

The Borderline between Private and Public Security

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A few years ago, a White Paper was published by the Confederation of European Security Services (CoESS) with the collaboration of the Institut National des Hautes Études de Sécurité (INHES) on the security market of the European Union. The authors identified several reasons why public and private security providers in the member states share the market and why they are bound to cooperate for the public good, that is, the security itself. However, the states' law enforcement capacities cannot cover all security demands of the public due to the finite (mainly budgetary) resources that always set capacity limits hence congestions in the assignments of police services occur from time to time. Private security operatives fill into the supply gaps occurring in a fragmented security landscape in Europe. Due to the variables in the market share, countries made their patterns in public and private security components, the statutory frameworks, and the traditions concerning the role played by the commercial security sector in overall security provisions. Here a typology may be formed from the clusters of countries following alternative approaches, respectively. There is a border zone between the two sectors. The exclusive public security domain gives way to areas of common interest and moves on to where private security takes precedence, and public actors only play a supervisory role. This article examines the boundary zone in multiple approaches, attempting to stipulate the red line between the two security elements.

Keywords: *private security, public security, law enforcement, armed security guard*

Introduction

Based on the findings of a volume of studies on the rise of private security in the European Union (EU), the authors intend to analyse the borders between private and public security and their possible intersections. They seek to answer how far private security goes and

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where the bearing point comes, and the area of public security begins. Is it possible to define where precisely this line separates these two seemingly distinct territories, or are there somewhat borderline issues that, under certain conditions, belong either here or there, or can even be considered the overlapping responsibilities on security for both entities? The analysis draws on eminent thinkers' research findings and a series of study examples of domestic private and public security. This paper intends to stimulate further research into the fundamental structures of policing to contribute to the development of policing studies.

Safety as a cooperative product

The right to security has a constitutional basis³ for the functioning of the state, and its institutional guarantees are an objective obligation of the state. Its primary function is to protect and promote shared values and legitimate interests of the enforcement.⁴ According to Géza Finszter, law enforcement in the modern state is an administrative activity whose social function is to avert the dangers of unlawful human behaviour,⁵ that is, to create security. To ensure a state is free from threats, policing has emerged as the first form of modern public administration.⁶ Public order and public safety were the first social needs that the state had a duty to meet. As a result of the differentiation and historical separation of public and private property, the need for private security has also arisen. There is no doubt that private security forms a *raison d'être* in our societies.⁷

Law enforcement is part of the public administration,⁸ its mission is to maintain internal order and public order and security, to protect the members of society and the fundamental values of the law by preventing, averting and disrupting acts that violate or endanger them. As a last resort, even force may be used for these purposes as specified by József Pallo while identifying it as a compulsory element of policing.⁹ In the modern European view, public security is the collective social product of the activities of individuals and their communities, the actions of public authorities, the self-defence capacity of citizens as well as the services provided by the business market.¹⁰ The significant realisation that the sheer magnitude of crime in our societies prevents the criminal justice system from

³ In Hungary, for instance, the right to security is stipulated in the first entry of Article IV of the Fundamental Law of Hungary (issued on 25 April 2011). Please note that all national legislation cited in this article was born in Hungary if otherwise indicated.

⁴ István Kovács, 'Magyarország határain átnyúló szervezett bűnözés és prostitúciós bűncselekmények a schengeni térségben, különös tekintettel a SOCTA és EUROSTAT értékelésére', *Határrendészeti Tanulmányok* 14, no 4 (2017), 82–161.

⁵ Géza Finszter, *A rendészet elmélete és rendészeti eszközrendszer* (Budapest: Nemzeti Közszolgálati és Tankönyv Kiadó, 2013), 16.

⁶ Géza Finszter, 'A változó rendészet és a rendészettudomány', *Pécsi Határőr Tudományos Közlemények* 14 (2013), 5–12.

⁷ Géza Finszter, *Rendészettan* (Budapest: Dialóg Campus, 2019), 63.

⁸ Zoltán Balla, *A rendészet alapjai és egyes ágazatai* (Budapest: Dialóg Campus, 2017), 26.

