging challenges effectively for treatment. The field of knowledge covered by the management and organization theory subject, the thorough theoretical mastery of the knowledge material and its application in practice contribute significantly to the fulfillment of these requirements. The Faculty offers bachelor's, master's and doctoral programs, and in addition to all of these, there are also special training, retraining and further training programs.

## II. Method

One of the most important areas in the training of law enforcement leaders is the management theory education. There is a significant tradition of leadership training in the Department of Police Management Theory at the University. The study examines the methods of management

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<sup>1</sup> Prof. Gábor Kovács PhD, police major general, dean, professor and head of department, University Public Service, Faculty of Law Enforcement, Department of Management Science, <https://orcid.org/0000-0002-1699-827X>, e-mail: [kovacs.gabor@uni-nke.hu](mailto:kovacs.gabor@uni-nke.hu)

<sup>2</sup> *The university of a secure future* - Institutional development plan 2020–2025. Draft 4.0. National University of Public Service. Available: [www.uni-nke.hu/document/uni-nke-hu/TERVEZET%204\\_0%20Int%C3%A9zm%C3%A9nyfejleszt%C3%A9si%20Terv%202020-2025.pdf](http://www.uni-nke.hu/document/uni-nke-hu/TERVEZET%204_0%20Int%C3%A9zm%C3%A9nyfejleszt%C3%A9si%20Terv%202020-2025.pdf) (Download date: 16.10.2022.)

preparation, presents, analyzes, evaluates, and reviews the individual topics included in the subject programs. The study is based on an extensive literature analysis.<sup>3</sup>

### **III. Results and discussion**

Results in there are presented in seven main sections: 1. Application of cooperative learning methods at the education process; 2. Competency-based development and development of teaching materials; 3. The main areas for acquiring management skills; 4. Managerial training within the framework of individual professional subjects; 5. Common public service exercise; 6. Master's degree in law enforcement; 7. The possible future of the international law enforcement management education.

#### ***A Application of cooperative learning methods in the education process***

These are learning methods that are based on the cooperation of the instructor and the trainees, on the acquisition and acquisition of knowledge based on experience in an interactive form. We use them effectively in group sessions, when solving tasks.

Features:

- Individual responsibility can be seen both in the division of work, in the performance of tasks and during evaluation, which also influences the performance of the group, e.g.: management practices, common problem solutions.
- During the division of work within the group, the roles are differentiated, which is one of the key element of cooperative learning.
- Within the group, there is continuous interaction and communication between group members, which promotes the involvement of all group members and the sharing of knowledge.
- Through the development of the curriculum, task structures, and evaluation methods, interdependence is emphasized in the development of the training participants, both at the individual and group level.

Advantages:

- It promotes the acquisition of the competencies of cooperation, teamwork, and cooperative leadership, which are indispensable in the organization.
- The group ensures norm control, tolerance, equal opportunities and mutual acceptance.
- It enables bringing abilities and skills to the surface, uncovering the values inherent in the individual and translating them to the benefit of the group.
- Strengthens group cohesion and the development of positive group norms.
- Improves communication at the individual and organizational level.
- Increases individual and group performance.

#### ***B Competency-based development and development of teaching materials***

In the management and organization theory subjects, special attention was paid to developing the leadership competence of the students.

During the development process, we emphasized the following:

- Take into account the existing knowledge, abilities and motivation of the students.
- Emphasis should be placed on the use of practical methods.
- All elements of the education system should be based on precisely defined competencies and performance.
- Performance-based evaluation is done by continuous measurement of competencies.

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<sup>3</sup> Henry Mintzberg: *Managing*, San Francisco ISBN 978-1-1-57675-340-8 – 201

- In the teacher-instructor role, the management of learning, knowledge transfer, and the helpful, consultative nature should be decisive.

### ***C The main arenas for acquiring management skills***

#### *(i) Basic training, internal affairs basic knowledge module*

It is also a requirement for our students studying in the law enforcement branch that they are excellently prepared for the performance of various management jobs/roles. Preparation for this task begins on the first day of basic training, as first-year students can experience the activities of higher-level trainers, thus mostly meeting positive examples. The senior training student staff also gain practical experience from how the training knowledge acquired in theory during classroom sessions can be applied in practice.

At the Faculty of Law Enforcement, after the even semesters, all students complete a professional internship at the ordering organization where they are expected to start their professional service. This scene is also excellent for exercising command and leadership tasks. The leadership activities of the students are continuously measured by the managers of the training sites, and a record is made of it.

#### *(ii) The main subjects of law enforcement management theory*

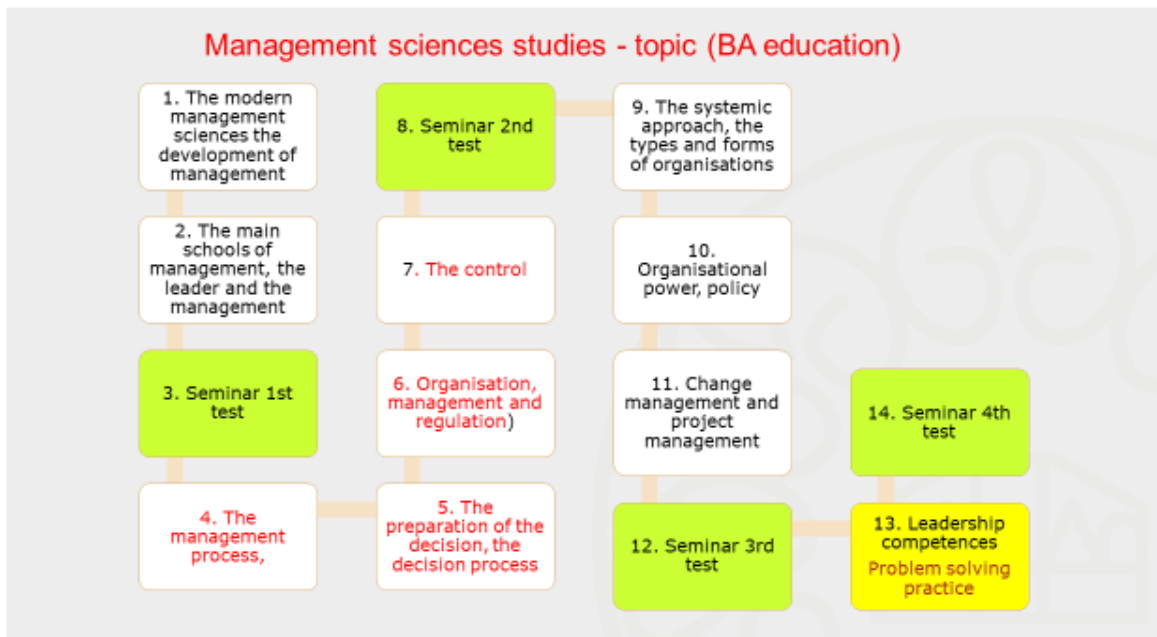
The subjects serves the professional management preparation of students studying in the Faculty of Law Enforcement, introduces and practices the main stages of the management process, functions and managerial tasks. The aim of the course is to transfer, organize and practice the knowledge necessary to perform the tasks of a police leader/commander, to establish the leadership (commander's) approach and application skills.

The course guides the students through the theoretical and practical steps of command work. During the analysis-evaluation activity, information from different sources is processed, organized, compared, and then conclusions are drawn based on them. In the sessions, based on the prepared "Task", the students analyze and evaluate information and situations taken from practical life, and react and take action accordingly - in short, they practice these elements of the management process.

The next topic is planning as one of the main stages of decision preparation. At the session, the annual and monthly work and inspection plans of the police department (or other local level organizational unit of the police organization) will be prepared. Based on the course leader's announcements and the prepared background materials, the students compile the various plans, thereby mastering the basics of the designer's work.

The students practice the daily practice of organization and cooperation, the managerial tasks of organizing and conducting management forums (meetings, staff meetings, etc.). During the sessions, management tasks and the conduct of the meeting will be presented in a practical way. In accordance with the situation set on the basis of the "Task", conducting various leadership forums and practicing them in small groups.

Figure 1: Management Sciences studies – topic BA Education



The knowledge block on the manager's control obligations and their practical implementation provides important knowledge, in the framework of which the students prepare the monthly control plan of the given organization.<sup>4</sup>

The practical training requires students to prepare a police insurance plan related to public order protection. (Arrival of EU delegation, youth festival, mass migration etc. - based on "Task"). The task of the students is to prepare the use of the police and reinforcement forces involved in the security, to prepare a table of force and equipment, and to carry out command activities related to the use of various other organizations. Within this, the planning, organization, implementation, management and control of the leadership tasks of the "Task", then the exercise of leadership roles, the recognition of problem situations occurring in the management of law enforcement organizations and the analysis of their various solution options. Practicing different managerial situations (information collection and analysis, planning, decision, organization, control, evaluation), best practice of managerial/commanding work, processing case studies and exploring methods is a well-proven method.

The course closes with the experience of practical command work, its best practice, the invitation of an external speaker and the teacher's evaluation of the plans prepared in the framework of the course material learned during the semester, student expressions, and the awarding of the practical certificate.

#### ***D Managerial training within the framework of individual professional subjects***

During the performance of practical tasks, within the framework of individual professional subjects, students have the opportunity to test their acquired knowledge in practical situations. Practical testing of theoretical knowledge is a well-proven method also abroad.

Vocational subjects usually end with solving a specific problem of a profession. Here, the students have to solve a task that was developed by the lecturer of the vocational department

<sup>4</sup> 62-2020. (V. 21.) no. decision. Amendment and adoption of the curriculum of some courses of the Faculty of Law. The subject program of the subject "Leadership and organizational theory". Available: [www.uni-nke.hu/egyetem/szenatus/szenatusi-hatarozat/2020](http://www.uni-nke.hu/egyetem/szenatus/szenatusi-hatarozat/2020) (Download date: 10.21.2022)



and the lecturer of the management science department. The professional correctness of the solutions is supervised by the instructor of the department, and compliance with the management theory requirements is supervised by the instructor of the management science department. Each of the students acts in a leadership and commanding role. The sessions provide space for practicing the elements of the commander's work, as they can examine each moment from several sides in addition to their continuous and collective evaluation. It is very important for students to prepare in advance for classes.

### ***E Common public service exercise***

The main professional orders of the public service deepen the knowledge they have acquired during the preparation during the "Practice" adapted to a situation close to reality. The exercise is preceded by theoretical studies, which develop the public service approach and the ability to solve tasks together. During the execution of the "Practice", a complex "Task" with a theme that changes every year is solved by establishing a three-level management system (upper, middle and executive level), with time shifts, location transfers, and the active involvement of the trainee staff.<sup>5</sup> The organizations that order the training and their crisis management teams are involved during the debriefing.

The course material part of the course familiarizes the students with the general order and methodology of conducting the exercises. The students get an idea of the management system, the order of execution of the tasks, the content of the design work, they get to know the military, law enforcement and public administration management models in practice.

After all this, the students get to know the specifics of the core work of each professional order. Within this, the composition and tasks of the management organizations, the responsibilities and duties of service personnel assigned to the work group, the system of contact and information exchange with cooperating organizations, the order of reports and information flow, work methods, and records are included as priority topics.

In the course of the classes, the students get to know the conventional signs used by the organizations, map keys, the management system and the basics of cooperation. In order for modern GIS knowledge to reach the students, they will also be presented and applied.

The theoretical and partly practical sessions are followed by specific preparation for the exercise, the description of the situation setting of the exercise, the role, task, authority, and activity of the international and domestic organizations and bodies involved in the management of the emerging conflict and danger situation, as well as mass migration, on the basis of which their involvement and participation in the prevention of emergency situations can be planned. The "Common Public Service Task" and the "Additional Public Public Service Task" will be handed over to the students, their interpretation and instructions for processing.<sup>6</sup> All of this is followed by the implementation of the exercise, the conflict and danger situation that has arisen, as well as the activities of the organizations involved in the management of mass migration and their cooperation based on the set task.

After completing the course, the students participating in the training will be able to review the activities of the organizations operating in the public administration sphere, the management control system, gain proficiency in core work, and contribute to the foundation of successful management decisions through active planning and preparation activities.

The purpose of this subject is to further develop the students' independence, leadership knowledge, abilities and skills.

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<sup>5</sup> Gábor Kovács - Tünde Pesti - Erzsébet Tózsér: *The appearance and process of changes in student behavior at the "Virus 2019" Joint Public Service Practice of the National Public Service University*. Hungarian Policing, 19. (2019), 2–3. 115–142.

<sup>6</sup> Gábor Kovács (ed.): *Public service operation management systems*. Budapest, Dialogue Campus, 2017.

## ***F Master's degree in law enforcement management***

In the master's program for law enforcement management, the subject "Leadership and Organizational Theory" consists of three modules. These modules are built on each other, and their mastery appears as a criterion requirement.

It is not our goal that the theoretical knowledge of management and organization acquired in the bachelor's program be taught again to our students participating in the master's program. Each topic is different - now it approaches the given problem area from a management perspective.

The following topics will be reviewed in the first semester: the development of modern management theory, the development of management theory, the prevalence of the systems approach in management theory thinking. The formation and development of management science, its main figures, the impact of changes in social conditions on management theory, the place of management theory in the system of sciences. The impact of scientific results on management theory thinking, the development of system theory and its impact on management theory.

Students learn about the formation of organizations, their general characteristics and possible types. They get an idea of the structural characteristics of organizations, one-dimensional and multi-dimensional organizations, basic organizational forms, organizational coordination tools - all of this approached from a managerial perspective!

*Figure 2: Law Enforcement Management science education subject - 4 semester*



This is followed by an introduction to the management process and decision preparation systems, the management information system and the planning process, the decision, organization as the implementation of the decision, coordination as an operative intervention. The place of control in the management process, the purpose and types of control, the main elements of the internal control system, organizational management systems and controlling. Students get to know the current issues of organizational power.<sup>7</sup>

<sup>7</sup> Course, class and exam schedule MA correspondence section 2022. – NKE-RTK Law Enforcement Management Department archives

All these are followed by group decision-making methods and their characteristics. It is important for future managers to familiarize themselves with project management issues, including the main topics: the project environment, the process and functions of the project manager and project management, project life cycles, stakeholders, establishing rules, project charter, statement of work, the matrix responsible for activities, the communication content of the plan, the project proposal. Risk management. Phases of project planning: work breakdown structure, realistic scheduling, balancing and communication.

Managerial training cannot be complete without studying Human Resource Management (hereinafter: HRM) issues. Main topics: components of intellectual capital, elements of relational capital, parts of organizational capital, elements of human capital, people as a strategic resource. HRM and personnel management. Strategic HRM. Best fit and best practice. The basic task of HRM and its measurable indicators. HRM activities, evaluation, auditing. Performance evaluation methods. 4 basic principles and 4 key concepts of HRM. Models of HRM.

Knowledge of the IT support of organizational management systems is extremely important for our students, including: overview of the main goals of organizational management, provision of reliable information, proactive management of risks, making the organization transparent. Managing databases, uploading data, searching for information between databases. Areas of use of organizational management systems. Quality assurance issues. Concept and operation of Business Objects.

Our goal is for our students to learn about organizational change, the behavior-oriented process of change management, and change management strategies. As the last topic, the interpretation and scope of public services, the division of public service systems, the system and development of closed public services will be discussed.

The course ends again with a management practice, where management situation tasks are solved in connection with the topics covered in the semester.

In the third semester, we have included topics in the training that also affect other subjects, but here we specifically focus on the approach from the management perspective. These topics are: communication and media, public relations/social relationship building, its specialist areas and tools, theories and interpretive models, organizational image building.

We consider it important to familiarize our students with the management aspects of negotiation techniques, holding meetings, the stages of the negotiation process, and negotiation strategies. A well-prepared leader have to know the rules of dress code. We consider the issue of managerial time management and the basic principles of self-management to be important.

As the last topic of the training, our students get to know the specifics of law enforcement activities and law enforcement administration.

The course concludes with the questions of HRM in policing, the conceptual definition of performance and efficiency and possible measurement options, followed by the solution of managerial situational tasks in connection with the topics covered in the semester.

### ***G The possible future of the international law enforcement management education***

The preparation of the leading master of law enforcement in the organization of CEPOL has already been implemented with accreditation in Spain (National Distance Education University (Spain) – UNED). CEPOL partner universities participated in this training.

#### ***(i) Policing in Europe European Joint Master Programme (CEPOL EJMP)***

The framework partnership agreement was signed on December 9, 2014 by the director of CEPOL and the members of the consortium (Bulgaria, Finland, France, the Netherlands, Lithuania, Hungary - NOK and NKE, Germany, Italy, Portugal, Romania, Slovenia and Spain, later Estonia also joined). Germany's Deutsche Hochschule der Polizei (Münster Police University) was selected as the leading institution of the consortium, and the Spanish National

Distance Education University (UNED) as the diploma-issuing institution. The Spanish National Quality Control and Accreditation Agency (Agencia Nacional de Evaluación de la Calidad y Acreditación, ANECA) as responsible for the accreditation of the entire program. These education methods were expensive so this program finished.

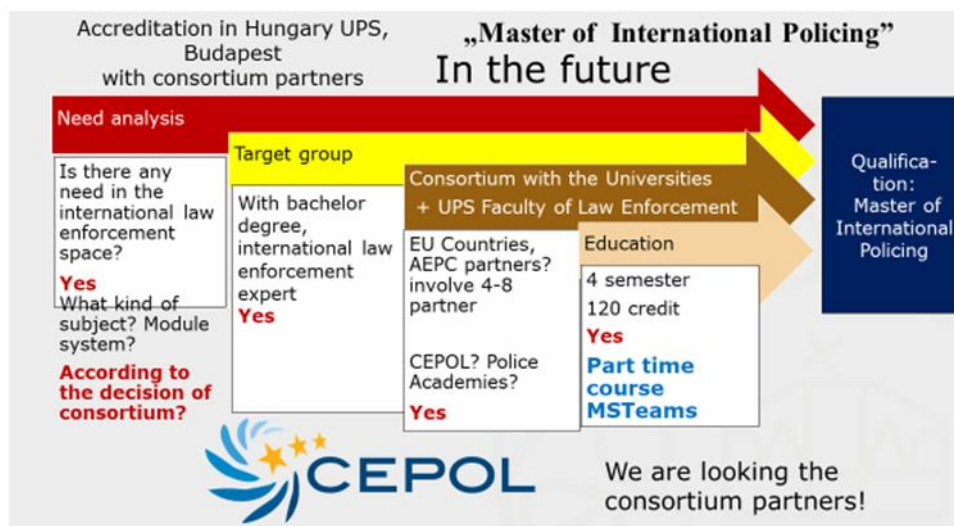
(ii) *International Policing English language Master Program*

The new proposal is the the International Policing English language Master Program (Draft Version) accredited and launched by the University of Public Service (UPS).

About the program (draft version):<sup>8</sup>

- The Master's degree to be established: International (and European) Policing - International Law Enforcement MA.
- Level of qualification: Master's degree (magister, master; abbreviation: MA);
- Qualification: Certified International Police Expert/ Certified expert in international policing.
- Number of credits required for the Master's degree: 90 credits (Diploma thesis: 12 credits, Professional practice: 30 credits).
- Duration of training in semesters: 3 semesters, online education method.
- Planned specialisations and/or specialisations: no specialisation.
- Orientation of the course: theory-oriented [~60-70%).

Figure 3: Master of international policing –proposal



In the end of the year of 2022 the CEPOL collect an Expert Group that will have the mandate to:

- 1) Discuss and make a proposal whether CEPOL should organise one or more EU-level Higher Education Programme(s) or rather become a Hub for Higher Education for Law Enforcement;
- 2) Suggest how this should be organised the International Policing Master program;
- 3) Prepare the EU-level Higher Education Programme and the draft a concept of education.

The Expert Group consists of three Co-chairs and 13 members, the chair is the Executive Director of CEPOL.

<sup>8</sup> Standards and guidelines for quality assurance of the European Higher Education Area (ESG 2015) Available: [https://enqa.eu/indirme/esg/ESG%20in%20Hungarian\\_by%20OFI-HAC.pdf](https://enqa.eu/indirme/esg/ESG%20in%20Hungarian_by%20OFI-HAC.pdf) (Date of download: 16.10.2022)

#### IV. Conclusion

In the study, the field of knowledge of management and organization theory taught at the Faculty of Law Enforcement was presented.

The aim of the Faculty is to use the modern education methods. Very important aim is the theoretical and practical education method.

Our teachers are always looking for development opportunities, new scientific results, and working methods. Our common goal is to produce theoretically well-prepared practical specialists for the Hungarian law enforcement organizations.

Summary:

- 1) The UPS - Faculty of Law Enforcement education in Hungary provides a modern well-designed education system.
- 2) The well-designed specialization system.
- 3) The practice oriented law enforcement basic and master level training and the education system is successful.
- 4) The new proposal of the CEPOL and the UPS Faculty of Law Enforcement is the International Policing English language Master Program

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# The concept of population protection in the Czech Republic as a tool to increase the level of security of society

Otakar Jiri Mika<sup>1,2</sup>

The Czech Republic pays great attention to the protection of the population. This important security area in the Czech Republic is included in some important laws and a special security decree is issued directly to implement individual measures to protect the population, such as warnings, evacuations, shelters, etc. However, the Czech Republic does not issue a law on population protection.

Since 2002, the so-called Concept of Population Protection, which is approved and announced by the Government of the Czech Republic, has been published regularly. Population protection concepts were issued in 2002, 2008, 2013 and most recently in June last year. The professional contribution includes a brief analysis, evaluation and professional discussion on the current state of population protection in the Czech Republic. It shows weaknesses and shortcomings in the whole system from the legal point of view to the current readiness of the population to deal with emergencies and crisis situations. At present, the preparedness of the population of the Czech Republic for natural disasters and industrial or traffic accidents seems to be relatively low.

The author of the paper makes academic reflections on the current state and submits his own proposals for possible solutions. It is basically an improvement of the current state of protection of the population in the Czech Republic with a view to the near future.

Important and significant is the author's personal but long-term vision of the preparation and introduction of the national law "*Protection of Population*" in the Czech Republic. The basic vision of such a national law is summarized here and presented as a framework, including the basic justification of this social need.

**Keywords:** concept of population protection, security threats, emergencies, crisis situations, security, protection of population, national law, national security priorities.

## I. Introduction

According to the constitutional order of the Czech Republic, the state is obliged to ensure the safety of its citizens in order to lead a quality life. For this purpose, it creates a security system that develops tools to strengthen the protection of the population. The protection of the population is undoubtedly an area that deserves high attention. The valid terminological dictionary of the Ministry of the Interior of the Czech Republic from 2016 defines the protection of the population as follows:

*“Fulfillment of civil protection tasks during and outside of armed conflict, especially warning, notification, evacuation, shelter and emergency survival of the population and other measures to secure their life, health and property. The interpretation of the protection of the population is not uniform, in some countries where they do not have a crisis management system, the*

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<sup>1</sup> Police Academy of the Czech Republic in Prague, Faculty of Security Management, Lhotecká 559/7, P.O. Box 54, 143 01 Praha 4, Czech Republic, email: [mika@polac.cz](mailto:mika@polac.cz)

<sup>2</sup> University of South Bohemia in České Budějovice, Faculty of Health and Social Sciences, J. Boreckého 1167/27, 370 11 České Budějovice, Czech Republic, email: [otakar\\_mika@email.cz](mailto:otakar_mika@email.cz)

*protection of the population is used in a broader interpretation as a system of non-military protection - it addresses, for example, the protection of internal security and the economy.*"<sup>3</sup>

In June 2021, a draft strategic document was approved in the area of population protection in the Czech Republic, which in its content determines the direction and development of population protection in the state until 2030.

*"The concept of population protection until 2025 with a view to 2030"* was prepared by the Ministry of the Interior - General Directorate of the Fire and Rescue Service of the Czech Republic in accordance with the provisions of § 7, paragraph 2, letter e) Act No. 239/2000 Coll., on the integrated rescue system and on the amendment of certain laws, as amended.<sup>4</sup>

This act defines the integrated rescue system (IZS) in detail, establishes the individual components of the IZS and their scope, the scope and authority of state authorities and authorities of territorial self-governing units, the rights and obligations of legal entities and natural persons in preparing for emergencies and in rescue and liquidation work and in to protect the population before and during the declaration of a state of danger, a state of emergency, a state of threat to the state and a state of war.

Protection of the population is the fulfillment of the tasks of civil protection (Article 61 of Additional Protocol I to the Geneva Conventions of August 12, 1949 on the Protection of Victims of International Armed Conflicts), in particular **warning, evacuation, shelter and emergency survival of the population** and other measures to ensure the protection of its life, health and property.

## II. A brief historical overview

The issue of population protection is a very important security area, as already indicated above. In addition to the above-mentioned law of the Czech Republic, there are also other legal regulations in the area of population protection that define basic information for preparing for emergencies, during rescue and liquidation work and before and after declaration of crisis situations. Furthermore, they define the authority of state authorities and the authority of the authorities of territorial self-governing units, including the obligations of legal entities in preparing for the occurrence of extraordinary events. They take the form of laws, government regulations and ministerial decrees.

In 2002, binding implementing decree No. 380/2002 Coll.<sup>5</sup> The mentioned document is relatively brief, it contains 15 pages of text including two appendices on specific cases of evacuation.

Decree No. 380/2002 Coll., which has been effective since August 22, 2002, thus establishes detailed demarcations for a number of important areas from the protection of the population, as follows:

- the procedure for setting up civil protection facilities and for the professional training of their personnel,
- method of informing legal entities and natural persons about the nature of the possible threat, prepared measures and the method of their implementation,
- technical, operational and organizational security of the unified warning and notification system and the method of providing emergency information,

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<sup>3</sup> Collective Terminological dictionary of terms in the field of crisis management, population protection, environmental security and state defence planning, Ministry of the Interior of the Czech Republic, Department of Security Policy and Crime Prevention, Prague 2016, p. 51.

<sup>4</sup> Act No. 239/2000 Coll., on integrated rescue system as amended.

<sup>5</sup> Decree of the Ministry of the Interior No. 380/2002 Coll., on the preparation and implementation of population protection tasks

- the method of carrying out the evacuation and its all-round security (the annexes then set out the principles of evacuation in the event of a flood and in the event of a radiation accident)
- the principles of the procedure for providing shelters and the method and extent of individual protection of the population,
- population protection requirements in spatial planning and construction-technical requirements for civil protection buildings or buildings affected by civil protection requirements.

The said implementing decree is of course still important and useful, on the other hand, it is already somewhat outdated at the present time. Unfortunately, its amendment or the issuance of a new decree is not yet in sight.

Due to the fact that the Czech Republic does not yet have an independent law on "*population protection*", it is significant that since 2002 it has started issuing the Population Protection Concept irregularly, but at certain similar time intervals, as an important conceptual document. In terms of historical context, it is possible to recall that the first Population Protection Concept was issued in 2002, then in 2008, then in 2013. The new Population Protection Concept was drafted in 2020 and approved at a meeting of the Government of the Czech Republic in mid-2021 <sup>6</sup>, as discussed in more detail below.

*Picture 1: Cover sample of the penultimate Population Protection Concept from 2013*



The concepts mentioned above were always a reflection of the time in which they were created, they were consistently and honestly based on the state of scientific knowledge and established professional tasks and measures for the next period. It is not without interest that the concept

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<sup>6</sup> Collective: Concept of population protection until 2025 with a view to 2030, Ministry of the Interior of the Czech Republic, General Directorate of the Fire Rescue Service of the Czech Republic, Prague 2020.



of each individual document is somewhat different, both from the point of view of professional content and the page size of individual concepts.

### III. A new concept of population protection in the Czech Republic

During 2020, all professional work on the new concept of population protection in the Czech Republic was completed, as can be seen from this document.

Subsequently, on Monday, June 21, 2021, the government of the Czech Republic approved a fundamental document in the field of population protection - Concept of population protection until 2025 with a view to 2030. The document is an intersection of fundamental topics within the population protection system. It is therefore not only a significant text from the point of view of the Fire Rescue Service of the Czech Republic, but also from the point of view of ministries and central administrative offices, municipalities and other key actors involved in preparing for and solving large-scale emergencies and crisis situations.

The document sets out 3 basic strategic goals, i.e. the basic lines of further progress. These are divided into 12 task areas.

The concept represents a new perspective on the protection of the population. The protection of the population is no longer perceived only within the limits of the definitions set out in Act No. 239/2000 Coll., on the integrated rescue system and on the amendment of some laws, but reflects ongoing or anticipated development trends and accepts the possibility of unexpected events with significant impacts on society.

The protection of the population is viewed from a broader perspective and is understood as a system of prevention, preparedness and response to extraordinary events and crisis situations, the aim of which is the protection of lives, health, property and the environment. Actors are state administration bodies, local governments, legal and entrepreneurial natural persons, but also citizens themselves.

Figure 1: Sample of part of the cover of the new Population Protection Concept from 2021



Fulfillment of the Population Protection Concept by 2025 with a view to 2030 will significantly help increase society's resistance to a wide range of threats. This entire process leads to the required increase in the overall preparedness of not only the population, state administrative bodies, components of the integrated rescue system, or actually the entire society for possible extraordinary events and crisis situations.

The quality of the response of the entire system to various types of threats is conditioned by the constant development of the capabilities of its individual components, which must clearly depend on the current state of scientific knowledge, while respecting the economic possibilities

of the state. However, the entire system cannot do without the responsible approach of citizens. This is a very important and serious idea in the concept, which is intertwined with the entire strategic document.

#### **IV. A brief proposal for the creation of a law on the protection of the population**

It is necessary to develop the population protection system with regard to development trends and beyond also taking into account the acceptance of the possibility of the occurrence of unexpected events with significant impact on society. To ensure the functionality of the population protection system and above all to maintain its high standard in the context of the development trends mentioned below and taking into account the acceptance of the possibility of unexpected events with a significant impact on society, the role of research support is important. This is secured mainly through security research programs. A non-negligible role is also played by selected universities and colleges, which, due to their profile, cover research projects in the area of population protection.

Characteristic features of a changing society are individualization individuals, population aging and widening inequalities caused mainly by socio-economic factors. It's running out to a decrease in social empathy and, conversely, an increase in manifestations aggression. In the developed world, the proportion of people living alone is increasing. According to the forecast of the Czech Statistical Office, the share of people aged over 65 could approach one third in 2050, which would mean doubling the current proportion of the population.

The protection of the population (or civil defence and protection) has a long and rich tradition in the former Czechoslovakia and subsequently in the Czech Republic (established on January 1, 1993). Therefore, it can be said that at present its conception and, above all, its real implementation lags behind social practice in some areas.

The protection of the population is undoubtedly a very important area life of a modern democratic and industrial society. The highest legislative norm of the Czech Republic, the Constitution of the Czech Republic ensures the protection and saving of their lives and protection to the citizens of the state health of people, protection of their property and protection of the environment.

The main tasks of protecting the population include security citizen warning, hiding (shelters), evacuation, individual and collective protection and emergency survival.

The main measures to protect the population include:

- establishment and operation of the warning and information system population and notification of interested entities,
- timely and reliable transmission of information about real threats or already extraordinary events that have occurred,
- preparation and use of means of individual protection or improvised means to protect respiratory organs and body surface,
- preparation of shelters and organization of permanent shelters and improvised shelters,
- provision of medical assistance and hygiene measures for the prevention and eradication of epidemics, infections and other health issues threat,
- prevention and liquidation of leaks of dangerous substances, explosions and fires,
- search and rescue of endangered and disabled persons,
- provision of spare and emergency supply of drinking water, food, energy, hygiene and disinfectants,
- humanitarian and other forms of aid,
- ensuring public order and security, closure disabled and endangered space, regulation of the movement of people and transport,
- saving property, cultural, economic and domestic values animal life,

- removing the consequences of extraordinary events,
- other measures according to the specific situation.

The prerequisite for the effective implementation of the mentioned measures is sufficient readiness of the population to act in a timely, active and correct manner in cases of imminent or already occurring threats.

The contradictory and contradictory character of civilizational activities, combined with the continued proliferation of security risks, results in permanent increasing the threat to the population due to the increasing number of species and types extraordinary events. However, this objective process is connected with the delay in the development of an adequate security system, which makes the issue of protecting the population permanently open matters.

Given the importance of the area "*protection of the population*" it would be define the necessary issue and include it in a separate one of the law. Possible framework content and scope of the proposed law on the protection of the population is given below:

- Introductory provisions,
- Definitions and basic terms,
- General conditions,
- Extraordinary events,
- Crisis situations,
- Basic organizational and technical measures to protect the population,
- Protection of the population from the effects and consequences of extraordinary events events and crisis situations,
- Prevention of extraordinary events and crisis situations,
- Preparedness of the population for emergency and crisis events situation,
- Performance of state administration in the area of population protection,
- The effectiveness of the law,
- Annexes to the law.<sup>7</sup>

## V. Conclusion

Population Protection Concepts (2002, 2008, 2013, 2020) have been published in the Czech Republic since 2002.

It was always an important conceptual document on the protection of the population, which responds to the social changes that have taken place on the level of scientific knowledge in security fields.

In addition, since 2015, the Czech Republic has issued an evaluation report on the state of population protection in the Czech Republic every 3 years, the first report was issued in 2015, and the next in 2018, which are also freely available on the website.

A solid and comprehensive knowledge of this issue is important for a correct understanding and subsequent creative thinking for a permanent increase in the level of protection of the population in the Czech Republic.

It is true both in the Czech Republic and in other comparable countries that

The ability of every citizen to help himself and others significantly contributes to reducing the negative effects of various extraordinary events and crisis situations. An important and permanent task is to improve the conditions for building sufficient information and good preparedness of the population to ensure the safety of themselves and their loved ones.<sup>8</sup>

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<sup>7</sup> Mika O. J., Padrnos J. Population Protection Act, Proceedings of the International Conference Population Protection 2013 - Decontamination, 29-30 January 2013, Ostrava, pp. 87-93, ISBN 978-80-7385-122-4.

<sup>8</sup> Mika O. J. *New concept of population protection in the Czech Republic*, Civil protection, Review for civil protection, Slovakia, February 2022, pp. 37-38, ISSN 1335-4094.

In conclusion, it is possible to refer serious interested parties to the public website, where the mentioned document is not only easily accessible, but also freely downloadable.

Recommended website (unfortunately only in Czech):

<https://www.hzscr.cz/clanek/vlada-cr-schvalila-novou-koncepci-ochrany-obyvateilstva.aspx>

Protection of the population as a separate system of specialists the measure is an integrated part of crisis management and emergencies events of a non-military nature are priority matters of the crisis management. In a systemic approach to the solution of individual species and types of extraordinary events represents independently managed and coordinated action.

The current and future importance of population protection is so serious and important that it is possible to recommend preparation the adoption of separate legislation (see the above proposed law on protection population). The law would be based on and follow up on the "*set of crisis of laws*", which were adopted in the middle of 2000, with effect from January 1, 2001. Protecting the population takes this responsible approach no doubt they deserve it.

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## Better Preparedness and Protection of Passengers against Chemical Terrorism in the Prague Metro

Otakar Jiri Mika<sup>1,2</sup>  
Jiri Patočka<sup>3</sup>

The CBRN incidents are on the rise and there is a need for clear understanding of threats, vulnerabilities and modus operandi for reliable prevention and fast and effective response. Managing CBRN incidents, all prevention, preparedness and response, are multi-agency affairs seeking fine coordination and clear understanding of rules and jurisdictions. Any response needs to be speedy and coordinated to avert casualties and prevent escalation.

Chemical terrorism is a serious security threat not only in the Czech Republic, but all over the world. Its imminence and danger are given by many different facts such as the previous experience of actual chemical attacks (Japan 1994 and 1995), the appearance of new terrorist groups, changes, and reactions to political changes, growing national minorities even in the Czech Republic, religious fanaticism, many more reasons, etc.

The Czech Republic has developed a unique crisis plan for all components of the Integrated Rescue System (IRS), the so-called Type Activity. Type activity No. 13 was prepared for more than 3 years as an inter-ministerial meeting at the highest level. It has an official title: *Reaction to a chemical attack in the Metro* and counts a total of 108 pages of professional text, this material is not public.

The standard activities of the IRS units during a joint intervention (hereinafter referred to as “*type activities*”) are processed in accordance with Section 18 of Decree No. 328/2001 Coll. of 5 September 2001 on certain details of IRS security, as amended by Decree No. 429/2003 Coll. Type activities are issued by the Ministry of the Interior - General Directorate of the Fire and Rescue Service of the Czech Republic, Department of IRS and Service Performance.

Many practical tests implemented in the Prague underground showed how to prepare and protect passengers against threats and effects of chemical terrorism. Passenger lifesaving, protection of their health and safe transport represent permanent priorities of the Prague Public Transit Company. The Prague tube passengers are to be informed about the threat of a possible chemical attack in a suitable way. They will also be shown simple and effective protections against a possible chemical attack.

Travelling comfort and a high level of security of the tube passengers will be enhanced by their awareness of the new thorough emergency response plan that organizes all the essential activities after a possible attack and also by their consciousness of outstanding preparedness of rescue bodies.

**Keywords:** chemical terrorism, chemical weapons, chemical warfare agents, toxic industrial chemicals, prevention, preparedness, protection.

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<sup>1</sup> Police Academy of the Czech Republic in Prague, Faculty of Security Management, Lhotecká 559/7, P.O. Box 54, 143 01 Praha 4, Czech Republic, email: [mika@polac.cz](mailto:mika@polac.cz)

<sup>2</sup> University of South Bohemia in České Budějovice, Faculty of Health and Social Sciences, J. Boreckého 1167/27, 370 11 České Budějovice, Czech Republic, email: [otakar\\_mika@email.cz](mailto:otakar_mika@email.cz)

<sup>3</sup> University of South Bohemia in České Budějovice, Faculty of Health and Social Sciences, J. Boreckého 1167/27, 370 11 České Budějovice, Czech Republic, [toxocology@toxicology.cz](mailto:toxocology@toxicology.cz)

## I. Introduction

The CBRN incidents are on the rise and there is a need for clear understanding of threats, vulnerabilities and modus operandi for reliable prevention and fast and effective response. Managing CBRN incidents, both prevention and response, is a multi-agency affair seeking fine coordination and clear understanding of rules and jurisdictions. Any response needs to be speedy and coordinated to avert casualties and prevent escalation.

The CBRN crisis prevention and consequence management should be based on the following nine focus areas with each area integrating scientific research, development, advanced planning, technology implementation and advanced training in real conditions:

- 1) Prevention
- 2) Preparedness
- 3) Detection
- 4) Surveillance
- 5) Response
- 6) Rescue
- 7) Mitigation
- 8) Decontamination
- 9) Recovery<sup>4</sup>

The Czech Government and authorities consider security problems to be crucial issues of interior policy. The government and the authorities of the Czech Republic consider security issues to be key issues in domestic policy, including the threat of terrorism. Terrorism takes many forms, and although the Czech Republic has not yet seen any major terrorist act, it cannot be seen that the latest terrorist attacks are increasingly approaching the Czech border. It is therefore necessary to constantly work on protection against terrorism and, above all, to protect critical infrastructure objects.

The Prague Metro is such an object. Every subway has long been the optimal target for terrorists, in which a large number of people are constantly moving. The closed metro system is an easy target for terrorists, as demonstrated in 1995 by the Japanese terrorist organization Aum Shinrikyo's attack on the Tokyo metro by sarin, which caused 13 deaths and nearly 7,000 injuries.<sup>5,6</sup> Also, a bomb attack in St. Petersburg, Russia in 2017, which had 15 victims and seventy people suffered injuries, showed how vulnerable the subway is. That is why it is important for the Czech Republic to seriously consider protection against chemical terrorism in the Prague Metro.

The CBRN terrorism and protection against it have been thoroughly focused on by the Czech Government and authorities very frequently.<sup>7</sup> Means of public transport, especially the Prague tube, represent sites potentially threatened by a terrorist attack. There is just one tube in the Czech Republic which is located in Prague (the Capitol). The Prague subways serves three lines, green, red and yellow ones.

The preparation of the so-called Type Action for the Integrated Emergency (Rescue) System on chemical terrorism and passenger protection and its consequences lasted two years with the active participation and cooperation of several ministries. The Ministry of the Interior, the

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<sup>4</sup> Athavale R. (2020) *Practice makes perfect*, Chemical, Biological and Nuclear Warfare (United Kingdom), No. 1, 2020, ISSN 2051-6584, pp. 26-28, p. 26.

<sup>5</sup> Tu A.T. (2002) *Chemical Terrorism: Horrors in Tokyo Subway and Matsumoto City*. Alaken, Colorado. ISBN-13: 978-1880293102

<sup>6</sup> Tu A.T. (2018) *Chemical and biological Weapons and Terrorism*. CRC Press, Taylor and Francis Group. ISBN-13: 978-1-138-03338-2.

<sup>7</sup> Patočka J. Terorismus a moderní chemie. *Vesmír* 2011, 90 (6), 324.

Ministry of Transport, the Ministry of Health, the Ministry of Defence, the State Office for Nuclear Safety, etc. participated in the project.<sup>8,9</sup>

## II. Possible Chemical Terrorism in the Prague Metro

The vulnerability of the Prague subways to chemical terrorist acts was proved in the 1995 Tokyo tube sarin attack. Even if many common chemical warfare and also toxic industrial compounds can be misused, major attention is paid to possible use of nerve agents like sarin, cyclosarin, soman, and tabun.<sup>10</sup>

Unfortunately, toxic industrial compounds with suitable physical-chemical properties and high toxicity can also be misused in terrorist attacks in tube.<sup>11</sup>

Fortunately, a very poor quality of sarin, which contained only 30% active substance, was abused in the Tokyo subway. This liquid mixture smelled very much and thus actually alerted the vulnerable subway passengers that something abnormal was happening. According to a police investigation report, 4460 people were affected, 12 of which were fatal. (National Japanese Police Agency, 1995) The numbers of heavy, moderate and light sarin poisoning are quite different according to the source of information.

The list of easy to misuse chemical substances comprises compounds such as phosgene, phosphine, chlorine, hydrogen chloride, hydrogen sulphite, and carbon disulphide. Huge amounts of toxic industrial compounds are stored in plants and transported throughout the Czech Republic, mainly by road and rail. They can be stolen and easily used by terrorists to implement chemical attacks.<sup>12</sup> The best example is the use of chlorine as a poisonous gas by Syrian rebels; chlorine is readily available compound for sterilization of water in pool and in water purification plant.

Possible scenarios of a chemical terrorism in the Prague tube have been elaborated to install preventive, repressive, protective, liquidation, rescue and recovery measures. Nevertheless, modelling propagation of hazardous chemical toxic substances in the tube with its specific air flow is very difficult. In the Czech Republic, tests and experimental measurements of contaminant proliferation were implemented by using safe simulation substances. The use of air conditioning system supports the propagation of a distributed toxic substance.<sup>13, 14</sup> Some special and sensitive results of the experiments have not been made public.

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<sup>8</sup> Anonym (2013) STC13/IZS "Reakce na chemický útok v metru"; Ministerstvo vnitra České republiky, Generální ředitelství Hasičského záchranného sboru ČR, Praha 2013.

<sup>9</sup> Hanuška, Z. (2014) *Typová činnost "Reakce na chemický útok v metru"*. Proceedings of the MEKA conference, 6. února 2014, Brno. ISBN 978-80-7385-142-2; ISSN 1803-7372

<sup>10</sup> Mika O. J., Fišerová L. (2011) *Brief overview of chemical terrorism and its consequences*. Toxin Review. 2011, 1-7, Early Online. ISSN 1556-9551 online.

<sup>11</sup> Mika O. J., Fišerová L. (2011) *Brief overview of chemical terrorism and its consequences*. Toxin Review. 2011, 1-7, Early Online. ISSN 1556-9551 online.

<sup>12</sup> Mika O. J., Fišerová L. (2011) *Brief overview of chemical terrorism and its consequences*. Toxin Review. 2011, 1-7, Early Online. ISSN 1556-9551 online.

<sup>13</sup> Klouda K. at el. (2007) *Information about the course of modelling the spread of chemical agents in the metro station*. In 16<sup>th</sup> International conference "Fire Protection 2007" conference proceedings, Ostrava, 2007. pp. 228-238. ISBN 978-80-7385-009-8.

<sup>14</sup> Klouda K. at el. (2011) *Propagation of the Substituent Poisonous Matter after his Release into Waggon of the Underground*. In 20<sup>th</sup> International conference "Fire Protection 2011" conference proceedings, Ostrava, 2011, pp. 129-133, ISBN 978-80-7385-102-6.

### III. How to Respond to a Chemical Terrorism Attack in Tube

In July 2013, a completely new type of the emergency response plan to a chemical terrorism act was put into operation in the Czech Republic.<sup>15</sup> This 108-page emergency management plan of response to an attack in the tube has not been published since it is subject to concealment. The directive was compiled after implementation of many simulation experiments with proliferation of contaminants in the tube. Implementation of the above model tests is regarded as unique within Europe. Strong air flow shows special effects, like so called piston effect, which is pushing air by train movement in the tunnel. Use of ventilation systems and shafts are considered the crucial factors in proliferation of contaminants in the tube.<sup>16, 17, 18</sup>

The above new directive in response to a chemical attack in the tube provides detailed information on a possible act of chemical terrorism in the Prague tube and on recovery of its operation. It specifies response activities of individual components of Integrated Emergency System (IES) such as the Fire Rescue Service, the Medical Rescue Service, the Czech State Police and other state rescue bodies. The emergency plan also gives details on their mutual collaboration in rescue operations and other instructions for a successful intervention after chemical attack including delivery of information to tube passengers and to people outside the tube. The emergency response plan can save hundreds to thousands of lives and protect the health of possible victims of a terrorist attack in the subways.<sup>19</sup>

Many authorities and bodies such as Ministries of Interior, Health, Defense, The State Office for Nuclear Safety and other institutions participated in preparation of the emergency response directive. Firstly, a basic concept of passenger rescue, decontamination and first aid was elaborated by the Fire Rescue and First/Aid Services and then it was completed based on discussions with experts from the Czech State Police, the Czech Army, and the Prague Municipal Government and with forensic medicine specialists. Results of experiments and tests with simulated propagation of suitable chemical substances in the Prague tube were also considered. Naturally, the emergency directive is built on theoretical background, thorough safety study and literature search.

An important step in the verification of the entire emergency response plan was extensive exercises in the premises of the Anděl metro station in October 21-22, 2014. They participated in all the main components of the Integrated Emergency System. The total number of participants was more than 800 persons, and 130 pieces of special equipment. The screening exercise showed many positives and good preparedness of all Integrated Emergency System units, on the other hand, many shortcomings and reserves were also shown, some of which were also published.<sup>20</sup> A total of five major hospitals in Prague were included in the rescue of the affected persons. There can also be no doubt that some sensitive shortcomings and downright errors, from training, through material equipment to the necessary coordination of rescue work,

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<sup>15</sup> Anonym (2013) STC13/IZS "*Reakce na chemický útok v metru*"; Ministerstvo vnitra České republiky, Generální ředitelství Hasičského záchranného sboru ČR, Praha 2013.

