

# Overview of Law Enforcement in Hungary, with Special Respect to Local Level Law Enforcement<sup>1</sup>

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*This study is to give a brief overview of Hungarian law enforcement, with special respect to local level law enforcement. The operation of centralised state police is influenced by a statistical approach, which is the reason why no capacity remains for serving local communities and dealing with local matters, in spite of a few improvements in the recent years. This void of general security could be filled by local governmental law enforcement. Local governmental law enforcement bodies are founded and financed by the municipalities, with more limited empowerment to enforce the law than that of the police.*

**Keywords:** *police, local governmental law enforcement, cooperation, complementary law enforcement*

## Definition of Law Enforcement

Law enforcement is a part of public administration, whose main goal is the maintenance of the internal security of the state and public order, the protection of individuals and their fundamental assets, the prevention or interruption of all activities, which harm or threaten these values, by even using legitimate physical force. Achieving this mission is a very complex and refined activity, which we must not expect from one single state law enforcement organisation, the police.

Public safety is a collective and cooperative product of the society, which consists of the activities of the individuals and communities, the official measures of the state organisations, the capability of the citizens to protect themselves, and the services of the entrepreneur market.<sup>3</sup>

The relevant actors are namely the public order bodies (4 of them), the organisations with public order tasks (2 of them) and finally complementary law enforcement organisations (3 of them). Law enforcement is the broadest term in this area with public order maintenance being only one important segment of it.

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<sup>3</sup> Finszter (2001) 53–66.

*Public order bodies:*

- Police
- Disaster Management
- Civil National Security Service
- Prison Service

*Organisations with public order tasks:*

- Parliament Guard
- National Tax and Customs Administration
- Complementary law enforcement
- Local governmental law enforcement (state actor)
- Civil volunteer security organisations
- Private security

## **Regulation of Law Enforcement Institutions**

When examining the regulation of a particular field, it is necessary to consider the constitutional background which is the highest level of law making. Hungary introduced a new Basic Law (2011) after sixty years of having an old constitution (Act XX of 1949) which was vastly amended in 1989. This former constitution of Hungary regulated the armed bodies and the police force which is already partly operative and some of the order protection bodies are regulated by them together with the Army (Chapter VIII: The Hungarian Army and Law Enforcement Bodies). Even this title and the whole of Chapter VIII has been changed many times between 1990–2010.<sup>4</sup>

Basic Law (2011) Article 45 regulates the army and Article 46 deals with the police force and the national security forces, not including the other two public order bodies (Prison Service and Disaster Management). The police shall operate under the direction of the Government. It is the most important statement in the Hungarian Law Enforcement because it declares that the Hungarian police is centralised and single, so there is no possible way to establish local government controlled police forces.

Article 46 does not use the term “protection of public order body” anymore. However, we notice later that this delight was baseless: Article 53 – referring to the former defensive situation – uses the expression, and so it maintains the constitutional status of it, without any definition. We can realise that during the creation of the new Basic Law, law enforcement was not one of the most stressed topics where significant modifications were accomplished. It is not surprising that compared to the former legislation, the new act does not contain many significantly new aspects.<sup>5</sup>

The elements of the system of public safety can be derived from the modern concept of public safety. According to these concepts, public safety is the collective product

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<sup>4</sup> Patyi (2009) 423.

<sup>5</sup> Christián (2015) 284–286.

of society, it consists of the activities of the individuals and communities, the official measures of the state organisations, the capability of the citizens to protect themselves, and the services of the entrepreneur market.<sup>6</sup>

## Public Order Bodies in Hungary

Below, I shall analyse the structure and functioning of the system of public security in Hungary. The major institutions of Hungarian law enforcement system are the public order bodies:

- Police
- Disaster Management
- Civil National Security Service
- Prison Service
- Police

The police shall operate under the direction of the Government (Ministry of the Interior). It is the most important statement about Hungarian Law Enforcement because it declares that the Hungarian police force is centralised and single, so there is no possible way to establish police forces controlled by local governments. Act CCXXIII of 2012 stipulates the tasks of the Hungarian police force. Besides, according to the competences assigned in the Basic (Fundamental) Law, the police force is responsible for controlling border traffic, counter-terrorist activities and carrying out other crime prevention, crime investigation and the crime control duties, along with a new task regarding the recovery of criminal assets.