⁹ József Pallo, 'Gondolatok a rendészet fogalmi és alkalmazási kérdéseiről', *Börtönügyi Szemle* 7, no 2 (2000), 33–40.

¹⁰ Resolution No. 115 of 2003 (X.28.) on the national strategy of societal crime prevention of the Parliament.

adequately controlling or preventing crime¹¹ ensures that a collective effort is needed to counter threats effectively. Public security is, therefore, a cooperative product.¹²

Blurring the lines between public and private security (security market size and the strategies of the countries)

The state starts from the premise that public order is a fundamental value for the nation's advancement. To achieve the state's objectives in public security, it has declared that cooperation with persons (bodies) performing law enforcement functions, as regulated by law, is essential to maintain public order and security.¹³ The legislation stipulates armed security guards, bodyguards and property guards, nature conservation guards, forestry guards, mountain guards, professional hunters, forestry staff with law enforcement duties, state and professional fish guards, land wardens, municipal nature conservation guards and field guards. It establishes a legal framework for protecting private and public property by extending the constitutional protection of property, using the means of personal and property protection.

At the same time, it is quite difficult to separate private and public security providers based on their activity itself. Both sides provide guarding and patrolling functions; therefore, it is not always differentiating. However, key distinction factors could be the possession and exercise of police powers. Furthermore, private security functions are essentially client-oriented, while public law enforcement functions are society- or community-oriented efforts.¹⁴

In 2008, the CoESS, a European employers' organisation representative of the private security services in cooperation with the French INHES university, published a White Paper on the private sector security and its role in European security. The study paper identified public and private security territories with four strategies among the EU member states based on a detailed analysis of statistical figures of 2004 and 2005.¹⁵ In six countries, mainly but not exceptionally from the eastern part of the EU, the number of private security agents are far more than public security officers. Three countries have more or less identical numbers in the public and private security sectors. Twelve countries

¹¹ Robert J. Fischer et al., *Introduction to Security*, 9th ed. (Oxford: Butterworth-Heinemann, 2013), 12.

¹² Géza Finszter, 'Közbiztonság és jogállam', *Jog, Állam, Politika* 1, no 3 (2009), 173–196.

¹³ Act CXX of 2012 on the activities of certain law enforcement officials and amendments to certain acts ensuring action against school evasion.

¹⁴ Fischer et al., *Introduction to Security*, 32; Nigel D. White et al., 'Blurring Public and Private Security in Indonesia: Corporate Interests and Human Rights in a Fragile Environment', *Netherlands International Law Review* 65, no 2 (2018), 217–252.

¹⁵ Similar analyses have been carried out, for instance, for the Czech Republic and Finland, and a comparing study of private security characteristics of two countries, Hungary and Slovenia. Cf. Oldřich Bureš, 'Private Security Companies in the Czech Republic: An Exploratory Analysis', *Central European Journal of International and Security Studies* 6, no 2 (2012), 41–60; Teemu Santonen and Jyri Paasonen, 'Evaluating the adequacy of private security industry regulation in Finland', *Security Journal* 30, no 2 (2017), 585–604; László Christián and Andrej Sotlar, 'Private Security Regulation in Hungary and Slovenia – A Comparative Study Based on Legislation and Societal Foundations', *Varstvoslovje* 20, no 2 (2018), 143–162.

have half as many private agents as public officers, and just four have marginal private workforces compared to the public security sector.¹⁶

Three categories may be identified if we consider the size of the security market compared with the number of inhabitants. Seven hundred or more public and private security workforce per 100,000 inhabitants existed in seven EU members, where the peak figure had Hungary with 1,083. This figure shows that about 1 per cent of the population works in the security sector in these countries. Four of these countries invest more in private security (Hungary, Ireland, Poland and Luxembourg), two invest more in public security (Cyprus and Portugal), and the Czech Republic supports equally in both. At the other end of the figure, distribution are five countries with less than 420 workforces per 100,000 inhabitants. Austria has marginalised its private forces, while the Netherlands has lower public police forces, and the Scandinavian countries have low levels of investment in both. The remaining thirteen countries have accumulated between 500 and 700 security professionals per 100,000 inhabitants.¹⁷

These strategic patterns led to the fundamental questions: what size the security market should be, and who pays the bill?