<sup>16</sup> Hanuška, Z. (2014) *Typová cinnost "Reakce na chemický útok v metru"*. Proceedings of the MEKA conference, 6. února 2014, Brno. ISBN 978-80-7385-142-2; ISSN 1803-7372.

<sup>17</sup> Klouda K. at el. (2007) *Information about the course of modelling the spread of chemical agents in the metro station*. In 16<sup>th</sup> International conference "Fire Protection 2007" conference proceedings, Ostrava, 2007. pp. 228-238. ISBN 978-80-7385-009-8.

<sup>18</sup> Klouda K. at el. (2011) *Propagation of the Substituent Poisonous Matter after his Release into Waggon of the Underground*. In 20<sup>th</sup> International conference "Fire Protection 2011" conference proceedings, Ostrava, 2011, pp. 129-133, ISBN 978-80-7385-102-6.

<sup>19</sup> Hanuška, Z. (2014) *Typová cinnost "Reakce na chemický útok v metru"*. Proceedings of the MEKA conference, 6. února 2014, Brno. ISBN 978-80-7385-142-2; ISSN 1803-7372

<sup>20</sup> Klegr O., Křen J. (2015) *Taktické cvičení Metro 2014*. časopis 112, číslo 3, str. 16-18, ISSN 1213-7057.



are used only within the system. After the analysis and evaluation of the exercises, the whole set of questions will be used to further improve the system in all possible aspects.

A large verification exercise took place in October 2014, and another major professional verification exercise is currently under preparation. It is important to set up facility to make immediate response for terrorist action. One should set up a storage place for drugs, medical tools, and miscellaneous rescue equipment such as gas masks, gloves, and tents intended for decontamination of victims. It is also important to identify the toxic agent as soon as possible so that proper treatment can be made.

With the rapid development of science and technology, with better technical equipment, the readiness of the Integrated Emergency System components for possible chemical attacks is generally significantly improved, but on the other hand, attackers can also have higher scientific knowledge, a modern modeling SW tool that easily allows them to misuse chemical warfare agents or industrial toxic compounds very effectively and dangerously. It must be borne in mind that the number of possible toxic chemicals that can be used in a terrorist attack is wide, as is the spectrum of clinical signs.<sup>21, 22</sup>

#### IV. Conclusion

Chemical terrorism is a serious security threat not only in the Czech Republic, but all over the world. Its imminence and danger is given by many different facts such as the previous experience of actual chemical attacks (Japan 1994 and 1995), the appearance of new terrorist groups, changes, and reactions to political changes, growing national minorities even in the Czech Republic, religious fanaticism, etc.

Many practical tests implemented in the Prague tube showed how to protect passengers against threats and effects of chemical terrorism.<sup>23</sup> Passenger lifesaving, protection of their health and safe transport represent permanent priorities of the Prague Public Transit Company. The Prague tube passengers are to be informed about the threat of a possible chemical attack in a suitable way. They will also be shown simple and effective protections against a possible chemical attack.

Travelling comfort and a high level of security of the tube passengers will be enhanced by their awareness of the new thorough emergency response plan that organizes all the essential activities after a possible attack and also by their consciousness of outstanding preparedness of rescue bodies.

Concerning the victims of terrorist attacks, these are not only direct victims, dead and wounded persons, but also indirect victims including the families and friends of the victims, and the wider informed public. It is the informed public on which, through the media, the present terrorists count on when planning their atrocities to be very brutal to shock the entire public to draw attention to their requirements, attitude to a political situation, etc. Several special cases of chemical terrorism have been described in the work of Professor Anthony T. Tu from the United States<sup>24, 25</sup>, which is considered one of the best experts in the field.

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<sup>21</sup> Patočka J., Fusek J. *Chemical agents and chemical terrorism*. *Cent Eur J Public Health* 2004, 12 (Suppl), 575-777, doi: 10.21101/cejph.b0080

<sup>22</sup> Patočka J., Kuča K., Dohnal V., Jun D. *Chemický terorismus*. *Kontakt* 2006, 1, 123-127. doi: 10.32725/kont.2006.020

<sup>23</sup> Schullerová B. et al. (2014): *Threat of chemical terrorism in the underground*. Safety Engineering Series, Vol. IX, No. 2. ISSN 1801-1764.

<sup>24</sup> Tu A.T. (2018) *Chemical and biological Weapons and Terrorism*. CRC Press, Taylor and Francis Group. ISBN-13: 978-1-138-03338-2.

<sup>25</sup> Tu A.T. (2020) *The use of VX as a terrorist agent: action by Aum Shinrikiyo of Japan and the death of Kim Jong-Nam in Malaysia: four case studies*, *Global Security: Health, Science and Policy*, 5:1, 48-56.

Chemical terrorism, which can bring about unfathomable and catastrophic consequences, must be counted to this category, too.

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# Police Leadership 2.0: A Comprehensive Systematic Review of the Literature

Rui Coelho de Moura<sup>1</sup>

Andreia Borges<sup>2</sup>

Sónia Morgado<sup>3</sup>

Nelson Ramalho<sup>4</sup>

Police are required to operate in complex social, political and organizational environments. Nowadays, challenging times highlight the role that police leaders play in ensuring that the organization is effective in dealing with such environments. The purpose of this paper is to expand the systematic review of literature of Pearson-Goff and Herrington (2014) by: (1) including studies after the date considered by the authors; (2) following the PRISMA-P approach to systematic reviews; and (3) include European studies. Based on 7041 records, which ended up in 101 eligible empirical pieces, evidence supports previous findings about what are the characteristics of police leaders and as well as the actions expected by them. This comprehensive systematic review also identifies additional characteristics and actions that are important nowadays in police leadership. Overall, the current study encourages future studies on the thematic. It also represents a call for action to practitioners aiming to develop continuous improvement strategies inside the police, specifically regarding police leadership and its competencies.

**Keywords:** Police; Law Enforcement; Police Leadership; Competencies

## I. Introduction

Police operate in complex social and political environments. Police leaders need to have the competences to handle these challenging environments.<sup>5</sup> Nowadays, numerous challenges are being posed to police leaders, namely new technologies like body worn cameras<sup>6</sup>, reputational crisis like black lives matter<sup>7</sup>, and social crisis due to COVID-19<sup>8</sup>. As organizational reforms take place within the police, it is of special interest to reconduct a systematic review to address the updated profile of police leaders in terms of their competencies and expected actions. The

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<sup>1</sup> Rui Coelho de Moura, PhD, ICPOL – Centro de Investigação do Instituto Superior de Ciências Policiais e Segurança Interna, rfmoura@psp.pt, ORCID 0000-0002-8355-0088

<sup>2</sup> Andreia Borges, MD, ISCTE - Instituto Universitário de Lisboa, Business Research Unit (BRU-IUL), Lisboa, Portugal, andreia\_borges@iscte-iul.pt, ORCID 0000-0001-9452-6916

<sup>3</sup> Sónia Morgado, PhD, ICPOL – Centro de Investigação do Instituto Superior de Ciências Policiais e Segurança Interna, smorgado@psp.pt, ORCID 0000-0002-7036-5174

<sup>4</sup> Nelson Ramalho, PhD, ISCTE - Instituto Universitário de Lisboa, Business Research Unit (BRU-IUL), Lisboa, Portugal, nelson.ramalho@iscte-iul.pt, ORCID 0000-0001-5364-094X

<sup>5</sup> Borges, Flávio, ‘O Perfil de Competências do Comandante de Esquadra: Gestor ou Líder?’, Lisboa: ISCPSI, May 9, 2019.

<sup>6</sup> Barak Ariel, William A. Farrar, A. and Alex Southerland, ‘The Effect of Police Body-Worn Cameras on Use of Force and Citizens’ Complaints Against the Police: A Randomized Control Trial’, *Journal of Quantitative Criminology* 31, no 3 (2015), 509-535.

<sup>7</sup> Ahmad R. Washington and Malik S. Henfield, ‘What do the AMCD multicultural and social justice counseling competencies mean in the context of black lives matter?’, *Journal of Multicultural Counseling and Development* 47, no 3 (2019), 148-160.

<sup>8</sup> Jon Maskály, J., Sanja Ivković, and Peter Neyroud, ‘Policing the COVID-19 pandemic: exploratory study of the types of organizational changes and police activities across the globe.’, *International Criminal Justice Review* 31, no 3 (2021), 266-285.

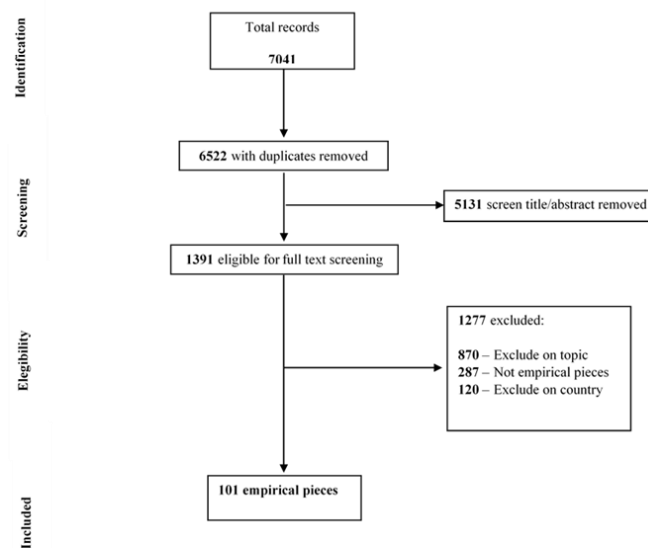
current study takes the challenge to update the systematic review conducted by Pearson-Goff & Herrington (2014)<sup>9</sup> by including recent studies and investigation from other geographic areas, namely Europe which was not analyzed so far.

## II. Methodology

A systematic literature review is a review of “a clearly formulated question that uses systematic and explicit methods to identify, select, and critically appraise relevant research and to collect and analyze data from the studies that are included in the review” (Moher et al., 2010, p. 264).<sup>10</sup> The current systematic literature review was conducted in accordance with the Preferred Reporting Items for Systematic Reviews and Meta-Analyses (PRISMA) approach<sup>11</sup>. The PRISMA approach entails and a four-phase flow diagram, which were used to report our results (see Figure 1).

In line with Pearson-Goff and Herrington (2014) systematic review, we consider research from the USA, United Kingdom, Canada, New Zealand and Australia. To expand their work, we also consider research from European countries. We ended up with eligible research from 14 European countries, i.e., Germany, Belgium, Slovenia, Spain, Finland, France, Netherlands, Ireland, Italy, Norway, Poland, Sweden, and Ukraine.

Figure 1: Review flow according to PRISMA-P criteria



<sup>9</sup> Mitchell Pearson-Goff and Victoria Herrington, V., ‘Police leadership: A systematic review of the literature.’, *Policing: A journal of Policy and Practice* 8, no 1 (2014), 14-26.

<sup>10</sup> David Moher, Alessandro Liberati, Jennifer Tetzlaff and Douglas Altman, ‘Preferred reporting items for systematic reviews and meta-analyses: the PRISMA statement.’ *International Journal of Surgery* 8, no 5 (2010), 336-341.

<sup>11</sup> David Moher, Larissa Shamseer, Mike Clarke, Davina Gherzi, Alessandro Liberati, Paul Shekelle, Lesley Stewart and PRISMA Group, ‘Preferred reporting items for systematic review and meta-analysis protocols (PRISMA-P) 2015 statement.’ *Systematic reviews* 4, no 1 (2015), 1-9.

### **A Search terms**

The search action was conducted using the following databases: Emerald, Taylor & Francis, Wiley, SAGE, Ebsco, Springer, and European Union Agency for Law Enforcement Training (CEPOL).

Table 1 shows the terms used to search in the databases adopted as in line with Pearson-Goff and Herrington (2014) terms. Also aligned with the authors, “truncations were used to search multiple iterations of a particular word stem. Tier one retrieved literature relating to police organizations, as opposed to other public or private sector organizations; tier two aimed to find leadership-related literature. Systematic searches involved pairing each work in tier one with each word in tier two and searching in the title, abstract, and keyword fields.” (page 2).

*Table 1: Systematic review search items*

<b>Tier 1: target items</b>	<b>Tier 2: leadership and associated items</b>
Police	Leader*
Policing	Commissioner
Law enforcement	Manag*
	Executive
	Senior
	Administrat*

### **B Selection criteria**

A number of criteria were specified to gather the most relevant studies. In all databases, we only included peer-reviewed articles, published in English, and with a time period between January 2013 and September 2021. Articles also had to fulfil the two criteria defined below.

- Be an empirical article.
- Be published in a peer-reviewed journal. This criterion was used since peer-reviewed journals are considered as most reliable sources of scientific information.

### **C Study selection,**

We began by screening the titles of all the retrieved articles for eligibility. Those articles that didn't match with the above-mentioned criteria were eliminated. In the next step, the abstracts were screened for eligibility, and finally the full text of the remaining publications were checked. All articles deemed relevant were further coded as follows: name of authors; title; year; country; source; type of study; document type; research questions; theoretical approach (if any); study methodology; sample (N); mentioned skills; mentioned actions; results and conclusions. This procedure (data extraction) is part of the content-analysis process to make an overview of the characteristics of the articles included in this research.

## **III. Findings**

### **A PRISMA flowchart**

Considering the selection criteria defined, 7041 articles were identified from the databases. Out of 7041, 519 duplicates were removed which means that 6522 articles were screened. After title / abstract screening, 1391 were eligible for full text screening. There were three reasons for

final exclusion: (1) being out of topic; (2) not being empirical articles; and (3) exclude on country, i.e., research that was not developed in Europe, USA, Canada, United Kingdom, Australia and New Zealand. The current systematic review ended up with a total of 101 eligible records. Table 2 displays the breakdown of the 101 studies by country and year of publication. Table 3 shows the breakdown of study methodology.

Table 2: Breakdown of studies by country and year of publication<sup>12</sup>

Year of publication	Country				
	USA	Canada	Australia	New Zealand	Europe
2013-2017	29	1	2	0	21
2018-2021	27	4	2	0	27

Table 3: Breakdown of study methodology

Methodology	Total no. of studies
Survey	66
Interviews	10
Mixed methods	14
Content Analysis	2
Observational study	3
Case study	10
Secondary data Analysis	6

### **B Selection bias**

To assure quality, a sample of articles was independently coded by a second coder. This procedure has been adopted in previous research (e.g., Laar et al., 2017). We selected a randomized sample of fifteen percent of the articles contained in the final database. The second coder evaluated based on the eligibility criteria and assessed the title, abstract and full text of each article. In the next step we used Cohen's kappa coefficient to measure inter-rater agreement. The inter-rater reliability was 0.76, which shows good agreement between the two coders.

### **C What are the attributes of police leaders?**

Following the literature review conducted, fourteen (14) key attributes/competencies were identified, which are displayed as follows:

*Authoritative.* This attribute, which stems from a strong military heritage, refers to the ability to respectfully establish relationships of authority and subordination<sup>13</sup>. An authoritative leader supervises and sets norms and limits within a positive climate where communication and empathy prevail<sup>14</sup>.

<sup>12</sup> Note: European countries include: Germany (n = 3), Belgium (n = 3), Slovenia (n = 1), Spain (n = 3), Finland (n = 1), France (n = 1), Netherlands (n = 7), United Kingdom (n = 16), Ireland (n = 1), Italy (n = 2), Norway (n = 2), Poland (n = 1), Sweden (n = 2), Ukraine (n = 1), multiple countries (n = 4).

<sup>13</sup> Michele Meitl, Ashley Wellman, and Patrick Kinkade, 'Armed and (potentially) dangerous: exploring sheriffs' perspectives of police militarization.' *Policing: An International Journal* 43, no 5 (2020), 845-859.

<sup>14</sup> Stephen Dinham, 'Authoritative leadership, action learning and student accomplishment.', (2007).

*Communicative.* Communication emerges as an extremely important attribute associated to police leadership, being tightly linked with the transformational leader profile<sup>15</sup>. Internally, communication should be fluid and effective<sup>16</sup>. The crucial role of feedback stands out. This tool is directly related to better organizational performance.<sup>17</sup> Overall, a good internal communication flow, where not only leaders but also subordinates make themselves heard, is highly beneficial. It facilitates the sharing of important information and problem solving.<sup>18</sup>

*Effective (decision-making processes).* According to the literature, effectiveness is dependent on the leader's ability to articulate with his subordinates. Such can be achieved, for instance, by developing active listening techniques. In other words, police police leaders must listen to what others have to say<sup>19</sup>. Paradoxically, the leader's level of autonomy should be equally high.<sup>20</sup>

*Investigative.* Effective decisions are often based on facts and evidence, which oftentimes provide the ability to foresee critical situations. Through investigation tools, police leaders may more rapidly advance with a prior response to address adversity. That said, analysis and intervention skills are fundamental to the exercise of strategic leadership.<sup>21</sup>

*Strategic.* Inseparable from the previous attribute is the ability to think strategically. According to previous literature, police leaders manifest strategic thinking when (1) they rely on prior knowledge and/or (2) develop up-to-date knowledge that enables to make good and sustained decisions.<sup>22</sup>

*Innovative.* Openness to what is new is another characteristic of effective police leadership<sup>23</sup>. As Bond-Fortier (2020) mentions, "innovation is needed to reform" (p. 2).<sup>24</sup> To that end, the police leader must foster creative thinking<sup>25</sup> and keep up with emerging technological innovations.

*Legitimate.* Legitimacy is an important attribute that supports the leaders' authority in the organization and in society.<sup>26</sup> Broadly speaking, the concept of legitimacy is defined as a set of actions that are perceived by others as desirable and appropriate within belief system, norms,

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<sup>15</sup> Mathieu Molines, Assaad El Akremi, Martin Storme and Pinar Celik, 'Beyond the tipping point: the curvilinear relationships of transformational leadership, leader-member exchange, and emotional exhaustion in the French police.' *Public Management Review*, (2020), 1-26.

<sup>16</sup> Kimberley Breevaart, Arnold Bakker, Evangelia Demerouti and Machteld van Den Heuvel, 'Leader-member exchange, work engagement, and job performance.' *Journal of Managerial Psychology* 30, no 7 (2015), 754-770.

<sup>17</sup> Mieke Audenaert, Beatrice van der Heijden, Tim Rombaut and Tine van Thienen, 'The role of feedback quality and organizational cynicism for affective commitment through leader-member exchange.' *Review of Public Personnel Administration* 41, no 3 (2021), 593-615.

<sup>18</sup> Paraskevas Petrou, Evangelia Demerouti and Wilmar Schaufeli, 'Crafting the change: The role of employee job crafting behaviors for successful organizational change.' *Journal of Management* 44, no 8 (2018), 1766-1792.

<sup>19</sup> Yuyian Zheng, Olga Epitropaki, Les Graham and Nick Caveney, 'Ethical Leadership and Ethical Voice: The Mediating Mechanisms of Value Internalization and Integrity Identity', *Journal of Management*, (2021).

<sup>20</sup> Neil Shortland, Lisa Thompson and Laurence Alison, 'Police perfection: Examining the effect of trait maximization on police decision-making.' *Frontiers in Psychology* 11, no 1817 (2020).

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<sup>22</sup> Michelle Eliasson, "'Black, white and gray"—A qualitative study of how Swedish police officers describe occupational knowledge.' *Policing: An International Journal* 44, no 3 (2021), 498-509.

<sup>23</sup> Claire Davis and Di Bailey, 'Police leadership: the challenges for developing contemporary practice.' *International journal of emergency services* 7, no 1 (2017), 13-23.

<sup>24</sup> Brenda Bond-Fortier, 'Organizational Change in an Urban Police Department: Innovating to Reform.' Routledge (2020).

<sup>25</sup> Pauline Loewenberger, Mark Newton and Kiley Wick, 'Developing creative leadership in a public sector organization.' *International Journal of Public Sector Management* 27, no 3 (2014), 190-200.

<sup>26</sup> James Hoggett, Paul Redford, Deirdre Toher and Paul White, 'Challenges for police leadership: Identity, experience, legitimacy and direct entry', *Journal of Police and Criminal Psychology* 34, no 2 (2019), 145-155.

and values<sup>27</sup>. Police leaders should be seen as legitimate individuals to make decisions and implement change<sup>28</sup>.

*Ethical.* Ethics is perceived in the literature as a strong predictor of police legitimacy. That is because police leaders are required to act with fairness, integrity and honesty, i.e. in line with the organizational values of the Police<sup>29</sup>. Internally, inclusion is an increasingly valued characteristic<sup>30</sup> and has translated for example into greater integration of female gender members into leadership roles in the organization<sup>31</sup>. As a general rule, police leaders' communication with all elements of the hierarchy should be ethical. Moreover, supervision should be equally ethical and perceived as fair<sup>32</sup>. In fact, subordinates exhibit higher levels of satisfaction and better performance when treated fairly<sup>33</sup>.

*Trustworthy.* In addition to legitimacy, the ethics of the police leader is directly related to the trustworthiness placed in him<sup>34</sup>. The effective police official is the one who can gain the trust of the community as well as his subordinates who see in their leader an individual with whom they can easily share information<sup>35</sup>.

*Supportive.* Caring for subordinates is fundamental, mainly in order to gain trust, increase engagement, and promote organizational cohesion<sup>36</sup>. Given the demands of police duties (as noted in the literature), the risk, and the physical and psychological consequences associated with them, it is critical that leaders empathize and are proactive in finding solutions for safety and well-being<sup>37</sup>.

*Cooperative.* The police leader should be cooperative as this facilitates bridging and developing partnerships with entities outside the organization<sup>38</sup>. Literature emphasizes partnerships with academia/experts<sup>39</sup> and with elements of the community through participatory citizenship initiatives<sup>40</sup>.

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<sup>27</sup> Mark Suchman, 'Managing legitimacy: Strategic and institutional approaches.', *Academy of Management Review* 20, no 3 (1995), 571-610.

<sup>28</sup> Keith Grint, Clare Holt and Peter Neyroud, 'Cultural change and lodestones in the British police.', *International Journal of Emergency Services* 6, no 3 (2017), 166-176.

<sup>29</sup> Miguel Inzunza, Tova Stenlund and Christina Wikström, 'Measuring perspective taking among police recruits: A comparison of self-reported and objective measures.', *Policing: An International Journal* 42, no 5 (2019), 725-738.

<sup>30</sup> Meghan Alderden, Amy Farrell and William McCarty, 'Effects of police agency diversification on officer attitudes.', *Policing: An International Journal* 40, no 1 (2017), 42-56.

<sup>31</sup> Jenny Veldman, Loes Meeussen, Colette Van Laar and Karen Phalet, 'Women (do not) belong here: gender-work identity conflict among female police officers.', *Frontiers in Psychology* 8, no 130 (2017).

<sup>32</sup> Stephen Bishopp, John Worrall and Nicole Piquero, 'General strain and police misconduct: the role of organizational influence.', *Policing: An International Journal* 39, no 4 (2016), 635-651.

<sup>33</sup> Eugene Paoline III and Jacinta Gau, 'An empirical assessment of the sources of police job satisfaction.', *Police Quarterly* 23, no 1 (2020), 55-81.

<sup>34</sup> Hakan Can, Helen Hendy and Berkey Ege Can, 'A pilot study to develop the police transformational leadership scale (PTLS) and examine its associations with psychosocial well-being of officers.', *Journal of Police and Criminal Psychology* 32, no 2 (2017), 105-113.

<sup>35</sup> Nicolas Michael Perez, Max Bromley and John Cochran, 'Organizational commitment among sheriffs' deputies during the shift to community-oriented policing.', *Policing: An International Journal* 40 no 2 (2017), 321-335.

<sup>36</sup> Amanda Biggs, Paula Brough and Jennifer Barbour, 'Strategic alignment with organizational priorities and work engagement: A multi-wave analysis.', *Journal of Organizational Behavior* 35, no 3 (2014), 301-317.

<sup>37</sup> Clémence Emeriau-Farges, Andrée-Ann Deschênes and Marc Dussault, 'Emotional self-efficacy and psychological health of police officers.', *Policing: An International Journal* 42, no 4 (2019), 598-610.

<sup>38</sup> Alicia Jurek, Matthew Matusiak and Randa Embry Matusiak, 'Structural elaboration in police organizations: an exploration.', *Policing: An International Journal* 40, no 2 (2017), 351-365.

<sup>39</sup> Carrie Sanders and Debra Langan, 'Collaboration Consequences: New Public Management and Police-Academic Partnerships.', *Journal of Applied Social Science* 15, no 2 (2021), 241-257.

<sup>40</sup> Jae-Seung Lee and Jihong Zhao, 'Disentangling the myth about citizen participation in collaborative work with police: The difference between general citizens and citizen volunteers.', *Policing: An International Journal* 39, no 1 (2016), 127-144.



*Role model.* Intrinsically related to a transformational leadership typology, the inspirational leader or role model is a key motivational factor in any organization. By inspiring others with his or her example and charisma, the leader is able to motivate and inspire his or her subordinates, promote group cohesion, and therefore more easily achieve organizational goals<sup>41</sup>.

*Emotional Intelligence.* Due to the complexity of the police leader's job, which involves solving demanding problems and managing people effectively, it is essential for the police officer to have emotional intelligence to be able to handle what is required. In general terms, the Police Officer must be able to handle his or her emotions and anticipate the emotional reactions of subordinates. Likewise, the police officer must be able to identify individual and team needs, improve responsiveness, and therefore improve organizational performance. There is currently a plethora of studies that corroborate the need for an emotionally intelligent police leader<sup>42</sup>.

*Resilient.* A crucial attribute, not only associated with leadership profiles but at all hierarchical levels of a police organization, resilience is characterized by the ability to overcome and recover from adversity<sup>43</sup>. Research specifically focused on the study of resilience as a core attribute of the police<sup>44</sup>.

#### ***D What are the expected actions of police leaders?***

From the literature review, nine activities were identified which effective leaders engage in. In line with Pearson-Goff and Herrington (2014), we recognized the five following actions: creating shared vision; engendering organizational commitment; care for subordinates; driving and managing change; and problem solving.

‘Creating shared vision’ relates to strategies aiming the development and sharing a common vision within the organization. These involve, in major part, communication strategies that help create a sense of purpose for followers<sup>45</sup>. Related to this was the need for ‘engendering organizational commitment’. Giving support, voice and feedback to subordinates is key to enhance commitment<sup>46</sup>.

‘Care for subordinates’ is also an action of effective police leaders, and concerns taking responsibility for subordinates’ well-being, security and providing them with opportunities for development<sup>47</sup>.

Police leaders should be also effective in ‘driving and managing change’<sup>48</sup>. Lastly, the final action identified by Pearson-Goff and Herrington (2014) was ‘problem solving’. This action involves collaborative and proactive styles of problem solving<sup>49</sup> to address “complex, interdependent and unforeseen problems” (Pearson-Goff and Herrington, 2014, pp. 5).

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<sup>41</sup> Octavio Álvarez, Marisol Lila, Inês Tomás and Isabel Castillo, ‘Transformational leadership in the local police in Spain: A leader-follower distance approach.’, *The Spanish Journal of Psychology*, 17 (2014).

<sup>42</sup> Michael Josiah Arnatt and Michael M. Beyerlein, ‘An empirical examination of special operations team leaders’ and members’ leadership characteristics.’, *Policing: An International Journal* 37, no 2 (2014), 438-453.

<sup>43</sup> Cathrine Filstad and Tom Karp, ‘Police leadership as a professional practice.’, *Policing and Society* 31, no 7 (2021), 767-783.

<sup>44</sup> Jeff John Farrar, ‘Resilient leadership.’, *International Journal of Emergency Services* 6, no 3 (2017), 238-246.

<sup>45</sup> Jon Maskaly, Christopher Donner and Lorie Fridell, ‘Police CEOs and subordinates’ perceptions of workplace misconduct: Examining the effect of demographic similarity on attitudinal congruence’, *Policing: An International Journal* 40, no 1 (2017), 57-70.

<sup>46</sup> Sofie Rogiest, Jesse Segers and Arjen van Witteloostuijn, ‘Climate, communication and participation impacting commitment to change.’, *Journal of Organizational Change Management* 28, no 6 (2015), 1094-1106.

<sup>47</sup> David Eitle, Stewart D’Alessio and Lisa Stolzenberg, ‘The effect of organizational and environmental factors on police misconduct.’, *Police Quarterly* 17, no 2 (2014), 103-126.

<sup>48</sup> Angela Workman-Stark, ‘From exclusion to inclusion: A proposed approach to addressing the culture of masculinity within policing.’, *Equality, Diversity and Inclusion* 34, no 8 (2015), 764-775.

<sup>49</sup> Anthony Vito and Gennaro, ‘What police leaders learned from “Lincoln on leadership”’, *Policing: An International Journal* 38, no 4 (2015), 775-787.

From this literature review we identified the following actions: data analytics; enhance police interactions with external entities; dealing with leadership adversities; and creating effective action plans.

'Data analytics' has been valued for helping make good and sustained decisions. Under the police environment, literature focuses on the support that experts can provide in problem solving processes<sup>50</sup>. Another important action that has been increasingly valued is the capacity to 'enhance police interactions with external entities'. These involve community members, governmental and intergovernmental entities. Ultimately, these relations help improve the effectiveness of police leaders and their staff<sup>51</sup>.

Broadly related to all police members should be the capacity to deal with work adversities. Specifically, 'dealing with leadership adversities' is an action of effective police leaders. Literature highlights the need to develop training sessions in resilience<sup>52</sup>.

Lastly, effective police leaders should 'create effective action plans'. Related with 'data analytics' and 'problem solving', this action involves thorough processes that enable the anticipation of problems and effective resolutions<sup>53</sup>.

### ***E Leadership and rank***

In line with Pearson-Goff and Herrington (2014), we noted some differences between ranks when it comes to leaders' competences and actions (see table 4 and 5). In other words, competencies and actions differ across different levels at the organization. For instance, senior leadership and middle managers should excel in decision-making, strategic thinking, being ethical and innovative. Executive leaders are more expected to be cooperative. In terms of actions, middle managers should focus on caring for subordinates, while senior leaders excel at creating effective action plans, and driving and managing change. Executive leaders should enhance police interactions with external entities.

## **IV. Discussion and Conclusion**

Findings from the current systematic literature review, which rely on 101 empirical pieces, show that there are fourteen attributes and nine actions that characterize effective police leaders. It also suggests that, while there is some consensus with the previous literature review conducted by Pearson-Goff and Herrington (2014), there are additional characteristics that have emerged due to the challenges faced nowadays by the police.

The new attributes identified include: authoritative; emotional intelligence; investigative; strategic thinking; and resilient. Moreover, four new actions emerged as important for police leadership: data analytics; enhance police interactions with external entities; dealing with leadership adversities; and creating effective action plans.

Nonetheless, we should highlight the key characteristics that were identified by both literature reviews. These have been, for a considerable time, pivotal in police leadership: ethical; trustworthy; legitimate; role model; communicative; effective (in decision-making processes); and thinking ability. Also, the following actions: creating shared vision; engendering

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<sup>50</sup> A. V. Movchan and V. Y. Taranukha, 'Constructing an Automation System to Implement Intelligence-Led Policing Into the National Police of Ukraine.', *Cybernetics and Systems Analysis* 54, no 4 (2018), 643-649.

<sup>51</sup> Doris Masal, 'Shared and transformational leadership in the police.', *Policing: An International Journal of Police Strategies & Management* 38, no 1 (2015), 40-55.

<sup>52</sup> Sanja Ivković, M. R. Haberfeld and Robert Peacock, 'Police integrity in the United States' in *Measuring police integrity across the world* (New York: Springer, 2015).

<sup>53</sup> Jill Viglione, 'The risk-need-responsivity model: How do probation officers implement the principles of effective intervention?', *Criminal Justice and Behavior* 46, no 5 (2018), 655-673.

organizational commitment; care for subordinates; driving and managing change; and problem solving.

Overall, the current study has numerous contributions. From an academic standpoint, this literature review followed a PRISMA-P approach and considered European studies which are aspects that lacked in the systematic literature review performed by Pearson-Goff and Herrington (2014). In line with these authors, we evaluated all leadership levels of the organization which is an aspect that remains largely neglected in leadership research. Indeed, there is still a tendency to view police leaders as an homogeneous group. Moreover, most police studies continue being focused on subordinate opinion, therefore this study contributes to the police leadership topic that has been understudied. From a practitioner standpoint, our findings demonstrate considerable consensus with ‘leadership competency frameworks’. For instance, the recent *Canadian Police Knowledge Network Report (2020)*<sup>54</sup>, which identify competencies and actions required in police leadership.

The study is not without limitations. First, although being a small limitation, the second coder could analyze a higher percentage of articles. Second, the current systematic literature review did not include literature from some key geographies. In a way, the current study considered a small sample of articles, given the eligibility criteria. Nonetheless, we included literature from Europe which was not examined earlier.

Future studies could perform a systematic literature review on the topic considering other geographies. In addition, and given the lack of studies, a competency-based approach to police leadership could be further developed in future studies by following a cross-sectional, longitudinal or experimental approaches. Namely, the impact of competencies on performance and effectiveness at individual, team, and organizational levels.

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# **Bemer Therapy as Help in the Training of Law Enforcement Professionals**

*Ferenc Adam Nagy<sup>1</sup>*

The quality of performance of public and professional services determines the stability and operational efficiency of a country. Workloads and the related expectations and tasks are putting increasing pressure on employees. At the same time, maintaining and preserving the health of regular members of the law enforcement bodies (war, migration, etc.) is crucial for the effective performance of their duties. Physical training is an important part of the education of law enforcement personnel, which includes, in addition to practical training, knowledge about exercise theory and healthy lifestyles. Another objective is to use effective technical equipment in the training. The aim of this research is to present the BEMER and its potential application in the physical training and rehabilitation of law enforcement professionals.

The effectiveness of the BEMER physical vascular therapy device has been proven by clinical research. BEMER is a medical device used especially in medicine (improving microcirculation, reducing pain, treating hypertension and fractures) and in sport (warming up, preventing injuries and treating injuries, and enhancing performance). In my research I will rely on the research methodology of the literature that is relevant to the topic of physical training for law enforcement professionals.

Rehabilitation devices used in medicine are gaining ground in public use. They are used for therapeutic, preventive or performance-enhancing purposes under the guidance of appropriate professionals. I believe that there is a need for rehabilitation tools, including BEMER, in the training of law enforcement professionals.

In my opinion, BEMER helps to improve the physical performance of law enforcement personnel. It is also suitable for post-injury rehabilitation.

The acquisition and use of additional smart devices (smart watches, body composition analyser, chest strap recording physiological data, etc.) could open up new horizons in the field of physical training for law enforcement professionals.

**Keywords:** law enforcement, physical training, physical vascular therapy

## **I. Introduction**

Professional staff and persons undergoing law enforcement training are required by law to have their fitness assessed at specified intervals. The physical fitness check is carried out every semester for university students and every year for those in the ranks. Due to the specific nature of law enforcement work, it is important to maintain and improve physical and mental fitness and, in case of injury, to support and speed up recovery. The effectiveness of work and action is determined not only by physical fitness, but also by the technical skills, experience in action and tactics, professional knowledge and competence of the professionals. Thus, the right balance of mental, psychological and physical fitness has a major impact on the performance of professional staff.

Police work is in many ways similar to the training workload of an athlete. Such factors include the possession of specific conditioning and coordination skills, as well as a high level of emotional and cognitive skills. This means that there are also common opportunities to improve

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<sup>1</sup> Ferenc Adam Nagy, PhD student, University of Public Service, Faculty of Law Enforcement, Department of Physical Education and Combat Sports, Doctoral School of University of Pécs, Faculty of Health Science. E-mail: [nagy.adam.ferenc@uni-nke.hu](mailto:nagy.adam.ferenc@uni-nke.hu), [orcid.org/0000-0002-1867-2476](https://orcid.org/0000-0002-1867-2476)

performance. According to the literature the use of BEMER physical vascular therapy enhances the development of endurance in athletes.

Before exploring the potential for improvement, it is necessary to clarify the legal background and to understand the theoretical and practical background of physical vascular therapy and how it works.

We need to gain an insight into the research results to date that confirm the feasibility of its use and the positive physiological and physiological effects to be expected.

### ***A Legislative changes in physical fitness tests***

After lengthy revisions the joint Decree 57/2009 (X. 30.) IRM-ÖM-PTNM <sup>2</sup>was replaced by BM (Ministry of Internal Affairs) Decree 45/2020 <sup>3</sup>(XII. 16.) published in the Hungarian Gazette Issue 280, 2020. Subsequently, on 01 January 2021 the new BM legislation defining the procedure for the examination of the health, psychological and physical fitness of law enforcement personnel came into force.

The BM Decree also defines the entry physical requirements, the job categories corresponding to the specialisations and the age categories. On the basis of the Decree the commanders of the national services lay down in instructions the actual physical requirements for professional staff serving under them.

The level of the requirements set in the new regulations is lower than the criteria of the Joint Regulation 57/2009 (except for certain specific posts of the Standby Police and in particular the Personal Protection Directorate: helicopter pilots, explosives experts, dog handlers and certain commanders). The aim of the Regulation and the Instructions is not to make the recruitment and annual physical assessment more difficult, but to focus on the preparation during the service, where there is an opportunity and justification to introduce new methods and tools.

In my opinion, the vascular therapy method will help prepare police personnel to meet the physical requirements. To demonstrate the effectiveness of the method, it is necessary to clarify some basic concepts.

### ***B The evolution of magnetotherapy from antiquity to the BEMER device***

Treatment in an electromagnetic field has been used for centuries. The phenomenon of magnetism was known in antiquity, using both natural and artificial magnetic fields.<sup>4</sup> The first written records date back to 2000 BC. The ancient Chinese expressed their belief in magnetism in their manuals of traditional medicine, and the ancient Greeks and Egyptians in their drawings and writings. In the 16th century, a Swiss doctor called Paracelsus used magnets to cure his patients. In the 17th century, William Gilbert recorded his experiences of magnetism and electro-magnetism in his book *De Magnete* (1600). In the mid-18th century, Maximilian Hell, a Jesuit priest, and his follower Franz Anton Mesmer also used magnetic forces to treat their patients. In 1795, Elisha Perkins of Connecticut patented her method of using a magnetic device to eliminate the cause of a disease.

Magnetotherapy was overshadowed by the development of medicine and, at the same time, of pharmaceuticals. In the 21st century, it has gained significance, as it has been recognised that standard medical interventions for chronic diseases and disorders are of little or no help, but that they can be more effective when supplemented by magnetotherapy.

The first systems of the latest generation of electromagnetic field therapy devices were developed around 1990 by Prof. König and Dr. Wranke. These devices already worked at an intensity corresponding to the earth's magnetic field, making them suitable for home use. The

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<sup>2</sup> <https://net.jogtar.hu/jogszabaly?docid=a0900057.irm>

<sup>3</sup> <https://net.jogtar.hu/jogszabaly?docid=a2000045.bm>

<sup>4</sup> Zyss, 2008



research of Prof. Wolf A. Kafka focused on the measurable physiological effects that result from inter- and intramolecular interactions, among other things. As a result, he developed a special pulsed signal (Bemer signal waveform), which led to the introduction of the Bemer 3000 therapeutic device in 1999.<sup>5</sup>

The signal shape discovered by Kafka was further developed <sup>6</sup>in 2010 by Professor Klopp, the result of which is known as Bemer Classic and Pro set.

Today, a number of devices are available for home use, but there are significant differences in the type of stimulation and waveforms used.<sup>7</sup>

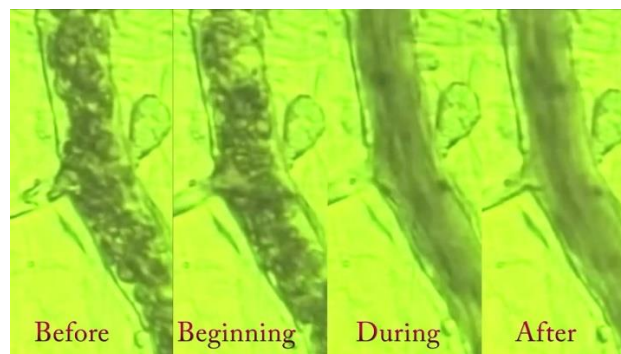
Electromagnetic physical vascular therapy is excellent for double-blind placebo-controlled trials as the patient feels neither current nor heat.

Bemer devices are classified as medical devices. They also closely cooperate with the competent authorities beyond European borders, e.g. they are listed by the FDA (one of the largest authorities in the USA responsible for the approval and market surveillance of medical products, among other things) and the devices are classified as II/a.

*Picture 1: Bemer Pro set<sup>8</sup>*



*Picture 2: Microcirculation before and after treatment<sup>9</sup>*



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<sup>5</sup> Bohn, Wolfgang. "The technological development history and current significance of the "physical BEMER® vascular therapy" in medicine." *Journal of complementary & integrative medicine* vol. 10,Suppl (2013): S1-3. doi:10.1515/jcim-2013-0036

<sup>6</sup> Klopp, Rainer: *Im Fokus der Forschung; Einführung in biomechanische, physiologische und pathophysiologische Grundlagen sowie ausgewählte Behandlungsoptionen*. Mediquant-Verlag. (2008)

<sup>7</sup> Möbes, Karin: Diplomarbeit, Grabs (2003)

<sup>8</sup> [https://www.bemer3000.hu/bemer\\_keszulekek.html](https://www.bemer3000.hu/bemer_keszulekek.html)

<sup>9</sup> <https://life.bemergroup.com/science/>

## II. Method

The effectiveness of physical vascular therapy has been proven by numerous studies. It is mainly used in medicine (improving microcirculation, reducing pain, treating high blood pressure and fractures, treating MS patients, improving quality of life...) and in sport (warming up, preventing and treating injuries, and enhancing performance). As a methodology, I will draw on the literature, grouped according to the nature of the presentation. The studies were conducted using a placebo group controlled, double-blind method.

The main distribution of studies by appearance is:

- PubMed-indexed publications
- clinical research in lecture or conference proceedings
- other scientific journal and medical journal articles, book chapters.

## III. Result and Discussion

To get to know the research, in Table 1 I summarise the publications on Bemer that have been annotated by PubMed, by topic.

*Table 1: Publications on Bemer annotated by PubMed*

Author	Title	Research area
Gyulai, F., Rába, K., Baranyai, I., Berkes, E., & Bender, T. (2015).	BEMER Therapy Combined with Physiotherapy in Patients with Musculoskeletal Diseases: A Randomised, Controlled Double Blind Follow-Up Pilot Study	physiotherapy, pain relief
Bohn W. (2013)	The technological development history and current significance of the "physical BEMER® vascular therapy" in medicine	The history of Bemer
Bohn, W., Hess, L., & Burger, R. (2013)	The effects of the "physical BEMER® vascular therapy", a method for the physical stimulation of the vasomotion of precapillary microvessels in case of impaired microcirculation, on sleep, pain and quality of life of patients with different clinical pictures on the basis of three scientifically validated scales.	Quality of life
Haase, R., Piatkowski, J., & Ziemssen, T. (2011)	Long-term effects of Bio-Electromagnetic-Energy Regulation therapy on fatigue in patients with multiple sclerosis	multiplex sclerosis
Říhová, B., Etrych, T., Šírová, M., Tomala, J., Ulbrich, K., & Kovář, M. (2011).	Synergistic effect of EMF-BEMER-type pulsed weak electromagnetic field and HPMA-bound doxorubicin on mouse EL4 T-cell lymphoma.	effect on tumour cells
Piatkowski, J., Kern, S., & Ziemssen, T. (2009)	Effect of BEMER magnetic field therapy on the level of fatigue in patients with multiple sclerosis: a randomized, double-blind controlled trial	multiplex sclerosis, fatigue
Walther, M., Mayer, F., Kafka, W., & Schütze, N. (2007)	Effects of weak, low-frequency pulsed electromagnetic fields (BEMER type) on gene expression of human mesenchymal stem cells and chondrocytes: an in vitro study	gene expression
Klopp, R. C., Niemer, W., & Schmidt, W. (2013)	Effects of various physical treatment methods on arteriolar vasomotion and microhemodynamic functional characteristics in case of deficient regulation of organ blood flow. Results of a placebo-controlled, double-blind study	flexible arteriolar vasomotion
Klopp, R. C., Niemer, W., & Schulz, J. (2013).	Complementary-therapeutic stimulation of deficient autorhythmic arteriolar vasomotion by means of a biorhythmically physical stimulus on the microcirculation	arteriolar vasomotion, physiotherapy treatment

	and the immune system in 50-year-old rehabilitation patients.	
Klopp, R. C., Niemer, W., Schulz, J., & Ruhnau, K. J. (2013)	Influence of a specific, biorhythmically defined physical stimulus on deficient vasomotion in small-caliber arterioles in the subcutis in patients with diabetic polyneuropathy	diabetes
Klopp, R. C., Niemer, W., & Schulz, J. (2013)	Effects of physical stimulation of spontaneous arteriolar vasomotion in patients of various ages undergoing rehabilitation	arteriolar vasomotion
Bernát S. I. (2013).	Effectiveness of pentoxifylline and of bio-electromagnetic therapy in lower limb obliterative arterial disease	peripheral arterial disease
Auger, K., Shedlock, G., Coutinho, K., Myers, N. E., & Lorenzo, S. (2021)	Effects of osteopathic manipulative treatment and bio-electromagnetic energy regulation therapy on lower back pain	musculoskeletal pain
Benedetti, M. G., Cavazzuti, L., Mosca, M., Fusaro, I., & Zati, A. (2020)	Bio-Electro-Magnetic-Energy-Regulation (BEMER) for the treatment of type I complex regional pain syndrome: A pilot study.	pain syndrome
Biermann, N., Sommerauer, L., Diesch, S., Koch, C., Jung, F., Kehrer, A., Prantl, L., & Taeger, C. D. (2020)	The influence of pulsed electromagnetic field therapy (PEMFT) on cutaneous blood flow in healthy volunteers1.	blood flow
Kanaparthi, A., Kesary, S., Pujita, C., & Gopalaiah, H. (2020)	Bio Electro Magnetic Energy Regulation (BEMER) therapy in myofascial pain dysfunction syndrome: A preliminary study	pain relief
Tamulevicius, N., Wadhi, T., Oviedo, G. R., Anand, A. S., Tien, J. J., Houston, F., & Vlahov, E. (2021)	Effects of Acute Low-Frequency Pulsed Electromagnetic Field Therapy on Aerobic Performance during a Preseason Training Camp: A Pilot Study	endurance athletes, fatigue
Kreska, Z., Mátrai, P., Nemeth, B., Ajtay, B., Kiss, I., Hejjel, L., & Ajtay, Z. (2022).	Physical Vascular Therapy (BEMER) Affects Heart Rate Asymmetry in Patients With Coronary Heart Disease	heart disease

The results of the scientific work included in the summary show that the members of the pulsed electromagnetic therapy (BEMER) group experienced a change in their health, improved quality of life and reduced pain as a result of the additional treatment.

