

1. The topic of the dissertation and the brief summary of the proposed project

Good many people have been engaged in dealing with law enforcement in many different ways, however only few of them took notice of the special organs of law enforcement, and the differing methods from the existing ones. Most of the researches are completed with the exploration of police force and do not have a further look on the topic.

The other reason for the choosing of this topic is the many thwarting noticed in the law enforcement bodies (especially within the bodies). Thus the topic reserves countless questions for expounding and responding.

The Ph. D. thesis on one hand gives a detailed outline about the establishment, development and functioning of the law enforcement. It outlines the most actual problems and tries to give an answer to the question of how could we use the most effective principles and methods in law enforcement to be able to cope with the challenges of the 21st century.

The title Alternative law enforcement does not refer to the law enforcement's alternative as a state monopoly's alternative. In this context, the meaning of alternative highlights how the state can most efficiently comply with its law enforcement duties.

2. The method of the research

The primary method of the thesis is the dogmatic analysis of the regulation and glossary of the Hungarian law enforcement. Neither the historical overview nor the international division and the comparative approach can be omitted.

The parallel between the Anglo-Saxon systems and the accomplishments of the continental law enforcement results in interesting conclusions. I have found particularly significant and beneficial the study of the foreign judicial system's case law. I used not only the special literature, but attended several "aimed" study tours to the USA, England, Italy and Germany to be able to present the systems of the foreign law enforcement.

The thesis contains and covers the questions I have found the utmost important and most actual with the intention of pithy approaching and processing.

3. The short introduction to the thesis, and the exposition of the scientific achievements

The thesis is divided into 6 parts. In the Introduction, light is thrown on the choosing of the topic, its motivations and background, as well as on the method of the research.

The first chapter, Episodes from the history of law enforcement, shows us in schematically the establishment and development of the law enforcement from the beginnings until present day.

The maintenance of order and the pertinent demand is coeval with humanity. The cognition of the immensely differing German, French and British roots of law enforcement is the indispensable part of the historical overview. The Anglo-Saxon police forces due to the historical establishment and development came into existence to satisfy the common demand for self-defence and they are typified by bottom-up institutionalisation (devolution). Contrarily, in the continental states the trend was adverse; police forces were instituted in a top-down way with strong connection to the state. Their characteristics are centralization, hierarchy and command regime.

The second chapter, The law enforcement abroad, briefs us in the international relations of law enforcement through examples, one belongs to the classical continental system: Italy, together with one picked from the Anglo-Saxon system: the USA.

The Guardia di Finanza (Gdf.) was in the focus of the Italian exploration. The body can be identified mostly as a financial-economic police force.

The law enforcement of the United States of America is very varied and manifold hence it is almost impossible to delineate the exceptionally difficult and complex structure of it in a few pages. I only undertook the task to concentrate on the accomplishment and methods differing from the European ones alongside the review of the main organizing principles and most typical police force agencies.

From the German law enforcement I demonstrate at large the customs authority (Zollverwaltung). It is a very interesting fact that a 10 years long, intertemporal and comprehensive reform series has just ended for this authority. This reform series altered fundamentally the German customs and finance guard's structure, skills and efficiency index.

Apropos of the foreign accomplishments emerges the paralleling of the Hungarian law enforcement and the question of the domestic applicability. The résumés and the conclusions at the end of the subsections are devoted to these goals. On the whole it is ascertainable, that the proper acceptance of these systems is not accomplishable. Thence the exploration of the foreign models can be exceptionally useful, because certain trends, principles and ideas are

worthwhile at least for consideration. The chapter could serve as a benchmark for the exhaustive analysis of the Hungarian law enforcement, for this aim got this chapter to the front of the main text.

The third chapter is The house on the sandy base, namely the clarification of the concepts of law enforcement.

The clarification of law enforcement's concepts composes an indispensable part of a synoptic, "map-drawing" work. Its primal aim is to demonstrate extensively the ongoing situation. It has a particularly great significance, because there is an absolute conceptual chaos related to the elements. We can't solve the chaos with the dredging up of the problem, but it could help to establish perspicacity. The following facts and circumstances led to the development of the present day situation. The Hungarian law enforcement had followed in its establishment and development the German sample before the socialist regime took control. The 40 years of soviet influence affected the structure and operation of our law enforcement to an entirely other orientation. After the change of regime in 1989 it would have been adequate to return to the old traditions, but it did not happen.

As a conclusion, it is ascertainable, that in the case of the law enforcement and the maintenance of constitutional order a desultory and theoretically unfounded legislation went on, especially in the '90s.

One of the basic questions of the fourth chapter, titled as The constitutional foundation of the law enforcement, is how does the law enforcement cope with the requirements of constitutionality in the frame of the rule of law, and what kind of casemaps does it need to be able to integrate tightly into the constitutional structure. The real meaning of legitimacy in the law enforcement is revealed in the chapter. Apropos to the constitutional operation of the law enforcement, the question arises, how do the police forces integrate to the power structure.