Drivers to increase the private security share in the markets

The appearance of new forms of property and consumption creates mass private properties such as market halls, leisure parks, sporting and cultural arenas and similar spaces. Despite the fact that they are under private ownership, they are open to the public. The emergence of privately owned public spaces has created the opportunity for owners to tailor the security of such facilities to their own and their customers' needs. This does not mean that in these areas, they rely only on their private security service operators or those provided by other companies or security contractors, but they primarily provide their security. They cooperate with the public police services and, if necessary, call them to act on private community spaces.

In line with the White Paper mentioned above, other researchers agree that police services are often congested by their increasing burdens, while they are facing difficulties in funding and ensuring their resources. Due to the sluggish capability of changing character, law enforcement agencies often cannot follow highly volatile policing needs with their capacity developments. Finszter, Newburn and Ratcliffe observe¹⁸ the opening demand gap between police expenditures, indicating in broader terms the slowly increasing tendencies in capabilities of the police services and the swift changes in the recorded crime that outlines their assignments.

¹⁶ CoESS and INHES, *White Paper – Private Security and Its Role in European Security* (2008), 26–30.

¹⁷ *Ibid.* 30.

¹⁸ Compare: Géza Finszter, 'Közbiztonság és közbátorság', in *Írások Tauber István emlékére*, ed. by Zsolt Németh (Budapest: ELTE Állam- és Jogtudományi Kar, Magyar Kriminológiai Társaság és Rendőrtiszti Főiskola, 2009), 66–83; Tim Newburn, *Crime and Criminal Justice Policy* (London: Longman, 1995), 61–64; Jerry H. Ratcliffe, *Intelligence-Led Policing* (Cullompton: Willan Publishing, 2008), 18–20.

Despite their steady growth, both in costs and numbers of personnel, public law enforcement agencies have increasingly been compelled to remain reactive instead of acting proactively, and they concentrate more on the maintenance of public order and the apprehension of criminals. Most policing models depend on a cooperative approach to law enforcement because public law enforcement personnel cannot possibly protect all those who need it.¹⁹

The finite financial resources of the law enforcement sector could be a possible reason for the rise of private security. Furthermore, taxpayers' money could be spent legally less flexible, whereas private companies can do their financial resources as their business requires because they are not bound to strict public procurement regulations.

According to the White Paper, the financial resources available to maintain public safety in a complete state monopoly cannot be guaranteed, which would make it easy to conclude that a significant part of the policing tasks will be shifted to private security service providers and companies²⁰ because of the ideology of their 'higher degree of cost effectiveness'.

However, the overall picture is much more complex because, in creating public security as a cooperative product, the boundaries between private and public security also seem to be blurred. This is particularly the case in those areas of law enforcement where public control is not visibly compromised, even when market actors are involved in creating security as a public good. An example of this is the protection of persons, where the state while maintaining its exclusivity (compare: protection of persons of particular importance), recognises the need (or necessity) for individual security and allows such services to be provided or used on a market basis.²¹

An example of the apparent blurring of boundaries is the existence of several policing functions that are reserved for the state police. However, even in these areas, some privatisation can be observed. Numerous functions that were traditionally performed by bodies and employees of the state, such as the running of prisons, prisoner escort and protection services, guarding facilities of the state inter alia, but not exceptionally military ones are outsourced to private companies.²² The legal regulation of private investigative activities is also aligned here.²³ Therefore, it became difficult to label some type of conduct as an 'act of state' for which the government is legally responsible. Different degrees of outsourcing are reflective of what is achievable politically and ideologically, rather than what is legally or ethically acceptable. In effect, outsourcing is a redrawing of what constitutes inherent state functions or at least a blurring. In areas in which outsourcing is deeply entrenched, the government is no longer in effective control of the conduct of

¹⁹ Fischer et al., *Introduction to Security*, 12.

²⁰ CoESS and INHES, *White Paper – Private Security and Its Role in European Security*, 32.

²¹ Tamás Nagy and Zsolt Lukács, 'A személyvédelem rendészeti jellemzői és magánbiztonsági szerepe' in *Biztonsági vezetői kézikönyv*, ed. by László Christián et al. (Budapest: Ludovika Egyetemi Kiadó, 2019), 168–169.