Since the Act CXLVII of 2010 came into effect, the Hungarian Police Force has been divided into three parts: the National Police, the National Protective Service and the Counter Terrorism Centre. The police organisation and the national security forces are regulated by separate Acts, which must be approved by a two-third majority of the Parliament.

The National Protective Service (NPS) is a special police force under the control of the Minister of the Interior. The NPS deals with anti-corruption activities, they may collect information about any government officials, including law enforcement officers, and they can even test their reliability by making a false attempt to bribe them.

A new institution, the Counter Terrorism Centre (Terrorrelhárítási Központ, TEK) can engage in secret surveillance as an official police agency, and can secretly enter and search homes, engage in secret wiretapping, make audio and video recordings of people without their knowledge, covertly search mail and packages and open electronic data and emails. TEK can address requests to financial companies, banks and brokerage firms, insurance companies, communications companies and operate not just as a police agency but also as a national security agency. In summary, TEK holds all the

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<sup>6</sup> Finszter (2001) 53–66.

necessary powers to act effectively and dismantle all the modern age criminal groups that threaten the public safety of the State and the people.<sup>7</sup>

### *Disaster Management*

In recent years, disaster management has undergone considerable changes with the re-centralization of formerly local governmentally-owned fire stations. On the top of the organisation is the National Directorate General for Disaster Management, under the Ministry of the Interior.

The basic function of the Directorate is to protect the lives and property of the population living in Hungary and to ensure the safe operation of the national economy and to protect the elements of the critical infrastructure. It is a highly important public safety task; therefore, Disaster Management is a law enforcement body with a national competence. Its main mission is to prevent disasters as an authority; carry out rescue operations in civil emergencies; organize and control protection activities; eliminate the negative consequences of emergencies and perform reconstruction and rehabilitation.<sup>8</sup> The three pillars of the current structure of Disaster Management are: 1. fire protection 2. industrial safety 3. civil protection.

### *National Security Services*

In the redefined concept of national security interest, the new protecting fundamental elements are, instead of sovereignty and constitutional order, independence and legal order.<sup>9</sup> To execute the Act CLXXI of 2011, the two formerly separated military national security services were integrated into one organization, under the Minister of Defense. In Hungary nowadays there are four security services, and three civil ones: Information Office (IO), Special Service for National Security of Hungary (SSNS), Constitution Protection Office (CPO), and one military service: Military Security Service. Its direction is conducted by: the Minister of Foreign Affairs (IO), the Minister of Interior (SSNS and CPO) and the Minister of Defence (MSS).

### *Prison Service*

The Hungarian Prison Service is an armed law enforcement agency under the Minister of Interior (again) that carries out measures and sentences of imprisonment and criminal procedure enforcement measures and executes confinements of fine defaulters. For the Prison Service, there is also a new statute (Act CCXL of 2013) which has at least two priorities: firstly, to accomplish high employment of prisoners (the concept of a self-sufficient prison service) and secondly, to promote and prepare the re-socialization of the

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<sup>7</sup> Leyrer (2013) 124–125.

<sup>8</sup> Available: [www.katasztrofavedelem.hu/index2.php?pageid=szervezet\\_intro&lang=eng](http://www.katasztrofavedelem.hu/index2.php?pageid=szervezet_intro&lang=eng) (Downloaded: 10.06.2017.)

<sup>9</sup> Act CCVII of 2011. 28. §.

prisoners. The Hungarian prisons are significantly overcrowded, that is why in the next years more prisons are going to be built countrywide.

## **Organisations with Public Order Tasks**

### *Parliamentary Guard*

The amendment of the Basic Law introduced the Parliamentary Guard, as a new law enforcement institution. The main mission of this armed body is to protect and maintain the independent operation of the sessions of Parliament, provide dignitary and facility protection, fire safety and protocol duties.

### *National Tax and Customs Administration*

The National Tax and Customs Administration (NTCA) is an exemption as state central organisation in this category, because it is a special organisation, which includes the former public order body of the Customs and Finance Guard (1867–2010) and the former Hungarian Tax Administration. The National Tax and Customs Administration have a major function of financial control and the management of taxation. Along with this, they also have law enforcement functions.

