

Security as a Central Element in Law Enforcement

BALLA Zoltán¹

Scientific studies of security are carried out by military sciences and the evolving sciences of law enforcement. The subject matter is characterized by economic, political, military and climatic factors. The government's strategies for security are synthesized in government decisions. The future responsibility of law enforcement is to examine security.

Keywords: safety, law enforcement, safety and enforcement

Security; as we will see later, this is the shortest word to cover the essence of law enforcement. The term security has a quite different connotation on the individual levels in ordinary people's life; so does it in architecture, in the media, in political parties, in national defence or even in cosmetic products. To citizens – besides other things – it stands for safe livelihood and a quiet life, while in architecture it means the statics that exclude construction collapse; in the media, the relevant news' frequent turning into tabloids, thus increasing the amount of copies/viewing, leading on to more advertising revenue; to the political party it means the won elections; to the national defence the armed protection of the homeland; to the cosmetic industry the product's safe use devoid of adverse effects.

Security can be interpreted on a micro and macro level. We will further analyse its social implications. We will examine what national/military and mainly law enforcement measures are required by the internal and external threats to society. The former segment is a subject matter of defence administration, while the latter belongs to law enforcement.

Security has meant different things throughout history. In ancient society it meant the fight against the life threatening dangers of nature (frost, fire, water, etc.), fight for food or against enemy hordes; later in class societies it meant the fight against the factors that affected adversely the ever increasing life quality – on a micro level. Today it is the same on a macro level, meaning the global scale exclusion of those adverse factors.

The processes brought about by the economic and political relations reaching beyond countries and continents arrange the countries into increasingly global sets that grow into further systems. This in turn alters their relationship. It generates depend-

1 BALLA Zoltán dr. PhD, associate professor, Head of Department, National University of Public Services, Faculty of Law Enforcement, Institute of Public Law Enforcement and Applied Management Theory, Department of Applied Law Enforcement Science
Dr. habil. BALLA Zoltán PhD, tanszékvezető, főiskolai tanár, egyetemi docens, NKE, Rendészettudományi Kar, Rendészeti és Igazgatási Tanszék
balla.zoltan@uni-nke.hu

encies in a number of areas, with the most striking example of energy dependence. A state's internal security is fundamentally affected by the unwanted situation where energy resources fail to provide its citizens heating in winter or in summer the minimum level of energy service.

Scientific study and analysis of safety is treated by:

- military science,
- the evolving science of law enforcement.²

„From the military science approach it is the military elements of security that must be sought,”³ Dr. Csaba Vida said in his study completed on the 5th of September 2009. These elements are to be examined most generally in warfare and its military strategies, tactics, logistics, these being determined by the protection of the population and the state territory. In other words, the military science examines safety assessments in the context of military warfare.

In comparison, the evolving science of law enforcement deals with the relation systems of security (mainly, but not exclusively) within the state. It examines – on a scientific basis, by researching the normal, safe life of the members of a society and its routine operational matters – the wide variety of factual aspects in both public and private sectors. Thus it deals with its conceptual, institutional, legal and resort systems, its past, development, present and perspectives.

On a general level, security is characterized by four factors. Namely:

- economic,
- political,
- climatic,
- military.⁴

Economically, the relations of social wealth distribution resulting in the objectivising set of poverty-wealth, will affect one of the fundamental factors of security, this is delinquency. It is a matter of fact that poverty does not only bring crime for means living, but also propagates other dangerous forms of behaviour (theft offence under the limit etc.). This undesirable phenomenon will naturally be subject to different statistical dimensions – by the political subsystem legislative process – for example, raising the value offense limit – but it remains a fact that the number of shoplifting offences will not decrease. Corruption occasionally associated with various investments and other economic processes can affect the normal functioning of the state. Another security motivating economic issue is how much the government can spend on technical means such as road safety and public safety personnel training, extended training, and on ensuring a decent living for its law enforcement staff, which requires a cost of several million forints.

In the issue of the evolution of international economy, the drastic reduction mainly in oil and natural gas supplies – as strategic raw materials over the next decades – raises

2 Treating law enforcement as a science – see: BALLA Zoltán: *The Questions of Law Enforcement*, *Belügyi Szemle* 7(2014), 5–19.

3 VIDA Csaba: *The Military Elements of Security and security Policy* *Nemzetbiztonsági Szemle*, 2013/1, 104.

4 The periodical *Biztonságpolitikai Szemle* gives a similar approach in the article *New Types of Security Challenges in a New Frame*, Source: <http://biztpol.corvinusembassy.com> (12.04.2015)

very serious problems of security coverage. Compared to the states of key positions in mining and transport/distribution; the sub-positioned „only” customer status and vulnerability must be dealt with as a factor that affects safety. This is closely related to the above 4th listed military element.