²² White et al., 'Blurring Public and Private Security in Indonesia', 223–224.

²³ Bence Mészáros, 'A magánnyomozói tevékenység szabályozásának aktuális kérdései', in *Pécsi Határőr Tudományos Közlemények XI. Tanulmányok a „Quo vadis rendvédelem? Szabadságjogok, társadalmi kötelezettségek és a biztonság” című tudományos konferenciáról*, ed. by Gyula Gaál and Zoltán Hautzinger (Pécs: Magyar Hadtudományi Társaság Határőr Szakosztály Pécsi Szakcsoport, 2010), 285–294.

private companies. It could also correspond to an increase of corporate influence on some governments. In some cases, this might extend to a ‘corporate capture’ situation whereby an economic elite could undermine the public trust in the police and ruin the realisation of human rights by exerting undue influence over decision-makers and public institutions.²⁴ It becomes very difficult to label some type of conduct as an ‘act of state’ for which the government is legally responsible although the government must ensure access to effective judicial remedy for human rights abuses. Business enterprises should establish effective grievance mechanisms for adversely impacted individuals and communities.²⁵

Staying at the private investigations, one of the fundamental issues is the legislator’s confidence in the legality and objectivity of information-gathering activities for financial gain and the financially motivated or potential interest in concealing the truth. Another distinctly public law enforcement privilege is that of the police in the context of their team-based service, many of whose crowd management tasks also have private security implications. As the scope of the private security sector has expanded, the person and property guards are now not only able to check the legality of entry to and exit from the event site, often on private property, but to ensure that the rules of the event are observed but are also actively involved in the various stages of event security. They are involved in the process of risk classification of sporting events, escorting and transporting groups of supporters, detaining supporters after sporting events, organising music festivals that attract large crowds and so on.

The National Police issue the licences necessary for the pursuit of activities in the field of the protection of persons and property and the required licences for the pursuit of activities by natural persons. They keep a public register of these licences and carry out the tasks of weapons licensing and other administrative police tasks.²⁶ Police supervise licenced activities from such as the administrative and on-the-spot checks and are also actively involved in the training and examination of person and property guards.²⁷ An essential element of this activity is that the private security company provides the service to the private sector. Its content is laid down in a contract governed by private law within a relatively broad framework. The range of the contract is characterised by the freedom of form and the juxtaposition of equal parties. The means of protection available to the private security provider are the same as those available to the property owner. The effectiveness of the safety of persons and property, which can be seen as an ‘extension of the client’s hand’, can be significantly enhanced by using high-quality technical equipment and trained staff.

The concept of critical infrastructure protection originated in the United States in the 1990s, where the issue was already being addressed as a scientific problem. The terrorist attacks of 11 September 2001 brought about a paradigm shift in thinking about security and gave impetus to several research activities, including critical infrastructure protection.

²⁴ White et al., ‘Blurring Public and Private Security in Indonesia’, 224; Bureš, ‘Private Security Companies in the Czech Republic’, 50–55.

²⁵ White et al., ‘Blurring Public and Private Security in Indonesia’, 223–224.

²⁶ Act CXXXIII of 2005 on the rules of personal and property protection and private investigation.

²⁷ Decree of the Minister of the Interior 68/2012 (XII.14.) on the training and examination of persons performing law enforcement duties, assistant supervisors, and personal and property guards.

Critical or vital infrastructure is defined as infrastructure, or infrastructure elements, interconnected or networked and interacting with other infrastructure. If disrupted, lost or rendered inaccessible would cause severe damage. It is difficult to define the precise threshold at which damage is considered extreme, but this should be considered in terms of the system's operation against which the criticality of the infrastructure is assessed.²⁸ For example, this could be the EU, Hungary, a specific municipality or organisation, or even an individual.