There are several case studies on the effects of BEMER on the human body, covering the following areas:

andrology, treatment of chronic gynaecological diseases, osteoporosis, neurology, osteonecrosis of the jaw, oral surgery, hearing impairment, tinnitus, lower limb circulatory disorders, ophthalmology, speech development, neurosurgery, stroke treatment, changes in thigh tension in MS patients, sleep disorders.<sup>10</sup>

Other research areas that demonstrate the effectiveness of the method include:

- improving red blood cell metabolism<sup>11</sup>

<sup>10</sup> [https://www.bemer3000.hu/uploads/3/9/1/2/39121891/\\_bemer\\_orvosi\\_esetismertet%C3%A9sek\\_hu.pdf](https://www.bemer3000.hu/uploads/3/9/1/2/39121891/_bemer_orvosi_esetismertet%C3%A9sek_hu.pdf)

<sup>11</sup> Spodaryk, Kristof: Red blood Metabolism and Haemoglobin Oxigen Affinity: Effect of Elektromagnetic Field on Healthy Adults. In: Wolf A Kafka (editor) *2nd Int. World Congress Bio-Electro-Magnetic-Energy-Regulation, Emphyspace* 2,15-19. (2001)

- wound healing<sup>12</sup>
- improving the quality of life of people with peripheral artery disease<sup>13</sup>
- -sensitization if cancer cells<sup>14</sup>

Figure 1: Changes in blood flow as a result of treatment<sup>15</sup>



Many physical discomforts are directly linked to poor local circulation, which can lead to malfunctioning metabolic processes in muscle tissue and can inhibit optimal performance and recovery. Improved local blood flow can lead to better oxygenation and better carbon dioxide disposal.

Most of the research into the effects of BEMER has been carried out by Dr R. Klopp (Berlin Institute of Microcirculation), with significant work by Dr K. Spodaryk (Rehabilitation Institute Cracow), Dr R. Jelinek (Charles University of Prague) and Dr B. Villiger (Swiss Medical Centre Bad Ragaz) demonstrating the effectiveness of the device.

### C Research results in the field of sport

The effect of BEMER treatment in enhancing athlete performance has been tested in a previous study of Malomsoki<sup>16</sup> using a double-blind trial. It was shown that the performance of treated athletes improved to a greater extent than those who were not treated. The treated athletes achieved the greater performance improvement with greater anaerobic lactate effort and a more favourable Conconi transition (a non-invasive way of determining the anaerobic threshold). Treated subjects were able to compensate more rapidly than non-treated subjects for the lactic acidosis produced during the effort.

Other physiological changes measured in the study suggested that tissue oxygenation of athletes treated with pulsed magnetic fields was better than that of non-treated athletes.

Research on endurance athletes was carried out by Tamulevicius et al.<sup>17</sup> Participants completed six runs at altitude. The PEMF group used BEMER therapy before and after each exercise session, for a total of 12 sessions. Time significantly influenced absolute and relative ventilatory

<sup>12</sup>Kafka, Wolf & Preisinger, M. : Verbesserte Wundheilung durch gekoppelte, Bemer 3000typisch gepulste, Elektromagnetfeld- und Led-Licht-Therapie am Beispiel vergleichender Untersuchungen an standartisierten Wunden nach Overaktomie bei Katzen (felidae). Salzburg, ÖGT Congress (2002)

<sup>13</sup>Bernát, Sándor Iván. "The efficacy of the bio-electro-magnetic-regulation therapy and pentoxifylline treatment in peripheral arterial stenosis". *Orvosi Hetilap* 154.42 (2013): 1674-1679.

<sup>14</sup> Storch, Katja, Dickreuter, Ellen, Artati, Anna, Adamski, Jerzy & Cordes, Nils: BEMER Electromagnetic Field Therapy Reduces Cancer Cell Radioresistance by Enhanced ROS Formation and Induced DNA Damage, *Plos one* (2016)

<sup>15</sup> <https://life.bemergroup.com/science/>

<sup>16</sup>Malomsoki Jenő & Babindák Elvira: Mágneses kezelés hatása sportolók teljesítőképességére és egyes teljesítmény-élettani mutatókra, *Sportorvosi szemle*, 47/2-3/2006 (2006)

<sup>17</sup>Tamulevicius, N., Wadhi, T., Oviedo, G. R., Anand, A. S., Tien, J.-J., Houston, F., & Vlahov, E. Effects of Acute Low-Frequency Pulsed Electromagnetic Field Therapy on Aerobic Performance during a Preseason Training Camp: A Pilot Study. *International Journal of Environmental Research and Public Health*, 18(14), 7691. MDPI AG. (2021)

threshold (VT), as well as maximum heart rate, heart rate in VT and respiratory rate in VT. This study was the first of its kind to study pulsed electromagnetic field technology in combination with elevated baseline exercise. Results showed that PEMF therapy can be used to improve VT during short-term training sessions.

Under physiological conditions, creatine kinase (CK) is present in very low levels in the blood. However, in the presence of muscle injury, e.g. trauma, muscle fever or other types of musculoskeletal overload, more CK is released into the blood and is detected in correspondingly higher concentrations. Depending on the duration and intensity of the exercise, CK is released into the circulation with a delay. Since exercise-induced stress in sport is cumulative and takes longer to remove CK, resting CK activity is related to the after-effect of previous stresses. In a double-blind study of subjects treated with the Bemer 3000 system by Karin Möbes, CK values decreased significantly earlier. The inflection point was found at 7.2 hours in the treated group and 9.2 hours in the placebo group ( $p=0.025$ ). On the one hand, the CK values show a significantly different time course in percentage terms, with a slight delay between the rise and the fall of the measured value when using the functional device. On the other hand, the decrease in CK value occurred much faster in the group treated with the functional device compared to the placebo group. Based on subjective perception, more severe muscle pain and leg fatigue were reported after the hard exercise test with the placebo device than after the functional device.<sup>18</sup>

#### **IV. Conclusion**

The justification of BEMER as an adjunctive treatment option for physical vascular therapy in medicine has been demonstrated by the research studies listed in the literature and by clinical case studies. In the field of sport, few studies have been carried out, but they have demonstrated the merits of the treatment in the area of performance and recovery.

The ideal personality traits of the professional staff are similarly complex to those of the athlete. They are defined by a complex of ability-skill combinations. Just as for athletes the technical, tactical, sport-specific skills specific to the sport, so for law enforcement personnel the skills of action technique, tactics and job performance play an important role.

Previous research has shown how the presence of oxygen affects performance and how the lack of it generates physiological and biochemical processes in the body. In the near future, I believe that scientific research is warranted to investigate the effects of Bemer as a physical vascular therapy method on performance, i.e. its effects on endurance and strength development.

My research plan aims to investigate the effectiveness of this method and will therefore be carried out in a double-blind trial. One group of students participating in the training of the Faculty of Law and Order will use the real device, the control group will use the placebo device. The participants will be selected randomly and the measurement will be based on the detailed description of the physical fitness test in the Regulation. The students' physical condition will be assessed before the start of the treatment and after the 15th day of treatment. Differences between the assessment results will be examined to verify the rate of improvement between the groups.

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<sup>18</sup>Möbes, Karin: Diplomarbeit, Grabs (2003)

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Pictures:

1. Bemer Pro Set, [https://www.bemer3000.hu/bemer\\_keszulekek.html](https://www.bemer3000.hu/bemer_keszulekek.html)
2. Microcirculation before and after treatment, <https://life.bemergroup.com/science/>
3. Changes in blood flow as a result of treatment, <https://life.bemergroup.com/science/>

# Public Participation in the Mechanism of Prevention and Anti-corruption in Ukraine

*Ihor Nalivayko<sup>1</sup>*

Recent events in the country have shown that many changes to legislation take place without public participation. Most of these changes concern the prevention of corruption. At the same time, it is considered a vital component of the country's national integrity system. The involvement of the public in this system makes it possible to create a more stable and effective anti-corruption system. In addition, public involvement opposes corruption in all forms: official crimes, abuse of power and theft of property. Although more people have recently become involved in public participation, there is still scepticism about its effectiveness.

It should be noted that the methods and tools used by the public in its fight against corruption are dynamic and often change. Recently, advocacy and lobbying are considered new methods; In addition, new tools to prevent crime are being sought. It was also noticed that the public uses new methods of forming anti-corruption policies. In addition, it has been observed that state authorities allow members of the public to formulate anti-corruption policies and even hold public discussions. Changes to the Law of Ukraine "On Prevention of Corruption" are necessary. We believe that the changes should include the obligation of the National Agency for the Prevention of Corruption to act as an independent observer. This would make public anti-corruption efforts twice what they are now due to the lack of responsible and conscious stakeholders in public anti-corruption organisations. Many opportunities for corruption have arisen because business or political forces control these organisations.

**Keywords:** public, prevention of corruption crimes, advocacy, public control.

## I. Introduction

The events of recent years in Ukraine confirm that significant legislative changes took place with the public's participation. In particular, this concerns the field of combating corruption crimes, as this sector of public relations is currently one of the keys to the further advancement of our country on the path of Ukraine's accession to the European Union. Public participation in a national integrity system will help build a sustainable system that effectively prevents corruption crimes as part of a broader response to abuse of power, official crimes, and various forms of misappropriation [1].<sup>2</sup> So far, we have seen an increase in this involvement, but the question of the effectiveness of this process remains open.

Practical public cooperation with state authorities and local self-government bodies in the areas of consultation, participation and partnership is an essential and effective tool:

- systematic interaction between the authorities and the public in the form of dialogue;
- Involvement of citizens in the management of state affairs;
- free access to information about the activities of authorities;
- Ensuring transparency, openness and transparency of the activities of state bodies;

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<sup>1</sup> Ihor Nalyvaiko, lecturer, Department of General Disciplines, Educational and Scientific Institute of Law and Innovative Education, Dnipropetrovsk State University of Internal Affairs, E-mail: [nalyvaikoio@gmail.com](mailto:nalyvaikoio@gmail.com), <https://orcid.org/0000-0003-1532-2996>.

<sup>2</sup> Research. 'National integrity system of Ukraine', 2015, <https://ti-ukraine.org/research/doslidzhennya-natsionalna-systema-dobrochesnosti-ukrajina-2015/>.



- Public monitoring and control [2].<sup>3</sup>

As we have repeatedly noted, the public participates in developing and implementing the anti-corruption policy by providing consultations. Based on this, we suggest considering these two phases separately.

## **II. Advice on the development of anti-corruption policy**

In the scientific literature, there is no single methodology for determining measures by which the public can participate in the development of anti-corruption policy. But after summarising all existing understandings, they can be grouped in one direction - implementation of explanatory work or agitation. Advocacy (citizen representation) represents citizens' interests through their participation in the decision-making process aimed at changing policy at the local or state level, the consciousness of process participants, and legislation. We note that today there is a draft of the Law of Ukraine "On Public Advocacy", which also defines advocacy, namely: the activity of an advocacy entity, which is aimed at supporting the adoption, amendment or repeal of laws, other regulatory legal acts, and the formation of their drafts, bodies of state power of Ukraine, bodies of local self-government of Ukraine, other subjects of power of Ukraine, their officials and officials, as well as deputies of all levels. Based on the above concepts, we can state that such civic representation programs can be aimed at policy change (public lobbying), systemic (change in decision-making practice) and democratic transitions.

The previously mentioned draft of the Law "On Public Advocacy" contains a list of the rights of an individual who carries out advocacy activities. Unfortunately, the rights of a legal entity of private law, a public association or an association of public associations that have the status of a legal entity are not provided for. However, based on the practical analysis of the activity of public anti-corruption organisations, we can highlight the following directions of their advocacy activities: a) initiating and conducting a public anti-corruption examination of the activities of public authorities, laws and draft laws; b) formation of anti-corruption initiatives; c) participation in the formation of anti-corruption institutions and re-certification of law enforcement officers; d) public discussion of decisions of state authorities, projects of normative legal acts; e) formation of joint consultation and advisory bodies of state authorities and expert institutions; e) conducting peaceful meetings.

Due to their importance, the above measures became the main ones in the formation of the national anti-corruption policy. Based on the implementation of the mentioned measures, the public informs the relevant bodies about changes in the national anti-corruption policy.

The main task of the public anti-corruption examination is to identify factors in current normative legal acts, draft normative legal acts that contribute or may contribute to the commission of corruption crimes and develop recommendations for their elimination. Scientists and experts agree that conducting a public examination is one of the most effective measures for identifying corruption incentives in existing laws or draft laws. According to the research, only about half (46 per cent) of the surveyed public experts noted that general anti-corruption expertise is one of their activity areas. Average citizens ignore the tool - only 20% consider it effective. The legislation regulates the procedure for conducting such inspections: Article 55 of the Law of Ukraine "On Prevention of Corruption" specifies that at the initiative of individuals, state and legal entities, conducting state inspections against corruption can lead to the adoption of normative legal acts and norms. The public anti-corruption examination of current legal actions, draft laws and their results is carried out at the expense of a physical, social group, legal

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<sup>3</sup> OSCE, Existing cooperation mechanisms between state authorities and civil society organisations in implementing the National Strategy for the Promotion of Civil Society Development in Ukraine 2016–2020 (Kyiv, 2016).

entity or from another source not prohibited by law. The results of the anti-corruption inspection, including the public one, were submitted by the subject of the issuance (acceptance) of the relevant decree, its legal successor, or the matter of the appropriate regulatory authorities in this area [3].<sup>4</sup> At the same time, the law is limited to general issues of public anti-corruption inspection and does not define procedural issues of its conduct. The Ministry of Justice of Ukraine approved a unique method of anti-corruption assessment [4].<sup>5</sup> This legal act regulates the process of conducting state and national anti-corruption inspections. It answers the question of how to run a detailed analysis of legislative acts and how to draw conclusions from the completed review.

It should be noted that the Regulations of the Cabinet of Ministers of Ukraine [5] also provide the right to conduct public anti-corruption audits: during such audits, the developer, at the request of citizens or associations of citizens, provides them with a draft of the project. An account with the necessary materials, informing about the conditions of completion of its preparation (§42).<sup>6</sup> In addition, this clause obliges the Cabinet of Ministers during the project's development to consider the proposals received due to the public anti-corruption examination [6].<sup>7</sup> Law of Ukraine dated June 19, 2003 [7] No. 975-IV "On Democratic Control of State Military Organizations and Law Enforcement Bodies." 19 Provisions within the framework of public control of public organisations In the process of reforming the components of the military organisation of the state and law enforcement bodies, the possibility of public review of draft laws, decisions and plans is guaranteed, and their conclusions and recommendations are submitted for consideration by the relevant state bodies.<sup>8</sup> Resolution of the Cabinet of Ministers of Ukraine dated November 5, 2008, No. 976, "On approval of the Procedure for public examination of the activities of the executive authority," also emphasises the importance of such an examination in a democratic state administration. The mechanism for regulating the activities of social groups over the executive power body Assess the effectiveness of its decision-making and implementation and prepare recommendations for solving the main social problems for consideration by the administrative power body in its work [8].<sup>9</sup>

However, public organisations do not often use the above behaviour as a model (for example, the same approach as the Ministry of Justice). That is why several public organisations led by Transparency International Ukraine, with the support of the United Nations Development Program in Ukraine, developed methodological proposals for developing general anti-corruption expertise aimed at helping less experienced people in public control. The method is accompanied by a manual outlining the basic rules for using the technique [9].<sup>10</sup> The objects of anti-corruption checks, in general, can be:

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<sup>4</sup> 'On Prevention of Corruption: Law of Ukraine No. 1700-VII', October 14, 2014, <https://zakon.rada.gov.ua/laws/show/1700-18#Text>.

<sup>5</sup> 'On the approval of the Methodology for conducting an anti-corruption examination: Order of the Ministry of Justice of Ukraine No. 1380/5', June 23, 2010, <https://www.fao.org/faolex/results/details/en/c/LEX-FAOC203083/>.

<sup>6</sup> 'On approval of the Regulations of the Cabinet of Ministers of Ukraine: Resolution of the Cabinet of Ministers of Ukraine dated 07/18/2007 No. 950', July 18, 2007, <https://zakon.rada.gov.ua/laws/show/950-2007-п#Text>.

<sup>7</sup> Novikov O, 'Anti-corruption public expertise features of regulatory legal acts in Ukraine', *Public administration improvement and development*, no 10 (2015).

<sup>8</sup> 'On democratic civilian control over the military organisation and state law enforcement agencies: Law of Ukraine, No. 975-IV', June 19, 2003, <https://zakon.rada.gov.ua/laws/show/975-15#Text>.

<sup>9</sup> 'On the approval of the Procedure for facilitating public examination of the activities of executive authorities: Resolution of the Cabinet of the Ministers of Ukraine No. 976.', November 5, 2008, <https://zakon.rada.gov.ua/laws/show/976-2019-п#Text>.

<sup>10</sup> Osyka I, Khavronyuk M, Khmara O and Yatskiv T, *Methodology of public anti-corruption examination* (Kyiv, 2012).

- 1) Legislative act of Ukraine and its draft. These are the laws of Ukraine, international treaties valid in Ukraine, resolutions of the Verkhovna Rada of Ukraine, decrees of the President of Ukraine, and resolutions and orders of the Cabinet of Ministers of Ukraine.
- 2) Clarification of the application of the legislation of Ukraine. It is about providing appropriate clarifications regarding: the Verkhovna Rada of Ukraine by the Law "On the Verkhovna Rada of Ukraine"; Courts carrying out legislative activities by the Law "Judicial System and Status of Judges" and procedures; Ministry of Justice of Ukraine and other state authorities;
- 3) Regulatory and legal acts of state bodies and their projects. - acts: ministries, other central management bodies, management and control bodies; other state authorities; ministries and republican councils of the Autonomous Republic of Crimea (from now on - ARC); districts, cities of Kyiv and Sevastopol, districts. State administration, its departments, other links, local economic management bodies and control bodies [10, p.206-207].<sup>11</sup> Norms and legal acts of national bodies also recognise acts adopted (issued) by authorised subjects in the form and procedure established by law, but: not signed by relevant officials; not registered, but need registration; not yet entered into force; although they have entered into force, they have not yet entered into force; complete failure, despite the ability to trace certain connections;
- 4) International treaties that have not yet entered into force for Ukraine. Experts note that the choice of the object of public anti-corruption examination is also important. They should be selected according to the following criteria: the status of the document (legal force), the subject of the legislative initiative through which the relevant document was adopted, the subject of the legal provision, the implementation of the legislative proposal and other circumstances. [10, p.207-209].<sup>12</sup>

### **III. Formation of public initiatives**

An equally effective measure to prevent corruption crimes is the formation of public initiatives. Such initiatives include coalitions of public organisations (Reform Recovery Program, Initiative 11, etc.), public campaigns, information platforms, educational programs, etc. Examples of successful public initiatives include the creation of the Prozorro and Dozorro platforms, online services for monitoring public procurement, and the introduction the electronic declaration system for civil servants. The popularity of this approach to the prevention of corruption among public activists is evidenced by research data: 50 per cent of employees surveyed by public anti-corruption organisations noted that by participating in coalitions of public organisations, they were able to influence the formation of national anti-corruption policy. At the same time, the weaknesses of public initiatives at the local level should be noted compared to the national level. In one of their analytical articles, experts of the National Institute of Strategic Studies noted that this is due to social inertia of public organisations at the local level, inadequate legal support for the implementation of public initiatives, the reluctance of local councils to involve the public in joint decision-making [11].<sup>13</sup> One of the most successful public initiatives today is the creation of the public procurement information system Prozorro, which could save 22 billion UAH of budget funds.

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<sup>11</sup> Kalmykov D, Sinchenko D, Soroka O, Khavronyuk M and Shvedova G, *Prevention of corruption: methodological recommendations for local activists* (Kyiv: FOP Moskalenko, 2017), 206-207.

<sup>12</sup> Kalmykov, Sinchenko, Soroka, Khavronyuk and Shvedova, *Prevention of corruption: methodological recommendations for local activists*, 207-209.

<sup>13</sup> Matviychuk A, 'The civil initiative as a factor of self-organization of civil society in modern Ukraine', *Proceedings*, no 3-4 (83-84), 288-298.

The "Joint anti-corruption" initiative, launched at the "International Day of Combating Corruption in Ukraine 2016" forum, should become a cooperation model between the authorities, the public and businesses. The initiative was joined by Ukrainian public anti-corruption organisations, such as Package of Reforms for Revival (RPR), Public Organizations "Joint Anti-Corruption", Transparency International Ukraine, Project Office of NKREC, International Development Law and other organisations, Deloitte, EVA, ACC, Public Committees at various ministries and more than 30 public associations [12].<sup>14</sup>

Participate in the formation of anti-corruption bodies and re-certification of law enforcement officers. Shortly after the Revolution of Dignity ended, the public began actively promoting new legislative anti-corruption bills. In particular, the package mentioned above of anti-corruption reforms was adopted, establishing norms for creating two new institutions: NABU and NAZK. For NABU, for example, the public accumulated funds from Western partners. Thanks to their pressure, the process of creating NABU is transparent and democratic (it indirectly participates in the institution's formation). As for the NACC, Part 4 of Article 5 of the Law of Ukraine "On Prevention of Corruption" 5 states that the Competition Commission, which selects candidates, will include four persons proposed by public associations with experience in combating corruption crimes. Members of NACC.

In addition, the public can participate in the selection of candidates for the NPU (clause 46 of the Model Provisions) [13] (direct participation).<sup>15</sup> Of course, involving public members in the Competition Commission is timely, given the development of civil society in our country, but it has not been fully implemented. The authorities tried various ways to deprive public activists of participation in the Competition Commission. During 2015-2016, a competitive selection of members of the NACC took place, and the agency started its work. Manipulation took place during the election of public representatives to the Competition Commission during the competition for the election body. Also, according to public experts, the appointment of a member of the NACC could violate the law. Even though the activity of the agency was planned for August 2015, it started only on August 15, 2016, with a delay of one year, so all the tasks that determine the implementation of the anti-corruption strategy and the national plan by the agency are subject to threats of timely and high-quality implementation [14].<sup>16</sup> It should also include establishing national agencies and national bureaus of investigation to investigate and manage assets derived from corruption and other crimes.

As a rule, public discussions of decisions and projects of regulatory legal acts of state bodies are held in the form of general discussions. The order and procedure for the implementation of this event are determined by the resolution of the Cabinet of Ministers of Ukraine dated October 3, 2010, No. 996 [15],<sup>17</sup> "On ensuring public participation in the formation and implementation of state policy." The resolution approved the procedure for conducting consultations with the public on issues of formation and implementation of state policy. Defines the main requirements for the Administration when conducting such consultations: explains the main issues on which talks can be conducted; forms of consultations - discussions, electronic consultations with the public (direct) and research of public opinion (indirect); discussion methods, etc. The law stipulates those consultations with the public in the form of public discussions and electronic

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<sup>14</sup> Havronyuk M, Koliushko I and Tymoshchuk V, *Alternative report on the assessment of the effectiveness of the implementation of the state anti-corruption policy* (Kyiv, 2017), 445.

<sup>15</sup> 'Standard procedure for conducting a competition for police service and filling a vacant position: Order of the Ministry of Internal Affairs of December 25, 2015 No. 1631.', December 25, 2015, <https://zakon.rada.gov.ua/laws/show/z0050-16#Text>.

<sup>16</sup> 'Evaluation of the implementation of the Anti-Corruption Strategy: achievements and problems.', August, 2017, <https://nazk.gov.ua/wp-content/uploads/2021/02/2.1.-Assessment-Implem-UKR-1-2014-2017.pdf>.

<sup>17</sup> 'Resolution of the Cabinet of Ministers of Ukraine "On ensuring public participation in the formation and implementation of state policy" No. 996', November 3, 2010, <https://zakon.rada.gov.ua/laws/show/996-2010-п#Text>.

consultations with the public are mandatory in the form of public consultations on draft laws: it provides for the implementation of regulatory activities in certain areas (in our case, anti-corruption). Therefore, the authorities should involve the public in the discussion of the adopted draft laws in the field of combating corruption crime. It should also be noted that public talks can be initiated at the request of the public itself. There are known cases when draft laws on amendments to anti-corruption legislation, prepared by public activists, were presented to the public. In public discussions and public opinion, the survey results were prepared, and the law drafters had to consider these results. One of the examples of general discussion was the proposal of a new draft anti-corruption strategy for 2018-2020.

#### **IV. Establishing joint advisory and advisory bodies of state bodies and expert bodies**

During the development of the new anti-corruption strategy, advisory bodies under the authorities began to be actively created: the National Council on Anti-Corruption Policy under the President of Ukraine and the Working Group on Reforms under the Ministry of Justice of Ukraine. The Commission of the Verkhovna Rada of Ukraine on Prevention and Counteraction of Corruption was established earlier. Still, after the Revolution of Dignity and the election of a new member of the Verkhovna Rada, it started working with an unknown force. Public experts and citizens evaluate the effectiveness of such participation poorly: only 13 per cent of experts claim that thanks to their participation in the National Council on Anti-Corruption Policy under the President of Ukraine, the Council for Prevention and Counteraction of Corruption of the Verkhovna Rada of Ukraine, the Group of Efforts "Anti-Corruption Reform", they can influence the formation anti-corruption policy, only 23% of citizens believe that public participation in the work of ministerial oversight committees and the sector is an effective measure to prevent corruption crimes. All of this shows that the state authorities limit themselves to the admission to participate in the work of such institutions without granting fundamental rights to the representatives of the public. The proposition that deliberative and deliberative bodies are controlled and managed remains relevant. The prevailing opinion in the Internet media is that most public committees fall into two categories: those that do not understand the institutions in which they operate, and those that are entirely under the control of state bodies and operate on their terms. He is interested in and comments only on the information allowed by the curator. Of course, in this case, it is not about public control [16].<sup>18</sup> Attention should also be paid to activities such as peaceful assemblies, protests and strikes to influence the authorities. Of course, public organisations strive to preserve the status of "peaceful" actions - rallies under different names and slogans. The latter, for example, can be a legislative consolidation of NABU's powers during a pre-trial investigation or a campaign to encourage high-ranking officials to fill out electronic documents. Implementing such measures will contribute to an informative analysis of the prevention of corruption crimes, as it will increase the understanding of the country's population and the dynamics and needs for preventing corruption [17, c.242].<sup>19</sup>

#### **V. Conclusion**

Analysing all existing measures of public participation in the formation of the national anti-corruption policy, it can be said that the public mostly did not encounter obstacles in the consultation process on the formation of such a policy. According to the research data, 60% of

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<sup>18</sup> 'Public councils: why they are needed and how they work in Ukraine', May 25, 2021, <https://prosvita.nazk.gov.ua/blog/gromadski-rady-dlya-chogo-potribni-ta-yak-pratsyuyut-v-ukrayini>.

<sup>19</sup> Shakun V, *Society and crime* (Kyiv: Atika, 2003), 242

public experts said that recommendations based on the results of anti-corruption research/public anti-corruption initiative were accepted and considered by authorities, and 60% answered that a set of legislative initiatives (President of Ukraine, Ukrainian anti-corruption industry), Cabinet of Ministers, public representatives of Ukraine) took into account the public's suggestions regarding improving anti-corruption legislation and considered them within the framework of the draft law. It is logical to assume that the main obstacles to implementing

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Shakun V, Society and crime (Kyiv: Atika, 2003), 242

# EU Common Security and Defense Policy Civilian/Law Enforcement Mission's activity in the Middle-East.

*Gábor Németh<sup>1</sup>*

In our today's global world, the concept of security has been re-evaluated. Security can no longer be interpreted only at the local level - of a country, a region or a continent. Serious events taking place in geographically far parts of the world - wars, natural disasters, economic crises, international organized crime, terrorism, etc. - can have a quick and strong impact on countries located on the opposite side of the world. For example, the conflicts taking place in the Middle East and North Africa have a deep impact on the national security of the EU member States, including Hungary. Illegal migration and terrorism originating from these regions are serious security risks in Europe. We can only effectively manage these risks at their starting points, locally. The EU actively takes place in this activity with its Common Security and Defense Policy (CSDP) missions. These missions are not robust military engagements, but mostly unarmed civilian experts and law enforcement specialists carry out missions supporting the rule of law and law enforcement sector in certain countries. The law enforcement components of the EU missions play an important role in the training and development of local law enforcement forces in different crises effected geographical regions. Through these activities, the affected countries and regions can be stabilized.

**Keywords:** Middle East, crisis, crisis management, EU, law enforcement.

## I. Introduction

Individual countries can do their best to preserve international security through their existing membership in various international organizations – eg.: the United Nations (UN), the European Union (EU), the Organization for Security and Cooperation in Europe (OSCE), or through other international cooperation. Therefore, the international organizations take various measures to create secured environment for their member states. These measures can be diplomatic efforts, various forms of cooperation, but if necessary, in order to create security, even the use of force is possible.

After the second world war, which was the most destructive war in human history, the demand appeared to ensure security in the framework of international cooperation. Also, if a security challenge arises, we will also be able to provide an appropriate response within the framework of international cooperation if necessary. Nowadays, efforts to create international security have become integral components of international relations.

The concept of international or global security deals with the management of phenomena and security challenges that can affect every country on earth in one way or another. By definition, international security can only be effectively and efficiently maintained within the framework of international cooperation.

The EU also tries to be an active part of international crisis management and peacekeeping. My research based on my experience, which was gained in time where I was deployed in CSDP mission in Middle East and the official documents of international organizations and national authorities.

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<sup>1</sup> Gabor Németh, assistant lecturer and PhD student, University of Public Service, Doctoral School of Law Enforcement. E-mail: [NemethG@uni-nke.hu](mailto:NemethG@uni-nke.hu), [orcid.org/0000-0002-6370-0448](https://orcid.org/0000-0002-6370-0448)



## II. The Common Security and Defense Policy<sup>2</sup>

The Common Security and Defense Policy (hereinafter: CSDP) defines the political and military guidelines of the European Union, as well as the political, legal and operational frameworks of peacekeeping and crisis management military operations and civilian missions carried out abroad. The EU's 2016 global security strategy<sup>3</sup> contains the main objectives of the CSDP, and the Treaty of Lisbon regulates the tasks of individual EU institutions within the CSDP and strengthens the role of the European Parliament in decision-making. The CSDP has undergone a major strategic and operational review and modification in recent years in order to strengthen effective EU action against global security challenges affecting the Union. The CSDP focuses on the Balkans region, former Soviet states, the Middle East, North Africa, where political instability, civil war, local wars generate global security challenges such as terrorism, weapons-, drug smuggling, trafficking of human beings or illegal migration. These illegal acts endanger not only the given region but also the EU. On 16<sup>th</sup> September 2016 in Bratislava<sup>4</sup>, the EU member states confirmed their intention to strengthen the EU's cooperation in external security and defense. The member countries that are willing to undertake a greater commitment in the field of common security and defense.

Within the framework of CSDP, the EU wants to be an active part of the efforts aimed at creating international security.

It is worth saying a few words about the circumstances leading to each conflict. The events cause of specific local and regional conflicts can be:

- Bad governance, corruption, economic problems, complete lack of social care system;
- failed external interventions (see Iraq, Syria, Libya, Afghanistan);
- war or civil war conditions, ethnic and religious conflicts, lack of security;
- population boom (eg. Middle East and North Africa, hereinafter MENA), the population has increased 4.5 times over the past nearly 60 years between 1960 and 2021)<sup>5</sup>;
- in parallel with population growth, the size of fertile land is constantly decreasing;
- the depletion of water resources (currently 2.2 billion people on Earth do not have access to safe drinking water in their homes)<sup>6</sup>, water shortages mostly affect MENA countries, the fight for drinking water is taking place in more and more parts of the world;
- environmental changes, the negative effects of global warming are felt most in the MENA region, Central and East Asia, and Central Africa.

In most cases, the countries involved in various conflicts are not able to solve the problems they face on their own, so they need the support of the international community.

During the management of crises, all available political, economic and other tools must be used to improve the quality of life in each conflict zone and reduce the suffering of the people living there. Crisis management tools:

- Political and other tools for peace-enforcement and peacekeeping;
- long-term crisis management strategies;
- economic development;
- education, educational development;
- reduction of negative environmental impact;
- planned water management;
- supporting the establishment of the rule of law.

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<sup>2</sup> [https://home-affairs.ec.europa.eu/pages/glossary/common-security-and-defence-policy-csdp\\_en](https://home-affairs.ec.europa.eu/pages/glossary/common-security-and-defence-policy-csdp_en)

<sup>3</sup> Shared Vision, Common Action: A Stronger Europe A Global Strategy for the European Union's Foreign And Security Policy (Brussels 2016)

<sup>4</sup> <https://www.consilium.europa.eu/en/meetings/european-council/2016/09/16/>

<sup>5</sup> <https://data.worldbank.org/region/middle-east-and-north-africa>

<sup>6</sup> <https://www.who.int/news/item/03-05-2021-affordability-of-wash-must-be-defined-and-tracked-if-2030-global-goals-are-to-be-met-new-report>

The civilian/police peacekeeping and crisis management missions of various international organizations (UN, EU, OSCE) play an important role in the establishment of the rule of law mentioned in the last point.

### **III. EU civilian/police missions**

The purposes of EU CSDP missions and operations<sup>7</sup> are peacekeeping, crisis management, crisis prevention, strengthening international peace and security, supporting the establishment of the rule of law, and effective action against weapon smuggling, human trafficking, and piracy. The CSDP activities are concentrated on third countries outside the EU. These geographical areas affected by war, civil war, other crises, which are the starting points of various global security challenges (like terrorism, weapons-, goods-, drugs smuggling and human trafficking, etc.) posing a direct threat to the EU. The EU CSDP involvement in countries that emit and transit migration, including supporting the establishment of the rule of law and the reform of local law enforcement agencies.

Crisis management activities carried out under the direction of international organizations (e.g. EU, UN, OSCE) with non-military personnel and experts (e.g. police officers, judicial specialists) with the aim of restoring local public administration, sometimes temporarily using executive mandate, if the local law enforcement agencies cannot ensure this. In the international terminology, all civilian roles that are not military are classified as such, including police activity. Therefore, police and law enforcement agencies operating under the auspices of the EU peacekeeping and international crisis management missions are considered civilian involvement. Their activities and management system differ from military missions. The law enforcement component plays an important role in building the internal security system within the framework of post-crisis reconstruction. Through this activity, the EU CSDP civilian missions effectively help to normalize the “daily life” in a crisis zone.

The tasks of the police forces in the various crisis management and peacekeeping missions can be:

- Supporting the reconstruction and reform of various law enforcement institutions, increasing their efficiency;
- use of police force with an executive mandate;
- guaranteeing and monitoring the security of local elections;
- disarmament, reintegration of members of armed groups into civilian life;
- education, information (with special regard to crime prevention and victim protection);
- mentoring, monitoring, training, developing the capabilities of local law enforcement agencies;
- supporting the development of different policing models (e.g. community policing).

In the EU crisis management activity in the Balkan region, it has already been proven that the EU CSDP can operate efficiently and is capable of effective crisis management activities. For example the EU Rule of Law Mission (hereinafter: EULEX Kosovo)<sup>8</sup> is the largest civilian crisis management mission of the European Union ever launched. Its goal is to help the Kosovar authorities in building a functioning rule of law system.

The total staff of the mission in the period between 2008 and 2012 was approximately 3,000 people. The member states of the European Union and the non-EU countries that joined the mission as so-called contributing partners (the United States, Norway, Switzerland, Canada and Turkey) offered 2,210 police, customs officers and civil justice experts to the EULEX Kosovo mission. In addition, the work of the mission was supported by approximately 1,100 local

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<sup>7</sup> [https://www.eeas.europa.eu/eeas/missions-and-operations\\_en](https://www.eeas.europa.eu/eeas/missions-and-operations_en)

<sup>8</sup> <https://www.eulex-kosovo.eu/>

employees, interpreters, and logistics service personnel. The EU CSDP missions, although smaller in number, try to implement something similar in the Middle East.

#### IV. Middle East

Although the term denotes a geographically limited area - which is largely located in Asia, but whose western border extends into Africa through Egypt - it is, more of a political-historical less a geographical concept. Which was created during the 20th century thanks to the oil discovered in the area and the complicated ethnic-religious-political relations. With the disintegration of the Ottoman Empire, followed by the end of British colonialism and the establishment of the State of Israel, ethnic, religious and political antagonisms turned into armed conflicts. Political instability, wars and civil wars conditions are the starting indicators of various global security challenges. Which are pose a direct threat to the EU as well. The EU CSDP efforts are clearly indicated by the fact that 3 of the 11 civil/police missions currently taking place are operating in the Middle East region.

During the planning and organization of CSDP missions and operations, special emphasis is placed on geographical areas where the security challenges arising from conflicts there generate global consequences. Even within these geographical areas, the Middle East is of great importance for the Union, and its member states. In addition to the UN, in the recent decades the EU has also paid special attention to the Middle East region, including the Palestinian territories and Iraq. The Union tries to be an active part of crisis management. This is clearly demonstrated by the fact that the former High Representative of the European Union for Foreign Affairs and Security Policy, Federica Mogherini, after her appointment on 1<sup>st</sup> November 2014, made her first trip to the "Holy Land"<sup>9</sup>. There she met with Israeli and Palestinian political leaders. During his visit, he emphasized that the stability of the region is important for the Union.

The EU Border Assistance Mission for Rafah Crossing (EUBAM Rafah)<sup>10</sup> began its activities in 2005, within the framework of which it trains and mentors staff of the border security and customs agencies of the legitimate Palestinian Authority in the Palestinian territories<sup>11</sup>. Its aim is to build and operate the integrated border management system effectively, according to the international standards at border crossings run by the Palestinian Authorities.

The other European Union involvement in the occupied Palestinian territories is the EU Police and Rule of Law Support Mission (the EU Coordinating Office for Palestinian Police Support - EUPOL COPPS)<sup>12</sup>. The main tasks of the EUPOL COPPS Mission are supporting the reform of the Palestinian civilian police, developing its operational capabilities, strengthening and supporting the criminal justice system, strengthening cooperation between the police and judicial bodies, coordinating the activities of external partners supporting the Palestinian Police. The mission prioritizes the areas of human rights and gender equality during the training of Palestinian law enforcement and judicial staff.

The third CSDP mission established in the region is the EU Iraq Advisory Mission (EUAM Iraq)<sup>13</sup>. The mission started operating in 2017, its main task is to provide advice and expertise to the Iraqi internal affairs bodies at a strategic level, to support the implementation of the tasks set out in the Iraqi national security strategy and the reform of the security sector.

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<sup>9</sup> <https://www.dw.com/en/eu-foreign-affairs-chief-mogherini-calls-for-palestinian-state/a-18048838>

<sup>10</sup> <https://eupolcopps.eu/>

<sup>11</sup> The UN The General Assembly affirmed that the status of the occupied Palestinian territory, including East Jerusalem, remained one of military occupation, as it adopted a revised resolution on the question of Palestine.

<sup>12</sup> <https://eupolcopps.eu/>

<sup>13</sup> <https://www.euam-iraq.eu/>

## V. EU CSDP civilian/police missions in the Middle East

### A *EUBAM Rafah Mission*

The mission was established to support the operation of the Rafah border crossing. It is mentoring and monitoring the work of the border police and customs agencies of the Palestinian Authority since 2005 and developing their operational capabilities. The EU legal basis for the operation of the mission is the joint action plan of the Council of the European Union adopted on 12<sup>th</sup> December 2005<sup>14</sup>. The international legal basis are the "Agreement on Freedom of Movement and Access" concluded between the Palestinian Authority and the State of Israel and signed on 15<sup>th</sup> November 2005. The other is the "Conventional Guidelines Related to the Rafah Border Crossing" signed by the Palestinian Authority and Egypt. The contracting parties agreed that at the Rafah border crossing, the EU Mission, as a third party and observer, will check and support the work of the legitimate Palestinian Authority, and ensure the operation of the crossing in accordance with international standards. The mission began its operations at the end of 2005, with a total operational staff of 86 (currently 18)<sup>15</sup>. The mission's border guards and customs experts performed 24/7 duties at the Rafah border crossing and the Kerem Shalom cargo crossing, as well as operating a liaison office and operations center in Gaza City. After Hamas took over the control in Gaza in 2007, the mission was withdrawn from the Gaza Strip following the decision of the EU Council. It is currently stationed in Israel with a reduced number of staff and provides training and mentoring, monitoring the members of the legitimate Palestinian Authority's border security agencies from there. The EU considers Hamas as a terrorist organization, does not recognize the legitimacy of the 2007 takeover of power, and only considers the legitimate Palestinian Authority based in Ramallah in West-Bank as a partner. The Rafah crossing currently operates on a "rhapsodic" basis. Due to the terrorist threat from Gaza, the Egyptian authorities permit the opening of the crossing once or twice a month and only for humanitarian reasons allow entry and exit for those who announce their intention to cross the border in advance.

Since 2014, according to the agreement between Hamas and the legitimate Palestinian Authority, the "Palestinian unity government" has been established "several times". One of the essential elements of the agreement between the two parties was to allow return the members of the legitimate Palestinian Authority to the Rafah border crossing currently controlled by Hamas. Accordingly, the EUBAM Rafah mission launched a project supporting the return of the Palestinian Authority's Border Police to Gaza. Parts of the mission's project are the organization of trainings, study trips, and the implementation of appropriate technical developments of the local counterparts. Within the project, since 2014, several trainings and study trips were organized for middle and senior managers, as well as executive staff of local border security forces. The Palestinian border police and customs specialists participating in different trainings about integrated border management. The mission also giving trainings about the planning, organizing, and managing of border security related activities according to international standards. The human rights, the safe operation of crossing points, effective action against illegal border related activities are in focus. The local officers also have been receiving training about the methods of fighting corruption. With the support of the EU an Integrated Border Management Command and Control Centre was built in West-Bank in 2020. The staff of this Command and Control Centre will be trained, mentored and monitored by Hungarian and Polish law enforcement experts in late 2022<sup>16</sup>.

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<sup>14</sup> (COUNCIL JOINT ACTION 2005/889/CFSP of 12 December 2005 on establishing a European Union Border Assistance Mission for the Rafah Crossing Point)

<sup>15</sup> <https://www.eubam-rafah.eu/en/node/5054>

<sup>16</sup> The writer of this manuscript is appointed as the leader of international team.

## ***B EUPOL COPPS Mission***

Another EU CSDP engagement in the occupied Palestinian territories is the EU Police and Rule of Law Support Mission (EUPOL COPPS). The mission started operating on 1<sup>st</sup> January 2006. The legal basis for the operation of the mission is provided by the joint action plan adopted by the Council of the European Union on 14<sup>th</sup> November 2005<sup>17</sup>. The main task of the mission is to support the reform of the rule of law and the police. The operation of the mission is part of the EU's efforts to support the establishment of the two-state solution set out in the Oslo Peace Agreement<sup>18</sup>. The main tasks of EUPOL COPPS: supporting the reform of the Palestinian civilian police, developing its operational capabilities, strengthening and supporting the criminal justice system, strengthening cooperation between the police and judicial bodies, coordinating the activities of external partners supporting the Palestinian Police. The mission prioritizes the areas of human rights and gender equality during the training of Palestinian law enforcement and judicial bodies.

When the mission started in 2006, it only had a police advisory unit, and the mandate only covered this area. At the same time, the EU quickly realized that the capacity building of the police cannot be separated without supporting the reform of the criminal justice system (prosecutors, courts, correctional). For this reason, in 2008, the mission was supplemented with a consulting unit supporting the rule of law. Thus, the implementation of the mandate of the mission is carried out by relying on two main pillars (police advisory pillar and the rule of law pillar). The mission employs well-trained police officers, judges, prosecutors, civilian experts and seconded by EU member states and third countries supporting the CSDP (Canada, Norway, Turkey) and some contracted experts with extensive professional experience, who ensure the successful operation of EUPOL COPPS. The members of the police advisory unit provide assistance to the middle and senior managers of the regional and central bodies of the Palestinian Ministry of the Interior, Police (approx. 8,000 people). Within this activity, the support of the planning, organizing and managing the work related to various law enforcement activities is given a prominent role.

The mission achieved great results in the development of the Palestinian civil police in traffic policing, public order, public safety, crowd and riot control, prevention of domestic violence, effective detection of such crimes, victim protection, cybercrime, intelligence-based policing, community policing, transparent, accountable policing. In the field of domestic violence and victim protection, with the support of EUPOL COPPS, a victim protection center was opened in Ramallah in 2017, where qualified police officers, medical personnel, civilian volunteers, and legal experts provide assistance to those in need. The mission directly supports the work of the Palestinian Ministry of the Interior, supports strategic planning, effective personnel policy, and the efficient operation of the internal control system. Through the legal advisory unit, it participates in the process of legislation and supports local government bodies in creating a legislative environment that meets international standards. EUPOL COPPS also treats the fight against corruption as a priority area, building effective cooperation between the police, prosecutors and the Palestinian Anti-Corruption Council.

## ***C EU Advisory Mission in Iraq (EUAM Iraq).***

The third mission in the region is the EU Advisory Mission in Iraq (EUAM Iraq) was launched in October 2017, in response to the Iraqi government's request to the EU to implement Security Sector Reform (SSR). The mission's initial mandate was for one year (until October 17, 2018),

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<sup>17</sup><https://eur-lex.europa.eu/legal-content/EN/TXT/?toc=OJ%3AL%3A2005%3A300%3ATOC&uri=uriserv%3AOJ.L.2005.300.01.0065.01.EN>

<sup>18</sup> <https://peacemaker.un.org/israelopt-osloII95>

which was extended annually based on local needs. The mission's current mandate runs until April 30, 2024. EUAM Iraq is headquartered in Baghdad, and the main task of the mission is to support the implementation of the civilian and therefore non-military tasks of Iraq's national security strategy and the reform of the security sector. This process, supported by many other international partners including the UN and NATO. This support process includes the implementation of institutional reforms as well as the fight against terrorism (including violent extremism). Furthermore, support for effective action against organized crime, with particular regard to support for the establishment of a well-functioning integrated border management system. The land borders between Iraq and the Syrian Arab Republic remained unsecured, allowing terrorist fighters to move between the two countries. Also smuggling of antiquities and cultural goods activity poses a serious security challenge for the local law enforcement authorities. In rural desert areas, DAESH<sup>19</sup> is still present and controls smaller and larger areas, where the local law enforcement agencies do not operate. Most of the illegal acts related to the state border are coordinated and managed by DAESH, such as human trafficking or smuggling antiquities. The mission also supporting effective action against corruption, money laundering and the illegal trade of cultural heritage. The staff of the EUAM Iraq mission mainly supports the high ranking officials of the Iraqi National Security Council and the Ministry of the Interior. The local authorities are responsible for managing the reforms, supported by strategic advices of mission's international experts.