Discontent with the political institutional system and the political unrest meant to express it, the protests and political decisions as a response are major factors in security. These social relationships will react later on with the safety-related programmes issued by political parties for the near future, then on the constructive work and daily operation of the party who will win the next election and form the law and security institutions. The climatic conditions are also affected by the man-induced environment destruction on our increasingly overpopulated Earth.

Here factors that affect security are: the dimension of liveable space and the decrease of healthy drinking water supplies, as well as an increase in natural disasters caused by climate change. Stress caused by these factors can readily generate armed conflicts; while on the other hand, it leads to the extension of state administration bodies' activities dealing with disaster management.

The role of the military factor in affecting security has already been mentioned in the economic part. The other side of the issue arises from international terrorist warfare, whose institutional adequacy is the military and civilian intelligence hierarchy. The targets of terrorism are military and civilian facilities. Their defence is an essential condition of security.

The above briefly summarized general security factors are in many respects closely related to each other. This is best characterized by Tony Blair's now famous question addressed to George W. Bush at the G8 Summit at Gleneagles in Scotland, in the summer of 2005. The British Prime Minister's question was, what is the sense of an anti-terrorist war as long as the United States refused to cooperate in the signing of the Kyoto Convention – since due to the catastrophic consequences of climate change, in the future there might be nobody and nothing to be defended from the terrorists.⁵

The term security is etymologically connected to the Latin word “*securitas*”. “It may be treated as a negative definition. We perceive as security the absence of any threat – and the ability to avert specific threats.”⁶ Both the military science and the evolving law enforcement accept this definition content. Consequently, we will do the same, with the addition that by security we mean besides a state lacking any threat and the ability to avert threat, also the capability of averting danger.

We are concluding this general approach to Security by examining the subject matter in the context of military science, while law enforcement will be examined properly bound to the policing science profile. In other words, in the above approach, there are two sides to the analysis of security from a scholarly point of view:

- military,
- and law enforcement.

⁵ *Ibid*, 6

⁶ Péter Tólas's definition in his lecture given as Rector of the 13th Euroatlantic Summer University, www.biztonsag-politika.hu

Our National Security Strategy from military and policing sides⁷

While analysing security on the whole, the strategic theses of the government cannot be ignored. Principles having appeared in the normative decision of the means of public regulation can be categorised from military and law enforcement aspects. The theses contest military and law enforcement contents in several cases. These point to the fact that the defence of security often means an administrative task for military and law enforcement, as well. From the defending object viewpoint, it is not always justified to think about a separate controlling and an organisational model. This raises the idea of the foundation of a coherent administrative centre in order to defend security, or at least the unification of some certain units of military and law enforcement organisations in order to increase efficiency. For example, it can be the unification of organisations of military and civilian national security.

The important theses of security in the military segment

- The risk of a traditional war against our country and its allies is higher than twenty years ago, and it is minimal at present. Although this makes the threat of an attack against Hungary with traditional weapons insignificant, the security of some neighbouring regions cannot be declared stable. It is possible that military power will be highlighted in the European continent, but it might mean regional measures rather than continental ones.

The possibility of a war does not threaten military security at present, but this fact cannot be taken for granted because of:

- the spread of weapons of mass destruction and their means of delivery regionally, moreover globally in some cases,
 - the Ukrainian-Russian conflict,
 - and the penetration of Islam.
- Financial and economic crises (like the 2008-2009 economic crises) basically weaken the amount of material sources to military potency and capability for security, as well.
 - Those regional areas can mean threats in a military sense where the following factors might cause instability:
 - increase in the number of people living below poverty threshold,
 - disaffection arising from the democratic deficit,
 - ethical and religious tensions,
 - weak economic performance,
 - conflicts of the post-Soviet territory.
 - The next factor of threat can shortly be defined as a financial/economic crisis.

⁷ The Government Decision No. 1035/2012 (21 February) defined our national strategy and this gives the base to the statements of this subsection

Regarding our excessive government deficit, financial instability endangers our country increasingly. The problem can be seen as more serious since the major part of our government deficit belongs to foreign financial interests, which makes our vulnerability even more evident.

- The presence of weapons of mass destruction and their means of delivery has a significant effect on military security in more and more states and in different organisations. These facts also imply unpredictable levels of threat to international peace.