The EU decided at the end of 2008 to identify and designate the critical infrastructures in Europe and to improve their protection. The EU Directive on the identification and designation of European Critical Infrastructures and the need to improve their protection was adopted.²⁹ Subsequently, the law on identifying and designating critical systems and installations and their protection was created in the Member States, including Hungary.³⁰

The law has been used to define the scope of vital systems and installations and decide which organisations are responsible for critical infrastructure protection, including security services, law enforcement agencies such as the police and disaster management organisation, and the ASG, all with their specific areas of responsibility. The ASG is responsible for protecting activities, facilities and cargo that are of paramount importance for the operation of the state or the supply of the inhabitants, if the Hungarian Defence Forces, law enforcement agencies, the Parliamentary Guard or the National Tax and Customs Administration are not legally obliged to provide such protection, but the guarding is justified in the interests of public security or the safety of the national property.³¹ ASG has been authorised to use more effective powers of action than the person and property protection guards. In Hungary, the police monitor compliance with the provisions of the decision establishing the body, and they issue, withdraw, temporarily withdraw and register the service card of the armed security guard at the expense of the debtor or the organisation operating the body. The police shall also approve of the rules of guarding and guard instruction and shall carry out supervisory checks on the performance of the service. The police initiate the temporary restriction or confirmation of guard duty, check the data required to assess the suitability of the ASG, and take part in the theoretical and practical training and examination of the staff.

²⁸ István Bukovics and Antal Vavrik, 'Infrastrukturák kockázata és biztonsága: Kritikai problémaelemzés', *Hadmérnök* 1, no 3 (2006), 32–40; György Potóczki, 'Áttekintés a kritikus infrastruktúra védelem jelen helyzetéről, a továbblépést nehezítő tényezők elemzése útján', *Hadmérnök* 5, no 2 (2010), 203–218.

²⁹ See details in Council Directive 2008/114/EC of 8 December 2008 on the identification and designation of European critical infrastructures and the assessment of the need to improve their protection.

³⁰ The respective legislation is Act CLXVI of 2012 on the identification, designation and protection of critical systems and installations.

³¹ See Article 1 of Act CLIX of 1997 on the Armed Security Guard, Nature Protection and Field Guard Service.

Armed security guards at the border zone between private and public security

Before the First World War, the Hungarian Government had the good sense to recognise the need to increase the number of police officers and create temporary police organisations to maintain public order and security. There was a need for an armed corps that was not part of the central authority but still operated under state control. On 14 September 1914, the Minister of the Interior issued a decree on the organisation of civil guards. Based on a uniform code of organisation and procedure throughout the country, the Civil Guard, without official authority, was charged with protecting citizens and their property, and thus indirectly with the protection of the state, as ordered by the police authorities. Their actions had to be in line with the law, the regulations and the instructions they received, and they could only take action by force in urgent cases, pending action by the police authorities.³² A study by Károly Óry reveals a striking similarity between the activities of the now-defunct civil guards, which were auxiliary to the police service but lacked individual police authority, and the current statutory role of the ASG.

Looking for such similarities and differences, it could be helpful to review the activities of armed guards of property and persons covered by the Protection of Persons and Property Act and the activities of the ASG personnel covered by the ASG Act.³³ Armed guards may, for example, act as cash escorts or bank security guards. At the same time, ASG performs its tasks as a designated organisation for the protection of activities, installations, cargo or critical infrastructure of primary importance for the functioning of the State or the supply of the population, in cases where the State-owned law enforcement agencies or the national defence forces are not explicitly required to do so – as mentioned above.³⁴

The activities of the ASG are mainly assessed within the framework of private security, which in our view, is far from being so clearly defined. Critical infrastructure and its designated elements may be subject to both publicly and non-publicly owned properties and even under mixed ownership, operation and management. It has been defined as a legal obligation to establish an ASG body and to operate it in a detailed manner, financed by the obligor. This raises the question of whether the ASG protects private or public property or, if it does both, has any of them a priority;³⁵ and whether it is possible to identify the precise boundary between private and public security? The question is further complicated in the case of ASGs established in the police, the armed forces, the penitentiary services or civilian national security services. We can find ASG guards at our nuclear facilities, at the Paks Nuclear Power Plant or the Central Institute for Physical Research, where an experimental nuclear reactor is operating, as well as at our low and medium-level

³² Károly Óry, 'A rendvédelmi szervek az első világháború, az őszirózsás forradalom és a proletárdiktatúra időszakában', *Rendvédelem-történeti füzetek* 3, no 5 (1993), 42–54.