## **VI. Challenges**

The security challenges related to the state border in the current Palestinian territories, illegal migration, weapons, goods, drug smuggling. Most of the border violations take place in the Gaza Strip, where the legitimate Palestinian Authority has no, or only a small, ability to take effective action against illegal activities. Since the zone is de facto governed by Hamas, they also manage the policing tasks. The international community regards Hamas as a terrorist organization so there is no possibility of effective cooperation between the international and the Hamas controlled law enforcement agencies operating in Gaza. Since Hamas controls Gaza and needed to operate its own "state apparatus", it often happens that the organization does not prevent, but rather supports, the illegal cross the border activities, and benefits from them. Illegal migration, goods, and arms smuggling between the zone and Egypt are carried out through tunnels dug under the security wall erected by Israeli Defense Forces. It is 6.9 m (20 ft) high and has a 4.87 m (16 ft) deep concrete foundation. The migrants who want to leave the strip illegally through tunnels must pay around 4-5,000 per person for the smugglers affiliated to Hamas. For the above mentioned amount of money, the smugglers transport the persons from Gaza to the port of Alexandria, The smugglers ensure passage under the security fence, as well as they place a fake Egyptian entry stamp in the passports of the migrants, with which they legalize their stay in Egypt. After that the smugglers continue to transport the migrants from the port of Alexandria to Europe. The numbers are only based on estimates, but experts from the Palestinian Authority put the number of people who leave Gaza through the smuggling tunnels at around 3,500-5,000 per year. Medicines, drugs, weapons and food mainly arrive in Gaza from Egypt through the tunnels. The tunnels are often dug at the behest of Hamas, and the illegal activity passing through them is controlled by the organization rather than prevented. In many cases it collects "tolls" for smuggled goods. Terrorist acts are common in the occupied Palestinian territories, the targets of which are usually members of the Israeli Defense Forces (IDF), Israeli Police, Israeli settlers living in the occupied territories.

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<sup>19</sup> Terror group, also known the Islamic State of Iraq and the Levant (ISIL)

Due to the Israeli blockade and strict controls, it is difficult to obtain weapons even illegally, especially in the West Bank. Therefore, in the occupied Palestinian territories, there is a "decade-old tradition" of committing terrorist attacks with cold weapons, mainly knives, and vehicles. Therefore, the international experts serving in the mission - although they are not targets, but can be at the wrong time and in the wrong place at any time - must be prepared before they travel to the operational area on how to avoid or respond to attacks.

Due to the presence of DAESH and other terrorist organizations in Iraq's rural area, the mission does not operate outside of Baghdad and the northern Kurdish areas, which can be said to be safe. In contrast to the Palestinian territories, international personnel in Iraq are the primary targets of local terrorist groups.

## **VII. The mission's staff**

The union supports peacemaking and crisis management in many parts of the world. Only professionally well-trained, highly motivated police and law enforcement officers who speak the working language of the given mission - usually English - can perform these crisis management tasks. Those who, in a multicultural environment, often have to work together with dozens of experts from other countries, cooperate to carry out the tasks specified in the given mission mandate. The selection process of mission members must be multi-level and transparent. The missions always try to find the best and most suitable candidates for the certain positions, they usually serve for 1-2 years in CSDP missions, rarely for longer.

Applicants for EU CSDP crisis management missions must meet all the admission requirements, which are listed below.

- Physically mentally fit. The personnel of the missions perform their duties in war crisis zones, in a cultural environment very different from the domestic one, and sometimes in extreme weather conditions. Therefore, it is necessary that they can withstand above-average physical and mental stress.
- Minimum 5 years of previous professional experience. The main tasks of the EU CSDP missions are training, mentoring and monitoring of members of the local law enforcement forces. For this reason, it is necessary that the selected specialist has the appropriate theoretical and practical professional knowledge and professional wisdom.
- Negotiable English language skills. I don't think I need to explain why this is important in an international environment, where the English is the working language.
- The written support of the competent commander or employer of the applicant is necessary. Because the police officer, law enforcement professional, civilian expert who is assigned to the given mission from the individual member states remains in the staff of his original service and workplace. He/she is deployed as seconded expert to the mission. Therefore, the employer/supervisor must also sign the law enforcement officer's application.

## **VIII. The mission's related training system**

The personnel of civilian/police missions carried out tasks in a challenging environment, different from general domestic police tasks. Therefore the applicants must be adequately trained for the mission. The pre-mission trainings usually delivered by the national authorities for the deployed personnel. But at the same time training is carried out according to unified international standards based on the UN Police handbook and the EU CSDP Mission's handbook.

The training of law enforcement professionals and civilian experts participating in international crisis management tasks is carried out in Hungary by the personnel of the Police Education and

Training Centre Peace Support and Foreign Deployment Department. Due to the nature of the task, this training activity is conducted in close cooperation with other police bodies and the Peace Support Training Center of the Hungarian Armed Forces and other military bodies. Due to the nature of the tasks in crises areas and war zones, the topics of the training also includes basic knowledge related to military activity.

Content of the mission related trainings:

- Information about the work of various international organizations;
- knowledge of human rights;
- first aid skills;
- orientation, map reading, use of GPS;
- religious and cultural awareness;
- radio communication in English;
- firearms training and police tactics (only for mission having executive mandate);
- 4X4 driving skills;
- stress management training;
- basic knowledge of explosive devices and mines;
- protocol skills.

## **IX. Conclusions**

In the Middle East, in addition to political and economic assistance, "civilian" law enforcement missions operating under the umbrella of the European Union's Common Security and Defense Policy play an important role. The missions, with their activities, greatly contribute to the development of the capabilities of the local law enforcement agencies and judiciary bodies. Through these efforts, they also promote the stability of the region.

The negative impacts of global security challenges, originating from the region can be reduced through capacity building of local law enforcement agencies and judicial bodies.

This task can only be performed by well-prepared, motivated specialists who speak the working language of the given mission well. The experts returning from the mission area can use their experience at home about terrorism and organized crime gained in the field.

In basic and advanced police training does not include CSDP or other international police peacekeeping and crises management related lessons. According to my opinion, it would be useful to give lessons about missions and police peacekeeping activity to young cadets as well. Hungary's national security strategy adopted in 2020 clearly defines that our country remains an active participant in the peacekeeping efforts of the EU, NATO, UN and other international organizations, and within this, civilian capabilities must be increased. Despite, this recently, the number of police officers deployed to peacekeeping and other international crises management missions abroad has decreased drastically, from 63 officers in 2012 to 21 officers in the first half of 2022<sup>20</sup>. It would be useful if, at a strategic level, a certain number of police officers should be determined per year to be deployed to international crisis management and peacekeeping missions. The same system works well in the case of Frontex<sup>21</sup>, where Hungary provides a specific number of police officers for the various operations in each year.

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<sup>20</sup> Source: Hungarian Police Education and Training Centre

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# The Importance of Communication Skills in Police Lifelong Learning

Elena Nikolajová Kupferschmidtová<sup>1</sup>

Iveta Nováková<sup>2</sup>

Continuing professional development in policing is of particular importance as it allows further professional and personal development of members of the Police Force. Academy of the Police Force in Bratislava provides various courses in lifelong learning programmes for active police officers. The focus is also laid on the development of language competence in several languages (English, Russian, German) as especially in times of migration crises, the communication in foreign languages plays a pivotal role in the execution of daily duties of police officers not only in Slovakia. The contribution offers insights into foreign language education offered within the lifelong learning programmes at the Academy of the Police Force, which actively reflect the current needs of police practice, in particular with the aim to help and assist Foreign and Border Police service. Not only the language courses aimed at the development of communication competences in foreign language are presented but also the fruits of mutual cooperation between the Department of Languages of the Academy of the Police Force in Bratislava and various units of the Foreign and Border Police that resulted in outcomes which are actively used in police practice are described in detail as they became the tools widely used at national level. The stress is also laid on the request from the police practice to develop communication skills in foreign language competence in both official and non-official communication with the third-country nationals arriving into the territory of the Slovak Republic<sup>3</sup> mainly due to the war conflict in Ukraine and the result that was embodied in the dictionary of multilingual communication that is currently in use in detention facilities forms an integral part of the current contribution.

**Keywords:** communication skills, bilingual police officers, law enforcement education, foreign language acquisition, lifelong learning

## I. Introduction

*'He [migrant] has been traveling to Germany for two years, illegally crossing the borders of eight states. He was only stopped by border guards in the East of Slovakia. A foreigner from Algeria was expelled by our [Slovak] authorities. In every questioning of foreigners, in addition to the police, translators and interpreters are also key parties, without whom we would probably not learn much about illegal migrants.*

*A migrant from Algeria illegally crossed the borders of 8 states. He was detained near the village of Stakčín. 'When giving an explanation, he stated that he traveled legally to Turkey from Algeria in 2018. From there, he continued, already illegally, to Greece, Albania, Kosovo, and through Montenegro and Bosnia and Herzegovina he reached Serbia,' informed the spokeswoman of the Foreign and Border Police Directorate in Sobrance, Agnesa Kopernická.*

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<sup>1</sup> Maj. PhDr. Elena Nikolajová Kupferschmidtová, PhD., Assistant Professor, Department of Languages, Academy of the Police Force in Bratislava, Slovakia. E-mail: elena.nikolajova@akademiapz.sk.

<sup>2</sup> Lt. Col. Assoc. Prof. Iveta Nováková, PhD., Head of the Department of Languages, Academy of the Police Force in Bratislava, Slovakia. E-mail: iveta.novakova@akademiapz.sk.

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*Especially in the first hours after foreigners are detained, there is a limiting language barrier.[...]'*<sup>4</sup>

Thus, a good command of a foreign language is a must in today's life of police officers across the world. Communicating in a foreign language is considered a key competence not only of police officers, but of all EU citizens. Thus, the foreign language training is of particular importance. The stress on foreign language education remains one of the main priorities also for the Academy of the Police Force in Bratislava as a higher education institution focusing primarily on security and legal issues and issues of public administration and linguistics. In this respect, there is a need to streamline international communication with an emphasis on communication in the police sphere.

## **II. Language Training at the Academy of the Police Force in Bratislava, Slovakia**

The Academy of the Police Force in Bratislava pays attention to the study of foreign languages in professional police settings. The focus of the content of the language education is the terminology of the area of criminology, individual police services, legal disciplines, in particular criminal law, international and commercial law, as well as in the field of administrative and civil law, fire and civil protection, crisis management, civil security services, etc. Thus, the Department of Languages at the Academy of the Police Force in Bratislava focuses on security and legal issues and public administration issues in Bachelor's and Master's studies and also developed particular e-learning modules relevant for the police officer within the system of lifelong education of police officers. Students can choose from English, German and Russian. Foreign language training is provided in the form of seminars. Thematic plans of respective seminars reflect the current needs of police officers working for the society, and from a linguistic point of view, the need to streamline international police cooperation and thus, also communication is emphasized in both study programs – protection of persons and property and public security services. The protection of persons and property program is mainly aimed at professional terminology in the field of individual police services, legal disciplines, especially criminal law, criminology and criminology. The focus of the public security services program is laid on professional terminology, especially in the field of administrative and civil law, fire and civil protection, crisis management, etc.

In addition, the Department of Languages of the Academy of the Police Force in Bratislava actively cooperates with various offices, departments and other departments of the Ministry of Interior of the Slovak Republic, provides testing and evaluation of language competencies of members of the Police Force (for example for applicants for inclusion in the database of the Foreign Police Unit), regularly organizes and develops following courses:

- 1) English for candidates for posts in international police peacekeeping missions and civilian crisis management operations;
- 2) English language testing for members of the National Reserve of the Slovak Republic of the European Border and Coast Guard Agency (Frontex);
- 3) German language for participants in MEPA main courses and seminars (Mittleuropäische Polizei Akademie = SEPA - Central European Police Academy);
- 4) English, German and Russian testing for selected candidates for the post of police attaché.

The Department of Languages of the Academy of the Police Force in Bratislava performs various tasks for the Ministry of Interior of the Slovak Republic, actively participates in translations and interpretations for the needs of the Academy of the Police Force in Bratislava

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<sup>4</sup> Press release: <https://www.noviny.sk/slovensko/571623-policia-odhlaluje-nelegalnych-migrantov-pravidelne-pre-maloletych-su-mimoriadne-doleziti-tlmcnici-ktori-chybaju>

(hereinafter referred to as 'the Academy') and the needs of several other police Departments and Bureaus and also performs language corrections of Slovak and English (occasionally also German).

However, the main aim is to improve the key communication competencies required by the university-educated police professionals. The ability to express oneself orally and in writing appropriately in particular situations, listen and read with understanding, use of the information obtained by reading, process written material and mainly communicate in a professional foreign language remains priority in the foreign language education provided at the Academy, especially in regard to the fact that frontline police officers come in direct contact with a foreign language almost on a daily basis and thus, they need to be linguistically "proficient" enough to successfully handle various types of security and safety situations. In addition, graduates of the Academy and police officers from practice also need a foreign language in their further education or exchange of knowledge, experience and best practice while working abroad (e. g. liaison officers, police officers, members of international peacekeeping missions and crisis management operations, members of Frontex joint operations, participants in MEPA training courses, etc.). That means that the staff of the Ministry of Interior of the Slovak Republic should be able to professionally communicate in a given language, not only in its spoken but also in written form.

Language training is therefore geared towards preparing students to be able to communicate in a foreign language not only on general topics, but especially on topics from the field of their study focus, to acquire knowledge from professional foreign language literature and present their own projects. The most important educational goal in foreign language teaching is, according to requirements of communicative didactics acquisition, "communicative competence" and development of students' personalities. Professional foreign language training is carried out at the Academy for:

- students in full-time (cadets) and part-time form (police officers) of study within study program security protection of persons and property;
- students in full-time and part-time form of study within study program public security services (civilians),
- b) members of the Police Force within the lifelong learning courses.

Thus, the content and thematic orientation of professional language training for all groups is modified according to their needs. Academic teaching is thematically focused on police and legal issues, vocational language courses (for example, for candidates for posts in peacekeeping missions and crisis management operations, anti-conflict teams and etc.) are thematically focused directly on the specific issues. Language training develops general language supplemented by some linguistic phenomena characteristic within the professional style, in particular terminology, is aimed at the acquisition and development of a broad register of lexical units in the field of police law and grammar focuses on more complex professional structures of languages such as passive, participatory and infinitive constructions, correct use of secondary types of sentences and related conjunctions, word formation, etc.

An integral part of the content of this language preparation is the oral presentation of the professional issues and development of students' capability to engage in a professionally-oriented discussion. Active written communication is represented by writing a professional CV, reports, requests, warnings, notifications, statements, abstracts as part of the Academy foreign language training. The language training includes also exercises in translation. For the purposes of translation exercises, authentic texts are used to practice translation and develop the basis of professional terminology and specific structures of professional language communication that is of utmost importance for professional practice - building and consolidating professional terminology and mastering specific grammatical phenomena of professional communication. Texts with a higher level of difficulty are modified and, also simplified to motivate students at

lower levels of language competence. For the above-mentioned purposes, the Department of Languages of the Academy prepare their own materials (e.g. in the forms of books, student's books, e-learning modules, dictionaries, reference books, etc.). The staff of the Department of Languages actively cooperates with experts in the relevant police services while developing and consequently implementing materials and teaching aids for students. Most members of the staff at the Department of Languages are police officers themselves and in order to keep themselves updated in the relevant topics and being able to reflect the current needs of the police services, they have an opportunity to conduct short-term professional internships within the chosen police service every year.

Thus, the gained experience directly affects the course and effectiveness of foreign language teaching. From the linguistic and didactic point of view, the curriculum and didactic techniques that complement primary objective of the language training – mastery of foreign language and fluency in intercultural communication are also influenced by the information gained throughout the personal experience and practices shared by member of the Police Force from the relevant police services. However, due to limited time available during the foreign language seminars, the preparation of materials suitable for the individual study is also a must as it also functions as a source of guidance in further study of individuals. That is also one of the reasons why foreign language teachers at the Academy can rarely rely on a commonly available 'commercial' textbooks, which are not prepared with regard to a specific cultural, educational or professional police context. Today's textbook market at teaching/learning professional language is mostly sphere-oriented on trade, information technology, law and tourism, but security and police activities still remain uncovered by satisfactory study literature for police practice and students of the Academy.

### **III. Law Enforcement and Language Skills Requirements**

Particularly, the law enforcement professionals are required to respond to emergency situation of many kinds, thus, facing the challenges of immediate and effective communication that is a key as usually the police officers are under the time pressure and there is no time to stop for translation or ask for the services of interpreter. The police officers working on the front lines of the law encountering various types of individuals need to react promptly and effectively in order to maintain the public order and keep citizens safe. The effective and efficient communication is thus of utmost importance as the prevention of possible misunderstandings is key to peaceful and safe environment. In case of a misunderstanding, the conflict may not only appear but also escalate into the violence. There were many incidents during the most recent periods of time where the encounters between the police officers and members of the ethnic communities resulted into violence, and in some cases even tragic consequences that gained unprecedented media attention and affected the work of the police officers.

The police officers are representatives of the state and they serve and protect all citizens of the state. However, in case of the unwanted attention, the trusting relationships hardly build with the communities and general public are negatively affected even when the police officers and representatives of the communities and public share the same language. Common language understood by all parties involved in the encounter reduces the chances of misunderstandings significantly but does not guarantee the perfect understanding between the individuals being involved in encounter with the police.

There are many aspects that affect the communication between the police officers and individuals causing the disturbances of any kind, and police intervention is needed to prevent further escalation of the conflicting situations. Even when the common language is shared within the territory of the state, there are also ethnic, racial, cultural minorities that have their specific and unique perspectives on the particular situations and in most cases they are not

shared by the law enforcement officials. In case of foreign nationals, the probability and possibility of the conflict arises even in greater extent due to the language and cultural barriers. Thus, the demand for communication skills improvement in police officers is continuous and ever persistent even within the lifelong education provided at the Academy of the Police Force in Bratislava. The main focus is laid not solely to the improvement of effective communication for the police officers serving on the front lines, but the objective is also to conduct the education in foreign language (English, German or Russian) as the demand for the intercultural communication is on the rise. Multilingual law enforcement workforce is one of the top priorities across the globe. However, in regard to the foreign language acquisition, the English language is prioritised as it is considered to be a lingua franca of these days. In general, calls for (at least) bilingual officers mainly go hand in hand with the reflection of the need to communicate effectively while serving various types of communities, and in times of migration crises also the need to communicate promptly with the arriving migrants.

#### **IV. Peculiarities of Police Services in Slovakia in Relation to Communicative Competence and Foreign Language Command**

The need of foreign language usage is usually associated with the migration within the countries of the European Union as it is currently one of the most topical issues. The high numbers of illegal migrants and asylum seekers who arrived in Europe indicates that the pressure to address the issue of migration, or its consequences, in a way that is appropriate to the national legislation, cultural or political environment of the country (no matter if the country is considered the destination country or being a transit country) is escalating also within the national Police Force as the need for bilingual or multilingual police officers is on the rise.

##### ***A Border and Foreign Police Service***

With the arrival of foreigners, there is also a call for police officers serving in the National Police Force to address migration and the need to provide adequate housing, health care, education, legal aid, employment and, last but not least, language assistance. Thus, the intercultural communication competence and the foreign language acquisition becomes a must for every member of the Police Force as not only basic communication with arriving foreigners needs to be provided within the official communication with the police, but also daily communication between members of the Police Force and foreigners in case, foreigners are placed in detention facilities across Slovakia. The engagement in intercultural communication between police officers and detained foreigners (usually third-country nationals arriving into the territory of the Slovak Republic illegally) requires advanced communication and language skills in order to prevent any possible misunderstanding and consequently conflict resulting from the misunderstanding as especially in detention facilities it is important to present the instructions, orders, and information in timely and reassuring fashion to diffuse the tension already present in detained foreigners. The effective communication also frequently helps to restore the morale and develop trusting relationships through speaking roles. The police officers serving in the Border and Foreign Police Service focus specifically on working with foreign individuals, thus, their language skills to communicate with e.g. detained third-country nationals, revision of evidence and materials, and collaboration at the European or international level with colleagues from foreign departments and units around the world requires advanced communication and languages skills. At the same time, operating and serving in a law enforcement missions, enforcing law both domestically and internationally also requires experience in the areas of conflict prevention and resolution, as well as negotiating skills. Thus, the command of foreign language and communicative and negotiation competence are vital skills of police officers working in multicultural environment.

## ***B Public Order Police Service***

Police officers may interact with members of the public for different reasons and in different ways.<sup>5</sup> At common law, all police officers have the duty to preserve the peace, prevent crime, and protect life and property.<sup>6</sup> In interaction with the public, the police officers serving in the Public Order Police Service engage in conversations with individuals (domestic or foreign ones) or groups of people on daily basis. Thus, the ability to communicate in foreign language is perceived as the vital skill also in the work of the Public Order Police as the essential communication skills are necessary in the following situations that has been identified as the problematic when using a foreign language within the interaction between the police officers and foreigners: (1) explaining a foreigner what to do on the phone or face to face when he or she asks for help, (2) asking questions or giving answers about the profile of an individual, (3) questioning or taking the statements of a criminal or a sufferer, (4) dialogues on asking or answering about addresses, (5) doing the required jobs when someone is suffering, (6) asking questions to a foreigner with a passport and answering his or her questions as well, (7) offering help when foreigners get lost or cannot find their destination, (8) offering help in case of loss or something stolen and being got laid, (9) dialogues about security issues and getting in touch in case of an emergency, (10) to get in touch with consulate whenever foreigners need, (11) offering help in terms of passport procedures, (12) dialogues on historical and touristic places.<sup>7</sup> In the above-mentioned situation, most of the police officers need to tackle on a daily basis while being on a patrol and serving the communities. In particular, while helping out foreign tourists, many of the police officers encounter some difficulties in regard to the fast speech, unknown vocabulary, and unfamiliar foreign accents.

The Public Order police officers' perspective on the foreign language use efficiency within the communicative situations with foreigners differs as the individual police officers' foreign language and communicative competency varies. However, the engagement of the foreign language and communicative skills forms a part of the daily duties of the public order police officers, thus, strengthening and improvement of the communication and foreign language skills are necessary in order to perform their daily duties efficiently. The current need for bilingual police officers on the streets is also reflected by frequent request from the respective units and departments towards the Department of Languages at the Academy of the Police Force in Bratislava, Slovakia, namely e.g. from the Anti-conflict teams that are deployed in cases of public disturbances as the first responders.

## ***C Traffic Police Service***

The global migration of population requires a continuous monitoring from the perspective of the Police Force as the enforcement of law and order is the priority for the security and safety of the citizens of the Slovak Republic. One of the police services that impacts greatly to the field of security when it comes to foreigners' encounters is the Traffic Police Service that is responsible for monitoring, surveillance, and maintenance of the traffic flow within the territory of the Slovak Republic. As the flow of foreigners has increased significantly during the most recent period of time, the stops and checks performed by the police officers on the roads increased dramatically. However, not only migrants but also tourists rely on the fact that most of the police officers do not speak foreign languages and in order to avoid being fined they

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<sup>5</sup> Review of the RCMP's Policies and Procedures regarding Street Checks Report. Available at: <https://www.crc-cctp.gc.ca/en/review-rcmps-policies-and-procedures-regarding-street-checks-report> [accessed 27. 09. 2022].

<sup>6</sup> Ibid.

<sup>7</sup> *ESP Needs Analysis of Public Order Police Officers*. Available from: [https://www.researchgate.net/publication/328416193\\_ESP\\_Needs\\_Analysis\\_of\\_Public\\_Order\\_Police\\_Officers](https://www.researchgate.net/publication/328416193_ESP_Needs_Analysis_of_Public_Order_Police_Officers) [accessed 30. 09. 2022].

blame the language barrier on the side of the police officers when it comes to administrating parts of penalties and punishments posed by the police officers for various types of violations of the national law. Due to the increased flow of foreigners transiting through the territory of the Slovak Republic, the urge to strengthen and improve the foreign language competence in police officers deployed on the roads is imperative. Nevertheless, not only the transiting foreigners are the reason behind the need to master foreign languages by the police officers. There are also foreign-language speaking communities permanently living in the territory of the Slovak Republic, that rely on their mother-tongue most of the time. Nonetheless, the mother tongue of the respective communities is not the official language of the country they are living in. Thus, to build a trusting relationship with the above-mentioned communities requires a communicative competence in ‘their’ language when it comes to police officers – community members encounters (not only) on the roads. Hence, bilingual police officers are preferred in the areas where the foreign language communities are located. As one of the foreign language-speaking residents living permanently in the territory of the Slovak Republic recollected, the situations that are affected by the language barrier may result in the scenarios like the following one presented as a real case report within the language seminars conducted at the Academy:

*As Mr. Ištván was driving away from his church several at the area near by the Hungarian borders years ago, another car rammed into his. Like any good Samaritan, the Hungarian man called the police. When an officer arrived, Mr. Ištván was stunned: The police officer gave his attention to the Slovak-speaking woman driving the other car, all but ignoring Mr. Ištván perspective.*

*‘Why [do] you not hear me? I called you! Mr. Ištván remembers asking the officer. He’s not the only foreign-speaking resident of the city who thinks the police are not appropriately listening due to the language barrier.*

The scenario serves for educational purposes but it is an example of the situation that happened in reality and points out how easily a misunderstanding can arise from the trivial situations on the road. At the same time the situation stresses the importance the need for (at least) bilingual police officers and the necessity of continuous language training in the Police Force.

## V. Methods of Teaching Foreign Languages

Communicative competence in the command of foreign languages and the use of new technologies go hand in hand with the modern education for police officers as especially information and communication technologies have become increasingly popular and frequently implemented in the learning process. Using an e-learning tool can contribute significantly in achievement of better results in students' language training. However, it needs to be well thought out, planned and prepared while both professional issues and the level of knowledge of foreign languages of the target group are taken into account. This is a challenging task as the creation of e-learning foreign language modules requires an interdisciplinary approach. The creation and formation of e-learning materials can result in success if students find the material attractive and entertaining. In general, various types of entertaining exercises, interesting graphic design and authentic professional language increases the students’ motivation and chances that the students will acquire language skills in an easier and better manner. Thus, the e-learning modules were developed at the Department of Languages of the Academy of the Police Force in Bratislava, Slovakia for selected police services as the language modules offered a new teaching tool and helped to solve the time restriction in relation to limited number of language seminars being available during the studies at the Academy of the Police Force in Bratislava, Slovakia (hereinafter referred to as ‘the Academy’). At the same time, e-learning modules are easily accessible for any member of the Police Force even within their free time and provide, also a form of continual/lifelong education. Moreover, continuous language



training of police officers makes them even more professional, raises the credit of the police force and gains the trust of the public. The above-mentioned facts were the main reasons behind the Department of Languages' efforts to reflect on notes and requests from Slovak police officers working in the frontline policing and complaining about the lack of possibilities to develop their communicative competence in foreign languages. To better understand the situation, the international scientific research project 'Language Modules for Selected Police Services' was launched with the aim to design e-learning materials available on the intranet of the Ministry of Interior of the Slovak Republic. The e-learning modules focusing on the English and the German language for specific purposes accessible to all the officers were designed and a dictionary and a textbook were published. The practical outputs comprise four e-learning modules:

- 1) English for Traffic Police,
- 2) English for Public Order Police,
- 3) English for Air and Maritime Crews,
- 4) German for Traffic Police, Riot Police, Investigation,

as well as a university textbook – *Deutsch im Beruf – Polizei* and a terminological dictionary – *Slovak"English and English"Slovak Dictionary for Traffic and Public Order Police*.<sup>8</sup>

The main objective of the international scientific research project was to design and pilot complex e-learning language modules for the following police services: traffic police, public order police, border and foreign police and investigation. The aim of the tailor-made e-modules was to benefit to the enhancement of English or German specific language competences of police officers. The modules were based on the analysis of language training provided to police officers in the Slovak Republic, the Czech Republic and Hungary and on the requirements of participating EU member states and Frontex. The materials included in the e-learning modules are adapted to B level according to the Common European Framework of Reference for Languages (CEFR). To guarantee authenticity and preciseness, the corpus was checked and edited by an English native speaker having wide experience in policing. The structure of the modul offers four units that reflect everyday communication needs of police officers. Each unit is structured in the same way – vocabulary, model sentences, reading/listening comprehension and exercises. On average, one module provides about 600 terms and reflects the attributes of an effective modern language teaching aid. The results concerning the module evaluation show that the e-learning material has an important place in English for Specific Purposes teaching. Interactive technologies can help bring variety and a learner-centred material which can prompt learners' interest and motivation to develop their language competence.

## **VI. The Importance of Continuous Language Education for Police Officers**

The current and future state of policing demands preparation of current and future police officers that will reflect the needs and challenges of the 21st century. Police training and education are and will continue to be important factors in the future success of police professionals.<sup>9</sup> This emphasis on sound content and flexibility of lifelong education is critical to the success of current and future police professionals. Police officers today and tomorrow will continue to deliver key social services to the communities they serve. Police Force remain responsible for critical factors in community safety and well-being as the police officers within their daily work prevent crimes and assist others in prevention, assist victims of crime, preserve the peace, apprehend and charge offenders and execute warrants, and along the way they try to

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<sup>8</sup> Petra Ferenčíková, E-learning module for Traffic Police to Develop the English Language. (online). *Public security and public order 2017 (18)*.

<sup>9</sup> Jose Luis (Joe) Couto, Continuous Education: The key to the Future of Policing. (online) Wilfrid Laurier University, November 2021.

build a trust and positive relationships with general public and communities as all these duties contribute to development and maintenance of beneficial relationships and positive image of the Police Force. The continuous language education and strengthening of the communicative competence in police officers working across the police services encourages them to achieve their professional and personal goals and provides the police officers with further opportunities in their careers and enriches also their personal lives. Thus, it is of vital importance to ensure that current police officers and new police personnel have access to quality education and training that meets the law enforcement challenges ahead.<sup>10</sup>

The Academy provides various types of foreign language courses that are in most cases tailored-made according to the current needs of police professionals from various police services. In the age of an online learning, the Academy also reflects the technical developments and necessity to adjust the courses to the requirements of 21st century online learning and thus, the Academy also provides the tools to better relate with the communities they serve and to help them meet today's policing needs. While performing their daily tasks, the police officers are thanks to the real-life case reports within the language modules, better prepared to relate to the communities and foreigners they come into contact with and be more problem-oriented as there are situations where speaking another language fluently may be a small contributing factor in where the police officers may end up working, especially, when we take into consideration that problem-oriented policing is a proactive strategy to identify crime problems in communities<sup>11</sup> with which police officers interact and need to consider also the aspects as of different cultures, ethnical backgrounds, with different traditions, biases, and customs requires a police officer that is not only able to communicate in foreign language smoothly, but is able to help people in need, especially if it is an emergency.

## VII. Reflecting the Current Needs of Border and Foreign Police Practice

In recent years, the media space has recorded information about the insufficient foreign language competences of members of the Border and Foreign Police in Slovakia. The media's lines of argument mostly reached the statements of disgruntled foreigners. When creating their texts, the editors tended to appeal to their subjects and present to the readers the opinion that the current situation in the Border and Foreign Police departments is *'unbearable'* because the policemen *'do not communicate in English'*, which makes foreigners *'suffer and are dissatisfied'*. Foreigners expect a different, *'foreign-language approach'*, which will allow them to go through all administrative steps without much difficulty, either when processing a residence application or when communicating their individual needs during detention. However, the existing problem was not discussed in a wider context, e.g. in the context of the educational process or legislation, the fact that knowledge of a foreign language was not and still is not a necessary condition for admission to the services of the Police Force of the Slovak Republic was not even taken into account.

The situation related to the problems of foreigners when communicating with the relevant departments of the Border and Foreign Police triggered the professional curiosity of the staff of the Department of Languages of the Academy of the Police Force in Bratislava as a higher education institution of the Ministry of the Interior of the Slovak Republic, and decided to investigate the problem in depth and contribute to its solution by creating a scientific research

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<sup>10</sup> Jose Luis (Joe) Couto, Continuous Education: The key to the Future of Policing. (online) Wilfrid Laurier University, November 2021.

<sup>11</sup> Armstrong, G. & Bouffard, L. Five reasons police officers should have college degrees. *The Conversation*. (2020, June 18) Available at: <https://theconversation.com/5-reasons-police-officers-should-have-college-degrees-140523> [accessed 12. 09. 2022].

task project oriented on the creation of a methodical and communication manual including a selection of the most frequent languages used among foreigners in detention facilities, which would be a practical tool for police officers directly arresting foreigners and placing them in facilities with the aim of preventing negative phenomena on both sides. The Border and Foreign Police Departments stated that *'police officers cannot be trained in the languages of detained persons'* and therefore *'it is necessary to have at the disposal of police detention units the concept of effective foreign language communication for the detention process in accordance with Act No. 404/2011 Coll. on the residence of Foreigners and Regulation of the Ministry of the Interior of the Slovak Republic No. 26/2007 on the procedure for placing foreigners in the police detention units for foreigners, as amended'*.<sup>12</sup>

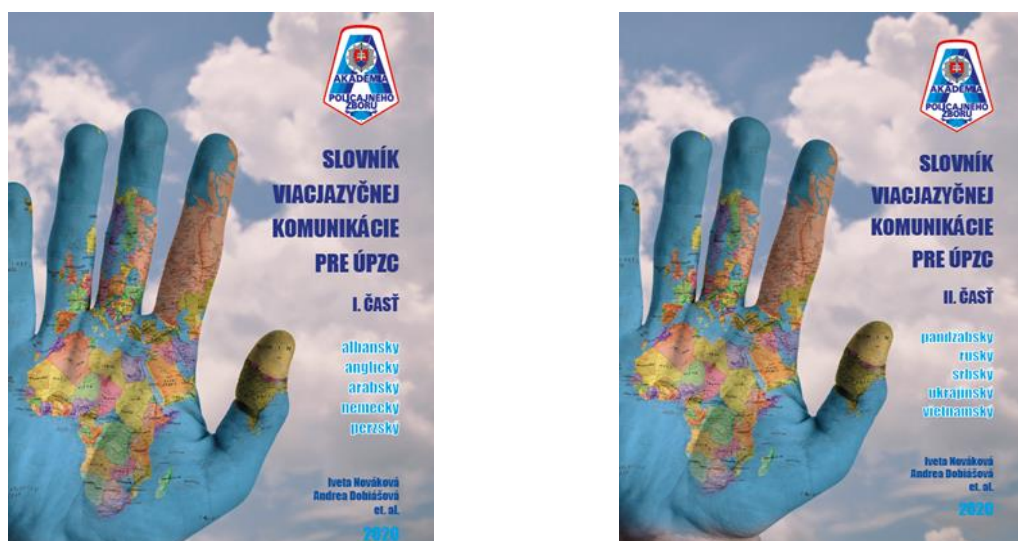
The result of the scientific-research task is a multilingual communication dictionary (see Figure 1 below) that provides the equivalent of Slovak sentences and expressions in ten foreign languages. The initial lexical units in the Slovak language were carefully selected and thematically grouped in cooperation with police officers from detention facilities. The selection took place in several stages, from the actual analysis and collection of language material directly at the detention facilities to a multi-phase exchange between the police officers in working in detention facilities and the staff of the Department of Languages of the Academy of the Police Force in Bratislava. Thus, the mentioned terms capture the current discourse used within the detention facilities in Slovakia when communicating with third-country nationals detained in the respective facilities. The primary part of the multilingual reference dictionary is the multilingual translation part, which consists of 10 separate parts: Slovak-Albanian dictionary, Slovak-English dictionary, Slovak-Arabic dictionary, Slovak-German dictionary, Slovak-Persian dictionary, Slovak-Punjabi dictionary, Slovak-Russian dictionary, Serbian dictionary, Slovak-Ukrainian dictionary, Slovak-Vietnamese dictionary. The dictionary is divided into ten separate parts with a uniform structure, each of which is thematically divided into nine chapters:

1. Reception - placement in the detention facility,
2. Time schedule of the day,
3. Accommodation,
4. Nutrition,
5. Health problems,
6. Shopping,
7. Leisure activities,
8. Visits,
9. General instructions

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<sup>12</sup> Nováková, I. et al. The scientific-research task titled Intercultural Communication with Third-country Nationals in Detention Facilities. Academy of the Police Force in Bratislava, Slovakia.

Picture 1: The Covers of the Multilingual Communication Dictionary Issue 1 and 2



The creation of thematic areas was conditioned by the identified needs of non-official communication in detention facilities, which does not require the presence of a sworn interpreter which is contrary to the legal obligations in case of official communication with competent authorities. The dictionary contains individual passwords, but also entire communication phrases. It is also important to point out that the dictionary serves as a methodological basis for the purpose of ensuring the communication of requirements and solving the problems of everyday life in the detention facilities, whether on the part of members of the Police Force or foreigners themselves. Therefore, it serves as a mediating tool in communication between the members of the Police Force and detained third-country nationals. However, from the perspective of the foreign language acquisition, it may also serve as a tool for language learning for both the members of the Police Force, and also detained foreigners as the individual words/entries and complex phrases used in every day interaction are presented within the contents of the dictionary.

### VIII. Conclusion

In words of the President of the United States: We are eager to learn what you are doing in your communities and to find out how your agency is moving the law enforcement profession forward—whether it’s a new department policy designed to encourage citizen engagement, a social media tool that helps gauge community sentiment or solve crimes, a training program intended to reduce implicit bias or a targeted enforcement effort that has been effective in reducing crime while maintaining civic involvement,<sup>13</sup> lies the unquestionable truth that only through the education an individual can grow, thus, the strengthening and provision of training programs that target the communication and language competence in police officers remains one of top priorities within all educational institutions around the world. Thus, the implementation and use of foreign language teaching methods that strengthen the independence of thought, judgment, action and at the same time respect the needs, motivation, characteristics, and opportunities of students are of utmost importance at the Department of Languages of the Academy of the Police Force in Bratislava in Slovakia. To achieve desirable outcomes in

<sup>13</sup> United States Department of Justice. (2015). *President’s task force on 21st century policing*. Available at: <https://www.justice.gov/archives/opa/blog/president-s-task-force-21st-century-policing-recommendations-print-action> [accessed 09. 09. 2022].

students' learning process, the use of teaching equipment and didactic tools that enable better, faster and more comprehensive mastery of the subject curriculum is more than desirable as they serve not only for illustration purposes. The use of specific teaching methods and didactic tools also helps significantly to arouse interest in the curriculum and learning and make the teaching process more attractive for students. Usually, a wide range of exercises are used in the teaching process developing students' individual language skills and speech skills. Great attention is paid to work with written professional texts, which implies that the priority language skills include reading comprehension (developed, of course, in conjunction with speaking, listening and writing), which ensures the selection and absorption of professional information as part of further or lifelong foreign language training of police officers. However, there are still more and more aspects that need to be taught and taken into account and still a space for further development in means of new teaching methods, tools and aids.

A team of certified bilingual officers may help incredibly in overall community policing strategy as the way police officers communicate with communities and foreigners is of utmost importance in building a trust and strengthening relationships. Even, in general the work of the Police Force is perceived as having the positive impact, this does not, however, mean that they do not think that there is a systemic issue with how police interact with members of minority groups.<sup>14</sup>

While there are still some of the police officers that have bilingual abilities, the possibility for improvement in foreign language competence and communicative skills should still be available to all police officers interested in professional and personal growth, as the continuous learning brings added benefit to allow police officers to conduct their jobs in a safer and more effective mode. Mastering foreign language as well as being able to communicate in critical situations calms down the tension between police officers and individuals involved in incidents as especially in case of victims and witnesses the feeling of relief is present when there is someone there to help them who can speak their language.

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<sup>14</sup> Angus Reid Institute. *Policing in Canada: major study reveals four mindsets driving current opinions and future policy preferences*. (2020). Available at: <https://angusreid.org/policing-perspectives-canada-rcmp/> [accessed 10. 09. 2022].

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# The Impact of the Pandemic on Criminal Intelligence

*Nyeste Péter<sup>1</sup>*

The global pandemic, COVID 19 and its mutations have a significant impact on the structure of crime and law enforcement, and it will have a serious impact in the near future, on the branch of the criminal service. In this article I examine the impact of a pandemic on global and domestic crime and how resilient law enforcement has been to respond to these challenges. I examine and present the changes in the structure of crime as a result of the pandemic, relying on international law enforcement professional sources. I established the trends and data on domestic crime on the basis of interviews and the analysis of statistical data.

In my research I have found that there have been changes in the qualitative and quantitative structure of crime due to the forced effects of the pandemic on society and I made suggestions for more effective law enforcement and intelligence activities.

**Keywords:** criminal intelligence, impact of pandemic, organised crime

## I. Introduction

The historical antecedents of criminal intelligence in today's sense date back to the 18th century in Europe, based on the French model. During the War of Independence in 1848-49, national security activities also operated within the framework of law enforcement agencies. Minister of the Interior Bertalan Szemere took great care of the secret collection of information by the state police under his control.<sup>2</sup>

The scientific thinking of the time was, of course, influenced by the informant activity built and rightly hated in the era of Austrian absolutism. Nándor Pichler saw the secret police as a kind of „outgrowth” that should be excluded from the organization and operation of the public security police. Pichler explained that the police have the right to freely dispose of measures that effectively restrict individual liberty.<sup>3</sup> In doing so, Pichler acknowledges the legitimacy of the police's discretionary secret policing measures by proportionately “restricting” civil rights. In the article on the protection and organization of the secret policing in the 43th issue of the Law Gazette of 1877, Gyula Fekete emphasized the importance of the civilian branch of the secret police. According to Fekete, it is easy to see that an agent who is unknown to criminals will notice and experience a lot that would remain a secret to a police officer appearing in uniform.

If the suspicious persons were not publicly inspected, they saw no wrongdoing in it. Secret policing was considered important primarily in the larger cities, which complemented and helped ordinary police action. Domestic and international Police Science thinkers of the era (Mohl, Stieber, Gravell) also considered it important to emphasize that secret policing is only an exceptional police tool that can be used with the utmost restraint and caution in rural areas only in particularly justified cases.

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<sup>1</sup> Péter Nyeste, police lieutenant colonel, associate professor, University of Public Service Ludovika Department of Criminal Intelligence, Economic and Cybercrime. Email: [nyeste.peter@uni-nke.hu](mailto:nyeste.peter@uni-nke.hu), orcid.org/ 0000-0002-2440-6414

<sup>2</sup> Boda József, A Nemzetbiztonsági Szakszolgálat helye és szerepe a rendvédelemben, *Pécsi Határőr Tudományos Közlemények*, no 13. (2012), 116.

<sup>3</sup> Gaál Gyula – Hautzinger Zoltán (ed.): *Rendészettudományi gondolatok*, Korinek László, *Rendszerváltozás a belügyben* (Budapest: Magyar Rendészettudományi Társaság Kiadó, 2014.) 35.

In Hungary, the end of the 19th century, the foundations of modern criminal intelligence were laid within the capital's police with the formation of the Detective Corps. The detective department was first organized within the Budapest-Capital Police Department in 1885. Then, in 1886, the first internal legal regulation of criminal intelligence was issued, the Detective Code (then the Second Detective Code in 1890 and the Third Detective Code in 1893).

In the 1880s the aim of the detectives' criminal intelligence activities was to monitoring, preventing and detecting crime. In order to monitor crime, effectively prevent, interrupt and detect crime, confidential intelligence procedures were carried out, such as *surveillance, informants, covert methods of information gathering and various traps*. The latter were not detailed in the Criminal Procedure Act<sup>4</sup>, and the implementation of the good practice of criminal investigation was aided by the investigation order<sup>5</sup> and its explanation by the prosecution. Surveillance, prevention service (presence in crime scenes) and secret police procedures formed the core of contemporary criminal intelligence. The confidentiality of criminal intelligence was justified by the nature of the assumed offenses (eg crime without victim, political nature, identity of interest between the parties, organized crime, etc.) or by obtaining information with confidence way, informants or by an effectiveness of investigation. *The purpose of the secret police proceedings was to prepare for justice.*

The second part of the investigation, the formal investigation, which was subject to legal disadvantages, was the „finding procedure”. This procedure should be use when the suspicion is already available for order an investigation. After that the „ascertaining investigation” consists of practical actions and a series of investigative acts.<sup>6</sup>

After the Second World War, the political system that developed for several centuries transformed the country's political system based on the civil traditions. As a result of the new, Soviet-type, ideologically based social and political transformation, the original activities and tasks of criminal intelligence have changed.

The „secret police procedures” that have been preparing for the previous judicial activity have been called secret operational activities and the state defense and state security units serving the ideological and political system have been set up on the Soviet model. The secret operational activities did not have a preparatory role for the judiciary, and the prosecutor's office supervising the legality of the investigation could not have known about them. According to the level of the regulating the secret operative activity, the secret operative activity of the Ministry of the Interior and its bodies was not supervised by the prosecution. The use of secret operational tools and methods for law enforcement purposes has become secondary to the secret operational tools and methods of state security, and secret operational activities of a law enforcement nature have focused primarily on crime against social property.

The State Security and Law Enforcement Authority decided independently on how to obtain the recorded data and information obtained by the “secret criminal procedure” later in the framework of the criminal proceedings, ie the “secret result of the proceedings”. The police were part of the state machinery of the proletarian dictatorship and therefore shared its vulnerability to the monolithic center of power.<sup>7</sup>

After the change of regime, following the so-called Danube-gate<sup>8</sup> scandal, the Parliament enacted Act X of 1990 on the temporary regulation of the licensing of special intelligence

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<sup>4</sup> 1896. évi XXXIII. törvénycikk, a bűnvádi perrendtartásról

<sup>5</sup> Magyar István, *A bűnügyi nyomozás tárgyában a nyomozó rendőri hatóságok és közegek részére 130,000/99. B.M. számú körrendelettel kiadott utasítás magyarázata*. (Budapest: Országos központi községi nyomda) 1900.

<sup>6</sup> Miskolczy Ágost - Pinczés Zoltán, *A magyar büntetőjog gyakorlati kézikönyve a m.kir. Csendőrség számára*. (Budapest:Stádium Sajtóvállalat, 1937) 1115.

<sup>7</sup> Korinek László, A rendőrség pártirányítása 1956-1989. *Rendészeti Szemle*, no 10. (2006), 55-67.

<sup>8</sup> In December 1989, the State Security Service of the Ministry of the Interior conducted secret means and methods of investigation against opposition parties and organizations, despite the fact that under the new constitution adopted on October 23, 1989, this was already illegal and even unconstitutional activity.



equipment and methods to regulate the secret information gathering activities of secret services and law enforcement agencies.

After a long preparatory work, was born in 1994 The Act on the Police, which regulates the secret gathering of information for “criminal purposes” in a separate chapter (VII.), Which became a new, legal-level name for the activities called earlier “covert confidential procedures” and later „secret operational tools and methods”. With this, the prevention, detection and proof of crime has gained new, available, legally regulated opportunities, with little external control. In 2018, the time has come to transform the domestic criminal intelligence system and legal bases in order to ensure the continuity of supervision, investigations, the loss of information and the strengthening of the law.

The new Criminal Procedure Act, which entered into force on 1 July 2018, changed in system level the law enforcement model according to which the tasks of criminal intelligence remained in the Police Act, the National Tax and Customs Administration Act and the Prosecution Act. The covert methods for criminal investigation purpose are set out in the Criminal Procedure Act. The established system of procedures ensures the possibility that proactive prior detection can be applied within a short period of time before ordering an investigation, but already within the framework of criminal proceedings.<sup>9</sup>

## II. Method

The study carries out the examined topic primarily on the professional literature related to the specific issue, the relative legal regulations and internal norms. I carried out library research and internet source analysis, focusing above all on the overview of Hungarian professional history. I compare the different theories of some outstanding researchers dealing with law enforcement on the turn of the 19th and 20th centuries, and analyse the principles of the practical investigation manuals to define function of the criminal intelligence in law enforcement. I analyse the major directives and recommendations of the EU relating to the special investigative means.