## **Complementary Law Enforcement**

The concept of complementary law enforcement is a new approach of law enforcement arising in the 21<sup>st</sup> century which requires the cooperation and harmonisation of activities in the field of law enforcement between the relevant actors. It is necessary to emphasise this aspect instead of placing the police activity in the centre exclusively. In Hungary, maintaining public security is only attainable through maintaining collaboration between different actors. The aforementioned synergy should substitute the rivalry of those participants.<sup>10</sup>

The Hungarian law enforcement system is based on the public order organisations as listed above, however, there are some other “complementary law enforcement” institutions, which also play a role. These are: civil volunteer security organisations, private security and local governmental law enforcement.<sup>11</sup>

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<sup>10</sup> Christián (2017) 132.

<sup>11</sup> Bacsárdi–Christián (2016) 84–98.

## **Civil Volunteer Security Organisation**

There are different security associations and organisations around Hungary but the biggest and best-known is the Hungarian Civil Volunteer Organisation (Polgárőrség). This is a unique national institution, it was founded in 1991.

Today, the organisation has over 60,000 members and more than 2000 associations countrywide. “Polgárőrség” has become a dominant actor to maintain public order and security. The Civil Volunteer Organisation is an important strategic partner for the Government and for the Hungarian Police as well. This civilian organisation is deeply rooted in society and they have an important role to strengthen the subjective sense of security. The volunteers, as the name suggests, perform unpaid public tasks, supporting the efforts of the professional bodies, with strictly limited liabilities. A significant mission is to take part in crime prevention and maintain the subjective sense of security. Anyone above the age of 18 with no criminal record may take the oath, after completing a training course and passing an exam. The organisation has a three level structure including the local, regional and national civil volunteer associations. The entire structure is managed by the Chief Board with 29 members.

The public judgement about the Civil Volunteer Organization may be considered positive for the following reasons: being a member of the local community, a civil volunteer is well-known and trustworthy whom people turn to and tend to share information with more easily. A further advantage is the volunteer nature of his job.

In small villages and in scarcely populated, rural areas, civil volunteers have a role of increased significance. In addition, more and more members of the organization tend to take on equestrian duty.

## **Private Security**

There are a few relevant numbers about the Hungarian private security sector worth considering: 127,000 licenced security guards; 1700 private detectives and 3000 companies deal with private security. Obviously, it is quite an important and relevant part of the economy. Compared to the figures of other countries, it is an outstandingly high number, one of the highest in the EU. Despite the aforementioned significance of private security reflected in numbers, citizens are hardly aware of the area, being vastly undiscovered for science as well.

Concerning private security, it is an important question whether we regard private security as a part of public security or not? My answer is clearly yes, because private security is taking over more and more responsibilities from the state. We can make a clear distinction between these agents, which lies in their authorisation (empowerment). While private security focuses on prevention, the public law enforcement agents focus greatly on reaction. In fact, the citizens have had low awareness of this field so far, they tend to take a rather negative opinion about private security guards, due to their poor qualification and imbursement. A number of researches concluded, that before the

turn of the millennium these agents considered one another rivals. However, by now it has become evident, that optimal security is only attainable if these agents actually cooperate as partners.

Private security personnel exercise no state authority whatsoever, but may facilitate citizens' arrests and act on behalf of their clients (exercising their rights to property, legal self-defence, etc.). Most procedures fall into the legal category of property defence. The use of force for a security guard is authorised, however, items legally categorised as weapons are restricted. Security guard personnel's minimum employment requirements are: age above 18 years, no criminal record, legal residence in the country, state-mandated examination. The supervision of private security guards belongs to the state police, among others: the issue of private security guard/private detective certificate and private company licence; registration of private security guards and licenced companies and control activities. In case of violation the police may levy a fine, cancel a certificate or licence.