³³ Stipulated in Act CLIX of 1997 on the Armed Security Guard, Nature Protection and Field Guard Service.

³⁴ Ibid. See further details at Balázs Bognár et al., 'A létfontosságú rendszerek és létesítmények védelméről szóló szabályozás végrehajtása Magyarországon', *Bolyai Szemle* 23, no 2 (2014), 105–111.

³⁵ From the perspective of addressing the threat to the country, László Botz considers that public and property security and protection are inseparable and interdependent areas, yet he proposes prioritising public security over private security. László Botz, 'Hazánk biztonsági rendszerének és elemeinek helyzete és felkészültsége a várható fenyegetések elhárítása', *Felderítő Szemle* 6, no 1 (2007), 15–34.

radioactive waste storage facilities, or at our priority energy facilities, such as the Mátra Power Plant or the MOL Plc's Danube Refinery in Százhalombatta, which are undoubtedly part of Hungary's vital infrastructure.

When looking at the activities of the ASG guarding police premises, it is necessary to start with the premises to be protected, where the outsourcing of guarding tasks from the police organisation's area of responsibility, as mentioned above, has already been accomplished. According to the National Police Headquarters commander, the crime situation in the 1990s justified the need for professional police officers to carry out the organisation's essential tasks and devote as little human resources as possible to tasks not closely related to the organisation as guarding objects. The savings in the workforce and working time ensured that the police could increase their presence on the streets and in public places, thus improving their sense of security. The ASG took over guarding the premises with the right to use legitimate force. The guards may, under certain conditions, use coercive means such as physical force, tear gas, handcuffs and, in the last resort, even firearms to maintain order and security in the premises.³⁶

At the same time, the guards are present in the so-called guarded accommodation linked to the police's tasks in the field of aliens policing and also patrol the temporary security border crossing for border surveillance purposes. By performing their duties in border security, the ASG must pay particular attention to avoiding all forms of xenophobia.³⁷

A similar diversity of tasks as mentioned before can be observed when examining the ASG's key role in protecting the privately-owned Budapest Liszt Ferenc International Airport operated by Budapest Airport Plc. and which is also part of the critical infrastructure. The airport operator has delegated the maintenance of the internal order of the facility, including the guarding tasks related to the protection of critical infrastructure and the control of passenger security, to the ASG.

The police previously carried out the passenger safety audit supervised by the Ministry of Innovation and Technology's Transport Authority and approved under an administrative procedure. Transferring this task to private security providers can also be considered outsourcing, as it was not part of the police's core tasks. The delegation of this task was accepted by the international experts who regularly audit the airport's security, as it is in line with national and international standards and does not compromise security.

Also related to airport security is the status classification of regulated suppliers, regulated agents, known consignors,³⁸ which is carried out by the Aviation Risk Assessment Authority of the Transport Authority and is also related to private security. By establishing a legislative environment for ratings, the legislator has laid the foundations for a uniform set of requirements and measures to address dangerous and unlawful acts from the point of view of civil aviation safety and has formulated a framework for action.

³⁶ In cases of guarding facilities of vital importance. See details in Act CLIX of 1997.

³⁷ See details in Krisztina Görbe Attiláné Zán, '„Mi” és „ők”. Migráció és idegenellenesség a társadalmi megítélés tükrében', in *Szakmaiság, szerénység, szorgalom: Ünnepi kötet a 65 éves Boda József tiszteletére*, ed. by Imre Dobák and Zoltán Hautzinger (Budapest: Dialóg Campus, 2018), 241–251.

³⁸ See details at points 26–27, Article 3 of the Regulation (EC) No. 300/2008 of the European Parliament and of the Council of 11 March 2008 on common rules in the field of civil aviation security and repealing Regulation (EC) No. 2320/2002.