Examining the impact of the pandemic for criminal intelligence, I mainly compared the Europol analyzes and examined some foreign literature. During the analysis of the impact of the pandemic, I also examined a segment of domestic crime trends through a comparative analysis of statistical data.

## III. Results and discussion

### A Current modern criminal intelligence

The definition and characterization of modern criminal intelligence, including the sectors (strategic, tactical, investigative), dates back only a few years.<sup>10</sup>

Modern criminal intelligence has been carried out in order to achieve the law enforcement and criminal objectives set out in the Basic Law (protection of public security, public order and state border order, prevention and detection of criminal offenses), involving restriction of the right to respect for private and family life, private residence and correspondence, and the right to freedom, which can be characterized as a proactive intelligence and analytical activity.<sup>11</sup>

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<sup>9</sup> Nyeste Péter-Szendrei Ferenc, *A bűnügyi hírszerzés kézikönyve*, (Budapest: Dialog Campus Kiadó, 2019).

<sup>10</sup> Nyeste Péter, *A bűnüldözési célú titkos információgyűjtés története, rendszerspecifikus sajátosságai, szektorális elvei*, (Budapest: PhD értekezés, 2016).

<sup>11</sup> Nyeste Péter- Nagy Ivett, A bűnügyi hírszerzés az elméletben és a gyakorlatban. *Rendőrségi Tanulmányok*, no 1. (2021), 5.

Domestic criminal intelligence can basically have strategic, tactical or investigative support tasks.

In the European Union, instead of the concept of criminal intelligence, the term special investigative activities and special investigative tools can be found, and these indicate that the purpose of collecting confidential manner criminal information is to prepare and assist justice. At the same time, criminal intelligence as crime monitoring, mapping of organized criminal groups, crime prevention, and the facilitation of other law enforcement tasks under police and other laws, are used yet with appropriate control outside of criminal proceedings.

In the European Union, by Special Investigative Means (SIM) we mean those special tools and methods, with the help of which evidence or information and analyzed information can be obtained in a covered way, without the knowledge of the person concerned. Their deployment will involve a breach of the right of private right, which will have to be justified by those carrying out/ authorising the operation.<sup>12</sup>

The concept of special investigative tools is similarly defined in the European Union Recommendation:<sup>13</sup> “special investigation techniques” means techniques applied by the competent authorities in the context of criminal investigations for the purpose of detecting and investigating serious crimes and suspects, aiming at gathering information in such a way as not to alert the target persons.

According to a report<sup>14</sup> prepared by the European Commission's Directorate-General for Migration and Home Affairs, the special investigative tools, technical, can be divided into two parts: one part is the so-called “Legal instruments” that belong to the area of justice (e.g., witness protection), the other is “investigative tools” as well as in law enforcement operations. The report identified and examined eight special investigative tools:

- Interception of communication,
- Surveillance activity, which is not interpreted uniformly in the Member States,
- Covert investigations refer to the following investigative activities in Europe: infiltration, pseudo or test purchase, participation in controlled deliveries<sup>15</sup>,
- Controlled delivery,
- Employment of Informants, as defined by Europol,<sup>16</sup>
- Joint investigation teams,
- Witness protection,
- "Hot pursuit".

According to the report, most often measures, that Member States are in place: interception of communications, followed by surveillance tools, followed by informants, followed by the use of a covert investigations, and controlled deliveries, witness protection, joint investigation teams and "hot pursuit".

In terms of the usefulness of the measures, it is first and foremost a very useful special investigative tool the interception of communications, followed by surveillance tools and

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<sup>12</sup> Council of Europe Office in Belgrade: *Deployment of special investigative means*. (Belgrade, 2013), 12-13.

<sup>13</sup> Recommendation Rec (2005) 10 of the committee of Ministers to member states on „special investigation techniques” in relation to serious crimes including acts of terrorism (2005), 2.

<sup>14</sup> Di Nicola, Andrea – Gounev Philip – Levi Michael – Rubin Jennifer: *Study on paving the way for future policy initiatives in the field of fight against organised crime: the effectiveness of specific criminal law measures targeting organised crime*. Final report, (Brussel, February 2014), 223.

<sup>15</sup> Di Nicola, Andrea – Gounev Philip – Levi Michael – Rubin Jennifer, *Study on paving the way for future policy initiatives in the field of fight against organised crime: the effectiveness of specific criminal law measures targeting organised crime*. Final report, (Brussel, February 2014), 266.

<sup>16</sup> Europol, *Covert Human Intelligence Source Handling, European Union Manual on Common Criteria and Principles*, (Europol: 2012), 8.

informants, controlled deliveries, witness protection, and the line is closed by “hot pursuit” measures with case-by-case usefulness.<sup>17</sup>

Special covert investigative activities may be used in the European Union if:

- there is an available, public national legal mandate;
- there is an appropriate authorization and control procedure;
- its application is necessary and proportionate.<sup>18</sup>

The principles of application<sup>19</sup> are necessity, proportionality (with the gravity of the offense and the least possible restriction), and the last principle is the condition of application, "threshold", meaning the connection with a criminal offense. However, this does not preclude using covered measures for the prevention and countering of a public security emergencies (eg protected personal protection, crime prevention).

The legal fixation and application of the criminal intelligence model is mainly in the Anglo-Saxon area, but the EUROPOL Manual on the Use of Covered Human Intelligence sources<sup>20</sup> also discusses in detail the rules for the use of human resources in criminal intelligence as a recommendation to law enforcement.

In addition to the English National Intelligence Model<sup>21</sup>, U.S. federal law also discusses in detail the principles of how criminal intelligence systems work. (Code of Federal Regulations, CFR Part 23 Criminal intelligence systems operating policies.)<sup>22</sup> Part 23 of the law describes in detail the rules of operation of law enforcement intelligence systems, which includes the objectives, applicability, operating principles, operational guidelines, system control and audit activities.

### ***B The impact of the pandemic on crime and criminal intelligence***

The performance of law enforcement agencies has been and continues to be significantly affected by various local, regional or global challenges and emergencies. The COVID 19 virus falls into the latter category and thus has had a global impact and later versions of the pandemic are still affecting law enforcement agencies.

This global epidemic has been a challenge never seen before in modern societies.

Following the emergence of the pandemic in Europe, the primary tasks of law enforcement agencies were to apply quarantine measures, to reduce social contacts, and to apply lockdowns, border closures and border controls. These measures have fundamentally affected the normal performance of law enforcement.

Ensuring the continuity of the work of health authorities and preserving the safety of society by introducing and maintaining various restrictive and control measures was the primary task of law enforcement agencies.

At the same time, after a brief halt, organized crime saw serious opportunities in the effects of the epidemic on society. There have been significant changes in crime and crime trends that have been quiet affected by the closures.

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<sup>17</sup> Di Nicola, Andrea – Gounev Philip – Levi Michael – Rubin Jennifer, *Study on paving the way for future policy initiatives in the field of fight against organised crime: the effectiveness of specific criminal law measures targeting organised crime*. Final report, (Brussel, February 2014), 221-237.

<sup>18</sup> Council of Europe Office in Belgrade, *Deployment of special investigative means* (Belgrade: 2013), 13.

<sup>19</sup> Di Nicola, Andrea – Gounev Philip – Levi Michael – Rubin Jennifer, *Study on paving the way for future policy initiatives in the field of fight against organised crime: the effectiveness of specific criminal law measures targeting organised crime*. Final report, (Brussel, February 2014), 243.

<sup>20</sup> Europol, *Covert Human Intelligence Source Handling, European Union Manual on Common Criteria and Principles*, (Europol: 2012)

<sup>21</sup> ACPO, *Guidance on the National Intelligence Modell*, 2005, <https://whereismydata.files.wordpress.com/2009/01/national-intelligence-model-20051.pdf>

<sup>22</sup> *Criminal intelligence systems operating policies*, CFR Part 23. <https://www.ecfr.gov/current/title-28/chapter-1/part-23>

„More people are spending more time online throughout the day for work and leisure during the pandemic, which has greatly increased the attack vectors and surface to launch various types of cyber-attacks, fraud schemes and other activities targeting regular users. A lot of these goods are offered on online trade platforms, which have made it easier and cheaper for counterfeiters and other criminals to access a broad customer base. Creating virtual and obscuring real identities is easier online than in offline interactions, which greatly aids criminals using aliases and creating front companies online.”<sup>23</sup>

The majority of citizens were forced to stay in their homes and forms of crime that targeted people in their homes emerged or intensified. During the pandemic, the grew in fear, frustration, anxiety of citizens making them more vulnerable to crime and criminals responding flexibly to exploiting vulnerable people.

Crime, organized crime, has invented a number of forms of fraud that exploit the above effects of a pandemic. Organized criminals against property gained access into the elderly, vulnerable people's homes with various tricks, impersonation of representatives from public authorities or medical staff who providing sanitarie products or perform a “Corona test” while stealing property from their homes.

Due to "home office" and "home study", the children and juveniles were often at home without parental supervision and this opprutnities has not been left unused by criminals. Increase in activities related to the distribution of child abuse material online and the conversations of potential offenders around the increased accessibility and vulnerability of children online due to isolation, less supervision. Online child sexual exploitation includes all acts of a sexually exploitative nature carried out against a child that have, at some stage, a connection to the online environment. There has been a continuous increase in activities related to online child sexual abuse over recent years.<sup>24</sup> The use of encrypted communication channels, tools, programs, and Darknet forums facilitates the commission of this type of crime. The perpetrators use file-sharing networks and livestreaming platforms.

The rate of domestic violence and sexual abuse crimes among citizens forced into their homes due to the pandemic has also increased in the world.

According to official statistics of the Hungarian Ministry of the Interior<sup>25</sup>, the number of crimes "endangering a minor" was 779 in 2019, while in 2020 it was already 964, which means an increase of almost 24%. By September 2021, 651 such crimes had occurred.

The number of „sexual violence” offenses was 240 in 2019 and 327 in 2020, an increase of 36%. By September 2021, 172 such crimes had occurred.

The number of „sexual coercion” crimes was 56 in 2019 and 95 in 2020, an increase of 17%. By September 2021, 42 such crimes had occurred. The number of „domestic violence” crimes was 392 in 2019 and 650 in 2020, an increase of nearly 66%! By September 2021, 410 such crimes had occurred, which is already in excess of the 2019 base year!

Looking at the base year 2019, it can be stated that in 2020, people who forced into their homes due to the pandemic, lockdowns, restrictions, other stressors, and psychological difficulties,

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<sup>23</sup> Europol, *Beyond the Pandemic - What will the criminal landscape look like after COVID-19?*, 2020, <https://www.europol.europa.eu/publications-documents/beyond-pandemic-how-covid-19-will-shape-serious-and-organised-crime-landscape-in-eu>

<sup>24</sup> Europol, *European Union Serious and Threat Assesment*, <https://www.europol.europa.eu/activities-services/main-reports/european-union-serious-and-organised-crime-threat-assessment>

<sup>25</sup> Home Ministry, *Criminal Statistic System*, 2021. [https://bsr-sp.bm.hu/SitePages/ExcelMegtekinto.aspx?ExcelName=/BSRVIR/Regisztr%c3%a1lt%20b%c5%b1ncselekm%c3%a9nyek\\_ver20210907042323.xlsx&Token=dIEvWmZwVzI2WXMvTUpLeGFrd09YYnBvNnRFRIRGNW51eGVnWU9IR3I2Z0puN25CZ29DWkdwVKNCK3RibkplbnplRHRvUzIBV1pxT3pmZUR4ajR2aDRIVnBxOG94am9Gcmkra0Q0rk9vS2ZDNDBSaFJORVIVRWxnLzJMR1JsSXA](https://bsr-sp.bm.hu/SitePages/ExcelMegtekinto.aspx?ExcelName=/BSRVIR/Regisztr%c3%a1lt%20b%c5%b1ncselekm%c3%a9nyek_ver20210907042323.xlsx&Token=dIEvWmZwVzI2WXMvTUpLeGFrd09YYnBvNnRFRIRGNW51eGVnWU9IR3I2Z0puN25CZ29DWkdwVKNCK3RibkplbnplRHRvUzIBV1pxT3pmZUR4ajR2aDRIVnBxOG94am9Gcmkra0Q0rk9vS2ZDNDBSaFJORVIVRWxnLzJMR1JsSXA)

caused to them a serious impact and there was a significant increase in deviant behaviors at home, violent, sexual violence within the family have increased significantly.

The numbers for 2021 are more encouraging, but for some types of crime they already exceed the base year, despite the extremely high latency for these crimes.

There has been an increase in the rate of social engineering attacks, mailware, phishing emails around the COVID 19, in which perpetrators mislead victims by referring to the coronavirus epidemic by selling fake cures or medicines against the coronavirus, or by other epidemic-related fakenews.

Significantly increased and sophisticated a business e-mail compromise (BEC) The initial simple phishing and malicious attacks have become more personalised and complex. Ransomware to target particularly affected sectors such as healthcare and education.

Significantly increased and sophisticated a business e-mail compromise (BEC) The initial simple phishing and malicious attacks have become more personalised and complex. Ransomware to target particularly affected sectors such as healthcare and education.

The rate of investment fraud exploiting economic fears of the pandemic has also increased. There is an increase in the number of incidents related to bank and loan fraud, money laundering and corruption. The real estate and construction sectors become more attractive for money laundering

According to the official statistics of the Hungarian Ministry of the Interior, the number of money laundering crimes was 188 in 2019, while in 2020 it was already 308, which means an increase of 61%. By September 2021, 168 such crimes had occurred.

The number of „fraud crimes committed using the information system” was 2,624 in 2019, compared to 3,400 in 2020, an increase of nearly 30%. By September 2021, 1,438 such crimes had occurred.

The number of crimes against the information system or data was 587 in 2019, compared to 830 in 2020, an increase of more than 41%. By September 2021, 579 such crimes had occurred. Statistics from cases in recent years show that some crimes have moved in online space independently of the pandemic, but forced home stays, lockdowns and increased use of online services during the pandemic have helped increase the number of crimes committed online.

During the pandemic, organized crime also exploited the huge demand for medical devices and hygiene products and sold counterfeit or poor quality medical devices such as masks, rubber gloves or medicines, disinfectants, some of which were actually sold, others only as part of financial fraud. Law enforcement officers identified more than 2 000 links to products related to COVID-19.<sup>26</sup>

Some business sector suffering negative economic pressures such as hospitality, catering, tourism are becoming more vulnerable to criminal infiltration.<sup>27</sup>

In Italy organised crime networks penetrated the healthcare system and able to divert investments originally aimed at providing financial resources, equipment and influence procurement, commercial agreement within the healthcare system.<sup>28</sup>

Organized crime, taking advantage of the weakening of closures and supply chains, is vigorously present in the counterfeit and substandard foodstuff and beverage illegal market. In lack of genuine raw material, whose cost raised a lot, dishonest producers used low quality or

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<sup>26</sup> Europol, *Pandemic Profiteering: How criminals exploit COVID 19 crisis*, Report,2020, <https://www.europol.europa.eu/publications-documents/pandemic-profiteering-how-criminals-exploit-covid-19-crisis>

<sup>27</sup> Europol, *Enterprising criminals - Europe's fight against global networks of financial and economic crime*, Report,2020, <https://www.europol.europa.eu/publications-documents/enterprising-criminals-%E2%80%93-europe%E2%80%99s-fight-against-global-networks-of-financial-and-economic-crime>

<sup>28</sup>Global Initiative Against Organised Crime , *Coronavirus: The impact on crime and criminal networks*, 2020, <https://globalinitiative.net/analysis/crime-contagion-impact-covid-crime/>

unsuitable ingredients. Consequence has been an increase of illegal, counterfeit and potentially unsafe food on the market.<sup>29</sup>

Law enforcement authorities have also achieved many successful detections during the epidemic. In both 2019 and 2020, several Darknet marketplaces were liquidated thanks to law enforcement cooperation. A coalition of law enforcement agencies across the world announced the results of a coordinated operation known as DisrupTor which targeted vendors and buyers of illicit goods on the dark web. This operation follows the takedown in May of 2019 of Wall Street Market, the world's then second largest illegal online market in the dark web.<sup>30</sup>

Interpol provides global assistance to law enforcement agencies around the world by continuously updating the International Child Sexual Exploitation database. Interpol's Child Sexual Exploitation database holds more than 2.7 million images and videos and has helped identify 23,564 victims worldwide.<sup>31</sup>

Europol established in 2017 the Stop Child Abuse – Trace An Object initiative. This initiative invites the public to identify objects and places in the hope that it can lead to the identification of victims down the line. Since then, Europol has received 26 000 tips which have already led to the identification of ten children and the prosecution of three offenders.<sup>32</sup>

Europol expects that the impact of the pandemic will unfold in three phases<sup>33</sup>:

- the current and immediate short-term outlook;
- a mid-term phase which will become apparent over the upcoming weeks and months;
- a long-term perspective

In the first phase the most notable immediate impact has been in the areas of cybercrime, the trade in counterfeit and substandard goods as well as different types of frauds and schemes linked to organised property crime. There has been limited impact of the pandemic on the level of terrorist threats to the EU. Another highly visible phenomenon has been the proliferation of scams promoting fake COVID-19 test kits and treatments.<sup>34</sup>

In the second phase (mid-term phase) cybercrime threats are likely to continue to be the dominant threats from serious and organised crime during the pandemic as continued lockdown and social distancing measures will only enhance the reliance on digital services to continue to work and interact.

In the third phase (long-term perspective) communities, especially vulnerable groups, tend to become more accessible to organised crime during times of crisis. Economic hardship makes communities more receptive to certain offers, such as cheaper counterfeit goods or recruitment to engage in criminal activity.

Europol's databases are updated by obligatory data uploads from Member States' authorities. Based on these, its ex-post and forward-looking analyzes are of paramount importance to the governments and law enforcement agencies of the European Member States.

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<sup>29</sup> Europol, *Operation Opson IX*.-Analysis Report, 2021, <https://www.europol.europa.eu/publications-documents/operation-opson-ix-%E2%80%93-analysis-report>

<sup>30</sup> Europol, *International sting against dark web vendors leads to 179 arrests*, Press release, 2020, <https://www.europol.europa.eu/newsroom/news/international-sting-against-dark-web-vendors-leads-to-179-arrests>

<sup>31</sup> Interpol, *International Child Sexual Exploitation Database*, 2021, <https://www.interpol.int/Crimes/Crimes-against-children/International-Child-Sexual-Exploitation-database>

<sup>32</sup> Europol, *Experts meet to identify victims of child sexual abuse*, News Article, 2020, <https://www.europol.europa.eu/newsroom/news/experts-meet-to-identify-victims-of-child-sexual-abuse>

<sup>33</sup> Europol, *Beyond the Pandemic - What will the criminal landscape look like after COVID-19?2020*, <https://www.europol.europa.eu/newsroom/news/beyond-pandemic-what-will-criminal-landscape-look-after-covid-19>

<sup>34</sup> Europol, *European Union Serious and Threat Assessment 2021*, <https://www.europol.europa.eu/activities-services/main-reports/european-union-serious-and-organised-crime-threat-assessment>

#### IV. Conclusions

The presentation of the professional history development and legal framework of criminal intelligence confirmed that with the establishment of the detective body within the capital's police in the 19th century. At the end of the 19th century, the germs of criminal intelligence developed in Hungary. Law enforcement education was of a high standard, mainly through a system of courses during this period.

The purpose of secret policing was a preparation for justice before World War II, in contrast to the secret operational procedures and means created by the Soviet-style social order to provide information to the political system and to operate violent organizations.

Following the change of regime, the possibilities for secret information gathering were enshrined in law, but initially with little external control, and from 2018 onwards, the criminal intelligence system was fully integrated into criminal proceedings, with the possibility of law enforcement prevention.

In the European Union, in addition to traditional investigative methods, special investigative tools (SIM) are special tools and methods that can be used to obtain evidence or information and analyzed information in a covert manner without the knowledge of the person concerned.

The principles of application are necessity and proportionality. SIM are especially suitable for the detection of planned crimes and organized crimes.

Member States' criminal intelligence systems and procedures have been and continue to be affected by the pandemic. Mainly during the initial period of the pandemic, law enforcement agencies had to perform other tasks to reduce the health risks of the pandemic or to carry out control tasks at the state border instead of their usual tasks.

Law enforcement has greater emphasis must also be placed on monitoring, detecting new criminal trends, and preventing crime. Law enforcement agencies must increase their monitoring capabilities in online channels. The intensification of crime and organized crime online performance has entailed the importance of training investigators in cybercrime and strengthening the anti-cybercrime activities of organized crime units.

Responses to the current challenges of cybercrime include the operation of international cooperation channels 24/7, the development of virtual currency analyzes, the development of Big data, the use of Darknet operations, the use of covert investigators, covert informants, and ever closer cooperation with NGOs. and continuous organization of awareness - raising campaigns (eg ENISA, Europol, National Investigation Bureau of the Rapid Response and Special Police Force of Police of Hungary).

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# The current challenges of the Hungarian neighbourhood police officers' form of service

*Dávid Papp<sup>1</sup>*

In the last years it's becoming clearer that the neighbourhood police officers' form of service is less and less able to fulfill its decades-old designation. It seems the form of service stands at a crossroads: renewal or termination. After long decades the differences of the rural and urban tasks are coming to the front again. Today we see that practice transforms the rules that don't work. Nowadays, the issue of the task system and contact with the population is constantly on the agenda. It has become clear that the prohibition of certain prohibited tasks for example the transfer of detainees was untenable. The previous strict rules on the neighbourhood police officer's operational area have become more nuanced. On the other hand, the ensurance of continous police presence in the area of competence of police forces has been brought to the fore. All signs point to the complex task system should be reconsidered. It is obvious that the contact with the population and municipalities has increasingly been pushed into the background since the time of the regime change. The same can be said about the tasks of the criminal service and, in general, about the complexity typical of the service of the district commissioner. In addition, the question of how compatible the sanctions are with the community police attitude is still on the agenda. The timeless basic principles of the service form formulated in the 1950s also need to be reconsidered. These are the main questions and problems of the neighbourhood police officers' form of service.

**Keywords:** public safety, neighbourhood police officers' service, current challenges, crossroads

## I. The original purpose of the neighbourhood police officers' form of service

In Hungary the neighbourhood police officers' form of service<sup>2</sup> taken over to the Soviet sample was introduced in 1954. The essence of the form of service was initially to obtain information from the local residents. The precondition for this concept was that the neighbourhood police officer should know the population in the geographical area entrusted to him<sup>3</sup>. The flow of information was one-sided and served the interests of the police for decades. After the political transition (regime change) the police was slowly transformed from the violent organ of political power to an administrative authority that provides security for society. The „service nature” of the police came to the fore. As a result the flow of information became two-way. According to the existing neighbourhood police officers' regulation the basic purpose of the of the service is to keep contact with the population. At the same time the neighbourhood police officer has to be in touch with the municipalities and the civil and economic organisations. Furthermore the purpose of the service is to ensure police presence in public places, as well as the continous crime prevention, crime fighting and law enforcement.<sup>4</sup>

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<sup>1</sup> Dávid Papp police major, master instructor, UPS, Faculty of Law Enforcement, Department of Public Safety  
ORCID: 0000-0002-7179-064X, [papp.david@uni-nke.hu](mailto:papp.david@uni-nke.hu)

<sup>2</sup> The „district commissioner” term is also used in English.

<sup>3</sup> At that time, a neighbourhood police officer could only be a man.

<sup>4</sup> 26/2015 (XII.9.) ORFK instruction on the regulation of the neighbourhood police officers' service

### ***A The principles of the neighbourhood police officers' form of service***

So far we we have distinguished the following principles:

- 1) Principle of territoriality: The neighbourhood police officer performs his activities in his own operational area, and can only be withdrawn from there in justified cases.
- 2) Principle of personal responsibility: The neighbourhood police officer is personally responsible for the public safety of his territory.
- 3) Principle of publicity: Familiarity and acquaintance are necessary for the effective work of the neighbourhood police officer.
- 4) Principle of complexity: The neighbourhood police officer carries out his or her duties affecting all segments of police work.
- 5) Principle of availability: The neighbourhood police officer often has to practice his or her profession outside of the time of service, when he or she is not in duty.<sup>5</sup>

### ***B The task system of the neighbourhood police officer***

At present the tasks of the neighbourhood police officer can be divided into three groups. Each group refers to the district commissioner's operational area. These are general or basic tasks, law enforcement tasks, and criminal tasks. The most crucial primary mission of the district commissioner is to maintain contact with the public, thereby establishing and maintaining good communication between the police and the people and building and maintaining trust in the police. This essential task requires the development of appropriate local and personal knowledge. It is also essential to guarantee that people can reach them easily; they must meet at least once a month. The other primary general task of the district officer is analytical and evaluative work, which is also linked to the need to focus on the interests of the public, civil society organizations, and the local authority and to reflect the service character of the police. It was already recognized at the beginning of the service form that the urban district commissioners could not be as efficient as rural ones. Therefore, a distinction has been made between metropolitan and rural neighbourhood police officers. The distinction had disappeared over the years, but the difference remained.

The law enforcement tasks of the neighbourhood police officer can be divided into three groups: public order, traffic, and border police. The fourth group of tasks must also be dealt with is administrative law enforcement tasks, but this is distinct from the other three. According to the main rule the neighbourhood police officers are prohibited from administrative law enforcement tasks. On the other hand, they may participate in the preparatory infringement procedure in the entire territory of the police station.

The criminal tasks of the district commissioner can be divided into crime detection, crime prevention, and searching for wanted persons.

According to the main rule the neighbourhood police officers may not be entrusted with any task which would divert him from his original basic activity. They may not be assigned to or be called upon to perform the following functions:

- detention guard service;
- security guard service;
- on-call service;
- accident scene investigator's tasks;
- administrative law enforcement tasks (except for the preparatory procedure for offenses);
- preparation, delivery, and service of temporary preventive detention orders, criminal detention orders, and orders for the arrest of offenders;

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<sup>5</sup> Dávid Papp, *Neighbourhood Police Officers' Service*, in *Public Order* ed. by Miklós Tihanyi (Budapest: Ludovika University Publishing House, 2022)

- guarding a suspect under criminal supervision who is confined to a dwelling;
- courier, other transport, and procurement tasks.<sup>6</sup>

A district commissioner may not be assigned as a constable to an event organized in his or her operational area, which is under the subject to the Law on the Right of Assembly or related to the elections. However, they may be assigned to a temporary team duty company and temporarily reassigned to perform criminal investigation duties.

## **II. Problems and challenges of the neighbourhood police officers' service form**

The problem of the decline of the neighbourhood police officers' service form has been on the agenda for years. It's clear today, that the service form is unable to comply with the original purpose. This crisis can be traced back to several reasons. The staff shortage caused by mass termination causes serious trouble mainly in the public services. The patrol service is most affected by the problem. The other challenge is the task surplus which is partly caused by shortage of staff and partly by the new types of challenges (for example illegal migration and COVID-19). In addition the police have serious difficulties in attracting and retaining generation Z employees. It can be stated that the police is not a very attractive career path among young people these days. This is especially true for the staff of non-commissioned officers. Today the classic neighbourhood police officers' form only works in appearance. The district commissioners are mainly involved in providing the patrol service. It is exponentially true of the capital. The regulation and the practice seem to be irreversibly drifting apart. The standard-setter tries to adapt to the practice with minor or major modifications, but this does not seem to be expedient.

### **A The main current modifications**

As we can see in the first chapter of the article the prohibition of the escort guard and duty commander tasks were removed from the regulation of the neighbourhood police officers' service during the last amendment. In addition, the operational area has remained, but has significantly lost its importance. The contact keeping with the population is still linked to the operational area, but creating police presence and crime prevention, crime fighting and law enforcement tasks are linked to the whole area of the police department, in the capital the entire area of Budapest. With an amendment, the rules on leaving the operational area still remain. It still follows from the principle of territoriality that a district commissioner must spend as much time as possible in his or her operational area, but the rules of removing are already valid for the area of the police department. The neighbourhood police officer may be removed from the area of competence of the police department an ad hoc basis and only for the reasons specified in the neighbourhood police officers' regulations. These are the following cases:

- notification of staff (ordering an alert);
- ordering increased control;
- particular legal order;
- particularly justified, urgent police action (threat to life, limb, or property);
- carrying out a team duty;
- escort guard tasks;
- duty commander tasks.<sup>7</sup>

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<sup>6</sup> 26/2015 (XII.9.) ORFK instruction on the regulation of the neighbourhood police officers' service

<sup>7</sup> 26/2015 (XII.9.) ORFK instruction on the regulation of the neighbourhood police officers' service

### **III. Summary**

The neighbourhood police officers' form of service definitely stands at a crossroads: renewal or termination. The question is whether it is necessary at all. It sure, under the current circumstances, it doesn't function properly. Within the ranks of the police, district commissioners are only referred to as overpaid patrolmen. They are suffering from identity disorder as most of their work is patrol duty. With the challenges of the age, basic principles such as the principle of territoriality, which are almost seven decades old, are fading. This leads to the conclusion that the form of service needs to be fundamentally reconsidered. But, all the same, contact with the population and the accessibility of the service police by the population must remain the most important. It is necessary to simplify the complicated regulation and the complex task system. It is necessary to consider how fines are compatible with the community police attitude.<sup>8</sup> It would be important to separate confidence building and sanctions. This could be done on a territorial or personal basis.

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<sup>8</sup> Miklós Tihanyi, 'The development possibilities of the district commissioner service, or the knowledge-based police' *Belügyi Szemle* 61, no 6 (2013), 87-107.

# The Siege of the Fingerprint Comparison

*Dávid Petréteti*<sup>1</sup>

This paper introduces the challenges of the fingerprint comparison field, which started in the middle of the nineties with the Daubert Trilogy and went on by the NAS report and PCAST report, and the responses from the expert community to these. Philosophic bases of the old terms 'uniqueness' or 'individualization' are also covered.

**Keywords:** forensic science, fingerprints, ACE-V, validity, reliability

## I. Introduction

Forensic science is under siege<sup>2</sup>, and so the fingerprint comparison is. Some classic phenomenons, like 'uniqueness' and 'individualization', were extensively criticized<sup>3</sup> and finally have already been dismissed by professional organizations.<sup>4</sup> Some boastful claims, like the „zero error rate”, or the expert statement about the „millions” of fingerprints that they examined, are not referred to any more recently. Old fingerprint „myths”, like the „1:64 billion variabilities” from Galton<sup>5</sup>, are still in the public mind. And some new „myth”, like the „1 error from 18 cases” from the PCAST report<sup>6</sup> is nowadays emerging.

Nonetheless, many points of the critics may be not well-founded and may be explained by a different philosophical approach. In this study, I try to outline the history of the siege, some of the questions, and some possible answers.

## II. The Daubert Trilogy

In the USA, the so-called Daubert trilogy had a paradigm-changing impact on forensic evidence: three landmark precedent decisions from the federal Supreme Court. The Daubert-trilogy are *Daubert v. Merrell Dow Pharmaceuticals, Inc.*<sup>7</sup> in 1993, *General Electric Co. v. Joiner*<sup>8</sup> in 1997, and the *Kumho Tire Co. v. Carmichael*<sup>9</sup> in 1999.

In 1993 the US Supreme Court established the Daubert Standard for evaluating the admissibility of scientific evidence in US courts. The case addressed at the beginning whether or not Bendectin, an antiemetic medication taken during pregnancy, caused severe birth defects. Jason Daubert, the son of the plaintiff, was born with serious birth defects. In 1989, the Daubert and the Schuller family sued Merrell Dow Pharmaceuticals (producer of Bendectin) in the US Federal District Court for the Southern District of California. Daubert and Schuller alleged that their mothers' ingestions of Bendectin during pregnancy caused their birth defects of shortened limbs. The plaintiffs' expert witness used in vitro experiments, in vivo animal tests, and a meta-analysis of several medical studies, and found a significant connection between Bendectin and

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<sup>1</sup> Dávid Petréteti, Police major, expert of latent prints. Assisstant professor. NKE RTK, Department of Forensic Sciences

<sup>2</sup> Pyrek (2007)

<sup>3</sup> Cole (2009)

<sup>4</sup> SWGFAST (2012) CanFRGW (2017)

<sup>5</sup> Galton (1892) 110-111

<sup>6</sup> PCAST (2016) 10, 95, 101, 149

<sup>7</sup> <https://supreme.justia.com/cases/federal/us/509/579/> (2022. 09. 28.)

<sup>8</sup> <https://supreme.justia.com/cases/federal/us/522/136/> (2022. 09. 28.)

<sup>9</sup> <https://supreme.justia.com/cases/federal/us/526/137/> (2022. 09. 28.)

birth defects. The District Court found that all of these scientific methods did not meet the wide acceptance by forensic experts. The case was dismissed, and, after appeal, so the Ninth Circuit Federal Court decided the same. The base of the dismissals was the Frye standard from 1923, which defined the criteria the expert witness opinions: the wide acceptance by the forensic expert society. After a second appeal, the federal Supreme Court in the Daubert decision established new rules for scientific evidence and expert testimony. (After the Supreme Court precedent, the Ninth Circuit court dismissed the case again for lack of admissible evidence, under the newly defined evidential rules.)<sup>10</sup>

The Daubert Standard states that the judge of a case is responsible, as a gatekeeper, for determining what claims are admissible as scientific knowledge and as evidence in the case. After the Daubert decision, the Federal Rule of Evidence was also changed, and the precedent was incorporated into the act. The admissibility should be determined by the falsifiability of the claims, by whether or not they had passed peer review, by the general scientific acceptance of the claims, and for techniques, by their error rates of the techniques. Furthermore, an important question could be, whether the research, on which the evidence was based, was done only for the case, and, equally, an important issue, what financial source supported the research. Daubert v. Merrell Dow Pharmaceuticals, Inc. set a landmark precedent in the US judicial system and influenced most subsequent legal cases that appealed to science to establish facts in trials.

Another precedent of the trilogy is the GE Co. v. Joiner, which concerned whether the abuse of discretion standard is the correct standard an appellate court should apply in reviewing a trial court's decision to admit or exclude expert testimony. Being a gatekeeper, following the Daubert standards, grant a right to the judge to decide whether expert testimony is admissible or not, and this decision can not be challenged by the abuse of discretion.

### **III. The Fields of the So-called Classical Criminalistics**

As it should be obvious in the Daubert Standards, the falsifiability, the known error rate, and the general acceptance by the scientific community should be the hallmark of a valid forensic field, and, on the other hand, many of the old, well-known forensic fields can not cross this threshold. Pattern evidence, like tool marks, shoeprints, and bite marks, furthermore, the analysis of locks, firearms examination, handwriting comparison, fingerprint comparisons, and questioned documents are not able to cross the threshold of the rigid interpretation of the Daubert standard. According to Kertesz<sup>11</sup>, there are five fields of the so-called classical criminalistics: the handwrote evidence, the questioned document evidence, and pattern or mark evidence. And from this third, the fingerprint evidence and the firearm evidence became separated. (Today we can conclude a sixth field, face recognition, but here this will not be detailed.)

None of the classical criminalistic fields are part of any science. All of them use some of the results of the science, like fingerprint comparison uses some elements of anatomy or dermatology, but is not part of any. All of the classical criminalistic fields are based on the visual comparison of depicted information, or, less precisely described: observing small lines. Since the classical fields are not part of any sciences and are based on a highly subjective methodology, which strongly relies on the experts' experience, the strict interpretation of the Daubert Standards may exclude them from the forensic evidence. The third pillar of the Daubert Trilogy is the Kumho Tire precedent. It nails down that the Federal Rule of Evidence uses the „scientific, technical, or other specialized knowledge” term, and the Daubert precedent

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<sup>10</sup> Abboud (2017)

<sup>11</sup> Kertesz (2002)

concerns only scientific knowledge. So technical, or other specialized knowledge, like fingerprint comparison, can be admissible in front of courts.

The Kumho Tire precedent or the Daubert Trilogy itself is not universally accepted in the United States. Some federal states are applying the above-mentioned Frye Standard, some are applying other regulations. On the other hand, after the Daubert, scholars from the academic sphere, without forensic expert backgrounds, started an extensive attack against the fingerprint comparison methodology, and other, not strictly scientific forensic fields. Most of the academic papers fueled the defense attorneys in front of the courts, and have more modest effects on the courts themselves.

DNA analysis started its impressive forensic carrier in the nineties, the same years as Daubert. DNA analysis is demonstratable sound, based on genetics, biochemistry, and biostatistics, uses Bayes analysis, and, more importantly, seems to be very scientific even for laymen jurors, and attorneys. Furthermore, in 1997, the Scottish police authorities made a false positive fingerprint identification on Shirley McKie, and in 2004, the FBI made one on Brandon Mayfield. So, the fingerprint comparison, which has claimed itself infallibly, made two false identifications, and, more problematically, could not ever present any mathematical formula to support its conclusions. DNA could present and has been presenting it in every case, where forensic genetics are involved.

Along with the above judicial precedents, fingerprint and handwriting identification fared much better against the challenge posed by the Daubert criteria, although many cases attempted to exclude expert opinions in the field. (The Mayfield case and the subsequent official FBI explanation provided good ammunition for this.) Efforts to exclude the two areas of expertise until 2003 are well summarized in the *U.S. v. Crisp*<sup>12</sup> precedent, where the defense's appeal sought to exclude the fingerprint and handwriting expert opinions, citing the Daubert criteria. Typically, a member of the appeals court wrote in his dissenting opinion that the expert opinions of fingerprint and handwriting experts do not meet the Daubert criteria; of course, he does not rule out that the correspondence could be verified, he only claims that the correspondence did not take place. Along with this, there is a known judgment from 1995 that excluded the writing expert's opinion as unscientific; The Fuji case from 2000 and the Salee case from 2001, in which the expert opinion on printed handwriting was excluded. Then the Prime case from 2005, when the court matched the handwriting identification methodology in detail, point by point, to the individual Daubert criteria.<sup>13</sup> In the field of fingerprint experts, the 1999 Mitchell case<sup>14</sup> was the first in which the first-instance court conducted a five-day hearing of the experts to determine whether the expert opinion met the Daubert criteria. The experts proved to be adequate, and this was upheld by the second-instance court, after another detailed investigation; its decision is precedential for the federal courts of the Third Circuit (concerning the federal states of Delaware, Pennsylvania, New Jersey, and the Virgin Island). Another important case was the Llera Plaza case, in 2002, where the trial judge excluded the fingerprint expert's opinion, then "changed his mind" two months later and allowed it to go to trial. Another important case is *Commonwealth v. Patterson*<sup>15</sup> from 2005, in which the court concluded that there was no need for widespread acceptance of dactyloscopy by the scientific community outside of experts and judicial actors; it is sufficient if the community of experts accepts it.<sup>16</sup>

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<sup>12</sup> 324 F.3d 261 (2003), <https://www.leagle.com/decision/2003585324f3d2611557> (2022. 05. 28.)

<sup>13</sup> Karman (2017) 129-131.

<sup>14</sup> Cr. No. 96-407-1

<sup>15</sup> 445 Mass. 626 (2005)

<sup>16</sup> Moenssens – Meagher (2012) 13-17 – 13-22.



## IV. The Siege of the Fingerprints

Reviewing the literature<sup>17</sup>, the concerns about fingerprint comparison can be classified into three main categories. First, the fingerprint is not unique. Second, even the fingerprints can be unique, but the latent print is partial or distorted and, therefore, it is not unique enough, and/or not suitable for comparison. And third, even though the latent prints can be suitable for comparison, the expert has biases.

### A On the uniqueness

The term „uniqueness” can have different meanings, depending on the context. As Leibnitz stated, every object of the real world is unique, because can only be identical to itself. Two objects can seem to be identical, but could never be identical in total. This approach of uniqueness is not useful in forensic science, since every object is unique, so why fingerprint should have a distinguished role?

We can, however, approach uniqueness as having more or less power to distinguish objects from each other. The ability to be distinguishable is based on the peculiarity and the complexity of the characteristic of the object. Every object has many features, an uncountable amount of features, and every feature can be characterized by practically uncountable values. The complex values of the complex features mean the distinct characteristic of the object. Some of the features are irrelevant in forensic sciences, and some have a crucial role.

The correct interpretation of the „uniqueness of fingerprints” does not mean that every square millimeter of human skin is theoretically different from any other square millimeter of skin – this is true but has no forensic value. The problem of uniqueness comes into view when we want to distinguish the prints of those specific square millimeters of skin from the prints of other square millimeters of skin, and, at the same time, we also want to associate the different prints of the same square millimeters of skin with each other. „There are likely no two fingerprints alike anywhere in the world.”<sup>18</sup>

As I claimed above, even some square millimeters of skin and the print of this size of skin as well, have practically uncountable features, and each feature could have practically uncountable values. Features include size, shape, color, temperature, pH, conductivity, etc. Most of them are irrelevant. The relevant is the pattern, which is formed by the friction ridges, and only the friction ridge pattern.

Fingerprint comparison methodology uses to claim to have the competence to distinguish the prints of a specific friction ridge skin surface from the prints of every other friction ridge surface, and to associate the different prints of the same friction ridge surface. Because of the variability of the friction ridge patterns. The exact character of the friction ridge patterns occurs in so many variations that could be distinguished from every other friction ridge pattern. This variable character is based on the so-called Level II details, or minutiae, which are the ending or the bifurcation of the friction ridge. The distribution, location, and type of some minutiae can be extremely distinct, and practically unique in the world.

Practically unique means that the same location, distribution, and type of minutiae would occur on another friction ridge skin with an extremely low probability. It all depends on the number of minutiae in a cluster. More the minutiae, the higher the distinct power, and the lower the probability of accidental repetition.

During the past decades, many efforts were taken to weigh the individuality of fingerprints.<sup>19</sup> The first estimation was made by Galton himself, the above-mentioned 1:64 billion, which was

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<sup>17</sup> Cole (2005), (2006), (2009), (2012); Cole – Roberts (2012); Mnookin (2003), (2008a), (2008b); Haber – Haber (2008); Ulery et al (2011); CMU (2017)

<sup>18</sup> Moses Daluz (2015) 29.

<sup>19</sup> Stoney (2001) 327–387.

only a naive statement in his book, not a detailed or sound calculation. Unfortunately, the number of 1:64 billion persists even in the law enforcement community and among legal scholars. Cummins and Midlo, in their milestone handbook of dermatoglyphics, presented a much more reliable calculation. According to their research, the probability of the accidental repetition of two friction ridge skin clusters depends on the exact number of minutiae in the cluster. The probability of a particular configuration of N minutiae is  $P(C) = (1/50)^N$ , and if we know the pattern type, then  $P(C) = (1/31) \times (1/50)^N$ . For ten minutiae, which is a threshold for sufficient fingerprints, the probability is 1:97.656.250.000.000.000 (without knowing the pattern type). So it is more than 9 and sixteen pieces of zero. This exceeds the recent human population by eight orders of magnitudes. (The estimation of the number of humans who have ever lived on Earth is around 117 billion<sup>20</sup>)

These calculations of probability do not work only for exemplar prints. The same principles can be utilized with latent prints as well. The latent prints are formed unintentionally, by the contact of the friction ridge skin and the surface. The oily coverage of the skin is deposited from the friction ridges, drawing them out on the surface. The crucial question is, how accurate the drawing of the friction ridge pattern is. To consider this issue we need to know the dialectic theory of ontologic reflection.

### ***B The Theory of Reflection***

Philosophically, according to dialectical materialism, all material objects and events are defined by their interactions with other material objects and events and only by them.<sup>21</sup> Everything in this world is constantly moving, interacting with other things, and changing by the interactions. Everything in this world is a result of the interactions that have happened to it. Because of the determined nature of the material reality, if the actors of the interaction are known, and the interaction itself is also known, the result will be predictable. With more noticeable forensic relevancy, if the result and one actor are known, for example from a crime scene, and the possible interaction can be supposed, for example from the literature, training, or experience, the other actors can be determined.

Ontological reflection means, in every result, the actors of the interaction are reflected. The reflection can be noisy, distorted, partial, etc., but can not be anything, which is not determined by the actors and the interaction. If a hammer is used against a human head, the result of the interaction can only be blunt force trauma. In a lucky situation, the size and shape, and other morphologic features of the hammerhead can be determined by observing the wound. In an unlucky situation, no morphologic features can be determined. But obviously, there is no situation, where the hammer causes a burn pattern. Going on this idea, when a friction ridge skin contacts a surface, no friction ridge patterns may be drawn out, or only blurred oily stains may be deposited without any visible characteristic. In lucky situations, the friction ridge pattern may be drawn out more or less clearly. But never could happen that a clear, sharp, detailed pattern of a different friction ridge skin is drawn out. The reflection can be good quality or poor quality, but can not be a fake one by nature.

In the eastern part of Europe, based on some historical issues, dialectical materialism uses to be well-known, and part of the forensic literature and practice. The idea of using a philosophical school as a methodologic background also occurred in the international literature<sup>22</sup>, but, understandably, no dialectic materialism was suggested.

Summarizing the thread, there are two cases when latent fingerprints are found. First, the print contains enough information from the friction ridge. Information in this meaning can be the

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<sup>20</sup> <https://www.weforum.org/agenda/2022/04/quantifying-human-existence/> (2022. 09. 30.)

<sup>21</sup> Muller (1979) 176.

<sup>22</sup> Vanderkolk (2002)

visible, sharp minutiae, like bifurcations and ridge endings, in a cluster. Second, there is not enough information from the friction ridge skin, so there are only too few clear minutiae or no sharp and clear minutiae at all. A third case, like a distortion forming another existing pattern of friction ridge skin, can never happen.

### ***C On the biases***

It is extremely difficult to defend against criticisms that refer to expert error. To err is human, and the fact that the "zero error rate" was the paradigm for decades, really does not improve the situation. Academic comments related to expert errors can also be grouped. On the one hand, the unscientific nature of the ACE-V methodology, on the other hand, the error or bias of the expert, and finally, errors following the violation of the methodology.

The simplest is to refute the comments belonging to the third group. Errors resulting from violations of the methodology are certainly not attributable to the error of the methodology itself. The two infamous, above-mentioned false-positive identification can be traced back to the violation of the defined expert methodology. Following the existing methodology would have prevented the error.

The ACE-V<sup>23</sup> is the methodology of fingerprint experts. The acronym stands for Analysis, Comparison, Evaluation, and Verification. Estimating, how „scientific” it is, strongly depends on which definition of „scientific” is used. Visual comparison of depicted features, and human pattern recognition, which is usually based on tacit knowledge, can hardly be expressed in mathematical formulas. Despite this, the ACE-V is still a rational reasoning method, which always ends in a well-based decision.