It has become a global tendency in recent years that the role of private security actors is increasing within the system of law enforcement. The main reason of this I regard to be the fact that they offer both specialised and comprehensive services at a professional level. Meanwhile, despite its increasing importance, private security is relatively poorly treated in our country, with a number of anomalies making its lawful and effective operation almost impossible. The legislation regarding close protection, safeguarding, as well as private investigation suffers a considerable drawback, making it impossible for those in the trade to fulfil their duty especially since the abolition of mandatory membership in their professional chamber in 2012. So far, the professional, theoretical and scientific fundament of the area has been missing, a shortcoming which the National University of Public Service Department for Private Security and Local Governmental Law Enforcement intends to ameliorate.

## **Local Governmental Law Enforcement**

At the time of the transition from the previous socialist political system, there was a fair opportunity to reform the police and move it towards decentralisation, professionalism as well as open collaboration with the citizens and communities, with an organisation focusing on the priorities and requests of the residents, while eliminating centralisation, hierarchy and the military nature of the police.

One of the most authentic experts concluded in 2009: "The centralised organisation invests most of its capacity on central tasks, losing contact with local communities, which sense a lack of public security in their own region. The centralised organisation applies force rather than providing service and protection activities."<sup>12</sup>

The structure of the police force does not reflect the differences between policing tasks and there are no long-term development plans; no government in the last

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<sup>12</sup> Finszter (2012) 46.

20 years has been able to or found it important to compile a comprehensive public safety strategy. The entire policing system at present is characterised (also by its members) as a system with very low levels of efficiency. In the last 20 years, politicians and law enforcement experts have been unable to provide the requisite balance between political support and political influence.<sup>13</sup>

The operation of centralised state police is influenced by a statistical approach, which is the reason why no capacity remains for serving local communities and dealing with local matters, despite a few improvements in recent years. This void of general security could be dealt with after a comprehensive and accentuated involvement of local governmental law enforcement.

The field of local governmental law enforcement has been the subject of a few research projects only in the last 25 years. The professional publications and research were confined only to the definition and foundations of local governmental law enforcement. Unfortunately, the theoretical studies which recognised the current problems and indicated potential solutions were left unanswered by the decision makers and authorities concerned. Therefore, we could state that local governmental law enforcement has been unjustly neglected in the last 26 years. In order to have a clear view of the situation, a lot needs to be done. Thus, I think that research into practical operation cannot be delayed any further. According to my experience, local governmental law enforcement as a branch of law enforcement is being upgraded because the changes in the subjective sense of safety of the public have become a decisive priority. One of the major elements of this subjective sense of safety is the time and the procedure when citizens meet law enforcement organisations and the personal experience they gain during such encounters. Obviously, being a key player in state law enforcement, it is the police that a citizen will meet most frequently, as the police force is present all over the country, whereas local governmental law enforcement will only be manifested where the municipalities consider it justified, where it is established and its operation can be ensured. Also, the competence and powers of local governmental law enforcement organs are more limited than those of the police. Another significant element of the subjective sense of safety is whether the representatives of the organisations concerned by law enforcement can devote sufficient time to listening to people, the extent to which they consider the citizens' opinions, the issues raised by them, that is the extent to which law enforcement is ready to meet the expectations of society, whether it really tries to solve the problems.<sup>14</sup>

Unfortunately, there is no consensual definition for local governmental law enforcement in Hungary, even the mayors, directors of municipalities, representatives of local governments have no clear concept of the proper and separated roles of the actors. The municipalities have a major responsibility in creating and maintaining public security

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<sup>13</sup> Leyrer (2013) 127.

<sup>14</sup> Bacsárdi–Christián (2016) 86.



in their region. For this reason, more awareness improving education and training system is urgently needed.

To define the local governmental law enforcement, these bodies are founded and financed by the municipalities with more limited empowerment to enforce the law than that of the police. Their main role is to contribute to public security, crime prevention with respect to residential needs and requests, protection of local assets and to improve the subjective sense of security of the population. According to another expert from the field, we can define local governmental law enforcement as the field from where all the activities and direct actions taken in response to the demand of local security issues.<sup>15</sup>

The so-called municipal police model around Europe means that decentralised police units co-exist under municipality control parallel with the state police with similar empowerment. The municipal bodies respond to local needs in close cooperation with other law enforcement organisations.