One of the most significant aviation security risks can be posed by unchecked baggage in air transport, whether on passenger or cargo aircraft. Adopting the opinion of István Németh,³⁹ the issuing of the certificates is a crucial step forward from the authorities' side. A strict system of security measures and institutions practised and maintained exclusively by the authorities has now been extended to the civil security sector.⁴⁰ It is recognised for the well-trained, experienced and security-conscious professionals working in the industry. This is about developing and operating cost- and time-effective, standardised, documented and verifiable processes that meet the legislation and security plan requirements. In private security companies, these processes are under the direct control of the company's top management, but the responsibility for organising them lies with the security officers. To this end, non-intrusive inspection (NII) technology and technical means must be used, which do not require damage to the packaging or the goods or baggage during the examination.

In the case of damaged packaging, whether due to accidental damage or deliberate tampering during transportation or in the case of a risk identified during the non-intrusive inspection, a thorough examination of the package shall be carried out, in all other cases, security staff shall carry out random checks.

Public good, common cause

According to Hungary's crime prevention strategy: "Public safety is part of the quality of life of society, a collective product of value, the creation and preservation of which is a common concern."⁴¹ Article 46(1) of the Fundamental Law of Hungary defines the protection of public order and public security as a fundamental task of the police, but this does not mean that the police are the only state body dealing with this task. All three concepts of policing, as used in the Lexicon of Law Enforcement Science, consider policing to be a state task, the main element of which is the maintenance of public order and public safety, but which is not only carried out by the police but also by law enforcement and administrative bodies (practically state and municipal law enforcement) jointly on behalf of the state.⁴² Béla Galántai and other researchers draw attention to the fact that, although the police, and in some countries police forces, are essentially responsible for ensuring public order and security, they do not have the capacity or the powers to prevent or deter all illegal actions that threaten security.⁴³ Although they play a crucial role, police authorities can only provide part of public safety as a service.

³⁹ István Németh is the CEO of IBM DSS IT Kft.

⁴⁰ Supply Chain Monitor, 'Ismert szállító, meghatalmazott ügynök', 01 May 2013.

⁴¹ Conceptual background of crime prevention. See at point 2.2. Government Decision 1744/2013 (X.17.) on the National Crime Prevention Strategy (2013–2023).

⁴² Policing, law enforcement. Cf. József Boda (ed.), *Rendészettudományi szaklexikon* (Budapest: Dialóg Campus, 2019), 461.

⁴³ Béla Galántai, 'A magánbiztonsági szolgáltatás közbiztonsági aspektusairól' in *Publikációk, szakdolgozatok* (Személy-, Vagyonvédelmi és Magánnyomozói Szakmai Kamara, s. a.).

In parallel with the development of police science and the evolution of law enforcement, private security organisations have shifted their focus from law enforcement and criminal investigation to crime prevention. This has led to increasing demand for security services from the public and private sectors to protect property and maintain order. Today, private security service providers far outnumber public law enforcement agencies, and private security has become an essential element of security as a public good.⁴⁴

Therefore, public security is affected by cooperation between public law enforcement organisations and collaboration with private security providers. Because of this, the authors of this article do not argue that the state is responsible for policing. They do, however, contest the approach taken in the Dictionary of Police Science glossary. State bodies do not have exclusive powers to safeguard public order and public safety, which are closely linked to the internal order of the state.

This activity (i.e. the sum of measures to protect) is the essence of policing and is intended to achieve the primary objective of policing: security. In reality, however, this is not achieved by the state alone but by the joint efforts of the state and local authorities responsible for policing, private security companies, civil society organisations and individual citizens.

The authors, therefore, propose to emphasise the corporative nature of policing, with the need for cooperation between state bodies and between state and non-state actors in the new definition of policing.

In our opinion, policing is, therefore, an activity under the responsibility of the state (or of the local government acting on behalf of the community), which means the legally regulated protection of public order and public safety in cooperation between the authorities of the state, the local government and other actors performing law enforcement functions. The state (or the local government) is responsible for policing directly or through law enforcement agencies.

Fundamentals of law enforcement concepts to be revised

László Korinek writes that “... the dysfunctions of law enforcement have already become apparent in everyday life. [...] the basic structures of law enforcement are in need of renewal, therefore a scientific analysis of them cannot be postponed any longer”.⁴⁵ Law enforcement and the organisations involved need continuous renewal and adaptation to change the circumstances.⁴⁶

⁴⁴ Fischer et al., *Introduction to Security*, 18–19; László Christián and Zsolt Lippai, ‘Kakukktójás vagy új rendészeti alappillér’ in *Tehetség, szorgalom, hivatás. Tanulmánykötet*, ed. by Zágon Csaba and Ágnes Zsámbokiné Ficskovszky (Budapest: Magyar Rendészettudományi Társaság Vám- és Pénzügyőri Tagozat, 2021), 17–30.