According to dialectic materialism, every knowledge, which can be utilized in practice, should be considered truth. This, so-called practical approach to the theory of the truth helps to shortcut many, theoretically undecidable epistemic problems. In the United States, on contrary, the so-called NAS report<sup>24</sup> was born in 2009, which specifically states that before the first judicial use of DNA in 1986, according to many members of the law enforcement and expert community, the ability of the expert to defend his position during cross-examination in front of the court, also made the expert methodology reliable and credible. No special attention was paid to examining them; moreover, the possible error rate of the classical fields was not estimated at the time of the report.

Following the methodology helps to avoid errors. Clear recommendations help to reduce the chance of bias like the comparison phase can only be started after the analysis, and the steps and results of the analysis should be properly documented. Usually the latent should be compared to the exemplar, only in one way, and not reversed way. The GYRO system<sup>25</sup> is a good tool for documenting the analysis phase. GYRO is an acronym for green, yellow, red, and orange. Practically it is a color coding methodology. During the analysis, the green color is for the clear, good-quality minutia. The yellow is for the mediocre quality minutia, and the red is for the uncertain, poor quality one. Reverse comparison is usually not recommended, but sometimes it can happen. The orange color is for the minutia, which was marked only during the comparison stage, during a reverse comparison, when the expert finds a minutia first on the exemplar, and after he or she searches it on the latent.

According to a novel Finnish method,<sup>26</sup> the phases are the registration, the screening, the identification, and the statement production. During the registration, the lab gets the request, and experts decide if the latent prints have value or not. During the screening, the expert does the analysis and the comparison from the ACE-V method and can decide on exclusion. In the

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<sup>23</sup> ENFSI 2016, OSAC 2020

<sup>24</sup> NAS (2009)

<sup>25</sup> Langenburg – Champod (2011)

<sup>26</sup> Mustonen et al (2015)

identification phase, two experts need to compare the latent and the known print, and if they achieve the same findings, it is identification. If they achieve different results, a discrepancy meeting needs to be held. The last phase is the statement production: all latent prints are no value, or not identified, or identified by both experts, or the results of the discrepancy meeting. If the examiners still diverge in their opinions after the discrepancy meeting, the divergence is not revealed to the customer in the report, but the lower (weaker) category will be applied in the statement.

Estimating the error rate of the experts is a very complicated issue. The PCAST report cites a 2014 study by the Miami Police Department (MDPD) on estimating the error rate of fingerprint experts, which showed a value of between 3-4.2% for false identifications, which the report interpreted as one in eighteen fingerprint expert identifications being wrong.<sup>27</sup> A later published article<sup>28</sup> revealed serious methodological errors in the statistical calculations; from the same data, instead of 4.2%, 1.7% of false identifications were detected (and then there was no mention of the faulty test method itself). Any proficiency tests are not suitable to estimate error rate or validation.<sup>29</sup> Anyway, the PCAST report got serious critics.<sup>30</sup>

The verification phase at the end of the ACE-V methodology means to eliminate personal error, by repeating the analysis, comparison, and evaluation by a second expert. Problems can occur if the second expert knows the results of the original evaluation, and it affects his or her decision. Especially when the error could have a serious effect on the experts' carrier, perhaps a colleague in such a case would not yield the problem, and endorse the false testimony after the review. I find this unimaginable. Despite the academic scholars calling this „bias” as well, this is a crime.

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<sup>27</sup> Wilkinson et al (2018)

<sup>28</sup> Ausdemore et al (2019)

<sup>29</sup> Christensen et al (2014); CanFRGW (2016)

<sup>30</sup> Kaminar (2018); [https://theiai.org/docs/8.IAI\\_PCAST\\_Response.pdf](https://theiai.org/docs/8.IAI_PCAST_Response.pdf) ; <https://www.fbi.gov/file-repository/fbi-pcast-response.pdf/view> ; <https://www.justice.gov/opa/pr/justice-department-publishes-statement-2016-presidents-council-advisors-science-and> (2022. 09. 28.)

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# How Did the Professors and the Students of the Faculty of Law Enforcement Manage Online Education Deriving from the Proceed of the Pandemic?

*Gabriella Ürmösné Simon<sup>1</sup>*

*Éva Kovács<sup>2</sup>*

*László Hanka<sup>3</sup>*

After the one and a half year long online education on the Faculty of Law enforcement<sup>4</sup>, in the spring semester of 2020, we ran a unique survey among the population of both students and professors. We investigated how two different target groups coped with the challenges and the obstacles of the online education, by asking them similar questions that were comparable subsequently. We eagerly wanted to know, whether the professors from the diverse departments had the same hurdles as we had in the Department of Foreign Languages for Specific Purposes, and whether the students could hardly or easily manage the challenges of the online space. We examined the opinions and the experience of 216 students and 72 professors by a Google survey questionnaire, and we synthesized the drawbacks and the benefits of the online education through the glasses of the citizens of the Faculty of Law enforcement.

**Keywords:** Faculty of Law Enforcement, online education, obstacles, benefits, future perspectives

## I. Introduction and literature

As it is the case with all researches, it was necessary to map the available Hungarian and international literature and surveys into the topic of online education during the pandemic. We focused on surveys and research findings which could be comparable to our designed research in a respect. The objectives, hypotheses, methods, instruments, and analysis strategies of the accessible material were subjects of our scrutiny, as well as underlying reasons behind the statistics and future recommendations. On revisiting these items, we encountered two Hungarian and two international surveys especially relevant to the one we designed. We believe that the comparative analysis of similarities and differences will help us put our own research into context and that it will also facilitate drawing conclusions.

Firstly, we examined the international researches, available into emergency online education in tertiary institutions. A survey carried out at a private university<sup>5</sup> in Malaysia provided us with monumental aspects regarding its research methodology, target group and its findings. The study discusses students' attitudes and satisfaction with the quality of university services during

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<sup>1</sup> Gabriella Ürmösné Simon, University of Public Service, Faculty of Law Enforcement, Department of Foreign Languages for Specific Purposes, Associate Professor, Head of Department. E-mail: [Simon.Gabriella@uni-nke.hu](mailto:Simon.Gabriella@uni-nke.hu), ORCID: <https://orcid.org/0000-0001-9284-9578>

<sup>2</sup> Éva Kovács, Teacher of English for Specific Purposes, University of Public Service, Faculty of Law Enforcement, Department of Foreign Languages for Specific Purposes, PhD student, Óbuda University, Doctoral School on Safety and Security Sciences. E-mail: [KovacsE@uni-nke.hu](mailto:KovacsE@uni-nke.hu), ORCID: <https://orcid.org/0000-0003-3295-9243>

<sup>3</sup> László Hanka, Donát Bánki Faculty of Mechanical and Safety Engineering, Óbuda University, Associate professor, E-mail: [hanka.laszlo@bgk.uni-obuda.hu](mailto:hanka.laszlo@bgk.uni-obuda.hu)

<sup>4</sup> Ürmösné Simon Gabriella, Borszéki Judit, Barnucz Nóra, Uricska Erna. A rendészeti szaknyelv szerepe a felsőoktatásban és az új nyelvi stratégia bevezetése. PORTA LINGUA 2021: 1 pp. 185-195, 11 p. (2021)

<sup>5</sup> Asia e University, Kutching, Sarawak, Malajzia

remote teaching online.<sup>6</sup> The implementation of unprecedented scenarios at the university induced diverse opinions which the researcher grouped in five different categories regarding students' satisfaction with e-curriculum, online assessment system, communication with the institution, technical solutions applied and course implementation. The online survey was carried out in 3 weeks in October-November 2020, comprising students of all educational levels and faculties of the private institution. Due to the relatively low number of valid incoming answers, the research utilized the tools of both quantitative and qualitative approach in its processes. It meant relying on statistical data analyses and conducting interviews equally. Its qualitative research rested upon filtering and clustering answers of repetitive phrases, identifying patterns, which is a method we also adopted in our own data processing. In its quantitative approach, respondents were able to provide answers on a 5-grade Likert scale, which helped design both the instrument and question types of the qualitative section in our own survey. Furthermore, we understood the significance of collecting sufficient samples. Therefore, it was also necessary to elaborate the technical details of receiving ample number of responses, in which we greatly relied on our colleagues' assistance in reaching the vast majority of student population at the Faculty of Law Enforcement, University of Public Service.

Reviewing the research findings of the neighbouring countries, we found numerous analogies between the Romanian and the Hungarian situations, that the shift to emergency online teaching was created in our countries' tertiary educational institutions. Contact teaching was terminated at the same time in both countries, in March 2020<sup>7</sup>. Moving lectures to virtual platforms did not necessarily come with methodological modernisation, and the problem of the execution of practice and hardware-heavy subjects remained<sup>8</sup>. The Romanian researchers extended the geographical scope of their survey to four traditional university towns around the country in April and May 2020. The survey consisted of 43 web-based questions with options expressed on the 5 grades of the Likert-scale. Regarding the summary of the 206 valid incoming responses, the survey provided a number of attention-calling attitudes. For instance, there is a considerable division in opinions when students had to express their satisfaction with various online platforms used during the seminars.<sup>9</sup> According to the interpretation of the researchers, it must be due to the sudden shift to emergency online teaching from face-to-face contact lessons. This new protocol had no precedent in university curriculums prior to this. From the perspective of our own survey design, we concluded that the number of incoming responses was sufficient enough to support reliable statistical analysis. However, we must give potential verbal explanations with necessary precaution, and we only drew conclusions that are strengthened by the results of our multi-layered statistical analysis. For deeper analysis to disclose reasons of student and teacher attitudes, we provided the possibility of open-ended questions in our research, thus were able to give immediate verbalized explanations that went through are synthesis.

Having revisited international examples, we geared our attention towards Hungarian surveys into the ambiguities of online education at higher level institutions around the country. We were interested to know if there were research areas, hypotheses, results that are relevant only in the domestic environment. This interest guided us to review the survey carried out by colleagues at the University of Pannonia.<sup>10</sup> At the very beginning of the pandemic, the researchers carried out their survey in 2020 March, discovering learning habits and using info-communication

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<sup>6</sup> Law Mei Yuan: Student's Attitude and Satisfaction towards Transformative Learning: A Research Study on Emergency Remote Learning in Tertiary Education. *Creative Education*, (2021). 494-528.

<sup>7</sup> Maier, Veronica – Alexa, Lidia – Craciunescu, Razvan: Online Education During the COVID19 Pandemic: Perceptions and Expectations of Romanian Students. *ECEL*, (2020). 317-324.

<sup>8</sup> Maier, et al (2020) i. m. 318.

<sup>9</sup> Maier, et al (2020) i. m. 320.

<sup>10</sup> Hargitai Dávid Máté - Sasné Grósz Annamária – Veres Zoltán: Hagyományos és online tanulási preferenciák a felsőoktatásban – A COVID-járvány kihívásai *Statistikai Szemle*, (2020). 839-857.



technology. Nearly 70% of the student population at the Faculty of Economics responded, provided ample valid samples. The research questions mapped the frequency of using traditional and digital learning materials, the various application of these according to gender<sup>11</sup>, educational levels and forms. Based on well-justified statistical analyses, the consequences were drawn, which point to a more favourable digital material use at master level. With respect to our own planned research methodology, we found this statistical analysis exemplary, as well as the suggestions the researches made to future digital material inclusion in the learning process. The recommendations made, imply the necessary adjustment of the format of material to the gender: in lessons, dominated by female students, paper-based texts proved to be more suitable.<sup>12</sup> Regarding the targeted university population, we also adopted the idea that only one faculty's citizens should be involved in the research. As in faculties providing totally different training from our practice-oriented lessons such as shooting practice, fencing and horseback riding, the expected student satisfaction with the training and courses given in online environment will considerably differ from faculties that are more theoretically-oriented. Finally, we also had to observe the nationwide surveys that the Hungarian Student Governments Conference conducted into two different time periods in April and August 2020. The aim of the research was to collect the attitudes and experiences of students during remote online teaching. The survey reached the 279 faculties of 22 universities all around the country, providing 12000 valid answers. The focus of the research addressed the hypothesised contradiction between the overwhelming student dissatisfaction with online teaching and the wish to replace contact lessons with online lessons. According to the results, the vast majority of the responders formulated the idea that as much as 42% percent of contact lessons should be replaced with online lessons in the future.<sup>13</sup> An important factor here is the high proportion (40%) of students doing parallel part-time work during their studies. The Hungarian Student Government, following the discussion of their research results, proposed a pack of suggestions to be discussed at national level with the Educational Office, in order to improve the general quality of services in tertiary-level higher education institutions. As regards the volume and scope of the research, we did not intend to compete with this research, rather, we took into consideration the various suggestions and recommendations, and their relevance to our planned target groups, students and professors at the Faculty of Law Enforcement.<sup>14</sup> After the extensive literature process, we reckoned that the idea of addressing the same questions to both student and professors to map their attitudes, was unique in its kind.<sup>15</sup> Thus, it would be a worthy of scientific interest substantiated with sufficient samples, adequate data process analysis and recommendations.

## II. Method

As far as the sample of the research is concerned, it constituted of 216 students and 72 professors. As for the methodology, we applied a hybrid online survey (5-grade Likert scale), and open questions as well, with the help of a Google survey questionnaire. Regarding the phases of our research, first we indulged in domestic and international relevant researches,

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<sup>11</sup> Ürmösné Simon G: Gender, szubkultúriák, genderpragmatika. In: Navracsics, Judit (szerk.) Transzdiszciplináris üdvözlések : Lengyel Zsolt számára. Budapest, Magyarország, Veszprém: Gondolat Kiadó (2014) 238 p. pp. 210-218., 9 p.

<sup>12</sup> Hargitai, et al (2020) i. m. 852.

<sup>13</sup> Hallgatói Önkormányzatok Országos Konferenciája: Távoktatás jelentés (2020). 1-20.

<sup>14</sup> Czenczer O. (2021). Pandémia – Paradigmaváltás a büntetés-végrehajtásban. Nemzetközi kitekintés és a magyarországi jó gyakorlatok bemutatása. *Bellügyi Szemle*, 69(5. ksz.), 12-36. <https://doi.org/10.38146/BSZ.SPEC.2021.5.1>

<sup>15</sup> Czenczer Orsolya - Szenczi Attila: A reintegrációs őrizet jogi, technikai, biztonsági és társadalmi aspektusai, *Börtönügyi Szemle*, 2020/2. szám, 7.

regarding online learning attitudes and experiences and then we prepared the hybrid questionnaires, and forwarded them to university citizens. We had the assessment of surveys, data process of pie charts, categorization and the synthesis of the answers. We summarized the positive and the negative answers, drew the consequences, and proposed future perspectives and recommendations for best practices.

### III. Results

Considering the synthesis of the *students' answers*, regarding the *advantageous factors* of the online education, in leading position we had the positive remarks on time saving, and the lack of the necessity for travelling. As a result, students spared much time and had better time management for preparation. They were more flexible, had more freedom and it was cost-efficient for them, because they did not need to commute, and much more time remained for their hobbies. It was also advantageous for them, that they could be in the vicinity of their family members and friends in their home environment. The students' responses also reflected the commonly recognised benefits of ICT tools.<sup>16</sup> Their cognitive and ICT abilities enhanced, and they could learn on their own in a relaxed atmosphere. They had the capability of undertaking other jobs and as a consequence, they could earn extra money. It meant safety for them: they did not have to wear a mask at home, and they preserved their health. They managed to do more activities during the seminars and the lectures simultaneously, like popping in the nearby deli, or cooking, which were beneficial for them, yet for professors, it was frustrating. Considering the *drawbacks* of the online education they claimed, that they felt the lack of interaction, less students were active, and there was not a personal contact with professors. They were demotivated, and it was harder for them to persuade themselves to start studying, moreover, it was easier for them to be lazy. They lacked the community, the personal contacts, and felt isolated. They were deconcentrated, it was much harder for them to focus and concentrate: something always disrupted their attention, and there were a lot of disturbing factors in the vicinity at home. They had mood swings, because they had to sit a lot in front of the screen, and as a consequence, their health deteriorated: they had frequent headaches, and their eyesight worsened.<sup>17</sup> They also claimed that their professors believed that they had more time for everything, and experienced that it was harder for the teacher to explain, demonstrate things and answer certain questions. Technological problems also arose i.e. the internet connection ceased, fluctuated, or it was insufficient, which caused a lot of annoyance and made it impossible to listen to the presenter. The practical seminars were difficult to be held, they had very limited time for tests or too tight deadlines, the online quality did not match up to offline quality either<sup>18</sup>. The learning time mingled in with spare time, students were overburdened, and it was harder for them to prepare for the seminars, and it was difficult for them to study, they became lazier, they gained superficial knowledge only, and their time management became worse. They were overburdened, the Internet provision halted for one or two days, they were preoccupied with everyday routines: for instance, the housework, the courier came during the seminar, or the cat distracted them. Technical issues arose as well i.e. power outage, few programs were running simultaneously, Wi-Fi problems technical problems occurred sooner with tutors, for example, the video froze in the middle of a lecture. They could hardly maintain the attention, felt apathy, and being closed in, moreover, they were really depressed by the lack

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<sup>16</sup> Borszédi Judit (2021): The Development of E-Learning Tools Used for Teaching English for Law Enforcement, INTERNAL SECURITY 13 : 1 p. 193. DOI: 10.5604/01.3001.0015.2908

<sup>17</sup> Bacsó Bernadett: Családon belüli erőszak összefüggése a pszichoaktív szerfogyasztással, Magyar Drogfigyelő (2786-0906): 1 (1) pp 32-39 (2021)

<sup>18</sup> Dominek Dalma Lilla – Barnucz Nóra – Uricska Erna – Christián László: Experiences of digital education from the perspective of students. Információs Társadalom 22(3), 2022 (forthcoming publication).

of social life. The other side of the coin was, when they felt flexibility, and they did not have to get up early. They had more spare time for working out, and being among their family members, and friends. For some students, the online education meant positivity, challenge, productivity, creativity, and calmness. They pursued sports, did garden work, renovated their apartment, and took up new hobbies. They had more inclination to deal with other things, they retained motivation, and became a lot more balanced and consistent. Some of them were happy to be able to spend more time within the family. As a contrast to this, they felt boredom, monotony, and claustrophobia: they were completely left on their own, due to lockdown and they missed the social life and their friends. Versatility was also experienced, there were some days when they were very creative and active, then on the other days, they were lazier and had less energy, as they claimed. Sometimes they were down, and as a contrary, on some days, they were more active than normally. The sedentary lifestyle also caused problems for them.

Our crucial question was: “what hindered your attention”, because we indeed wanted to know, why professors had to wait so long for the students’ reactions behind the monitors. Some students claimed, that nothing held them back, yet others claimed that they did not enjoy speaking in the first place. Some of them were uncertain, insecure, did not know the answer, could not phrase their reply, or they lacked knowledge. They were demotivated and did not feel as motivated as during a contact seminar, where they could have an eye contact with their tutor’s signalling, that they wanted to say something. The students did not know whether more than one person had intended to speak; the system jumbled, background noise in the vicinity was also disturbing, and it was chaotic for them, when there were 145 students on the lecture online. Some students claimed that other students had preceded them, or they were waiting for the others and could not see their mates’ reactions. They had also had a fear that while they were turning on their microphone, they might interrupt someone else. Summing up all the incoming answers, the total positive answers of the students were 284, whereas the total negative answers were 353.

Considering the *professors’ positive answers*, in leading position they also had the time saving remarks, and the lack of the necessity for travelling. They had better time management, and they could present the seminar from home. It meant flexibility, and comfort for them, and they could organize private life and their job better. It also meant an epidemic exempt environment for them, medical safety, and the possible treatment of the pandemic.<sup>19</sup> Their ICT competences enhanced: they used the Moodle system more than usual, and learnt a great deal about the digital technologies, moreover, they obtained an ICT enriched user-experience. They improved their learning materials, familiarised with the IT solutions attached to the online seminars, and revised their presentations. As a contrast to this, they could motivate the students less, only few people could be activated, and it was more difficult to draw attention, or motivate them. Professors experienced the lack of feedback, interaction, and personal contact. The interest could not be controlled, and it could not be checked, whether the student was really present. Sedentary lifestyle, stiff limbs, sore neck, and the lack of blood circulation also caused problems for the professors. The commingling of private life and work and the deficiencies of the knowledge of techniques diminished the quantity of the teaching material. Isolation, the lack of personal connection, the loss of the personal contact and the lack of personal interaction could also be experienced. Convenience, sluggishness, enervation and the additional work also caused problems for the professors. The hiding of the students behind the monitors, the maintenance of the Internet, the change of the signal strength, occasionally the diminishing of the bandwidth,

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<sup>19</sup> Nyitrai, Endre: A koronavírus elleni küzdelem és a nemzeti adatvagyon újrahasznosítása a rendőrség vonatkozásában, In: Rixer, Ádám (szerk.) A járvány hosszútávú hatása a magyar közigazgatásra, Budapest, Magyarország: Károli Gáspár Református Egyetem Állam- és Jogtudományi Kar Lőrincz Lajos Közjogi Kutatóműhely (2021) 339-345.o.

the failure of the laptop, the lack of microphone, and camera were also frustrating. Microsoft Teams and Moodle problems also arose. Professors claimed that the passivity of the students, their lack of motivation, disturbing background, the lack of tolerance among the family members, frustrated them the most. On the contrary, the online education provided more freedom for some of the professors, and affected them definitely positively from all aspects, moreover, some of them achieved the level of a confident user and performer. The new challenges made a few of them enthusiastic. Other professors were disappointed, less motivated, and felt as if they were talking to an empty wall. It meant coercion and burden for them, because they were forced to new techniques. The separation of the working hours and the free time totally ceased, and they would rather have talked to “living people”, than initials on the monitor. They missed the clear eye contact and the mimics as well. It was impersonal and the lack of personal connections was embarrassing. Some professors could not perceive, whether the students had understood everything or not, and they could only feel the students’ body which was present. The professional disputes could not be carried out, and the students’ frequent pretexts were also embarrassing. Methodological restrictions i.e. how to manage the practical subjects, and the restrictions of the online space also caused problems. It was quite a lonely genre for some of the professors, as opposed to the real, offline educational situations. Simultaneous activities on the seminar i.e. eating, making phone calls (since the student’s microphone was switched on), cooking, renovations and popping in the nearby deli, were also frustrating for the professors. Background noise in the vicinity such as dog barking, baby blues, running water, the sound of the motor, phone ringing, the tapping of the woodpecker, the chirping of the parrot, the courier’s ringing the bell, were also bothering for not only the professors but the students as well. To sum up, the total positive answers and the advantages we can conclude 229 answers, whereas the total of the negative answers and the disadvantages claimed by the professors were 387.

#### ***A The evaluation of results of the questionnaire survey using mathematical statistics***

For evaluating the collected data, using tools of mathematical statistics is necessary. Our objective is to compare students’ and professors’ answers, considering every single question. There are two populations: students and teachers, therefore the appropriate mathematical tool for analysing results is a two sample tests. Two such tests have been selected for this investigation, the two sample *t*-tests i.e. *Student*-test and the *Welch*-test. Both tests require a normally distributed sample, furthermore, for the two sample *t*-tests the equality of sample standard deviations is also a basic requisite, but not for *Welch*-test. Two independent tests have been chosen for confirming the statistical inference.

The level of significance is established as  $\alpha = 0.05$  in every case. It means that the probability of the event that a true statement is rejected is  $P = 0.05$ . This is a commonly used significance level in statistics. Both tests were developed for comparing expected value (mean) of samples. The null hypothesis is that there is no significant difference between expected values, which means that if sample means are „visually” different, the reason is only the random nature of the data collecting procedure. The alternative hypothesis is that there is significant difference between expected values, in other words theoretical means are not equal. Our objective is to analyse the null- and the alternative hypothesis, considering every question in the questionnaire. The methodology is as follows:

**Step 1.:** Normality test by using Kolmogorov-test [1, 2]. This test can be applied for analysing a dataset, whether it follows a normal distribution, or not. The assumption, in other words the null hypothesis is that the sample is normally distributed, consequently the alternative hypothesis is that the sample is not normally distributed. Let  $F(x)$  be the theoretical cumulative distribution function of the supposed normal distribution. Parameters,  $m$  and  $\sigma$ , the mean and

the standard deviation respectively, are estimated using the sample. The empirical distribution function  $F_n(x)$  must be constructed, using data in the sample again. First of all, the supremum of the difference ( $D_n$ ) of these functions, and then the test statistics ( $K$ ) must be calculated, according to the following formulas:

$$D_n = \sup_x |F_n(x) - F(x)|; \quad K = \sqrt{n}D_n;$$

where  $n$  is the number of the observations. Considering the previously established confidence level,  $\alpha = 0.05$ , the critical value for this level is  $K_\alpha = 1.36$ , that is obtained from Kolmogorov distribution. If the test statistics is less than the critical value ( $K < K_\alpha$ ) than the null hypothesis, which is that the sample follows normal distribution is accepted, otherwise it is rejected.

Confirming the inference of Kolmogorov test, another independent parametric test has been applied, the *Chi-squared* test [1, 2, 3]. The null hypothesis is that the sample follows normal distribution. The test statistics for this test is given by the following sum

$$\chi_n^2 = \sum_{k=1}^n \frac{(v_k - Np_k)^2}{Np_k};$$

that follows chi-squared distribution, where  $v_k$  is the number of observed answers on a Likert-scale,  $N$  is the total number of answers,  $p_k$  is the theoretical probability of the  $k$ th answer ( $k=1, 2, \dots, n$ ) assuming normal distribution, and  $n$  is the number of items on Likert-scale. The statistical inference is strongly affected by the degree of freedom of the distribution. The degree of freedom of the chi-squared distribution is " $n - 1 -$  the number of estimated parameters". In this case it is  $n - 3$  because the mean and the standard deviation is estimated from the sample. The logic of the inference is exactly the same, if the test statistics is less than the critical value, the null hypothesis is accepted, and rejected otherwise.

**Step 2.:** Testing the equality of standard deviations  $\sigma_1$  and  $\sigma_2$ , because this is the necessary condition for the applicability of the two sample  $t$ -tests. For testing the equality, the  $F$ -test has been applied [2, 3]. The null hypothesis for the  $F$ -test is that standard deviation of samples is equal, the alternative hypothesis is that there is significant difference between standard deviations. According to the  $F$ -test, the ratio of sample variances,  $s_1^2$  and  $s_2^2$ , must be analysed, which follows  $F$ -distribution. The test statistics is the following fraction:

$$F = \frac{s_1^2}{s_2^2};$$

if the numerator is greater than or equals to the denominator, in other words the fraction must be greater than or equal to one. The idea is the same as before. If the test statistics  $F_\alpha$  is less than the critical value, the null hypothesis is accepted, if greater, it must be rejected. In this case the critical value depends not only on the confidence level but on the degrees of freedom as well. The degree of freedom is always a function of the size of the samples. In our survey  $n_1 = 216$  is the number of the students, and  $n_2 = 72$ , is the number of teachers. For  $F$  distribution degrees of freedom are  $n_1 - 1 = 215$  and  $n_2 - 1 = 71$  or in reverse order, depending on which sample standard deviation is greater. The first degree of freedom corresponds to the numerator in the test statistics.

**Step 3.:** Application of the two sample  $t$ -tests, for studying equality of expected values. If samples follow normal distribution (step 1.) and standard deviations are equal (step 2.) this test can be applied [1, 2, 3]. This test can also be applied under some more general circumstances,

if the ratio of variances is between 0.5 and 2, so if the variances are nearly equal. The null hypothesis is that expected values are equal  $\mu_1 = \mu_2$ . The test statistics, that is given by the following formula

$$t = \frac{\bar{x}_1 - \bar{x}_2}{s \sqrt{\frac{1}{n_1} + \frac{1}{n_2}}}; \text{ where } s = \sqrt{\frac{(n_1 - 1)s_1^2 + (n_2 - 1)s_2^2}{n_1 + n_2 - 2}};$$

follows  $t$ -distribution. The degree of freedom of this distribution is  $n_1 + n_2 - 2$ . The critical value  $t_\alpha$  is basically affected by the degree of freedom. If the absolute value of the test statistics is less than the critical value ( $|t| < t_\alpha$ ), the null hypothesis is accepted, which means that mean values can be considered equal. However if the absolute value of the test statistics is greater than the critical value ( $|t| > t_\alpha$ ), the null hypothesis is rejected, which means that there is significant difference between mean values.

**Step 4.:** Confirming the conclusion of the previous step, or if  $t$ -test can't be applied, due to the fact that standard deviations are not equal, another two sample tests have been used, i.e. the *Welch*-test [1, 2, 3]. This test is similar to the two sample  $t$ -tests but there are some differences. On the one hand, the equality of the standard deviations is not necessary. On the other hand, which is more important, the test statistics  $t$  and the degree of freedom  $n$ , that are given by the following formulas

$$t = \frac{\bar{x}_1 - \bar{x}_2}{\sqrt{\frac{s_1^2}{n_1} + \frac{s_2^2}{n_2}}}; \quad n = \frac{(n_1 - 1)(n_2 - 1)}{(n_1 - 1)c^2 + (n_2 - 1)(1 - c^2)}; \quad \text{where } c^2 = \frac{\frac{s_2^2}{n_2}}{\frac{s_1^2}{n_1} + \frac{s_2^2}{n_2}}$$

are partly very similar – considering the test statistics – but different at the same time – considering the degree of freedom –. The test statistics  $t$  also follows  $t$ -distribution, and the inference method is exactly the same. If the absolute value of the test statistics is less than the critical value ( $|t| < t_\alpha$ ), the null hypothesis is accepted, which means that mean values can be considered equal. However if the absolute value of the test statistics is greater than the critical value ( $|t| > t_\alpha$ ), the null hypothesis is rejected, which means that there is significant difference between mean values.

## ***B Statistical inferences***

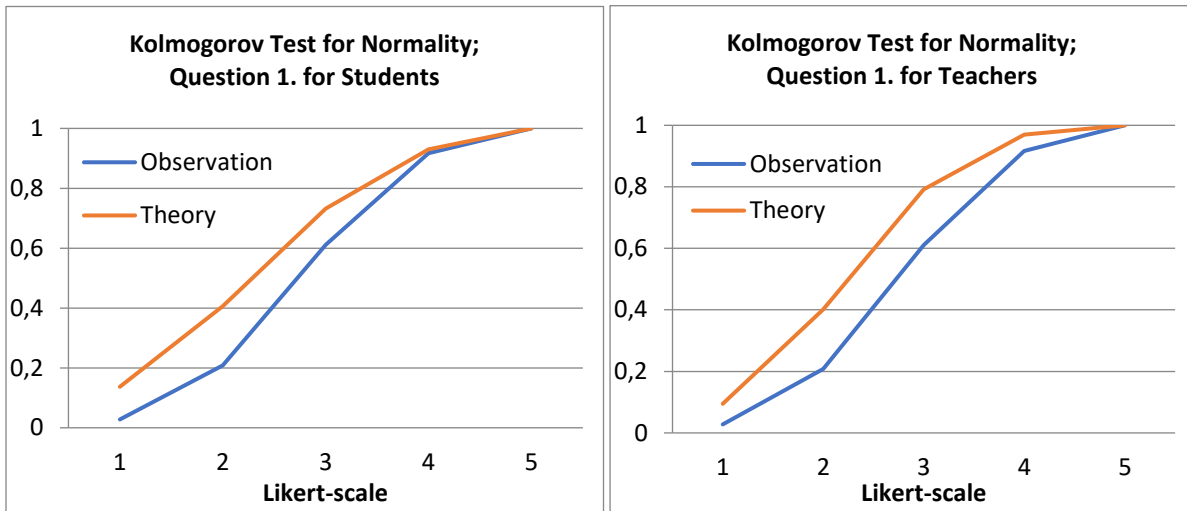
In this section the methodology, described in the previous section will be applied for every question in the questionnaire. Our objective is to compare the students' and teachers' opinion and evaluation, considering every single question separately.

## ***C Findings***

**H1 1:** There is no statistically significant difference in the opinion of students and professors judging whether they were able to acquire/pass on the same knowledge in the same depth as in the case of contact teaching.

The first task is always the goodness of fit test for normality. Reducing the number of similar figures in this study, the normality test is illustrated by graphs only for the first question. Kolmogorov-test for students and for teachers are depicted in Figure 1. respectively, by the graph of theoretical - orange curve - and empirical - blue curve - cumulative distribution function.

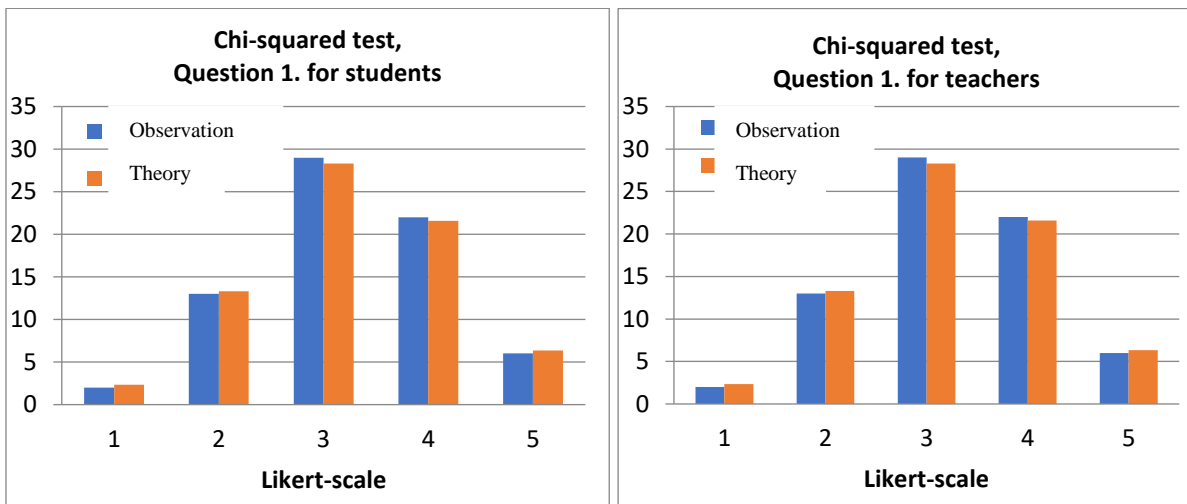
Figure 1: Kolmogorov normality test for question 1.



The inference for the goodness of fit test is based on the numerical data of the test. The Kolmogorov test statistics are 0.40 and 0.43, for students and for teachers respectively. The critical value for both samples is 1.36, therefore the conclusion is, that the null hypothesis must be accepted, the distribution of answers on a Likert-scale follows normal distribution. Similar results can be obtained for every other question.

Confirming this result, the Chi-squared test has also been applied. In figure 2. the number of observed answers - blue bar diagram -, and, assuming normal distribution, the theoretical prediction - orange bar diagram -, can be visualized. These graphs might be more convincing, the number of answers follow normal distribution, but the final inference is determined by numerical data again. Considering the degree of freedom, which is 2 and the level of confidence ( $\alpha = 0.05$ ) the critical value is 5.99 for both samples. The test statistics are 4.11 and 0.09 for students' and for teachers' answers respectively. As a result, we came to the same conclusion, that both samples are normally distributed, therefore tests, discussed in the previous section can be employed. Considering every other question, the procedure for the proof of that the answers are normally distributed, is the same.

Figure 2: Chi-squared normality test for question 1. Observed and predicted number of answers



The following task is the application of *F*-test, *t*-test and *Welch*-test as it was discussed in the previous section. Results are summarized in one chart in every case.

Table 1: The results of the hypothesis testing procedure for question 1.

Hypothesis testing for Question 1. In your view, were you able to acquire/pass on the same knowledge in the same depth as in the case of contact teaching?					
<i>F</i> -test		<i>t</i> -test		<i>Welch</i> -test	
Test statistics	1.53	Test statistics	0.27	Test statistics	0.31
Critical value	1.39	Critical value	1.96	Critical value	1.98
Conclusion	$\sigma_1 \neq \sigma_2$	Conclusion	$\mu_1 = \mu_2$	Conclusion	$\mu_1 = \mu_2$

Considering *F*-test, the null hypothesis must be rejected, the standard deviations are not equal, but since  $s_1^2 = 1.36$ ;  $s_2^2 = 0.88$ , the ratio of variances is between 0.5 and 2, so the weaker form of *t*-test can be applied, which says, that expected values are equal. This result is supported by the *Welch*-test, which says the same. The empirical mean values are  $m_1 = 3.27$  and  $m_2 = 3.23$  respectively. As a consequence, we can conclude, that there is no significant difference between the students' and the teachers' opinion, considering question 1, therefore  $\mu_1 = \mu_2$ . The students' and the teachers' evaluation are the same. The reason for the difference between the sample means is only the random property of answers.

**H 2:** There is no statistically significant difference in the opinion of students in judging whether they had their opportunity to continue studying/teaching offline, would they have preferred to do so?

Table 2: The results of the hypothesis testing procedure for question 2.

Hypothesis testing for Question 2. If you had the opportunity to continue studying/teaching online, would you prefer to do so?					
<i>F</i> -test		<i>t</i> -test		<i>Welch</i> -test	
Test statistics	1.07	Test statistics	-0.67	Test statistics	-0.66
Critical value	1.35	Critical value	1.96	Critical value	1.98
Conclusion	$\sigma_1 = \sigma_2$	Conclusion	$\mu_1 = \mu_2$	Conclusion	$\mu_1 = \mu_2$

Considering *F*-test, the null hypothesis must be accepted, the standard deviations are equal, so the *t*-test can be applied, which says, that expected values are equal. This result is supported by the *Welch*-test, which says the same. The empirical/sample mean values are  $m_1 = 3.62$  and  $m_2 = 3.75$  respectively. We can conclude, that there is no significant difference between the students' and the teachers' opinion, considering question 2, therefore  $\mu_1 = \mu_2$ . The students' and the teachers' evaluation are the same. The reason for the difference between sample means is only the random property of answers.

**H 3:** There is no statistically significant difference in the opinion of students and professors judging whether they received/provided all possible help within the framework of online education.

Table 3: The results of the hypothesis testing procedure for question 3.

Hypothesis testing for Question 3. Have you received/provided all possible help within the framework of online education?					
<i>F</i> -test		<i>t</i> -test		<i>Welch</i> -test	
Test statistics	1.34	Test statistics	1.67	Test statistics	1.56
Critical value	1.35	Critical value	1.96	Critical value	1.98
Conclusion	$\sigma_1 = \sigma_2$	Conclusion	$\mu_1 = \mu_2$	Conclusion	$\mu_1 = \mu_2$



Considering  $F$ -test, the null hypothesis must be accepted, the standard deviations are equal. So the  $t$ -test can be applied, which says, that expected values are equal. This result is supported by the  $Welch$ -test, which says the same. The empirical/sample mean values are  $m_1 = 4.47$  and  $m_2 = 4.31$  respectively. We can conclude, that there is no significant difference between the students' and the teachers' opinion, considering question 3, therefore  $\mu_1 = \mu_2$ . The students' and the teachers' evaluation are the same. The reason for difference between sample means is only the random property of answers.

**H 4** Students were more motivated about online education than professors

Table 4: The results of the hypothesis testing procedure for question 4.

Hypothesis testing for Question 4. Have you/your students been motivated enough within the framework of the online education?					
$F$ -test		$t$ -test		$Welch$ -test	
Test statistics	1.43	Test statistics	2.03	Test statistics	2.22
Critical value	1.39	Critical value	1.96	Critical value	1.98
Conclusion	$\sigma_1 \neq \sigma_2$	Conclusion	$\mu_1 \neq \mu_2$	Conclusion	$\mu_1 \neq \mu_2$

Considering  $F$ -test, the null hypothesis must be rejected, the standard deviations are not equal, but since  $s_1^2 = 1.27; s_2^2 = 0.88$ , the ratio of variances is between 0.5 and 2, so the weaker form of  $t$ -test can be applied, which says, that expected values are not equal. This result is supported by the  $Welch$ -test, which says the same. The empirical mean values are  $m_1 = 3.41$  and  $m_2 = 3.11$  respectively. We can conclude, that there is significant difference between the students' and the teachers' opinion, considering question 4. Taking into account sample mean values, the final conclusion is, that  $\mu_1 > \mu_2$ , so the students' evaluation is better than teachers' evaluation.

**H 5:** Students were able to concentrate better during the online education than professors

Table 5: The results of the hypothesis testing procedure for question 5.

Hypothesis testing for Question 5. Have you/your students been able to concentrate the same way both during online and offline education?					
$F$ -test		$t$ -test		$Welch$ -test	
Test statistics	2.03	Does not work		Test statistics	2.30
Critical value	1.39			Critical value	1.98
Conclusion	$\sigma_1 \neq \sigma_2$			Conclusion	$\mu_1 \neq \mu_2$

Considering  $F$ -test, the null hypothesis must be rejected, the standard deviations are not equal, and since  $s_1^2 = 1.58; s_2^2 = 0.77$ , the ratio of variances is greater than 2, so the  $t$ -test can't be applied.  $Welch$ -test is applicable, which says that expected values are not equal. As a result, we can conclude, that there is significant difference between the students' and the teachers' opinion, considering question 5. Taking into account, sample mean values, that are  $m_1 = 3.11$  and  $m_2 = 2.80$  respectively, the final conclusion is, that  $\mu_1 > \mu_2$ , so the students' evaluation is better than the teachers' evaluation.

**Research Question 6:** Students felt less technical distractions during online education than professors.

Table 6: The results of the hypothesis testing procedure for question 6.

Hypothesis testing for Question 6. Have you had disturbing factors during online education?					
<i>F</i> -test		<i>t</i> -test		<i>Welch</i> -test	
Test statistics	2.47	Does not work		Test statistics	5.89
Critical value	1.39			Critical value	1.98
Conclusion	$\sigma_1 \neq \sigma_2$			Conclusion	$\mu_1 \neq \mu_2$

Considering *F*-test, the null hypothesis must be rejected, the standard deviations are not equal, and since  $s_1^2 = 1.32$ ;  $s_2^2 = 0.53$ , the ratio of variances is greater than 2, so the *t*-test can't be applied. *Welch*-test is applicable, which says that the expected values are not equal. The empirical mean values are  $m_1 = 2.47$  and  $m_2 = 1.79$  respectively. We can conclude, that there is a significant difference between the students' and the teachers' opinion, considering question 6. Taking into account the empirical means, the final conclusion is that  $\mu_1 > \mu_2$ , so the students' evaluation is better than the teachers' evaluation.

#### IV. Conclusions

There are several conclusions to be drawn that we have learnt from our research.<sup>20</sup> The students and the professors missed the offline education equally, because not only the transferring of the teaching material counts, but the presence of the social interactions as well, which cannot be substituted by any IT system. There was a tight time frame during the tests for students, and the deadlines were too short. Its effectiveness was not equal to the traditional education. During the online education, the same amount of material cannot be conveyed as in the offline one. It by no means substitutes the offline one, and the online education made the education process monotonous. The laptop was sometimes useless, the Teams system froze, and the laptop couldn't cope with it. To prevent future misunderstandings between students and professors, we recommend the introduction of a generally standardized set of rules, or a code of ethics to adapt the new online teaching method: the students must be present by their picture at least at the beginning of the seminar and at the end of it when saying goodbye, upon no request. A new minimal online educational standard should be elaborated. In case of offline education, professors could experience, that their enthusiasm concerning the topic attracted the students, because they could see the body-language, and the mimics as well, which cannot be seen from a „stamp”. Our hypotheses are partially justified: the online education as a whole, meant more negative aspects for both the teachers and the students as well, than positive ones. The online education can only be successful and accepted, if it is gradually initiated into the academic curriculum, which is in line with the international experience and HÖK recommendation as well. Our proposals are that the initiation of online education shall only be in case of lectures, correspondence education, and theoretical modules, whereas the practice sessions should remain in contact form.

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# Application of Art. 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms to migrant cases

Tomáš Škrinár<sup>1</sup>

Law enforcement officer shall respect and protect human rights of persons guaranteed by the Convention for the Protection of Human Rights and Fundamental Freedoms. The mentioned rights and freedoms are guaranteed not only to citizens of the contracting parties of mentioned Convention, but also to all persons subject to the jurisdiction of the contracting party, i.e. also to migrants. The article discusses the rights of migrants to respect for private and family life guaranteed by Art. 8 Convention for the Protection of Human Rights and Fundamental Freedoms. The mentioned law is discussed in the article not only in general terms, but also describes and analyzes individual aspects of the mentioned law. Since the content and scope of the mentioned rights is determined primarily by the jurisprudence of the European Court of Human Rights, the author also discusses specific jurisprudence and their applicability to migrant cases in the article. Author discusses not only the right to private and family life and how to preserve them, but also presents the possibilities of interfering with these rights. The possibility of interfering with the right to private and family life is a complex issue and it is not possible to fully deal with it in the practical work of a law enforcement officer. In the end, the author presents the possibility of how law enforcement officer could intervene in the right to private and family life of the migrant.

**Key words:** law enforcement officer, right to private and family life, Convention for the Protection of Human Rights and Fundamental Freedoms, proportionality test, migrant.

## I. Introduction

The right to respect for private and family life is regulated by Art. 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms (hereinafter referred to as the "Convention"). Art. 8 Par. 1 of Convention regulates: "*Everyone has the right to respect for his private and family life, his home and his correspondence.*". The Convention does not define the terms mentioned in it, their definition and scope is one of the subjects of individual case decisions by the European Court of Human Rights (hereinafter referred to as the "ECHR").<sup>2</sup> The interpretation of individual terms is given by the ECHR in the decisions of specific cases and subsequently applies this interpretation in similar cases. In this way the constant jurisprudence is created and provides an interpretation of individual concepts. The concept of respecting private and family life has two aspects. The first aspect is private life, the second is family life. We will analyze both mentioned aspects based on case law that discusses the mentioned terms and defines their scope. In our article, we do not deal with all aspects of the law according to Art. 8 of the Convention, we deal only with those aspects that have a direct or indirect relation to migration. We therefore do not deal with such aspects of the mentioned

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<sup>1</sup> JUDr. Tomáš Škrinár, PhD., lecturer, Academy of the Police Force in Bratislava, Department of European Integrated Border management. E-mail: [tomas.skrinar@akademiapz.sk](mailto:tomas.skrinar@akademiapz.sk), [orcid.org/0000-0002-7476-8341](https://orcid.org/0000-0002-7476-8341).

<sup>2</sup> For the impact of the ECHR on the countries of Central and Eastern Europe, see Iulia Motoc and Ineta Ziemele Ineta, *The impact of the ECHR on democratic change in Central and Eastern Europe: judicial perspectives* (Cambridge: Cambridge University Press, 2016).

rights as the protection of personal data or the protection of the home.<sup>3</sup> It should be noted that we present only selected cases, while individual aspects of the right to private and family life are much more extensive and cannot be exhausted in one article. At the end of our article, we will give a recommendation on how a law enforcement officer can intervene in the right to respect for private and family life.