The theses of security from the law enforcement approach

- Those religious, ethnic organisations that were established under the Act CLXXV of 2011 (Civil Code) on Right of Association, Non-profit Status, and the Operation and Funding of Civil Society Organisations and those that are established under the new Civil Code, and furthermore those groupings that shall use the freedom of expression to disrupt the constitutional structure can mean a threat to security in a law enforcement sense. Actions like detection and prevention against such groups belong to the civilian national security on the one hand, and to the general police on the other hand. In this environment, powers of the government in the area of state authority can be fully applied, but the social and cultural management of issues with ethnic and religious roots have to be solved on a social level in the long run. Politics, administration and the civil powers of society have to reduce the number of people who sympathise with extremists. In this process, police have to find the proper medium of media, so they may reach a preventive effect with the help of it and the proper communication tools. It might be a separate research field in which the young aged between 14 and 18 can get highlighted attention.
- Taking action against drug-trafficking and drug-consumption is a highlighted programme for every government. This social task is a problem with great importance to Hungarian police organisations, too. Initially, Hungary was mainly a transit country, but nowadays the situation has changed as Hungary became an infected country with constantly increasing levels from a moderately infected country in drugs in regard of consumption, production and distribution. In the spirit of the fight against drugs, technical equipment of police organisations and capabilities of experts should be improved.
- Besides the economic and demographic advantages of migration, it has to be evaluated as a potential and constant factor of threat to security. Legal and illegal migration should be separated; the latter affects our country mainly as a transit country.

Taking action against illegal migration is bound by duty from our EU membership, but it is also a task for our civilian and national security. Politicians, main leaders, and experts of several states urged changes in considering and tight-

ening the inclusion policy of foreigners because of the shooting in the French headquarters of Charlie Hebdo committed by the Kouachi brothers and their accomplices at the beginning of January 2015. Effective actions against migration and terrorism should mean a cooperated and centralised challenge which organisationally can be divided into different tasks in the different institutions of the police.

According to the declarations of the chairman of the Counter Terrorism Centre,⁸ terrorist threat did not grow in our country despite the attack on the headquarters of Charlie Hebdo. However, terrorism remains a constantly haunting phenomenon of our age to the whole world. Police organisations have to take into account terrorist threat against the organisations with foreign operations or Hungarian organisations operating abroad. The Hungarian Intelligence as a special unit of the police should carry out active investigative activities to prevent and deflect the security, economic and political consequences of foreign terrorist acts that affect our country. Development of the underlying causes, integration into extremist groups, and application of all of secret tools on a high level linked to them, must be treated as a primary task in taking actions against terrorism. This is impossible without a constant relationship with organisations of counterterrorism of other countries on a daily basis. The defence of infrastructure should be reconsidered according to the economic means of our country.

- Organised crime threatening security is closely linked to the two previous points. Different groups of organised crime posing themselves as participants of economic life influence processes in subsystems of society in order to make the grey economy constant, even by means of law. They seek to make contact with politics, law enforcement, and administration of justice. With different forms of corruption, they destroy economic, judicial, moral and other relationships of society and distort legal certainty trust into public life. They gain potential in decision-making mechanisms of politics and law and filter into the organisations of police.

Law enforcement, especially the sectors of police and national security cooperating with the National Tax and Customs Administration of Hungary and other organisations should take actions against these processes. The material resources of organised crime, the process of their wealth retention, their techniques of money laundering, policy making, misuse of law and other criminal efforts should be investigated with the help of open and secret means.

Possibility of development in the arsenal of National Protective Service and possibility of enlargement of their power should be examined. In this process, naturally the issues for regulating internal audit of National Protective Service and Prosecutor's Office should be reconsidered.

- One “product” of the latest security threats to the smooth and normal functioning of the information and communication systems in the government's back-

8 www.atv.hu/belfold/20150114 (12.04.2015)

bone network is cybercrime. The tasks of the police are to explore the persons and activities of potential hazard in cyber space, to strengthen the information systems and to operate cyber protection.

- In terms of our country's security, it is a strategic priority to ensure affordable energy supplies. The safe provision of our energy provided by fossil fuels and energy sources is unstable, we are exposed to high risks. Our nuclear energy production is to be developed in a perspective way, still our dependence on energy imports remains high. This implies law enforcement agencies standing guard over the facilities in question, i.e. the protection of nuclear power plants, gas storages and transport systems. In this regard, the involvement of armed security guards is unavoidable.
- The followings may carry serious security risks in the near future:
 - global climate change,
 - extreme weather effects,
 - access to potable water,
 - the Earth's food problems afflicting many countries,
 - the risks of epidemics,
 - environmental risks and risks deriving from the process of civilization.