Concerning the regulation of the field the Local Governmental Law of Hungary states that local governments contribute to ensuring the safety of municipalities. The new Act on Local Governments in Hungary (Act CLXXXIX of 2011) declares that it is the task of the local governments to ensure the safety of the municipalities. This is the primary regulation that stipulates the obligation to establish the local law enforcement in the Hungarian municipalities. The competence and powers of local governmental law enforcement organs are more limited than those of the police. The most important type of local governmental law enforcement unit is the Public Area Surveillance Unit, almost all major cities and towns established this kind of unit. The operation of this kind of organisation regulated separately by the Act LXIII. of 1999.

The Act CXX of 2012 introduced new and important changes in the field of law enforcement in Hungary, in order to ensure local security. One such change is the opportunity to establish a municipal police force for a local government. The Hungarian Parliament adopted this legislation about the local and other, non-police law enforcement officers and agencies, but only the main procedural legislation was merged the detailed regulations remained apart. The various categories of local law enforcement units can be merged by the decision of the local government to one organisation. This legislation also creates a new position called Inspector in Charge. The bodies and actors (conservation guards, public area inspectorates, field guards, forest protection service, nature protection, municipal police, professional hunters etc.) involved in the maintenance of public order are allowed to use handcuffs and dogs. This legislation steps up the fight against school truancy as well.<sup>16</sup>

The relevant regulation does not contain a complete list with the activities of the local governmental law enforcement, here are the most characteristic issues:

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<sup>15</sup> Christián (2015): Available: [www.jog.tk.mta.hu/uploads/files/25\\_Christian\\_Laszlo.pdf](http://www.jog.tk.mta.hu/uploads/files/25_Christian_Laszlo.pdf) (Downloaded: 10.06.2017.)

<sup>16</sup> Christián (2015) 284–286.

Tasks defined by the body of representatives of the local authorities in the area of crime prevention, public order etc.

Checking, supervising and sanctioning the special local norms set up by the local government.

Activities restricted to the area of or the narrow area directly adjacent to the given locality, organised and controlled by the local government aimed at maintaining local public order and safety.

Establishing and maintaining public order and safety with the help of a relevant toolkit.

Public order activities carried out by local governments.

Preventing and combating crime and risks.

Maintaining order, all the activities related to the prevention of accidents and crime.

Activities related to public order and safety, to be carried out voluntarily as public tasks.

Carrying out tasks of public area supervision, maintenance of the order and tidiness of public areas, protection of local government property, maintenance of the order of public transport usage and carrying out the tasks related to the environmental conservation of natural reserves of local importance.

Crime prevention activities, the protection of public order and safety, issues of animal health, protection of children, young people and the elderly, training and education of the public and of young people.

Activities within the framework of patrol and surveillance services, at the scene of traffic accidents, as well as those of the school crossing patrol officers in the vicinity of kindergartens and schools.

It is important to underline that the structure, operation and the practice of jurisdiction of local governmental law enforcement is variant in Hungary. Two recent sordid events (bomb explosion in September 2016 on Teréz ring-road, Budapest; and issuing fines based on video cameras surveillance) indicate the enhanced role of local governmental law enforcement in the complex security system. However, first of all an overall analysis of the situation is required together with considerable refinement of the current legislation.

In 2015, in order to complete this need a Research Group for Local Governmental Law Enforcement was founded at the National University of Public Service (Local Governmental Law Enforcement Research Group) to conduct a four stage research project. Each year a different aspect of local policing will be examined. In Hungary this research is unique.<sup>17</sup> According to the first stage (interviews) of this research, we can come to the conclusion that the main characteristics and anomalies of the Hungarian local governmental law enforcement are as follows.<sup>18</sup>

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<sup>17</sup> Bacsárdi-Christián (2016) 90–91.

<sup>18</sup> Bacsárdi-Christián (2017) 27–38.

The Hungarian local governmental law enforcement system is quite varied, there are various types of local law enforcement offices and officers. These are separated attempts of the local governments often without professional establishment and background. What contributes to this anomaly is that mayors and decision makers at local councils have no real knowledge about local level law enforcement. These politicians do not know what the main role and mission of the local government is in the field of maintaining public order.