## II. Right to respect for private life

The right to respect for private life, or the right to privacy, is a right that Art. 8 Par. 1 of the Convention does not define. It is a right that is not only regulated at the international and European level, but also at the national level. We will not deal with its national connotation, as it is not the subject of our article, but we will focus only on its adjustment at the level of the Council of Europe, or adjustment in ECHR jurisprudence. In connection with the decisions of the ECHR, it should be noted that the concept of respect does not only include the passive side, i.e. non-interference with the law, but also includes the active side, which consists in the positive obligations of the state to adjust such conditions so that there is no interference with the right to respect for private and family life. The concept of private life is often used by the ECHR in the case of situations that cannot be classified under the right to family life. One of the categories of such relationships e.g. quasi-familial relationships. It's about relationships between

- foster parents and their children
- unmarried couples.<sup>4</sup>

The most of other types of relationships belong to the family relationship and thus are included under the right to family life, which we will discuss later.

### A Case of *Niemietz v. Germany*

The term "private life" and its scope are regulated in several cases. One of the most important is the case of *Niemietz v. Germany*. The first question that the ECHR dealt with was the objection of the German government that Art.8 of the Convention does not provide protection against the search of a law office due to the difference between a private residence and professional and business premises. In the decision, the ECHR also commented on the scope of the concept of private life

*The Court does not consider it possible or necessary to attempt an exhaustive definition of the notion of "private life". However, it would be too restrictive to limit the notion to an "inner circle" in which the individual may live his own personal life as he chooses and to exclude therefrom entirely the outside world not encompassed within that circle. Respect for private life must also comprise to a certain degree the right to establish and develop relationships with other human beings.*<sup>5</sup>

From the mentioned statement, it is possible to conclude that the concept of "private life" cannot be exhaustively defined and, in particular, it is not possible to exhaustively determine its scope.<sup>6</sup> The scope of the term "private life" depends on the specific circumstances of the individual

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<sup>3</sup> For other aspects of the rights guaranteed by Art. 8 of the Convention, see Jim Murdoch and Ralph Roche. *The European Convention on Human Rights and policing, A handbook for police officers and other law enforcement officials* (Strasbourg: Council of Europe, 2013), 67 - 75.

<sup>4</sup> Ivana Roagna, *Protecting the right to respect for private and family life under the European Convention on Human Rights*, (Strasbourg: Council of Europe, 2012), 13.

<sup>5</sup> *Niemietz v. Germany*, no. 13710/88, § 29, ECHR 1992.

<sup>6</sup> Similarly see *Costello – Roberts v. the United Kingdom*, no. 13134/87, § 36, ECHR 1993.

case. Therefore, it is not possible to precisely determine the scope of the mentioned term, but it is possible to establish its scope in a specific case. The term "private life" does not include only strictly private life, i.e. the non-professional area of life, as the term is commonly understood. In the judgment in question, the ECHR took the view that the scope of private life can also have a wider scope than only strictly non-professional parts of life, especially in the case of liberal professions. The ECHR expressed its opinion in the said judgment

*There appears, furthermore, to be no reason of principle why this understanding of the notion of "private life" should be taken to exclude activities of a professional or business nature since it is, after all, in the course of their working lives that the majority of people have a significant, if not the greatest, opportunity of developing relationships with the outside world. This view is supported by the fact that, as was rightly pointed out by the Commission, it is not always possible to distinguish clearly which of an individual's activities form part of his professional or business life and which do not. Thus, especially in the case of a person exercising a liberal profession, his work in that context may form part and parcel of his life to such a degree that it becomes impossible to know in what capacity he is acting at a given moment of time.<sup>7</sup>*

The above interpretation of the ECHR is significant because it is not always possible to restrictively apply the term "private life" only to non-professional life, but in certain cases also to the professional part of life. Another area of private life on which the ECHR commented in the case law in question is the concept of residence. The concept of residence is understood by the ECHR more broadly than just a person's place of residence. In certain cases, it is possible to include the premises in which a person practices his profession, i.e. business premises, in the term dwelling. In the decision in question, the ECHR commented

*As regards the word "home", appearing in the English text of Article 8 (art. 8), the Court observes that in certain Contracting States, notably Germany (see paragraph 18 above), it has been accepted as extending to business premises. Such an interpretation is, moreover, fully consonant with the French text, since the word "domicile" has a broader connotation than the word "home" and may extend, for example, to a professional person's office. In this context also, it may not always be possible to draw precise distinctions, since activities which are related to a profession or business may well be conducted from a person's private residence and activities which are not so related may well be carried on in an office or commercial premises. A narrow interpretation of the words "home" and "domicile" could therefore give rise to the same risk of inequality of treatment as a narrow interpretation of the notion of "private life" (see paragraph 29 above).<sup>8</sup>*

Under the term "private life", according to the aforementioned judgment, we can include a broader right to establish and develop relationships with other people. It is therefore necessary to interpret the mentioned term extensively, not only as it is commonly understood. Another aspect is that in certain cases it is possible to include professional activities under the mentioned concept, especially in the case of liberal professions. It follows from the above that the term "private life" can also include various relationships such as friendships, work contacts, while other aspects of life can also be included here, especially with regard to the residence status of a foreigner.

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<sup>7</sup> *Niemietz v. Germany*, no. 13710/88, § 29, ECHR 1992.

<sup>8</sup> *Ibid.*, § 30.

### ***B Case of Brüggemann and Scheuten v. Germany***

Another decision that dealt with the interpretation of the term "private life" is the case of Brüggemann and Scheuten v. Germany. In the mentioned case, the matter was dealt with by the European Commission for Human Rights. However, unlike Niemietz v. Germany, the decision of the Commission in question did not concern an extensive interpretation of private life, but rather its breadth and limitation. In the mentioned case, the applicants stated that there was a violation of Art. 8 Par. 1 of the Convention on the Prohibition of Artificial Termination of Pregnancy. The Commission commented in the report

*However, there are limits to the personal sphere. While a large proportion of the law existing in a given State has some immediate or remote effect on the individual's possibility of developing his personality by doing what he wants to do, not all of these can be considered to constitute an interference with private life in the sense of Art. 8 of the Convention. In fact, as the earlier jurisprudence of the Commission has already shown, the claim to respect for private life is automatically reduced to the extent that the individual himself brings his private life into contact with public life or into close connection with other protected interests.*<sup>9</sup>

It follows from the mentioned statement of the European Commission for Human Rights that the restriction of private life depends on the degree of its connection with public life. If a person makes his private life public, i.e. a certain area of his private life becomes a life spent in society, that part of his life ceases to be subject to the term "private life". Of course, the above depends on the specific case, it is not possible to establish general criteria for cases, if it is a matter of public life and if it is still a matter of private life. In relation to a foreigner, it mainly concerns his relations with other people, friends and the activities he carries out. The context of the mentioned relationships and activities is used when assessing the extent of a certain part of life, i.e. whether it is a "private life" or a public life.

### ***C Case of Botta v. Italy***

Similar to the previous judgment, the ECHR addressed the scope, or limiting the scope of the right to private life in other cases as well. In the case of Botta v. Italy, the ECHR stated

*In the instant case, however, the right asserted by Mr Botta, namely the right to gain access to the beach and the sea at a place distant from his normal place of residence during his holidays, concerns interpersonal relations of such broad and indeterminate scope that there can be no conceivable direct link between the measures the State was urged to take in order to make good the omissions of the private bathing establishments and the applicant's private life.*<sup>10</sup>

Even if it is only a very strict expression of the ECHR, it is possible to establish the limitation of the scope of the right to private life by the following aspects on the basis of the said judgment

- the distance of the place where the law is applied from the habitual residence
- a wide range of interpersonal relationships
- indefinite scope of interpersonal relations.

### ***D Case of Friend and Others v. the United Kingdom***

The issue of the scope of interpersonal relationships with regard to private life was also addressed by the ECHR in its decision Friend and Others v. the United Kingdom. In the case in question, the ECHR has expressed its opinion

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<sup>9</sup> Brüggemann and Scheuten v. Germany (Report of the Commission), no. 6959/75, § 56, ECHR 1977.

<sup>10</sup> Botta v. Italy, no. 153/1996/772/973, § 35, ECHR 1998.

*(...) the Court has consistently held that the notion of private life is a broad concept (...) It encompasses, for example, the right to establish and develop relationships with other human beings and the right to identity and personal development (...) A broad construction of Article 8 does not mean, however, that it protects every activity a person might seek to engage in with other human beings in order to establish and develop such relationships. It will not, for example, protect interpersonal relations of such broad and indeterminate scope that there can be no conceivable direct link between the action or inaction of a State and a person's private life".<sup>11</sup>*

From the aforementioned decision of the ECHR, similar to the previous cases, it follows that interpersonal relationships must be sufficiently close and certain to be considered a person's private life.

### **III. Right to respect for family life**

Since in our article we are dealing with the right to respect for private and family life in relation to foreigners, we are not dealing with other aspects, such as the possibility of adoption or the freedom to determine gender. The right to family life is another right, the protection of which is ensured by Art. 8 of the Convention. It is a law that has several sub-aspects.<sup>12</sup>

#### **A Right to respect the family life**

The concept of "family life" is defined by the ECHR judgment as follows

*The Court recalls that the notion of "family life" in Article 8 (art. 8) is not confined solely to families based on marriage and may encompass other de facto relationships (see the *Marckx v. Belgium* judgment of 13 June 1979, Series A no. 31, p. 14, para. 31; the *Keegan v. Ireland* judgment of 26 May 1994, Series A no. 290, p. 17, para. 44; and the *Kroon and Others v. the Netherlands* judgment of 27 October 1994, Series A no. 297-C, pp. 55-56, para. 30). When deciding whether a relationship can be said to amount to "family life", a number of factors may be relevant, including whether the couple live together, the length of their relationship and whether they have demonstrated their commitment to each other by having children together or by any other means (see, for example, the above-mentioned *Kroon and Others* judgment, loc. cit.)."<sup>13</sup>*

It follows from the judgment in question that the content of the term "family life" is created by the following aspects:

- de facto relationships, which do not have to be based on marriage
- whether the spouses live together
- the length of the spouses' relationship
- proof of mutual commitment through joint children or in another way.

The fulfillment of the mentioned aspects and their assessment is a criterion for a certain relationship to be considered "family life". The mentioned aspects need to be assessed individually as well as in their mutual connection. It is only after their assessment that it is

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<sup>11</sup> *Friend and Others v. the United Kingdom*, no. 16072/06 and 27809/08, § 41, ECHR 2009.

<sup>12</sup> For other aspects of the right to private life, see Ivana Roagna, *Protecting the right to respect for private and family life under the European Convention on Human Rights* (Strasbourg: Council of Europe, 2012), 13 - 27. Ursula Kilkelly, *The right to respect for private and family life. A guide to the implementation of Article 8 of the European Convention on Human Rights* (Strasbourg: Council of Europe, 2003), 11 - 15.

<sup>13</sup> *X, Y and Z v. the United Kingdom*, no. 21830/93, § 36, ECHR 1997.



possible to take an opinion on the existence of "family life". Since the assessment of which relationships can be subsumed under the concept of "family life", the ECHR assesses individually in each individual case. Therefore, it is not possible to determine all the relationships that this term includes. Nevertheless, it is possible to deduce the most common types of relationships included under the term "family life" from the individual cases considered by the ECHR. It is mainly about the relationship

- between children and their grandparents
- between siblings, regardless of their age
- between an uncle or aunt and his/her nephew or niece
- between parents and children born into second relationships, or those children born as a result of an extra-marital or adulterous affair, particularly where the paternity of the children has been recognised and the parties enjoy close personal ties
- between adoptive/foster parents and children.<sup>14</sup>

### ***B Ending "family life"***

From the point of view of assessing the existence of "family life", not only its origin, but also its demise is important. If there are reasons for the termination of "family life", it is no longer possible to speak of "family life", and thus such a relationship cannot be protected by Article 8 of the Convention. However, the dissolution can occur only after the family bonds have been formed. Certain circumstances can lead to the termination of such relationships after the establishment of family relationships. However, the relevant circumstances cannot be determined in general terms. These are exceptional circumstances and it is necessary to assess them very sensitively in order not to take the view that "family life" has ceased to exist, while "family life" continues. These are mainly cases of the termination of "family life" by the original family after adoption and also its termination after the expulsion of the foreigner. It is necessary to state that the following situations need to be assessed separately, whether "family life" actually ended in them. Thus, the situations we present may not in themselves be the reason for the demise of "family life". It is

- divorce
- interruption of common life
- expulsion of a foreigner
- entrusting the child to personal care
- adoption.<sup>15</sup>

## **IV. Interference with the right to respect for private and family life**

The right to respect for private and family life is a right that is not absolute and can be interfered with in certain circumstances. Interference with the right to respect for private and family life is regulated by Art. 8 Par. 2 of the Convention: "*There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.*" From this provision, it is possible to derive certain limits of interference with the mentioned right. These are the following points of view

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<sup>14</sup> Ivana Roagna, *Protecting the right to respect for private and family life under the European Convention on Human Rights* (Strasbourg: Council of Europe, 2012), 28.

<sup>15</sup> Ivana Roagna, *Protecting the right to respect for private and family life under the European Convention on Human Rights* (Strasbourg: Council of Europe, 2012), 30.

- legality
- legitimacy
- proportionality.

### **A Legality**

From the wording of Art. 8 Par. 2 The convention implies that the right to "private and family life" can only be interfered with in accordance with the law. The mentioned term "law" needs to be interpreted extensively, so it is not strictly just a law as a type of legal regulation, but also various other types of legal regulations, while it can also be regulations of professional self-governments<sup>16</sup> or even a judicial precedent<sup>17</sup>. When assessing whether it is a "law", the legal force and binding nature of the relevant document is important, not its designation. At the same time, the ECHR established three criteria for assessing whether an intervention is "in accordance with the law". It is

- the presence of a national law,
- the clearness and precision of its wording and
- the aim it pursues<sup>18</sup>

From the aforementioned analysis, it follows that before interfering with private and family life, the question should be asked: "Is the interference with the right to respect for private and family life in accordance with the law?". Based on the facts mentioned above, in most cases we can answer positively, that is, that the intervention is in accordance with the law and meets the condition of "legality" of the intervention in the right to respect for private and family life.

### **B Legitimacy**

Another condition for interference with the right to respect for private and family life is legitimacy. Legitimacy is a condition that stipulates that an intervention in private must meet one of the conditions, which is regulated by Art. 8 Par. 2 of the Convention, namely: "(...)in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others." In the said provision, three areas of interest are regulated, namely interest of the state, public and individuals. We will discuss the mentioned areas of legitimacy in more detail, with regard to migration.

#### *(i) State interest*

The interest of the state is an important area of interest on the basis of which it is possible to intervene in the right to respect for private and family life. It includes reasons for protecting national security, public safety, preventing riots or crime. The ECHR jurisprudence does not define the content of the term "national security".<sup>19</sup> The European Commission for Human Rights stated in its decision that "*The Commission considers however that the principles referred to above do not necessarily require a comprehensive definition of the notion of "the interests of national security". Many laws, which by their subject-matter require to be flexible, are inevitably couched in terms which are to a greater or lesser extent vague and whose interpretation and application are questions of practice.*"<sup>20</sup> All the stated reasons for the protection of the interest of states are regulated by individual national legal systems.

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<sup>16</sup> See *Barthold v. Germany*, no. 8734/79, ECHR 1985.

<sup>17</sup> See *Kruslin v. France*, no. 11801/85, ECHR 1990.

<sup>18</sup> Ivana Roagna, *Protecting the right to respect for private and family life under the European Convention on Human Rights* (Strasbourg: Council of Europe, 2012), 37.

<sup>19</sup> See *National security and European case-law* (Strasbourg: Council of Europe, 2013).

<sup>20</sup> *Esbester v. the United Kingdom* (Decision of the Commission), no. 18601/91, p.9, ECHR 1993.

(ii) *Public interest*

From Art. 8 par. 2 of the Convention, it can be inferred that the interest of society includes reasons such as the protection of health, morals and ensuring the economic well-being of the country. The stated reasons are regulated by individual national legal systems. Interest of society could be in the relationship to migrants e.g., ensuring the country's economic well-being by regulating the labour market in relation to the population.<sup>21</sup>

(iii) *Interest of individuals*

The interest of individuals is in Art. 8 Par. 2 of the Convention modified as "protection of the rights and freedoms of others". It is a protection that must be directly related to the rights and freedoms of other persons. The stated reason is applied only to a limited extent in relation to foreigners, it is used more in cases not related to migration.

(iv) *Proportionality*

The last condition is the proportionality of the intervention. In many cases, this is the most important condition, since the previous conditions are a certain basis, after they are fulfilled, it is possible to examine the condition of proportionality. Proportionality is a legal principle. Legal principles are the rules forming the basis of the legal order, or a certain legal branch. It follows from the nature of legal principles that they have a high degree of generality and are more or less common to the law of different countries and periods. The principle of proportionality is a legal construction, at the same time it is also a methodological tool. Proportionality is typically described as a criterion determining the correct relationship between purpose and meaning. The principle of proportionality consists of four components

- the right purpose
- rational connection
- essential meaning
- the correct relationship between the benefit obtained from the implementation of the administrative purpose and the damage caused to the constitutional right.<sup>22</sup>

The principle of proportionality is applied in practice by a legal instrument – the proportionality test. The proportionality test is standardly used by constitutional and general courts.

### ***C Interference with the right to respect for private and family life in migration cases***

In addition to the theoretical aspects of the right to respect for private and family life, the ECHR also deals with special cases concerning foreigners in its decisions. A special aspect is the expulsion of foreigners. The ECHR commented on the above-mentioned question in its judgment as follows

*Furthermore, the Court observes that not all settled migrants, no matter how long they have been residing in the country from which they are to be expelled, necessarily enjoy "family life" there within the meaning of Article 8. However, as Article 8 also protects the right to establish and develop relationships with other human beings and the outside world and can sometimes embrace aspects of an individual's social identity, it must be accepted that the totality of social ties between settled migrants and the community in which they are living constitutes part of the concept of "private life" within the meaning of Article 8. Regardless of the existence or otherwise of a "family life", the expulsion of a settled migrant therefore constitutes an interference with his or her right to respect for private life. It will depend on the circumstances*

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<sup>21</sup> *Berrehab v. Nederlands*, no. 10730/84, § 26, ECHR 1988.

<sup>22</sup> Aharon Barak, *Proportionality: constitutional rights and their limitations* (New York: Cambridge University Press. Cambridge studies in constitutional law, 2012), 131.

of the particular case whether it is appropriate for the Court to focus on the “family life” rather than the “private life” aspect (see *Üner*, cited above, § 59).<sup>23</sup>

In its decisions, the ECHR also regulates the right of persons to respect their private and family life in special cases, i.e. foreigners, in cases

- expulsion due to the commission of a crime<sup>24</sup>
- immigration policy of the state<sup>25</sup>.

An important decision of the ECHR is *Boultif v. Switzerland*. In the aforementioned decision, the ECHR modified the criteria for assessing whether the measure of expulsion in a democratic society is necessary and proportionate to the pursued legitimate goal. The ECHR also commented on the mentioned criteria in the decision *Üner v. Netherlands*<sup>26</sup>, while they should not only be used by the ECHR, but also by national courts.<sup>27</sup>

## V. Test of proportionality as result

The proportionality test is a legal means of implementing the principle of proportionality. The proportionality test is not just one, but there are several types of proportionality test and it depends not only on the legislation of international and European law, but also on national law. Therefore, it is not possible to apply the mentioned test. The application of the proportionality test is not unified at the level of general courts. For the aforementioned reason, the head of the Constitutional Court of the Slovak Republic JUDr. Ivetta Macejková, PhD. published methodology that regulates the conditions and procedure for applying the proportionality test. The methodology was prepared on the basis of a search of valid doctrinal legal opinions and stabilized jurisprudence. It is intended especially for the younger generation of judges. The proportionality test in the above form contains 3 steps, also named subtests, namely the appropriateness test, the necessity test and the proportionality test. The last of the listed subtests is essential. In its application, Alexy's weighting formula is applied, which determines the ratio between the damage caused by one right and the advantage of another right. From the point of view of the intensity of the intervention, it is possible to compare the intervention verbally and numerically, namely the level of intervention low (number 1), medium (number 2) and substantial (number 4). Subsequently, the individual aspects of interference with one right and another are calculated separately. The right that has the highest numerical value is the "winning right", i.e. prevailing.

We focused on the right to respect for private and family life and the interference with that right. We will now consider how useful the theoretical elaboration of the mentioned topic can be in the case of law enforcement in connection with migration. A law enforcement officer can intervene in these rights in two ways, namely through official activity or official intervention. An officer can interfere with fundamental rights through official activity, but this interference is not immediate. During official activities, the officer has time to assess whether interference

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<sup>23</sup> *Maslov v. Austria*, no. 1638/03, § 63, ECHR 2008.

<sup>24</sup> For example *Üner v. Netherlands*, no. 46410/99, ECHR 2006, *Boultif v. Switzerland*, no. 54273/00, ECHR 2001, *Solomon v. Netherlands*, no. 44328/98, ECHR 2000, *Mitchell v. the United Kingdom*, no. 40447/98, ECHR 1998, *Beldjoudi v. France*, no. 12083/86, ECHR 1992, *Nnyanzi v. the United Kingdom*, no. 21878/06, ECHR 2008, *Baghli v. France*, no. 34374/97, ECHR 1999, *Keles v. Germany*, no. 32231/02, ECHR 2005, *Lupsa v. Romania*, no. 10337/04, ECHR 2006, *Ljatifi v. North Macedonia*, no. 19017/16, ECHR 2018.

<sup>25</sup> For example *Abdulaziz, Cabales and Balkandali v. the United Kingdom*, no. 9214/80, 9473/81, 9474/81, ECHR 1985, *Rodrigues da Silva and Hoogkamer v. Netherland*, no. 50435/99, ECHR 2006, *Berrehab v. Netherlands*, no. 10730/84, ECHR 1988.

<sup>26</sup> *Üner v. Netherlands*, no. 46410/99, § 57 – 58, ECHR 2006

<sup>27</sup> See Judgment of the Supreme Administrative Court of the Czech Republic (Rozsudek Nejvyššího správního soudu České republiky), no. 8 Azs 60/2014, 31. July 2014.

with fundamental rights will be appropriate. In the case of official interventions, such an option is only available in the case of official interventions with preparation. If the officer has enough time to prepare an official action, he can also assess the adequacy of the interference with fundamental rights. In the case of official interventions without preparation, such an option is excluded. For this reason, we see the application of the proportionality test primarily in decisions, especially when expelling a foreigner. We have developed a methodology for the procedure for interference with the right to private and family life by decision on deportation.

1. Does the foreigner have a family or private life? If the answer is yes, go to the next point.
2. What is the content of family and private life? After finding out the content of private and family life, go to the next point.

The basis is mainly the following facts

- the nature and seriousness of the act (which is the reason for expulsion) committed by the complainant
- length of stay of a foreigner in the territory of state
- the time that has passed since the act was committed (which is the reason for expulsion) and the foreigner's behavior during this period
- nationality of the foreigner and the persons concerned
- family situation of the foreigner, such as length of marriage (partnership) and other factors expressing the effectiveness of family life
- whether the spouse (partner) knew about the act (which is the reason for expulsion) at the time he entered the family relationship
- whether children were born in the marriage (partnership), and if so, their ages
- the severity of the problems that the spouse (partner) would likely encounter in the country to which the foreigner is to be expelled
- the best interest and welfare of the children, in particular the seriousness of the problems that the children are likely to face in the country to which the alien is to be deported
- the strength of social, cultural and family ties with the state of residence and with the country to which the foreigner is to be expelled.

3. Is the interference with the right to respect for private and family life in accordance with the law? If the answer is yes, go to the next point.

4. Is the interference with the right to respect for private and family life in the interest of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others? If the answer is yes, go to the next point.

5. Does the interference with the right to respect for private and family life by expulsion enable the goal - regulation of migration? If the answer is yes, go to the next point.

6. Is there a softly interventions (e.g. fine or punishment) by which it is possible to achieve the goal - regulation of migration? Is this softly intervention able to achieve the goal - regulation of migration? If the answer to the second question is negative, go to the next point. If the answer is positive, apply a softly intervention.

7. Is it possible to maintain the right to regulate migration and the right to respect private and family life at the same time? If the answer is negative, go to the next point.

8. Application of the proportionality test.

The questions must be answered with a verbal evaluation of the intensity of the intervention (low, medium, or substantial). Then assign a numerical rating to the verbal rating (low number 1, medium number 2, substantial number 4). The right with the higher achieved numerical value is stronger and prevails over the other right.

Table 1: Test of Proportionality

Intensity of interference with the right to regulate migration.	Aspects of the right to respect for private and family life.	Intensity of interference with the right to respect for private and family life.
What will be the intensity of the interference with the right to regulate migration, in terms of the nature and seriousness of the act committed by the foreigner?	The nature and seriousness of the act (which is the reason for) committed by the foreigner.	What will be the intensity of the interference with the right to respect for private and family life, in terms of the nature and seriousness of the act committed by a foreigner?
What will be the intensity of interference with the right to regulate migration, in terms of the length of stay of a foreigner in the territory of the country of residence?	Length of stay of a foreigner in the territory of the country of residence.	What will be the intensity of the interference with the right to respect for private and family life, in terms of the length of stay of a foreigner in the territory of the state of residence?
What will be the intensity of the interference with the right to regulate migration, in terms of the time that has passed since the act was committed and the foreigner's behavior during this period?	The time that has passed since the act was committed (which is the reason for expulsion) and the foreigner's behavior during this period.	What will be the intensity of the interference with the right to respect for private and family life, in terms of the time that has passed since the act was committed and the foreigner's behavior during this period?
What will be the intensity of the interference with the right to regulate migration, in terms of the nationality of the foreigner and the persons concerned?	Nationality of the foreigner and the concerned persons.	What will be the intensity of the interference with the right to respect for private and family life, in terms of the nationality of the foreigner and the affected persons?
What will be the intensity of interference with the right to regulate migration, in terms of the family situation of the foreigner, such as the length of marriage (partnership) and other factors expressing the effectiveness of family life?	The foreigner's family situation, such as the length of marriage (partnership) and other factors expressing the effectiveness of family life.	What will be the intensity of the interference with the right to respect for private and family life, from the point of view of the foreigner's family situation, such as the length of marriage (partnership) and other factors expressing efficiency of family life?
What will be the intensity of the interference with the right to regulate migration, from the point of view of the fact that the husband (partner) knew about the act at the time he entered the family relationship?	Whether the husband (partner) knew about the act at the time he entered the family relationship.	What will be the intensity of the interference with the right to respect for private and family life, from the point of view of the fact that the husband (partner) knew about the act at the time he entered the family relationship?
What will be the intensity of the interference with the right to regulate migration, from the point of view of the fact that children were born in the marriage (partnership), including the fact of their age?	Whether children were born in the marriage (partnership), and if so, their ages.	What will be the intensity of the interference with the right to respect for private and family life, from the point of view of the fact that children were born in the marriage (partnership), including the fact of their age?

What will be the intensity of the interference with the right to regulate migration, in terms of the severity of the problems that the spouse (partner) is likely to encounter in the country to which the foreigner is to be expelled?	The importance of the problems that the spouse (partner) is likely to face in the country to which the foreigner is to be deported.	What will be the intensity of the interference with the right to respect for private and family life, in terms of the seriousness of the problems that the spouse (partner) would likely encounter in the country to which the foreigner is to be expelled?
What will be the intensity of the interference with the right to regulate migration, in terms of the best interests and welfare of the children, in particular the seriousness of the problems that the children are likely to face in the country to which the foreigner is to be expelled?	The best interests and welfare of the children, in particular the seriousness of the problems that the children are likely to face in the country to which the foreigner is to be expelled.	What will be the intensity of the interference with the right to respect for private and family life, in terms of the best interests and well-being of the children, in particular the seriousness of the problems that the children are likely to face in the country to which the foreigner is to be expelled?
What will be the intensity of the interference with the right to regulate migration, in terms of the strength of social, cultural and family ties with the Slovak Republic and with the country to which the foreigner is to be expelled?	The strength of social, cultural and family ties with the Slovak Republic and with the country to which the foreigner is to be expelled.	What will be the intensity of the interference with the right to respect for private and family life, in terms of the strength of social, cultural and family ties with the Slovak Republic and with the country to which the foreigner is to be expelled?

## VI. Conclusion

The right to respect the right to private and family life must be respected not only by courts, but also by law enforcement officers. In the case of migration cases, non-respect of the mentioned right can also have a significant impact on the life of a foreigner, as the ECHR also expressed in its decisions. Unlike a court, or a law attorney who represents a foreigner in court, a law enforcement officer has a disadvantage, as in many cases he does not have a legal education, nor does he have enough time to devote to interfering with the right to respect private and family life. For this reason, we proposed a certain methodology that could be used by law enforcement officers in practice. Of course, before their application, a certain retraining in the mentioned law is necessary. It takes a certain amount of time from the law enforcement officer to start using the mentioned methodology, but after repeated use it takes a maximum of 5 - 10 minutes.

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# Reforms of the migration management institutions: Comparison of the Hungarian and Turkish cases

*Ilona Szuhai<sup>1</sup>*

The study presents a comparative analysis of migration management reforms in Hungary and the Republic of Turkey. It aims at serving as a contribution to determination of the role of the state in migration theories by examining that how the state promote or restrict migration and tries to be efficient in handling migration issues. The study reveals the reforms took place in the last decade in migration institutional systems of two, mainly transit countries: Hungary and the Republic of Turkey. Beside Hungary, Turkey was chosen for comparison, since the efficacy of Turkish migration management system has strategic importance for the European Union.

**Keywords:** migration management, state, law enforcement, aliens' policing, refugees, Hungary, Turkey

## I. Introduction

In the globalized world, states have to respond to adverse impacts of wicked issues like, among others, international migration. Due to those challenges, the public administration gets more complicated, since problems overreach the national governmental structures and break through national borders. For handling those transnational issues, therefore, new forms of global governance are needed, which are able to tackle complex problems in global and holistic ways.<sup>2</sup> In certain cases, the national regulation and management of migratory processes are resulted in effects overreaching regions. This is the reason why the Turkish migration strategy, the function of migration management system and its effectiveness is timely and has priority. Its direct impact on migration flow towards the European Union was verified by the migration crisis in 2015. The realization of Hungarian and Turkish migration strategy is appearing in creation of the institutional background, too.

With the view to the conceptualization of the topic, it is important to note that Douglas S. Massey has defined that among migration theories „a missing element is the state”.<sup>3</sup> In international migration management the role of the nation state has been increased since the 1970s and it has become the key actor recently. Concerning the securitization of migration, it is a priority how the state handles migration. As the state is responsible for the elaboration and implementation of migration policy, consequently, the ability of the state to enforce specific national policies is an additional consideration in connection with migration theories.<sup>4</sup> It is obvious today, that due to the complexity of international migration the migration theories and models do not give adequate answers to processes.<sup>5</sup> Massey argues that state capacity varies along “the efficiency of the nation’s bureaucracy, the strength of constitutionally embedded

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<sup>1</sup> Ilona Szuhai, PhD, University of Public Service. First Hungarian Immigration Liaison Officer in Turkey between 2009 and 2013. E-mail: [szuhai.ilona@uni-nke.hu](mailto:szuhai.ilona@uni-nke.hu), Orcid: 0000-0002-4200-0100.

<sup>2</sup> Anthony Giddens, *Szociológia* [Sociology] (Második kiadás. Budapest, Osiris Kiadó, 2008), 56.

<sup>3</sup> Douglas S Massey, 'A Missing Element in Migration Theories', *Migration Letters* 12, no 3 (2015), 279-299. 281.

<sup>4</sup> Massey, 'A Missing Element in Migration Theories', 281.

<sup>5</sup> Gunnar Malmberg, 'Time and Space in International Migration', in *International Migration, Immobility and Development. Multidisciplinary Perspectives*, eds. by Hammar et al (Oxford, Berg, 1997), 21-48.

rights, the degree of judicial independence in enforcing those rates, and the relative demand for entry the country and the strength of its tradition of immigration".<sup>6</sup>

In the scope of this study, public administrative reform means such changes in principles, organization, structures, methods or procedures that aim at improving public administrative process.<sup>7</sup> The migration management system is a complex task and organization system.<sup>8</sup> Changes in migration institutional systems of nation states are in connection with the situation of global and European migration governance.

## II. Method

The study focuses on how the migration management function searches for its place. It reveals the reforms took place in the last decades in migration institutional systems of Hungary and the Republic of Turkey. The basis of the comparative analysis is that both countries are considered not only as source and target but as transit countries.

For studying the complex phenomenon of migration, Turkey gives a specific case study, since she faces different migratory flows than European countries. Therefore, Turkish experiences may be useful for other countries, as well.<sup>9</sup>

Qualitative research strategy is used for the examination, by text analysis it is a proper method to search the causes and nexus of problems. The study has a revealing and comparing character with institutionalist aspect. In the case studies the examination of the migration management systems is based on Hungarian, Turkish and international literature as secondary sources.

The study examines the background of Hungary and Turkey from the following aspects:

- 1) geographical location and historical background;
- 2) the evolution of the complex migratory institutional system, which includes the policy transfer and Europeanization.

The study points out only the most important milestones which had impact on migration management.

## III. Comparative analysis

The evolution and development of aliens' policing show that the aliens' policing regulation is in close connection with societal, economic, political relations and contribute to the realization of general political and policy goals of a country.<sup>10</sup> The nexus of modern public administration and migration as governmental task arises at regulation and migration management level. The regulation of emigration, immigration and the societal, political integration of foreigners is an important part of the migration policy of a state. It is embedded into the societal, economic, international goals and state tasks. Government has to consider the specific geographical and geo-strategical status of the country when it elaborates its strategy on

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<sup>6</sup> Massey, 'A Missing Element in Migration Theories', 284.

<sup>7</sup> Gellén Márton, *Állam és közigazgatás új szerepben: Közigazgatási reformok és az állam szerepváltozásai* [State and Public Administration in New Role: Public Administrative Reforms and the Changing Roles of the State], (Budapest, Nemzeti Közszolgálati Egyetem, 2013), 25.

<sup>8</sup> Végh Zsuzsanna, 'Változások a migrációs igazgatásban Magyarországon' [Changes in the Migration Management in Hungary], in *Az idegenrendészeti intézményrendszer átalakulásának tapasztalatai Magyarországon és kitekintés az intézmény and the rendszer változásaira az Európai Unióban*, Teke András (szerk.), (Magyar Rendészettudományi Társaság Migrációs Tagozata Budapest, 2019. szeptember 17-18.), 65-78. 65.

<sup>9</sup> Juliette Tolay, 'Discovering Immigration into Turkey: The Emergence of a Dynamic Field' *International Migration*, 53, no 6 (2012), 57-73. 67.

<sup>10</sup> Nyárádi László, *Az idegenrendészet és a migráció kialakulása a magyar politikában* [Evolution of the Aliens' Policing and Migration in the Hungarian Politics], (ORFK OKK. Budapest, 1995), 9.

the entry, exit, residence and integration of foreigners, as well as, the sanctions in the case of violation of rules with the view to the specific geo-strategic situation of the state. Nevertheless, proper regulatory, implementation, management, budgetary and coordination conditions have to be provided.<sup>11</sup>

## **A Geographical location and historical background**

### *Hungary*

Hungary is situated in Central Eastern Europe. From irregular migration point of view, the Balkan route has determining role, which made Hungary a transit country for the migrant flows towards Western Europe.

Various historical periods and events influenced the institutional background of migration management. In the mirror of historical events the waves of closure and efforts for opening the country from the 1880s last till today. The dynamics of Hungarian capitalist development, the number of immigrants increased but the first World War limited the migration. On the one hand, after 1919, there was obvious limitation of the entry of foreigners, on the other hand, after the second World War, during the socialist legal and institutional system strict control prevailed. At that time, refugees flows started to appear. At the end of the 1950s the tourism started to increase, which reached millions in number by the second half of the 1960s. Since 1957, Hungary tried to develop international relation and tourism under the idea of opening. From the end of the second World War until 1987 refugee affairs institution did not exist, reception of the refugees took place on ideological base.<sup>12</sup>

Political changes in Hungary and in the region during 1989 and 1990 were also resulted in opening. After 1987, Hungary transformed from refugee source country to receiving, target and transit country. At that time the globalizing processes and the frequency of regional conflicts launched new, and till the 1990s, increasing migratory flows. Those processes were connected to the increase of travel opportunities among countries and regions. Due to the former Yugoslavian crisis the number of asylum-seekers dramatically increased: from 100 000 yearly in 1980s it changed to 692 000 in 1992, in Europe.<sup>13</sup> The characteristic of Hungary in the 1990s was that the foreigners who came to Hungary for residence originated mainly from neighbouring countries. Between 1990 and 1994, yearly 70-80 per cent of the asylum-seekers had Hungarian ethnicity.<sup>14</sup>

The political system changing was a turning point in transforming of the state type, modernization and rationalization of the public administration. After the establishment of the state type independent public administrative and public service modernization programs were needed, therefore, in 1992, comprehensive public administrative modernization program was prepared. The period between 1989 and 1994 was a historical era in the Hungarian public administration. In Hungary, the state-socialist system was fallen apart and was replaced by a domestic version of a modern civic state type. Perform of the political system changing created a civic type of state, and within that a civic type of public administration. Reforms and rationalizations promoted the modernization of this new type of state.<sup>15</sup>

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<sup>11</sup> Halász Iván, *A nemzetközi migráció és a közigazgatás* [International Migration and Public Administration], (Budapest, Budapesti Corvinus Egyetem Közigazgatástudományi Kar, 2011), 7.

<sup>12</sup> Nyárádi, *Az idegenrendészet és a migráció kialakulása a magyar politikában*, 9.

<sup>13</sup> Lukács Éva és Király Miklós (szerk.), *Migráció és Európai Unió* [Migration and the European Union], (Budapest, Szociális és Családügyi Minisztérium 2001), 307.

<sup>14</sup> Lukács és Király, *Migráció és Európai Unió*, 311.

<sup>15</sup> Verebélyi Imre, 'A rendszerváltozás, a reform, a racionalizálás főbb jellemzői és szakaszai' [Main Features and Stages of the Political System Changing, Reform, Rationalization], in *Rendszerváltozás és modernizáció a belügyi közigazgatásban (1989-1994)*, Verebélyi Imre (szerk.), 13-26. 13.

The latest wave of limitation prevailed in 2015 by the migration crisis. The unregulated mass influx of migrants and refugees resulted in unprecedentedly strict rules by the legal and physical closing of the border.

Examples of the latest decades show that the public administrative system has to constantly be made capable for managing and controlling the issues of foreigners within the context of the requirements of functioning as an EU Member State, which aiming at creation of the common immigration and refugee policy in the European Union.

### *Turkey*

The Republic of Turkey is situated such a region where severe problems have to be solved from the authoriter resistance to the weak economic development, from the state failure to the jihad.<sup>16</sup> Many of those promlems occure mass influx of migrants. The immediate environment of Turkey, the region of the Middle East bears several conflicts, which stimulated mass influxes in the past and create mass migration chance in the future, as well. The role of Turkey increased in 2015 in connection with the management of the migration crisis. According to the Frontex reports, in 2018 and 2019, the Eastern Mediterranean route was the main illegal border-crossing point of irregular migration towards the EU.

In history, the peak in reform of the Ottoman state was the establishment of the Turkish Republic, in 1923. Concerning population, the Turkish Republic struggled with demographical and economic challenges in its first decades. Therefore, in the nation building process, Turkey pursued the „open doors policy.” At the same time, settlement was motivated only by Turkish descend and culture based upon the Settlement Law. Consequently, this strategy can be called only „semi” open doors policy.

Historical evidences suggest that, in the first half of the 20<sup>th</sup> century nationalist ideologies influenced the Turkish migration policy. Traditional Turkish immigration policy was strongly defined by the nation building, the state sponsored immigration and the shaping of homogeneous national identity. After the Second World War the developmental paradigm determined the migration policy, what was advantageous for the labour migration by the mixing of the realist and liberal interpretation of state affairs. The era of massive emigration, the greatest labour migration to Western Europe started in the 1960s, which additionally, promoted the Turkish efforts of industrialization and modernization. Labour force migration was followed by the migration of family reunification. The outflow of Turkish asylum-seekers started in the 1980s towards Western European countries.<sup>17</sup>

The immigration to Turkey was renewed after the 1980s due to the economic, societal and political turmoil in the neighbouring countries, which resulted in migratory pressure towards developed Western countries.<sup>18</sup> New era started in the history of migration at the beginning of the 1990s. This was the period of transformation from emigration country to immigration country. Besides, the new form of irregular migration appeared in Turkey, which forced to transform the migration policy. From the second half of the 1990s the number of irregular migrants increased who used Turkey as transit in moving towards Europe. Those migrants came mainly from neighbouring countries, Iraq, Iran and Syria, as well as, from Afghanistan and Pakistan.<sup>19</sup> Then, at the beginning of the 2000s, economic immigration to Turkey started to evolve, as the result of market economy success.

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<sup>16</sup> Ziya Öniş and Mustafa Kutlay, 'The Dynamics of Emerging Middle Power Influence in Regional and Global Governance: The Paradoxical Case of Turkey', *Australian Journal Of International Affairs*, 71, no 2 (2016), 1-30. 26.

<sup>17</sup> Ahmet İçduygu, 'Turkey's Migration Transition and its Implications for the Euro-Turkish Transnational Space', in *Global Turkey in Europe II – Energy, Migration, Civil Society and Citizenship Issues in Turkey-EU Relations*, eds. by Senem Aydın-Düzgüt et al (IAI Research Papers. Roma, Edizioni Nuova Cultura 2014), 81-106. 84.

<sup>18</sup> Ahmet İçduygu and Damla B. Aksel, *Irregular Migration in Turkey* (Ankara, IOM. 2012), 7.

<sup>19</sup> Ibid.

In the last thirty years, Turkey faced with the transformative dynamics of migration, when net migration became positive as number of enters exceeded the number of exits. For long decades, Turkey was known as migration source country but today, it faces with the challenges of immigration, transit migration and massive refugee flows.<sup>20</sup>

Turkish public administration is based on European traditions, the Anglo-Saxon type of management. The embedded paradigm of Westernization has been linked up the Europeanization, since that time EU accession was deemed as the only way of modernization. Recently, it has been changed due to the negative attitude of the EU concerning Turkey EU membership. The EU accession negotiations probably will not bring positive result for Turkey by 2023, the centenary of the foundation of the Republic of Turkey.<sup>21</sup>

In 2018, the form of governance was changed and the presidential system was introduced, by which the centralized state was further strengthened. Transformation of Turkey indicates such a trajectory, which started with the Westernization, in 1923, it continued with integration into the globalizing world between 1983 and 1991 and it reached Europeanization by 2000. Today, we see the Europeanization without EU membership.<sup>22</sup>

### ***B Evolution of the complex migratory institutional system***

In Hungary and the Republic of Turkey, policy transfer and Europeanization played important role in the reforms of migration management system. The legal basis of it was that for the accession to the EU the candidate country has to be prepared for providing a unified implementing institutional system which are capable to carry out the pre-accession programs and capable for functioning as a member state. According to the Treaty of the EU (Article 10) it has to ensure the efficient implementation of the EU legislation. The implementation of the EU decisions and the legislation at member state level is the task of the national public administrative organizations. Consequently, the fragmented migration-related institutional systems and the separated policy directions above them endangered of the fulfilling of obligations.

In Hungary, the law enforcement character of the aliens' policing was transformed into a civil (non-uniformed), service-like management in the course of the reform processes at the beginning of the 2000s. As eleven years later, similar transformation was carried out in Turkey, and this migration management reform evolved parallel with the migration crisis in 2015. Due to the complex character and the securitization of migration issues, the reform of the migratory institutional system became a priority again on the Hungarian agenda. Consequently, the complex civil migration institution was transformed into aliens' policing police, in 2019. This study argues that the process was not simply a U-turn but the migration management stepped onto a new level in Hungary. Despite of the millions of Syrians and the security impacts of the situation, similar return of migration management to law enforcement did not take place in Turkey.

#### *Hungary*

From migration management point of view, during the political system changing such significant reforms were passed both, in the regulatory environment and in the institutional structure, which created the foundation of recent migration management, as well. Due to the reservation of the geographical limitation of the Geneva Convention, the Hungarian

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<sup>20</sup> İçduygu, 'Turkey's Migration Transition and its Implications for the Euro-Turkish Transnational Space', 84.

<sup>21</sup> Seriyе Sezen, 'International versus domestic explanations of administrative reforms: the case of Turkey', *International Review of Administrative Sciences*, 77, no 2 (2011), 322–346. 340.

<sup>22</sup> Szuhai Ilona, *A migrációs igazgatás reformja Törökországban a 21. században: lehetőségek, kihívások és eredmények* [Reform of the Migration Management in Turkey in the 21<sup>st</sup> Century: Opportunities, Challenges and Results], (Doktori (PhD) értekezés, Nemzeti Közszołgálati Egyetem, 2021), 213.

government agreed with the UN High Commissioner for Refugees (UNHCR) to conduct refugee status determination processes in its mandate in the cases of the asylum-seekers arriving from third countries.<sup>23</sup>

Although, the Police performed the aliens' policing tasks exclusively till 1989, the migration-related institution system was fragmented: tasks were at the Police, at the then Border Guard, Ministry of the Interior, the Governmental Offices and the Migration Office. The policy directions above those organizations were separated, consequently, the governmental migration policy will could not efficiently be realized. It endangered the efforts to improve the public security situation.<sup>24</sup>

Lack of a central organisation stood out, which is able to realize the transposition of EU legislation with standard implementation, the constant legal harmonization, comprehensive management of migration area, and the effective cooperation with EU organisations in the policy areas, in accordance with EU requirements. Conditions for the future function as a Member State had to be created.

Changes in competencies were the outcomes of reform processes in public administration. Important reform plan started in 1997, according to which the migration-related competencies does not need law enforcement type of implementation, should be taken out from the Police competency. According to the public administration development program of the government, migration-related competencies should transpose to other public administrative organizations. Further on, functions in connection with immigration, residence, refugee, and citizenship affairs should be institutionally approximated.

The goal of the government was to create a new, civil (non-law enforcement) migratory structure. This goal was completely reached by 1 January 2002 when the Office of Immigration and Nationality functioned as a unified migration management organisation with national competency. Governmental expectations were to create a unified implementation of rules, to increase the level of professionalism, to provide a service separated from the Police and law enforcement.

As twenty years later, due to the situation of international migration, adverse prospects, fight against terrorism, the interest in improving the security of the country and the predominant law enforcement functions in the tasks of the organisation, a governmental demand for the change of legal status of the institutional system was suggested.

In the history of the unified migration organisation, the most significant change took place on 1 July 2019. The status of the office became a law enforcement body. It got under the scope of the Act of the Police. Its name changed to National Directorate-General for Aliens Policing (further on: Directorate-General) and it is functioning as a Police organisation. The lawmakers reasoned that significant institutional change with that the aliens policing authority and the refugee authority by their mixed functions fulfil both public administrative and law enforcement tasks. In the former structure, public administrative tasks were predominant, but present refugee-related and aliens policing tasks expand over the general public administrative power. Beside these facts, in order to identify and screen the public security and national security risks arising during refugee-related and aliens policing tasks it is reasonable to transform the authority to law enforcement organization.

