



THE HUNGARIAN CIVIL SELF-DEFENCE ORGANISATION ⁽¹⁾



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Keywords: civil self-defence; public security; crime prevention; Hungary.

Abstract: Creating and maintaining public security and public order is the exclusive right and duty of central government and in some cases of local government in European Member States. In Hungary, the Civil Self-Defence Organisation (*Polgárőrség*) participates in this activity in an organised manner. This study presents the legal standing and special features of this organisation that has some unique features in Europe.

INTRODUCTION

Creating and maintaining public security and public order is the exclusive right and duty of central government and in some cases of local government in every European state. The voluntary participation and cooperation of citizens in this task is a goal that is acknowledged and supported by central government, but the Hungarian central government is also entitled to determine the conditions and limits of this participation ⁽²⁾.

It can be stated without any doubt that within the framework of civilian security activities, the Civil Self-Defence Organisation has a special significance in Hungary. However, it has to be borne in mind that the Civil Self-Defence Organisation is unique in Europe, a truly unique Hungarian institution (a so-called *Hungaricum*), as there is no other country in Europe where similar organisations operate.

The Civil Self-Defence Organisation started its operations in Hungary in 1990. The first associations came into existence as a movement supported by the government. The local units had formed county-wide associations by 1992 and then set up a nationwide association. The national governing body strived to keep the local Civil Self-Defence associations separate from the police, operating as an independent, civilian initiative.

Taking into consideration the support for the organisation, the Home Office and the police accepted the changes to the organisation. This process was accepted and supported by the local population. The social recognition of these activities is also indicated by the fact that a law was enacted in relation to the Civil Self-Defence Organisation that is unique among European countries.

⁽¹⁾ This paper was prepared in the framework of the project 'Területi közszolgáltatások szabályozásai' [Regulatory Tools for Local Public Services] implemented by the 'MTA– DE Public Service Research Group' of the Hungarian Academy of Sciences and the Faculty of Law at the University of Debrecen.

⁽²⁾ Of course this is not a new idea. See e.g. Greenberg, Martin Alan: Auxiliary police: the citizen's approach to public safety, Greenwood Press, 1984.



REGULATIONS IN FORCE

The existing regulations include not only the rules for the activities of the volunteers of the Civil Self-Defence Organisation but also the rules for their organisation and operation. The primary aim of the regulation of the legal standing, organisation and activities of the Civil Self-Defence Organisation is to motivate in a more efficient way the operation of this voluntary civilian organisation, that plays a significant role in the fields of crime prevention, personal safety and property protection and to facilitate the cooperation of these organisations with the police, local government, security forces and the general population. Furthermore, it aims to ensure that the organisation receives adequate central government support ⁽³⁾.

First of all it is important to emphasise that the volunteers participate in the maintenance of local public order and security — but this is also true for other self-defence groups operating in other European countries — this being an exclusive central or local government task, the latter being the case in countries with local government police ⁽⁴⁾.

A volunteer must be a person above 18 with legal capacity and with a clean criminal record who voluntarily undertakes service for the Civil Self-Defence Organisation in writing and acknowledges that the service and ethical regulation issued by the National Civil Self-Defence Organisation is binding upon him or her. Volunteers do not have any public authority when performing their Civil Self-Defence Organisation duties and are not entitled to use coercive measures defined in the Act on Police except for the ones explicitly stated in the Act on the Civil Self-Defence Organisation. Furthermore they are obliged to respect the fundamental rights and human dignity of those subjected to their actions.

The Civil Self-Defence Organisation carries out patrolling activities in public premises, watch activities, signalling activities at traffic accidents and in the area of day nurseries, kindergartens, elementary and secondary schools in order to participate in the safeguarding of public order and security, as well as crime prevention. It

should also be emphasised that citizens willing to participate in the maintenance of local public order and security decide with their free will that they want to act for the good of their township, and thus by voluntarily joining (or founding) the Civil Self-Defence Association they acknowledge that it is also necessary to join the National Civil Self-Defence Organisation as this organisation takes care of those central government tasks — and in some cases authoritative, professional supervision tasks — that are essential for those who carry out security activities. Volunteers perform their duties free of charge.

In general it can be stated that the most important goal of the civilian security groups throughout the whole of Europe is active participation in activities concerning the security of local communities. This includes crime prevention but goes further than this, as several factors influence the security and sense of security of communities. Such factors include the state of the environment, free and unrestricted transport and last but not least the possibility of becoming a victim of crime.

It is true that there are similar organisations in some European countries (e.g. Stadswacht — City Guard — in Netherlands or the Neighbourhood Watch Scheme in England). However, the Hungarian Civil Self-Defence Organisation is a fundamentally different organisation. It is not an authority and therefore it does not dispose of independent powers to effect official measures, but rather facilitates the measures of other authorities (typically the measures of the police). Consequently, the Civil Self-Defence Organisation may not use coercive measures.

The organisation operates in the legal form of an association and is independent from central and local government. Volunteers do not receive any remuneration for their work and are not employed by central or local government. The structure of the Civil Self-Defence Organisation has three levels: local, county and national. The Civil Self-Defence Organisation is basically the ‘eyes and ears’ of the police, as besides their mutual work it also provides the police with information and often the police act based on the activities of the Civil Self-Defence Organisation.

⁽³⁾ Act no CLXV of 2011 on the rules on Civil Self-Defence Organisation and its activities.

⁽⁴⁾ Géza, Finszter: Police law, Budapest, National Police Headquarters, 2012, pp. 267-275.



CONCLUSION

Civil associations have a special role in averting and decreasing risks just by being close to the population that trusts them. Of course these kinds of organisations do not have public authority — in contrast to the police — and so coercive measures are not available for them during their operations. And this is exactly why the trust of the population is a basic condition for their activities. While the authorities serving the interests of the population (such as the police) are functional — due to the authority of the central government and the available coercive measures — even when lacking the trust of the society in the justness of the law enforcement carried out by them, the Civil Self-Defence Organisation accomplishes law enforcement through trust and not through enforceability, so the lack of trust within a society is not directly relevant to it.

Crime prevention is a special field in the exercise of public security: on the one hand this task cannot be performed successfully only by central or local government tools, and on the other hand civil organisations of society alone are too weak,

only being capable of slow development and lacking in professional knowledge. This is why cooperation of central government and society as a whole is essential, without which there can be no efficient public security system.

The composition of the civil organisations mirrors the social stratification and age groups of the population of the area and thus an organisation like this is able to build connections with the population, act as an autonomous partner of the local government and provide useful assistance to the local police ⁽⁵⁾.

We suppose that such social organisations will appear more and more frequently in connection with the security operations that are already clearly indicated in Europe. This is no different in Hungary either: as an example we refer to the Civil Self-Defence Organisation whose national alliance (National Civil Self-Defence Organisation) received a central government subsidy of HUF 1.05 billion (EUR 3.4 million) in 2014 pursuant to Act no. CCXXX of 2013 on the central government budget (this is 0.006 % of the total Hungarian central government budget).

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⁽⁵⁾ Only as a reference we must note that point c) of Section 2 (2) of Act no. XXXIV of 1994 on police sets down a cooperation obligation for the local governments and the police with the voluntarily organised communities of society and social self-protective organisations established for ensuring the security of lives and assets of the population.