Local governmental law enforcement is mainly financed from the budget of the local government. State subvention is minimal. A little part of the local law governmental enforcement is supported by the state. The lack of sufficient financial conditions can prevent the local governments from establishing and maintaining local law enforcement officers and offices. It is a serious problem that a complex state register about the local governmental law enforcement organisations does not exist. In my estimation in Hungary about 300 local governmental law enforcement organisation exist from the smallest (1–2 employees in small towns), to the biggest (450 employees, Local Governmental Law Enforcement Directorate, Budapest) organisation.

Local governmental law enforcement is mainly public administration in nature; it is not police-like. The officers are public servants, not police officers, with quite bad earning conditions. They belong to the Mayor's Office or a particular institution. They have the right to use enforcement measures but this is a very limited power.

The supervision of local governmental enforcement is one of the most actual topics in the field. The legal and professional supervision belongs to the police; however, nowadays it is out of order. According to the related law, the Hungarian police force supervises the establishment and procedures of local governmental law enforcement. First the local governmental law enforcement organisation and the police station have to sign a cooperation agreement, in order to harmonise their activities. In everyday practice, despite the mandatory regulations there are some stations where there is no signed agreement. In other places the actors did not put the agreement into practice and that is why they are unable to realise an effective cooperation.

The other weak point of local governmental law enforcement is the education and training system. The basic training belongs to the adult vocational system and the quality of these trainings are quite ambivalent with generally low quality standards. Further training is a completely missing level today. At high level education there is only one quite new institution in the field: Department for Private Security and Local Governmental Law Enforcement at the National University of Public Service.

## **International Tendencies**

The following question repeatedly arises: Does the state police service have to continue with its full range of functions or is it time to let others get involved and take off some of the responsibilities? The Slovenian example helps us to understand the new, 21<sup>st</sup> century philosophy of plural policing, in which local security organisations

play an important role. “There are organisations, which were not established for the purpose of policing but their tasks, nature of work, and special powers make them ‘new police forces’. The security sector has changed significantly over the last two decades and newly established organisations have some police powers and/or perform tasks that have traditionally belonged to the public (state) police. In addition to the state/public police forces, municipal warden services, judicial police, customs services, police departments within the state prosecutor’s office, and even the security services within intelligence and the security service of the Ministry of Defence and military police have police powers. If numerous private security firms and private detectives are added to the state/local managed public security control organisations, the present situation of Slovenian policing can be easily defined as plural. Municipal warden services are quite young organisations, without many employees, but they are more and more influential and present in the everyday lives of inhabitants since their tasks and powers are broadening. It is yet to be seen whether these organisations will cause a decisive shift toward de-centralisation and de-monopolisation of public policing by the creation of a metropolitan/municipal police.”<sup>19</sup>

In the current security situation there is a clear tendency around Europe that complementary law enforcement institutions or plural policing organisation are gaining an increasing role in law enforcement. The municipalities dedicate more and more finances and resources to the security. One outstanding example for this is that of Marseille, where comprehensive public security project has been conducted with considerable improvement of the staff of the Municipal Police, alongside with investments in surveillance camera network system and monitoring. All this has increased the conditions and prestige of this organisation.

As it is evident from the Slovenian and French model, the local and state policing bodies co-exist and cooperate without conflicting interest and functions. This is due to the fact that there is no subordinate relationship between the organisations, and despite their similar authentication, the roles are naturally separated, with local public security matters belonging to the municipal policies.

## Conclusion

There have been numerous changes in the organisations and regulation of Hungarian law enforcement with many new acts. In parallel with this, several outer circumstances, such as terror threat, irregular migration, border protection make it necessary to revise and re-evaluate the approach to security, as well as the actors and participants’ involvement and the methods used in creating public security in Hungary in the most effective way. Creating and maintaining public security is not an exclusive state responsibility, alternative and complementary law enforcement actors must increasingly be involved. The present study places local governmental law enforcement in the focus, examining

<sup>19</sup> Sotlar–Dvojmoč–Meško (2013)

its theoretical fundamentals and legislation concerning its organisations and operation. Having investigated the above mentioned areas, we can conclude that there are several deficiencies in regulation that seriously impede its effective task completion and practical operation. The research also intends to supplement the lack of theoretical and scientific foundation in the field of law enforcement in Hungary today.

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