The Directorate-General belongs under the direction of the minister responsible for law enforcement, it is a central budgetary organisation, which fulfil aliens policing- and refugee-related tasks. Its structure divides into central organisation and directorates. In connection with the reformed institution, governmental expectations are, as a police organisation, to act

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<sup>23</sup> Végh, 'Változások a migrációs igazgatásban Magyarországon', 67-68.

<sup>24</sup> Végh, 'Változások a migrációs igazgatásban Magyarországon', 72.

definitely against illegal migration, and the persons violated the law and to contribute to strengthen the security with the view to national interests.<sup>25</sup>

The speciality of the migration institution system is that Directorate-General ensures the new generation of the staff. In 2012, the Department of Immigration was established at the Faculty of Law Enforcement of the University of Public Service. The members of the Department are directed from the own staff of the Directorate-General. This form of education is a special one, after which the Directorate-General receives skilled and graduated colleagues who are able to start working without further preparation time.<sup>26</sup> The introduction of migration training as tertiary education can be deemed as innovation in domestic and, also international environment, since it is a unique practice to integrate the political science, military and law enforcement education at tertiary education level.”<sup>27</sup>

### *Turkey*

Making public administration more efficient in the area of migration is a part of comprehensive reform processes and is in connection with Europeanization. The migration situation of Turkey demands comprehensive, modern and effective migration management system. In order to reach that goal government realized significant reforms in the migration management. The most important moment of that was to pass the Act on Foreigners and International Protection (further on: Law package) on 4 April 2013.<sup>28</sup> Then President, Ahmet Gül and then Prime Minister, Recep Tayyip Erdoğan called that development a historical moment. The European Union and the international organisations praised the Law package, since it indicates that Turkey is committed to the principle of international protection by building a migration management institution system according to the EU and international norms.<sup>29</sup>

The transformation of the legal and institutional background of migration management was an innovative step. The following factors give the historical character of the recent reform of migration management:

- 1) Previously, the migration area was characterized by police predominance, but is has gradually changed and a new institution took over its role. By this, in immigration policy the policing-centred decision making got into civil public administration;
- 2) Asylum and generally, the legal status, rights and obligations, as well as the societal integration of foreigners and the persons need international protection were regulated by a legal Act for the first time.

The Law package contains three parts, regulation:

- 1) on Foreigners;
- 2) on International Protection;
- 3) on the establishment of the Directorate General for Migration Management.

Accordingly, the Law package lays down entry, stay and integration of foreigners, as well as, asylum procedure, the rights and obligations of all participants in procedures. The regulations on the establishment of the Directorate General for Migration Management came into effect immediately in 2013. The regulations on Foreigners and on International Protection came into force in 2014. There was one year to prepare the bylaws and institutions in the provinces, recruit the new staff and the handover the police tasks.

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<sup>25</sup> Végh, 'Változások a migrációs igazgatásban Magyarországon', 78.

<sup>26</sup> Szuhai Ilona, A migrációs képzés tapasztalatai a Nemzeti Közszerológati Egyetemen [Experiences of the Migration Education at the University of Public Service], *Migráció és Társadalom*, 2016, no 2 (2016), 1-13. 4.

<sup>27</sup> Hautzinger Zoltán, 'A migráció és az idegenjog rendészeti felsőoktatásáról' [About the Law Enforcement Higher Education of Migration and Aliens Law], in: *A toll sokszor erősebb, mint a kard*, Deák József et al. (szerk.), (NKE Rendészettudományi Kar, Budapest, 2016), 112-123. 114.

<sup>28</sup> Law No. 6458 on Foreigners and International Protection published in the Official Gazette dated 11.04.2013 and numbered 28615.

<sup>29</sup> Szuhai, A migrációs igazgatás reformja Törökországban a 21. században, 180.

Before 2013, Turkey did not have comprehensive Act on Aliens' Policing or Act on Asylum. Previous migration-related regulations were fragmented in legislation, in various decades-old acts or decisions. Therefore, the implementation based on complicated system of internal ordinances, which did not provide unified enforcement in the 81 provinces of the country. Before the reform of the migration management system, till 11 April 2014, the Police were the competent authority in migration- and refugee related matters. The speciality of the Turkish asylum system is that the Republic of Turkey upholds the geographical limitation in implementing the Geneva Convention of 1951 on the status of refugees even today. Although, the European Union regularly demand the lifting of that reservation as a condition for the accession.<sup>30</sup>

Beside the European requirements, the main reason of passing the Law package was that Turkey ratified the majority of international human rights conventions after passing the previous laws (Passport Law, Settlement Law and so on) based on the regulations of the 1924 Constitution. That constitution narrowly declared basic rights. Consequently, Turkey wanted to fulfil international obligations properly and they wanted to regulate rights and obligations of foreigners at the highest legal level. Moreover, the Law package tried to create balance between the previous security-oriented regulation and human rights.<sup>31</sup>

In connections with the reforms introduced by the Law package, governmental expectations from policy point of view were to have a solid migration management policy, effective act against irregular migration, at the same time to provide consistent framework for legal migration by creating an efficient and manageable system keeping the balance between security and freedom in accordance with EU norms.

At the end of 2021, the status of the Directorate General of Migration Management changed to Presidency within the Ministry of the Interior by a Presidential Decree.<sup>32</sup> It became the Presidency of Migration Management and it has more directorate generals: Directorate General of Foreigners, Directorate General of International Protection, Directorate General of Combating Irregular Migration and Deportation Procedures, Directorate General of Harmonization and Communication, Directorate General of Management Services.<sup>33</sup>

Duties of the Presidency of Migration Management, among others, developing legislation and administrative capacity in the field of migration and monitor and coordinate the implementation of policies and strategies determined by the president of the republic; carry out activities and actions related to migration; protection of victims of human trafficking; conduct determination procedure of statelessness. As the outcomes of the reform process, presently this centralized, civil institution perform the tasks in connection with entry, stay, detention and return of foreigners and with international protection within the Ministry of the Interior.

Beside central level, the second line of migration management means the provincial migration directorates in 81 provinces. Third level means Turkish foreign representations abroad, where counsellors manage visa and residence applications.

In recruiting the staff of the new institution, it did not take over the experts from the Police. Civil, graduated members started to work with knowledge of foreign languages, especially Arabic, some African or Asian languages.

In migration management one of the biggest challenges for Turkey was the transformation of migration-related regulation and civil, unified institutional system, which took over

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<sup>30</sup> Szuhai Ilona, A történelmi hagyományok szerepe a török migrációs politikában [The Role of Historical Traditions in the Turkish Migration Policy], *Acta Humana*, 2016, no 4 (2016), 79-90. 80.

<sup>31</sup> Szuhai Ilona, 'Az első török lépések a korszerű migrációs igazgatás kialakításában' [First Turkish Steps in Forming the Modern Migration Management], in *Pécsi Határőr Tudományos Közlemények*, XIV. Tanulmányok "A változó rendszert aktuális kihívásai" című tudományos konferenciáról. Gaál Gyula, Hautzinger Zoltán (szerk.) (Pécs, Magyar Hadtudományi Társaság Határőr Szakosztály Pécsi Szakcsoport, 2013). 309-315. 310.

<sup>32</sup> Presidential Decree No. 85 published in the Official Gazette dated 29 October 2021 and numbered 31643.

<sup>33</sup> <https://www.goc.gov.tr/>



competencies from the Police. Catalyst of the process was the increasing migration pressure as result of the Syrian and other conflicts in the region.

#### IV. Conclusion

The study presented a short comparative analysis of migration management reforms in Hungary and the Republic of Turkey. It revealed the reforms took place in the last decade in migration institutional systems of the two, mainly transit countries. The 21<sup>th</sup> century gave a new period of migration transformation. Globalization and Europeanization resulted in the transformation of the migration policies. The new migration policies are parts of the modernization of the state and public administration, as well as the Europeanization process in both countries. Beside the historical impacts, the transit character of the country, the current status of international migration and the governmental goals played determining role in elaborating the migration strategy.

Based on the research, it can be stated that different institutional background of the country may lead to the balance of security and freedom of movements. At the same time, the governmental expectations from migration management institutional reforms are the same:

- 1) Preserve the safety and national interests of the country;
- 2) Act efficiently against illegal migration;
- 3) Strengthen the security.

The findings of the comparative analysis of migration management reforms have underpinned the similarities and significant differences of the Hungarian and Turkish migration policy. Similarities and differences in migration policy manifested in migration institutional systems, too.

The political system changing in Hungary was a milestone in the migration management. The country became open, the increasing number of foreigners, the modernization of the public administration, as well as, the increasing transit migration, later the EU requirements demanded a central unified migration management organization.

The important legal and institutional reform processes concerning migration and the pass of the new law on foreigners and international protection reflect the political will that Turkey wanted to fulfil the European requirements and would like to manage and control better the irregular migration flowing in its territory. At the same time, the Turkish government did not take the opportunity to perform a real historical reform by lifting the geographical limitation attached to the Geneva Convention and implement it without limitation.

In the certain periods influenced by historical and political impacts, the changes of the dynamics of Turkey's migration show that both, historical legacy and reforms exist in migration policy. This policy is still under transformation due to constant migration pressure, fast changes of global migration and the Europeanization. Therefore, Turkey's migration strategy directly affects migration concerning the EU.

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Presidential Decree No. 85 published in the Official Gazette dated 29 October 2021 and numbered 31643.

# Extreme Crisis Situations as Stress Factors in Police Work

Vince Vári<sup>1</sup>

The article briefly overviews the most significant recent crises affecting police work. Such were, among others, the Covid-19 pandemic situation, the migration crisis, and the refugee crisis caused by the Russian-Ukrainian war. These situations have significantly reshaped the framework of police work and, in addition to increasing workloads, have presented many new challenges for the police force. The study analyzes the harmful effects of workplace stress and the specific features of police work. The results of the most critical domestic and international research related to police work will also be discussed. Highlighting the areas where stress research is fundamental, such as maintaining the mental health of the police force, keeping them on the job, and reducing the factors of leaving the job, are all in the social interest.

**Keywords:** policing models, community policing, evidence-based policing, predictive policing

## I. Introduction

In this paper, I will briefly describe the crises that have emerged over the last decade, which have adversely affected the overall policing and are still exerting extreme pressure on the police. It is well known that the European Union is facing the phenomenon of illegal migration as an increasingly severe security policy challenge<sup>2</sup>, given the flood of illegal migrants arriving in Europe every year.<sup>3</sup> It is a real threat due to its wild nature and the activities linked to and profiting from it (e.g., smuggling, trafficking, organized crime, production of false travel and identity documents, growth of the black economy, corruption, etc.). Illegal migration is a source of many economic, health, and social tensions. Perhaps an even more significant crisis in 2019 was the COVID-19 pandemic, which has spread worldwide and has been and still is a public health emergency in many places for a prolonged period. A current crisis is a Russian war in Ukraine, which has caused a significant wave of refugees in Europe in a short time. The scale of the previous wave of refugees in Europe in 2015 is far below this. Managing the situation caused by the large concentrations of refugees has also resulted in severe policing challenges.<sup>4</sup> Law enforcement agencies have a crucial role to play, either in controlling the spread of disease or in maintaining and promoting public order and safety in the face of an increasing migratory burden. In most countries, including Hungary, unprecedented government and law enforcement measures have been put in place to protect the health and safety of the population in response to crises, and exceptional legal regimes have been introduced.<sup>5</sup> The responsibility of enforcing the measures taken has meant that all professional service personnel has had to face various challenges, which have been added to their general policing duties and have also placed a

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<sup>1</sup> Dr. Vince Vári police lieutenant.colonel, PhD in Law, Senior Lecturer Professor, University of Public Service (Budapest, Hungary), Faculty of Law Enforcement, Department of Criminal Procedure law ORCID: <https://orcid.org/0000-0001-6416-1645> variv@uni-nke.hu

<sup>2</sup> In connection with the stress on the police, it is worth mentioning that crime is also a source of anxiety for the population. Several related surveys have been conducted in our country as well; for example, a 2015 survey in Debrecen confirmed this. Mátyás, Szabolcs, „Szubjektív biztonságérzet – lakossági vélemény a közbiztonságról és a rendőrségről.” *Magyar Rendészet*, no.5. (2015), 159-170.

<sup>3</sup> <https://www.europarl.europa.eu/news/hu/headlines/society/20170629STO78632/a-migracios-kerdes-europaban> (12.06.2022)

<sup>4</sup> <https://www.consilium.europa.eu/hu/policies/eu-migration-policy/refugee-inflow-from-ukraine/> (12.06.2022)

<sup>5</sup> [https://www.parlament.hu/documents/10181/39233854/Infojegyzet\\_2021\\_67\\_kulonleges\\_jogrend.pdf/20d4277a-094b-8f9a-d57e-cdd3ecab68aa?t=1636034064832](https://www.parlament.hu/documents/10181/39233854/Infojegyzet_2021_67_kulonleges_jogrend.pdf/20d4277a-094b-8f9a-d57e-cdd3ecab68aa?t=1636034064832) (10.07.2022)

psychological burden on them. Whether it was the constant risk of infection from epidemics, compulsory vaccination, the need to work in different locations due to the delocalization of duties, or the range of operating conditions and tasks other than those of the fundamental duties. The changing and increasing workloads of these and other priority crises are major stress factors in the lives of staff. In some cases, governmental and professional plans and decisions have not been taken to address and compensate for these adverse effects, which may further reduce the attractiveness of a career in the police and increase the mental and physical erosion of police personnel. Above all, the most important thing is to be aware that crises place a considerable burden on police officers, which cannot be compensated for by financial means alone (or even not at all) since the aim should be to increase their resilience.

## II. Major exceptional events in the last decade

### A *An Illegal migration*

*Migration* is a process in which people change their place of residence or society so that this change becomes permanent and permanent. A typical case of population movement is labor migration, which has been going on for centuries. In addition to the intention to work, some factors increase the propensity to migrate. There is also a centuries-old, perhaps even millennia-old, history of migration of religious, ethnic, and politically persecuted persons. The uncontrolled presence of large numbers of migrants in settlements, a foreign crowd, also due to its demographic composition (a large proportion of them young men), has generated considerable fear among the Hungarian population due to its lack of resources and behavior from local cultural habits.<sup>6</sup> This increased fear has led to a significant decrease in the subjective perception of security. The police have been at the forefront of addressing and managing by increasing their presence in border settlements and taking action in situations of insecurity.<sup>7</sup> The current wave of migration, which has hit Hungary particularly hard since spring 2015, is a significant challenge for domestic administrations, especially those involved in migration, local authorities, and, in particular, the police.<sup>8</sup> Mass migration is creating a constant shortage of staff and a security vacuum for the police, which is an additional task for the police in immigration, public order, and criminal justice.<sup>9</sup>

In many cases, criminal proceedings are necessary, but treating them as an ultima ratio alongside alien policing procedures is more appropriate.<sup>10</sup> State and local government organizations are doing heroic work to cope while simultaneously seeking solutions and partners. Because they alone do not have the human capacity to deal with this particular workload.<sup>11</sup> Ensuring significant and continuous redeployments to border duties distracts police officers from their core service, making their working environment unpredictable. Nothing better illustrates the unsustainability of the situation than the government's decision this summer to set up a particular border hunter unit at the border. That will reintroduce a separate group of staff to carry out border patrol and protection tasks, significantly reducing the

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<sup>6</sup> Rácz, Attila, „A tömeges irreguláris migrációs válságon innen és túl –együttérzés, elutasítás, szolidaritás.” *Rendőrségi Tanulmányok*, no. 3. (2018), 49-70.

<sup>7</sup> <https://hirado.hu/belfold/cikk/2022/02/07/egy-atlagos-hetvege-a-hataron-kozel-hatszaz-hatarserto-ellen-intezkedtek-a-rendorok> (10.07.2022)

<sup>8</sup> Szabó, László A, „A migráció hatása a közigazgatásra.” *Magyar Rendészet*, no.1. (2017), 159-175.

<sup>9</sup> Amberg, Erzsébet, „Migráció, büntetőjog, ultima ratio.” In: *A migráció bűnügyi hatásai*. ed by Hautzinger, Zoltán. (Budapest: Magyar Rendészettudományi Társaság Migrációs Tagozat, 2016) 203-214., 213.

<sup>10</sup> Hautzinger, Zoltán, „A migráció szabályozásának reaktív tényezői.” *Belügyi Szemle* 68, no. 9. (2020), 47-62. 61.

<sup>11</sup> Szabó, „A migráció hatása a közigazgatásra.”

burden on police staff in counties other than border municipalities.<sup>12</sup> In any case, digitizing and using national data assets will contribute to this relief.<sup>13</sup>

## **B Covid 19 pandemic**

The first news of the COVID-19 pandemic reached the European continent in January 2020. The WHO declared COVID-19 a public health emergency of international concern on 30 January 2020 and an epidemic on 11 March 2020 (Balkhair 2020). The fact that the symptoms of the disease were sufficiently vague, in many cases not presenting themselves at all, made it difficult to recognize the situation.<sup>14</sup> In most countries, the disease appeared long before it could be detected.<sup>15</sup> As a result, the various governments were slow to react. In the first phase of the epidemic, all countries watched China, where the outbreak originated. On 11 March 2020, the day Covid-19 was declared a pandemic, a state of emergency was declared in Hungary by Government Decree 40/2020 (11 March 2020) (Government Decree 40/2020). Subsequently, several restrictive measures were introduced to mitigate the epidemic's effects. These were aimed at reducing the chances of the spread of the infection. One means of doing this was to take official measures to ensure enforcement.<sup>16</sup> Of course, the effectiveness of protection based on voluntary compliance with the law is greatly influenced by government communication, access to accurate information, and the level of development of the society concerned, as reflected in the conscious behavior of citizens. To protect citizens, the right to freedom of movement and freedom of assembly had to be the most restricted.<sup>17</sup> Both restrictive measures were aimed at minimizing personal encounters between people. In this way, it was hoped that infected people would continue to infect fewer people, thereby slowing the spread of the epidemic. The restrictive measures included a total restriction on the right of assembly. These severe restrictions are in line with global trends. It must be stated that conditions may be justified, but they cannot be used to dismantle democracy.<sup>18</sup> The police have played a prominent role in the protection by temporarily reintroducing border controls, monitoring compliance with protection measures, sanctioning illegal behavior, and operating the hospital command system.<sup>19</sup> The police have been given several additional tasks. However, some of the paper-based work has been replaced by electronic workflows, and digitization has also greatly helped the police in the context of recording data in registers.<sup>20</sup> Many of the numerous decrees issued in response to the multi-wave coronavirus epidemic included police, particularly law enforcement, tasking, which resulted in increased workloads and redeployment of police staff. This situation has led to further considerable uncertainty among staff. And the consequence has

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<sup>12</sup> <https://magyarnemzet.hu/belfold/2022/07/elkezdodott-a-hatarvadaszok-toborzasa> (10.07.2022)

<sup>13</sup> Nyitrai, Endre, „A magyar nemzeti adatvagyon jelentősége a bűnüldöző szervek munkája során,” *Információs Társadalom*, no. 1. (2022), 78.

<sup>14</sup> Singhal, Tarun, „A Review of Coronavirus Disease-2019 (COVID-19).” *Indian J Pediatr* 87, (2020), 281–286.

<sup>15</sup> Ray, Andreson, Hans, Heestereek, Don, Klinkenberg, Deriedre, Hollingsworth, „How will country-based mitigation measures influence the course of the COVID-19 epidemic?” *The Lancet* 10228, no. 395. (2020).

<sup>16</sup> Balla, Zoltán, "Order Security – National Security Administration. National Security Defense As Special Administration," *Curentul Juridic, The Juridical Current, Le Courant Juridique*, (Petru Maior University, Faculty of Economics Law and Administrative Sciences and Pro Iure Foundation 38), 2009, 71-85..

<sup>17</sup> Wolf MS, Serper M, Opsasnick L, O'Connor RM, Curtis L, Benavente JY, Wismer G, Batio S, Eifler M, Zheng P, Russell A, Arvanitis M, Ladner D, Kwasny M, Persell SD, Rowe T, Linder JA, Bailey SC, „Awareness, Attitudes, and Actions Related to COVID-19 Among Adults With Chronic Conditions at the Onset of the U.S. Outbreak: A Cross-sectional Survey.” *Ann Intern Med* 173, no. 2. (2020), 100-109.

<sup>18</sup> <https://www.ohchr.org/EN/Issues/AssemblyAssociation/Pages/Covid19freedomAssembly.aspx> (access) (10.07.2022)

<sup>19</sup> Skorka, Tamás, „Rendőrség a koronavírus ellen.” *Magyar Rendészet* 20, no. 4. (2020), 173-192.

<sup>20</sup> Nyitrai, Endre, „A koronavírus elleni küzdelem és a nemzeti adatvagyon újrahasonosítása a rendőrség vonatkozásában.” In: *A járvány hosszútávú hatása a magyar közigazgatásra* by ed Rixer, Ádám (Budapest: Károli Gáspár Református Egyetem Állam- és Jogtudományi Kar Lőrincz Lajos Közjogi Kutatóműhely) 2021, 340.

been compounded by the introduction of mandatory protective clothing for public sector employees, including the police.<sup>21</sup>

### ***C Russian-Ukrainian conflict***

The crisis in Ukraine has not only had and continues to harm the security of Europe but has also created tensions between Russia and Western countries in world politics. The background to the outbreak of hostilities in Russia's Ukraine is too complex to be presented here. The war from the Russian side – in Russian terminology, a special military operation – is aimed at the "demilitarisation" and "denazification" of Ukraine, as well as the liberation of the territories of the Donetsk and Luhansk republics and their annexation to the Russian Federation.<sup>22</sup> From the Ukrainian side, the declared objectives include fully recovering the parts under Russian control, including the Crimean peninsula. At this stage of the war, the focus on both sides is on achieving realities through the armed forces. Neither side can achieve a result at the negotiating table that would bring it closer to its own stated objectives. The situation on the battlefield will be the basis for any negotiating situation when the will of one side is broken, or the economic or military means to continue the war are exhausted.<sup>23</sup> On 4 March 2022, the EU activated the Temporary Protection Directive. This legislation is intended to alleviate pressure on national asylum systems and allow displaced persons to enjoy harmonized rights across the EU. *Temporary protection* is an emergency mechanism that can be activated in the event of a mass influx of displaced persons. It is designed to provide immediate and collective protection to displaced persons who cannot return to their country of origin.<sup>24</sup> According to UNHCR, more than 5.5 million people have fled Ukraine since the fighting began on 24 February.<sup>25</sup> In March, the number of Ukrainians migrating to Europe was already many times higher than any wave of refugees in nearly 30 years. That was just the emigration from Ukraine, with an additional 7 million people from within the country moving mainly westwards in the last two months, according to International Monetary Fund (IMF) estimates. The wave has mostly affected countries bordering Ukraine, with Poland receiving the most people in need, but more than half a million have already fled to Hungary.<sup>26</sup> Migration pressure at Ukrainian border crossings with Hungary has not decreased since the beginning of the war. While irregular border crossings and increased people smuggling at the southern border have to be prevented by a significant police presence, the war has led to increased immigration and alien procedures for the large influx of people into the country.

### **III. The concept, role, and significance of stress**

In a concise article of only one page, János Selye, who was working in Canada then, published a discovery that set a new direction for the development of medicine (and the whole of biological science). It is probably the most significant discovery for which its author never won the Nobel Prize.<sup>27</sup> As János Selye put it, stress is the body's non-specific response to any stress,

<sup>21</sup> <https://www.napi.hu/magyar-gazdasag/sulyos-letszambahiany-johet-a-rendorsegnet-kotelezo-oltas.739296.html> (10.07.2022)

<sup>22</sup> <https://www.rferl.org/a/putinrecognizes-ukraine-separatists-territorial-claims/31717306.html>

<sup>23</sup> Kemény, János, „Orosz–ukrán háború: kezdeti megfigyelések.” *Honvédségi Szemle Hungarian Defence Review* 150, no. 5. (2022), 14–33. <https://doi.org/10.35926/HSZ.2022.5.2>

<sup>24</sup> <https://www.consilium.europa.eu/hu/policies/eu-response-ukraine-invasion/eu-solidarity-ukraine> (10.07.2022)

<sup>25</sup> <https://www.penzentrum.hu/gazdasag/20220502/nem-keszult-ekkora-menekulthullamra-a-vilag-55-millioan-hagytak-el-ukrajnat-a-haboru-kezde-ota-1124472> (10.07.2022)

<sup>26</sup> <https://www.portfolio.hu/global/20220423/a-2015-os-menekultvalsag-semmi-sem-volt-az-ukranok-mostani-rohamahoz-kepest-540803> (10.07.2022)

<sup>27</sup> Haller, József, Hazafi, Zoltán, Kóródi, Gyula, *Stressz, kiegész, és törvényi szabályozás, Kiegészmegelőzés és stresszmenedzsment a közigazgatásban*. (Budapest: Dialóg Campus Kiadó, 2017), 1.

to any stimulus that throws it out of its original equilibrium, forcing it to adapt.<sup>28</sup> Later, the definition of stress was supplemented by two crucial factors in the stress process, the "cause" (environmental stressors or stimuli, such as significant life events or everyday inconveniences) and the "effect" (the subjective responses triggered by stress, i.e., the so-called appraisal process and coping responses).<sup>29</sup> Stress is part of our everyday lives and is, therefore, a necessary part of our physiology. Chronic stress, on the other hand, is already highly damaging and destructive to the body. One of the significant research findings on stress was that the adverse effects of stress are magnified when the stressor occurs at unpredictable times and frequencies or lasts for an unexpected time. In short, uncertainty amplifies stress responses.<sup>30</sup> The unpredictability factor can be significantly mitigated by resilience, which is resilience that can withstand stress. It is a daily observation that life events affect each person differently. One person collapses when another resists, although their situations can be boldly described as mirror images of each other. Two critical questions can be asked about the phenomenon of resistance to resilience: what is the cause of individual differences, and how can resilience be enhanced?<sup>31</sup> Resilience is a positive way of coping with difficulties in the past, i.e., firmly rooted in the history, but it also allows for the development and strengthening of the personality.<sup>32</sup> In the past, it was thought that successful adaptation required specific skills.<sup>33</sup> But more recently, it has become clear that resilience is 'ordinary magic' that does not require extraordinary skills. It also means that these adaptive skills can probably be developed. Two important points emerge from the stress theory side of our topic. Crises increase the number of harmful stress hormones (distress) as a stressor of uncertainty, while the need to develop resilience emerges within the organism.

#### IV. Stress at work

Stress at work and the "distress" experienced by the individual are closely interrelated and, if not addressed promptly, can easily lead to burnout, i.e., the development of emotional disturbances.<sup>34</sup> Excessive work stress can damage workers' health if they are not allowed to change their working conditions.<sup>35</sup> It is mainly the case when the work environment or the specific task is already emotionally demanding.<sup>36</sup> Also of particular concern is the imbalance between effort and reward, i.e., if the energy invested in work is not commensurate with the compensation, it creates a dissonant state that can lead to health damage. It can be physical, e.g., cardiovascular, and psychological, e.g., depression. Reducing stress at work is a crucial element in preventing mental illness.<sup>37</sup> The unexpected, unpredictable tasks and challenges

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<sup>28</sup> Selye, János, *The stress of life*. (New York: McGraw-Hill, 1956)

<sup>29</sup> Lazarus S. Richard, Folkman Susan, *Stress, appraisal, and coping*. (New York, Springer, 1984)

<sup>30</sup> Willner, Paul, Anthony Towell, David Sampson, S Sophokleous and Richard Muscat. "Reduction of sucrose preference by chronic unpredictable mild stress, and its restoration by a tricyclic antidepressant." *Psychopharmacology* 93 (2004): 358-364.

<sup>31</sup> Haller et al., *Stressz, kiégés, és törvényi szabályozás, Kiegészítő és stresszmenedzsment a közigazgatásban*

<sup>32</sup> Szabó, Renáta Krisztina, Máth, János, Sztancsik, Veronika, „A reziliencia és a proaktív megküzdés összefüggéseinek vizsgálata.” *Alkalmazott Pszichológia* 19, no. 4. (2019), 73-99.

<sup>33</sup> Ribiczey, Nóra, „A rizikótényezőktől a protektív mechanizmusokig: a reziliencia fogalmának alakulása a pszichológiában.” *Alkalmazott Pszichológia*, 10: no. 1–2. (2008), 161–171.

<sup>34</sup> Frigy, Éva, Gyöngyi, „A rendvédelmi és honvédelmi beavatkozási állományt érő munkahelyi stresszfaktorok és hatások”. *Hadtudományi Szemle* 13, no. 2. (2020) 93-109.

<sup>35</sup> Salavec, Gyöngyvér, Neculai, Krisztina, Jakab, Ernő, „A munkahelyi stressz és az énhatékonyság szerepe a pedagógusok mentális egészségének alakulásában.” *Mentálhigiéne és Pszichoszomatika* 7, no. 2.(2006), 95–109.

<sup>36</sup> Czenczer, Orsolya, „A gyermekbántalmazás és az erőszakos bűnelkövetés összefüggéseinek vizsgálata a hazai büntetés-végrehajtásban.”. *Acta Juridica et Politica: (Szeged: Szegedi Tudományegyetem Állam- és Jogtudományi Kar, 2018)*, 187-198.

<sup>37</sup> Hollósy-Vadász Gábor, „A közszolgálati munkavégzéssel kapcsolatos jellemzők, tapasztalatok, a munkahelyi és magánéleti stressz hatása a munkavégzésre.” In: *A közszolgálati tisztviselők élet- és munkakörülményei*,



faced by law enforcement and defense personnel place an enormous strain on their physical and psychological health. In this case, it increases the likelihood of unforeseen health problems and their occurrence among individuals prone to stress. Ultimately, these conditions can determine personnel's survivability and ability to perform their duties, whether in an emergency or under normal conditions.<sup>38</sup> For example, establishing transparent, professional rules could reduce the workload and stress on staff.<sup>39</sup> Working conditions are almost the most significant stressors that can lead to the so-called "stressors of the workplace." Work conditions are almost always the main stressors that can cause "distress," such as working in dangerous conditions (police, firefighters) or having to work shifts.<sup>40</sup> The latter can be a direct cause of illness due to the disruption of the biological rhythm of the day or an indirect cause of disease as a psychological stressor.<sup>41</sup>

## V. Research on police stress at home and abroad

Research in recent years has shown that police work is a highly stressful and demanding occupation. A police officer is exposed to several stressors, such as the uncertainty and danger associated with the constant threat of violent attacks, the increase in gun violence in large cities, poor human and material resources, underpayment and resentment from the public, and lack of understanding from family and friends.<sup>42</sup> Several studies have tried to map police stress and its sources since the 1980s. Research on the subject has intensified since the 2000s. Research has focused on the origins of stress in police officers and its adverse effects on their health and work performance.<sup>43</sup> More recently, Baldwin and colleagues (2019)<sup>44</sup>, Wassermann and colleagues (2019)<sup>45</sup>, and Ermasova and colleagues (2020)<sup>46</sup> have contributed to the study of stress and the

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*társadalmi helyzete Magyarországon.* Ed by Stréhli-Klotz, Georgina; Szakács, Gábor (Budapest, Magyarország: Nemzeti Közszerológiai Egyetem Közigazgatási Továbbképzési Intézet, 2020), 114-164.

<sup>38</sup> Bolgár, Judit, Csomós, István, „A rendőrségi bevetési feladatok követelményeihez kapcsolódó kiválasztási eljárások fejlesztése, különös tekintettel az extrém stressz reakciókra.” *Hadtudományi Szemle* 5. no. 2. (2015), 268–278.

<sup>39</sup> Gárdonyi, Gergely, „Kógencia a bűnügyi helyszínelésben.” *Magyar Bűnüldöző* 2, no. 1. (2011), 47-62.

<sup>40</sup> Gárdonyi, Gergely, „CSI Magyarország - tények és távlatok a hazai bűnügyi helyszínelésben.” In: *Pécsi Határőr Tudományos Közlemények* 11. 2010, 103-110.

<sup>41</sup> Juhász, Ágnes, „Munkahelyi egészségfejlesztés elméletben és gyakorlatban.” *Alkalmazott Pszichológia* 8, no. 2. (2006), 89-102.

<sup>42</sup> Webster, James, „Police officer perceptions of occupational stress: the state of the art.” *Policing* 36, (2013), 636–652., Magnavita, Nicola., Capitanelli, Ilaria, Garbarino, Sara., and Pira, Einollah, „Work-related stress as a cardiovascular risk factor in police officers: a systematic review of evidence. *Int. Arch. Occup. Environ. Health* 91, (2018), 377–389. Purba Alexander, and Demou Evangelia, „The relationship between organizational stressors and mental wellbeing within police officers: a systematic review.” *BMC Public Health* 19: (2019), 1286.

<sup>43</sup> Hickman J. Matthew, Fricas Jennifer, Strom Kathryn., and Pope W. Michael, „Mapping police stress.” *Police Quarterly* 14, (2011) 227–250., Violanti M. John, Owens L., Sheryl. McCanlies Erin, Fekedulegn Desta, and Andrew E. Michael „Law enforcement suicide: a review.” *Policing* 42, (2019) 141–164.

<sup>44</sup> Baldwin, Simon, Bennell, Craig, Andersen P. Judith, Semple Tori, and Jenkins Bryce, „Stress-activity mapping: physiological responses during general duty police encounters.” *Frontiers in Psychology* 10, 2216. (2019).

<sup>45</sup> Wassermann, Ariami, Meiring, Deon, Becker, Jurgen Renier. „Stress and coping of police officers in the South African police service”, *South African Journal of Psychology*. 49, (2019), 97–108.

<sup>46</sup> Ermasova, Nataia, Cross, D. Ardis, and Ermasova, Evgenia, „Perceived stress and coping among law enforcement officers: an empirical analysis of patrol versus non-patrol officers in Illinois, USA” *Journal of Police and Criminal Psychology* 35, no. 2. (2020), 1-16

psychological/physical health of police officers. Related studies have focused on occupational stress<sup>47</sup>, while other studies have examined burnout among police officers.<sup>48</sup>

Regarding occupational stress among Hungarian police officers, it can be said that they are least satisfied with their material. Moral perception and other factors are the most stressful for officers and non-commissioned officers.<sup>49</sup> For NCOs, the longer they serve, the less active they become, the less motivated they are to work, and the more health complaints they have.<sup>50</sup> The organizational culture of the police is closely linked to the experience and management of stress. Generational differences have recently become a major challenge. In the training of officers, a significant proportion of the teaching staff is of Generation X, while the student staff is now predominantly Generation Z, with all its characteristics. All these characteristics pose severe challenges for the teaching staff of the law enforcement colleges where baccalaureate-based police officer training is currently being offered.<sup>51</sup> In Hungary, there is no comprehensive stress survey of the police organization as a whole, so we can only conclude the conditions in the Hungarian police force from studies and surveys by a few independent researchers. The stress caused by crises, especially migration pressures, have been identified as stress factors that exacerbate the adverse consequences of the spillover of stressors from the organizational culture.<sup>52</sup>

## VI. Summary

Stress at work impacts life as a whole and doubles the risk of any disease, especially cardiovascular disease. Stressed workers cannot perform, adapt or sleep. Stress at work costs more than €10 billion extra in the EU. It also translates into increased health burdens and work-related accidents, which are closely linked to stress and cause €55 billion in damage yearly. Approximately 40 million people in the Member States are affected, representing a budget burden of €20 billion.<sup>53</sup> Stress research in police work is a vital issue, as increased stressors in the workplace and organizational culture cannot be compensated by financial means, salary increases, or benefits of material nature. In international policy research, tremendous efforts have been made since the 1980s to research police stress. While some police forces are open and cooperative with this type of research, in this country, only a few small samples of research on police stress are available. The primary objective should be to explore and scientifically

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<sup>47</sup> Charles L. Gutshall, David P. Hampton Jr., Ismail M. Sebetan, Paul C. Stein & Thomas J. Broxtermann, „The effects of occupational stress on cognitive performance in police officers.” *Police Practice and Research* 18, no. 5. (2017), 463-477, Johnson, Olivia, Russo, Charles, and Papazoglou, Konstantinos, „Job exposure & occupational challenges: the importance of mindfulness for today’s law enforcement professional.” *Crisis Stress Hum. Resil. Int. J. 1*, (2019), 187–191.

<sup>48</sup> Aguayo Raimundo, Vargas Christina, Cañadas R. Gustavo, and Fuente, I. Emilia, „Are socio-demographic factors associated to burnout syndrome in police officers? A correlational meta-analysis.” *An. Psicol.* 33, (2017), 383–392. Adams Ian and Mastracci Sharon, „Police body-worn cameras: effects on officers’ burnout and perceived organizational support.” *Police Q.* 22, (2019) 5–30.

<sup>49</sup> Borbély, Zsuzsanna, Tózsér, Erzsébet, Farkas, Johanna, „A tömeges méretű illegális migráció pszichés következményei a rendészeti feladatellátás során.” *Hadtudományi Szemle* 10, no. 3. (2017), 288-304..

<sup>50</sup> Fridrich, Andrea Cecília, *Az eltérő szakterületeken dolgozó rendőrök tesztteredényeinek vizsgálata.* (Budapest; ELTE, 2015), 1–65.

<sup>51</sup> Borbély, Zsuzsanna, „Specifikus stresszorok és a szervezeti kultúra. In: Farkas, Johanna; Horváth, József (szerk.) *Szervezeti kultúrák és kutatásuk.* (Budapest, Magyarország: Nemzeti Közszerzési Egyetem Közigazgatási Továbbképzési Intézet, 2020) 116-138.

<sup>52</sup> Borbély et. al, „A tömeges méretű illegális migráció pszichés következményei a rendészeti feladatellátás során.”

<sup>53</sup> 2021/2165(INI) A new EU strategic framework on health and safety at work post 2020 (including a better protection of workers from exposure to harmful substances, stress at work and repetitive motion injuries). [https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?lang=en&reference=2021/2165\(INI\)\(10.07.2022\)](https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?lang=en&reference=2021/2165(INI)(10.07.2022))

define police stress at an organizational level, especially in light of recent crises. The primary aim should be to identify and scientifically define police stress at a corporate, especially in light of current crises. This should be done by examining the different service branches, staff groups, and occupational groups and showing the stressors and the proportion of distress suffered by our police officers. Furthermore, the nature of resilience and the availability of resources and organizational infrastructure to proactively cope with it to provide adequate recreation, relief, and management of the health consequences of stress. In any case, I consider it an unnecessary and wasteful human resources strategy to respond to the increasing turnover due to the increase in stressors in the workplace, to constantly replenish human resources<sup>54</sup>, and facilitate the transition to a career in policing rather than invest more and better resources in scientific research and retention.

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<sup>54</sup> [https://merce.hu/2022/06/03/levelben-fordultak-a-rendorok-pinter-sandorhoz-a-leszerelesi-tilalom-utan-tomeges-felmondas-johet/ \(10.07.2022\)](https://merce.hu/2022/06/03/levelben-fordultak-a-rendorok-pinter-sandorhoz-a-leszerelesi-tilalom-utan-tomeges-felmondas-johet/ (10.07.2022))

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# Financial Monitoring in the field of Counter-Terrorism Financing at the European Level

Nataliya Vnukova<sup>1</sup>

The report considers the main directions of development of financial monitoring in Ukraine and Hungary. FATF International Standard 6 strengthens the application of financial sanctions related to terrorist financing. Examples of financial investigations aimed at combating terrorist financing are given. An experiment was conducted to determine the interest in the topic of terrorism as one of the modern AML trends using the Google Trends search tool. Regions in Ukraine and Hungary with the largest number of requests are identified. Measurement data indicates that additional research is needed and it is possible to develop some kind of cross-border programs aimed at enhancing security.

**Keywords:** terrorism, financial monitoring, cross-border relations, Google Trends search engine.

## I. Introduction

Russia's open aggression on the territory of Ukraine in February 2022 is considered by experts as an act of terrorism. International standards and international cooperation in the field of preventing and countering the legalization (laundering) of proceeds from crime, the financing of terrorism and the financing of the proliferation of weapons of mass destruction<sup>2</sup> are the basic basis for the fight against terrorism, because the FATF (Financial Action Task Force) has received a mandate to counter the financing of terrorism. His public statement on Ukraine in March 2022 testifies to Russia's violation of these international standards<sup>3</sup>. A letter from the FATF was received to the State Financial Monitoring Service of Ukraine on considering the issue of adding Russia to the sanctions list<sup>4</sup>. Both Ukraine and Hungary comply with these international standards and are members of the Egmont Group.

## II. Main Body

In 2019, a new anti-legalization law was adopted in Ukraine, which strengthened the implementation of the provisions of these international standards<sup>5</sup>. Magyar Nemzeti Bank (MNB) draws the attention of financial service providers to the fact that the legal environment

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<sup>1</sup> Doctor of Economics (2nd PhD), Leading researcher of Scientific and Research Institute of Providing Legal Framework for the Innovative Development of NALS of Ukraine, Professor of the Department banking and financial services Simon Kuznets Kharkiv National University of Economics. ORCID: 0000-0002-1354-4838. e-mail: ufp2007@meta.ua.

<sup>2</sup> The FATF, 'The FATF Recommendations – International Standards on Combating Money Laundering and the Financing of Terrorism & Proliferation', February 16, 2012, as amended March 2022. Online: <https://www.fatf-gafi.org/publications/fatfrecommendations/documents/fatf-recommendations.html>.

<sup>3</sup> FATF, 'Public Statement on the Situation in Ukraine'. Online: <https://www.fatf-gafi.org/publications/fatfgeneral/documents/ukraine-2022.html>.

<sup>4</sup> Tania Matiash, *FATF has removed Russia from influencing decision -making and considering it to "black list"*, 2022. Online: [https://lb.ua/world/2022/05/29/518316\\_fatf\\_usunula\\_rosiyu\\_vid\\_vplivu.html](https://lb.ua/world/2022/05/29/518316_fatf_usunula_rosiyu_vid_vplivu.html) [in Ukrainian].

<sup>5</sup> Zakon.rada.gov.ua, 'Law of Ukraine on Prevention and Counteraction to Legalisation (Laundering) of Criminal Proceeds, Terrorist Financing and Financing of Proliferation of Weapons of Mass Destruction'. *The Official Bulletin of the Verkhovna Rada of Ukraine (BVR)*, No. 25 (2020), Article 171. Online: <https://zakon.rada.gov.ua/laws/show/en/361-20#Text> [in Ukrainian].

regarding combating money laundering and terrorist financing, which was adopted in 2017 in Hungary, has changed after January 10, 2020 and October 01, 2020, respectively<sup>6</sup>. The change in the FATF takes place in the period from 1989, when this organization was formed, in 1990 the first 40 Recommendations were developed, in 2001 there was an expansion of the mandate to combat the financing of terrorism, in 2008 to combat the financing of weapons of mass destruction, and in 2012 approved international financial monitoring standards, which are constantly being amended. In Ukraine, during this period, an anti-legalization legislative framework was formed from the primary legislative regulation of the normative documents of the Council of Europe to the adoption of a special law in 2019, the third for the period of formation of the financial monitoring system. Considering that the volumes of “washed” financial income are threatening for global GDP, this requires the formation of additional struggle tools, including tools for preventing terrorism financing. A 2020 investigation of 2,100 Financial Crime Enforcement Network (FinCEN) documents obtained by BuzzFeed reporters found that global banks have made \$2 trillion worth of suspicious transactions over 20 years. Major Western banks, including JPMorgan and Deutsche Bank, helped criminal networks around the world, including those from the former Soviet Union, transfer and hide money<sup>7</sup>.

After the adoption in 2019 in Ukraine of a new law "On the prevention and counteraction to the legalization (laundering) of proceeds from crime, the financing of terrorism and the financing of the proliferation of weapons of mass destruction", it has improved its international position in the field of combating the laundering of proceeds from crime and the financing of terrorism. On August 28, 2020, the Committee of Experts of the Council of Europe for the Evaluation of Measures to Combat Money Laundering and Terrorist Financing (MONEYVAL) published the approved 2nd report on the progress of Ukraine within the 5th round of evaluations in the field of preventing and combating the legalization (laundering) of proceeds from crime. way and financing of terrorism, which noted the improvement of the criminal law relating to crimes of financing terrorism, as well as the tightening of sanctions against financial institutions and other entities for non-compliance with the legislation on combating money laundering and the financing of terrorism<sup>8</sup>.

FATF Standard 6 strengthens the application of financial sanctions related to the financing of terrorism, these are new requirements that have been actively developed recently. The results of the FATF plenary meeting, October 19–21, 2021, are related to the consideration of Strategic Initiatives, including the security of cross-border payments<sup>9</sup>. Improving cross-border payments is a key priority for the G20, which has supported the FATF to combat money laundering and terrorist financing. Faster, cheaper, more transparent and inclusive cross-border payment services that are secure can boost economic growth, international trade, global development, financial inclusion and the prevention of terrorist financing.

To determine the interest in the topic of terrorism as one of the modern trends in ensuring security and preventing the receipt of criminal proceeds, the Google Trends search tool was

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<sup>6</sup> Net.jogtar.hu, ‘Törvény a pénzmosás és a terrorizmus finanszírozása megelőzéséről és megakadályozásáról’, 2017, évi LIII. Online: <https://net.jogtar.hu/jogszabaly?docid=a1700053.tv>.

<sup>7</sup> Radiosvoboda, ‘World Banks made suspicious transactions for \$ 2 trillion in 20 years – investigation’, September 20, 2020. Online: <https://www.radiosvoboda.org/a/news-rozsliduvannya-icij/30848811.html> [in Ukrainian].

<sup>8</sup> Censor.net, ‘Ukraine has increased counteraction to laundering and terrorism financing - the Council of Europe report’. Online: <https://censor.net/ua/n3216703> [in Ukrainian].

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used<sup>10</sup>. This service allows you to determine the interests of target groups<sup>11</sup>, for example, those who want to counter the financing of terrorism, track trends, and also find out the number of requests to Google from different countries and regions for certain periods<sup>12</sup>, in particular, in this study, this is “terrorism » in Ukrainian and Hungarian. The level of search queries was determined in the categories "Ukraine" and "Hungary" in the time period for the last year on the date of the query (May 30, 2022). The popularity of queries was evaluated in relation to the total number of queries in Google, in particular, with the definition of the region in the allotted time.

### III. Results and discussion

It has been established that in the trend component, the interest in the topic of terrorism is directly opposite. At the beginning of May 2022, it fell to a minimum in Hungary, and rose to a maximum in Ukraine. In the territorial context in Hungary, the Győr-Ménfőcsanak-Sopron region came first, and in Ukraine, the Transcarpathian region.

### IV. Conclusions

The study on the development of international cooperation in the fight against terrorism indicates the relevance of this topic for both countries and the exchange of experience in the implementation of international FATF standards. Measurement data in the Google Trends search engine indicates that additional research is needed and it is possible to develop some kind of cross-border programs aimed at strengthening their security.

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