The functions of law enforcement, such as presence-guard, the monopoly of physical force and criminal-intelligence and investigatory bodies are isolated and analysed, as well as there are a few words about other approaches based on allocation.

The protection of fundamental rights has an important role in the law enforcement therefore I favour particular attention to this topic. The law enforcement and the protection of fundamental rights are in interaction with each other. "The work of the police – in a fair or a wrong way – has influence on the basic rights including, the individual has the right to life, liberty and security of person".

One of the catches of law enforcement is that numerous fundamental rights can only be assured with the restriction of other fundamental rights. I think that in this topic it is essential,

instructive and fairly indispensable to come to know the related domestic Constitutional Court practice together with the case-law of the European Court of Human Rights.

The fifth chapter: The present day Hungarian law enforcement

The instable situation of the present day Hungarian law enforcement arises from the problem, among other things, the change of regime in 1989. In the last 20 years the planning and strategy construction in the case of the law enforcement were determined for only specified periods, within the cycles and for short or medium-term without any serious commitment or intention to change. As long as we can't exceed over this approach, the demand for change is only an unreality.

Whoever counts the agencies, organs and bodies, who are taking part in the maintenance of law and order and public security in present day Hungary, will get a surprising data. First of all it is almost impossible to create a full-blood and absolute list. Basically, the problem is not arising from the diverseness, because in many foreign countries the organization of law enforcement is remarkably chiselled. The difference is that in our country the different agencies do not have competent authorisation and scope, namely the minimal requirements of the effective and fruitful work are missing.

In the followings, I will review in an extracted version the anomalies, what can be noticed in the law enforcement. In my opinion these anomalies signifies the obstacles in the way of the establishment of an efficiently working system. Most of these problems are not recent, everybody knows about their existence, even so the system does not solve them and in the last 20 years no substantive alternation happened.

- Wrong regulatory concept. After the change of regime in 1989 everybody, who was qualified in this area, hoped for the return of the Hungarian law enforcement to the way, what it'd followed before the war. They hoped that the Hungarian law enforcement will return to its traditions and turn away from the established principles and methods of socialism. The law of service related to the professional workers of law enforcement agencies is represent the reminiscent traditions in the strongly militarized style, the centralization, the rigorous hierarchy system and the absolute emergence of the command. In the case of some organs, which were draw into the law enforcement agencies, it is unnecessary and totally beyond reasons. The combination of professionals of the law enforcement agencies are unexplainable, the upper-deck ratings have a significantly high proportion: approximately 42% of the professionals are officers. This ratio is 4-8% abroad. In my opinion in the frame of a new law of service the ratio should be specified in 10%.

- The special retiring system of the law enforcement costs a might to the state and induces serious social tension. The law enforcement agencies lose their most experienced, outstanding professionals, who are only in their 40s at the time, on the occasion of restructuring. The hundred-thousands of professionals who are retiring with an exemption by age and with a higher pension than their salary cause vast of costs and unnecessary expenses to the budget.
- The needless parallelism should be eliminated and only the clear profile should be determined for the agencies with definite competence. Also the needful casemaps must be assured to an effective operation.
- The profile clarification can be a further improvement in efficiency. The question arises rightfully, do we need so many monitoring authorities in Hungary, or would it be more worthwhile to establish one monitoring “super-authority”?!
- The law enforcement and the peace keeping should be brought closer to the people and the society in accordance with the up-to-date European Union documents. It is not necessarily realized only in devolution, rather it means, that the citizens need to be involved in the decision making and impeachment.
- The powers must be focused and we should avoid the fault of disaggregation of powers and resources. This happens at present. Accordingly, there is an urgent need for a register of the law enforcement agencies, aftermath a review would be necessary as well and the powers needs to be focused. An authority must be selected, which can most effectively support the work of the police forces and the resources must be used accordingly to this.
- The statistics used as a refuge must be abandoned. In every age every police force can make up such statistics to admire its work. The people’s actual feeling of personal security is more important. We must work on the improvement of this security feeling, meantime in the near future we must establish a measuring system with which the effectiveness and successfulness of the work of the law enforcement will be measurable more realistically.
- In the case of the professionals of the law enforcement agencies, a change of approach needs to be done. It is the task of the legislator and the all-time governance to make more engaging the law enforcement as a profession. Insofar as it comes true, the further arrangements must be done in the heads. Since in the case the early retirements and the survival cannot be the purpose for the choosing of this profession, but the active and effective work should take over from the above-mentioned.
- The extreme political influence on the law enforcement. Since the change of regime the national chief of police is in office for a little more than 1.5 years averagely. This is a very descriptive data. The most fundamental condition of the independent operation of a police

force is the appointment system of the number one leader. The solution in my mind is the delegation of the power of appointment to an “independent” organ or person with the development of the proper casemaps. The separation of the other law enforcement agencies from the politics is also a challenge waiting for solution.

The sixth chapter, with the title: The alternative law enforcement, searches for the answer for the above-mentioned problems, with what kind of alternative “therapy” could we support the needs of the Hungarian. First of all, the *raison d’être* of the alternatives and their basis are enlightened.