These threats are highlighted among the concerns of disaster management organizations (as for their policing character) regarding prevention, rescue work and restoration. Preparation of public health, protection of drinking water, protection of land, provision of GMO-free food and environmental protection concern not only the law enforcement bodies but also the public administration.

Policing and home defence

The responsibility of security services at the social level is that of „... the soldier and policeman”, because „their social function is danger prevention”⁹ by their profession. In other words, at the social level in Hungary – and also in all other governments – the military and the police are the number one agencies responsible for emergency management. It is their top priority, but in the case of the police, not exclusively. In this task, other agencies (for example public space surveillance, civilian national security) and other law enforcement agencies (NGOs, etc.) are also involved.

In a comparison of the military and police activities, a number of similarities can be found. Let us look at some of them:

- both are very hierarchical organizations,
- they are typical of the “command” system of domination,
- in the state administration, the management powers of the ministers representing the Government prevail,
- they disserve distinctively from other branches of public administration (uniform, ranking, visible weapons, etc.),

⁹ FINSZTER Géza: *Theory of Law Enforcement*, NKE RTK, Budapest, 2014, 134.

- both organizations – bound to strict legal determinations – have the right to extinct life,
- the need for their activities has existed since the development of the state.

The fact that both organizations use secret means for security protection is also among further similarities. In the case of the army, it is within the power of the Military National Security Service; as for the general Police, the Criminal Service is in power regarding this (the role of the Counter Terrorism Centre and that of the National Defence Service are ignored here). The power of the Military National Security Service to use secret means serves our country's home defence and the interests of our military policy, however, it allows further conclusions on the basis of Act CXXV of 1995. Thus, the above-mentioned organizations using military secret means can conduct home searches, interceptions, or use agents in cases where the criminal police services can also act. The normative framework of this is given in the provisions of the 6th Paragraph of the above-named Act as follows:

- the service can explore and prevent secret activities against our country's legal order,
- it can gather information about terrorist organizations threatening our national security,
- it can obtain data and information about illegal arms trades that endanger our national security,
- it contributes to the exploration of illegal trading of internationally controlled products and technologies,
- it can also contribute to the investigation of numerous crimes (e.g. anti-state, anti-human violence; violence against the members of national, ethnic, racial or religious groups; abuse of top secret and confidential data; public safety threat).

In the case of the above listed crimes – among several others, the police can also carry out their investigations along with the Military National Security Service, even at the same time. In fact, civilian intelligence services, which are ignored this time, also have similar powers; consequently, in theory and practice, the followings can all use secret means to explore the same crime (until ordainment of investigation):

- the Military National Security Service,
- the Information Office,
- the Constitution Protection Office,
- and the criminal services of the Police.

The situation is specifically and not positively motivated by the fact that, on behalf of the Government, the above four organizations are managed by three ministers at present: the Military National Secret Service by the Minister of Defence, the Constitution Protection Office, as one of the civilian secret services, by the Interior Minister, the Information Office by the Minister in charge of the Office of the Prime Minister, and the Police by the Interior Minister again. This situation can raise problems in coordination efficiency and effectiveness.

The fundamental questions of safety-related social relations – including the strict competence accruals, could be settled and resolved in a future “Security Law”.

Finally, I finish the questions of similarities with home defence and law enforcement becoming an independent public administration. Both areas:

- became independent public administration organizations and separate authorities in the 19th century,
- public law and private law had to dogmatically and clearly separate from each other in order to ensure normative regulation, and simultaneously, the legal branch of public administration and that of criminal justice as fundamental areas of security policing had to appear,
- the basis of their organizational and legal separations at social level was the establishment of national states and the simultaneous institutionalization of civil freedom rights.¹⁰

It can be stated that the institutionalized system of the two areas in relation to security emerged when the role of the state gained importance in the second half of the 19th century, when, as part of the offices of the civil state – mostly treated at constitutional level, the police and home defence security management established a separately and independently controlled subsystem.

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ABSZTRAKT

Biztonság mint a rendészet központi eleme

BALLA Zoltán

A biztonság témakörét mind a hadtudomány, mind a fejlődő rendészettudomány kutatja. A kutatás tárgyát gazdasági, politikai, katonai és éghajlati viszonyok is meghatározzák. A kormány biztonságpolitikája kormánydöntésekben ölt testet. A rendészet előtt álló egyik kihívás a biztonság témakörének vizsgálata.

Kulcsszavak: biztonság, rendészeti jog, biztonság és rendészet

¹⁰ Similarly in FINSZTER Géza: *The Theory of Law Enforcement and Its Toolkits*, NUPS, Budapest, 2013, 20.