⁴⁵ László Korinek, ‘Út a statisztikától a rendészet elméletéig’, *JURA* 14, no. 1 (2008), 69–94.

⁴⁶ József Czilják, ‘Magánbiztonsági szervezetek és a rendvédelem’ in *Pécsi Határőr Tudományos Közlemények XII. Tanulmányok a „Rendészeti kutatások – A rendvédelem fejlesztése” című tudományos konferenciáról*, ed. by Gyula Gaál and Zoltán Hautzinger (Pécs: Magyar Hadtudományi Társaság Határőr Szakosztály Pécsi Szakcsoport, 2011), 363–368.

Our research indicates that public order and security may not be achieved by state-owned law enforcement alone. As we have seen, there are significant areas of policing where security as a public good can only be achieved in cooperation with non-state actors.

The authors argue that the resources of the state enforcement sector are considered finite at a given point in time. Their capability development goes relatively slowly and reaches expectations in longer terms. Regardless of these, we have seen the growth of the total capabilities as a trend but the intensity of the developments is unequal. Non-state actors in policing are well adapted to changes in crime as a phenomenon. They are not bound by the funding and other operational rules specified for the public sector. The private security sector's close relationship with the security beneficiaries gives them flexibility in providing their services. This statement is true for both private security providers and civilian volunteer self-defence organisations. However, governments must ensure access to effective judicial remedy for human rights abuses.

Ideally, complementary activities between the private and public security sectors can create mutually reinforcing synergies. The boundary line between the labour, the responsibility and the competency distinction of the two sectors are not always clearly delineated. These ideas and patterns of cooperation can be seen in the law enforcement strategies and strategic decision-making in different countries.

The scientific need for conceptual improvements and the combination of dogmatics and practice was the focus of the Third Faculty Day of Law Enforcement at the University of Public Service.⁴⁷ During the event, Zoltán Balla presented his article entitled 'Ockham's Razor and Law Enforcement',⁴⁸ explained the need for change respectively.

Examining the relatively narrow domestic literature on private security reveals that it is a controversial area in many aspects, requiring further research and academic rigour. Private security is covered by a larger academic law enforcement science unit,⁴⁹ which raises several questions to be answered. It is a relatively young discipline that has been at the centre of academic interest in Hungary since the regime change. Perhaps therefore, the theoretical foundations of the domain are still fresh, and specific questions have yet to be answered. The authors of this study have tried to contribute to this, even if only modestly, by pointing out what they consider to be one of the most exciting questions. In other words, whether private security is to be understood as part of public security or as a concept juxtaposed to public security⁵⁰ and, as we have seen in the study, closely interacting with it and challenging to separate from it. If we accept the latter as a basic premise, this must be reflected both in our scientific thinking and in the conceptual framework of police science.

⁴⁷ József Deák, 'A jövőformáló rendészettudomány – Kari Nap online konferenciával', *RTK Hírek*, 23 November 2020.

⁴⁸ Zoltán Balla, 'Ockham borotvája és a rendészet', *Magyar Rendészet* 20, no 3 (2020), 15–26.

⁴⁹ According to the nomenclature of disciplines published by the Hungarian Academy of Sciences in 2016, police science as a discipline is a component of the discipline of Law and Political Sciences within the discipline of Economics and Law. See details in Magyar Tudományos Akadémia, 'Ki hová tartozik? Elkészült az új tudományági besorolás', *MTA*, 12 September 2016.

⁵⁰ László Christián, 'Két új ág a rendészettudomány fáján', in *Rendészettudományi gondolatok: Írások a Magyar Rendészettudományi Társaság megalapításának egy évtizedes jubileuma alkalmából*, ed. by Gyula Gaál and Zoltán Hautzinger (Budapest: Magyar Rendészettudományi Társaság, 2014), 85–91.

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