The question of the municipal police force’s topic is not postponable. The Municipal Law determines the maintenance of public security as a task of the local governments. The factual interpretation of this task is not detailed in any other legislation moreover the legislator does not delegate any competence to this task and does not charge the authorisation with capacity. No wonder then, that the individual attempts are mostly off-hand, instable and isolated from each other. Our law enforcement is not enough opened towards the problems of the municipal community. It is a normal consequence of this approach, that the society does not give as much credit to the law enforcement agencies as it should, the feeling of personal security is even less sensible. The questions of the municipal law enforcement must be based on unified basis. To this end, there is a need for self-limitation from the side of the state, also the state must share some specified competences with the local governments. Specified law enforcement competences must be decentralized.

In the last two decades the private security outgrew itself as the alternative of public security. We cannot leave without a word the market of private security with its many thousands private security enterprises and the more than hundred-thousand guards working in these enterprises. The exposition of the question is very topical, at the same time many delicate aspects arise related to this topic.

The question about the place and role of the Customs and Finance Guard in the economy protection is always on agenda. In the present, slightly agitated, situation the Customs and Finance Guard is the most dependable point of economy protection. In the determination of the future direction of the agency, we should definitely take into consideration the actual trends of economic delinquency, and the relevant changes influencing the agency together with the demand for compliance to the new expectations. The recently occurred shifting of emphasize in the operation of the Customs and Finance Guard could be a significant aspect as well. The excise specialty gained more importance related to the accession to the European

Union, the “conversion” from the border control to the mobile control and the persistent and conscious development of the investigation specialty.

I examined yet the gendarmerie from the atypical law enforcement agencies. In this case I could, understandably, demonstrate only the French originated institution by foreign experiences and international outlook. It reveals that by what kind of motivations and principles have been established this institution in more than 20 European countries and how its success can be summarized. This question is particularly interesting for us since beside the Western-European countries several Central-Eastern European countries set back the institution after the change of regime.

4. Publications

1. Scientific activity within the agency of the Customs and Finance Guard, The place and role of the law enforcement agencies within the administration intituled chapter, Viva Média Press, Budapest, 2008.
2. The confidence of the nation towards the administration, Pénzügyőr intituled periodical, August 2008.
3. Guardia di Finanza – the Italian Customs and Finance Guard, Rendészeti review, 2009/05.
4. Administrative substantive law note, Chapter about the social administration, PPKE JÁK, Szent István press, Budapest, 2007, 2008 co-author
5. Episodes from the history of law enforcement, Iustum, Aequm, Salutare 2009/3. (the jurisprudential periodical of PPKE JÁK),
6. The reasoned audience, the ideal of the democracy and free speech, Book review: András Koltay: The basic lines of free speech – in Hungarian, British, American and European comparison (Budapest, Századvég press, 2009)
Infocommunication and law, 2009/33., HVG Orac press
7. The house on sandy bases, namely the clarification of the concepts of law enforcement, Iustum, Aequm, Salutare 2010/1
8. Alternative solutions in law enforcement, Közjogi review, 2010. Jun.
9. About coherence between the municipal police force and the community law enforcement, The local governments are 20 years old - Birthday or funeral, PTE, Publikon Press, Pécs 2010.
10. Present day law enforcement, Public law after the turn of the Millenium, PPKE JÁK, Budapest, 2010.
11. Deutsche Zollverwaltung, a multi-faceted Customs and Finance Guard, Pénzügyőr, the periodical of the Customs and Finance Guard, April 2010 (coming-out)

5. The curriculum vitae of the candidate

Christian László was born on the 27th of February in 1979 in Gyula. After graduated from the Karácsonyi János Catholic High School he attended the Pázmány Péter Catholic University Faculty of Law and Political Science as full-time student, he graduated from Law School in 2002 with the qualification of “cum laude”.

In 2004 he graduated as bank attorney from the PPKE JÁK Deák Ferenc Postgradual Institute. On the 1st of September in 2006 he enrolled to the Pécsi Tudományegyetem ÁJK PhD School, however he obtained absolutory in the PhD School of the PPKE JÁK in 2009.

Further qualifications: financial-counting specialist guard, College of Finance and Accountancy Budapest Business School (2005); Public procurement rapporteur (OKJ charter), Perfekt Ltd. (2008); ski instructor charter, Semmelweis University Faculty of Physical Education and Sport Sciences Postgradual Institute (2003)

He has an intermediate complex language exam in English, and an advanced oral language exam in German, both exams are state accredited.

From 2002, mandatory teacher in the Administrative Law Department of PPKE JÁK

Since 2002 he has been a professional member of Custom and Finance Guard, present rank: captain

2005-2006 Auditor of the Customs and Finance Guard’s Patrol Service

2006-2008 Head of Financial Department, Customs and Finance Guard

From September 2009 teacher in the Custom and Finance Guard Department in the Police College of Hungary

Further educational activity from administrative law subjects: Corvinus University, Budapest; Óbuda University (successor of Budapest Tech); Schola Europa Academy; European Business Polytechnical Institution.