
Field Guards in Hungary: Historical Background, Present Overview and Future Perspectives

VARSTVOSLOVJE
*Journal of Criminal
Justice and Security*
year 23
no. 3
pp. 229–249

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Purpose:

The purpose of the paper is to illustrate the history, basic rules, activities and the present role of the second most important local governmental law enforcement organisation in Hungary, the field guard services. The paper also aims to place the Hungarian field guard services in an international context, comparing it with the French field guard services.

Design/Methods/Approach:

The findings of an interview survey and a questionnaire survey on the Hungarian field guard services are presented in the paper with the results of secondary research on the history of the field guard services, their current legislative framework and the activities of the field guard services in France.

Findings:

Municipalities in Hungary have played a significant role in the maintenance of rural security for centuries through the operation of field guards, formerly field police, as a local governmental law enforcement body. The legal framework for the activities of field guards was laid down in the 19th century, was hardly changed in the communist period, and still defines the security tasks of local governments in relation to the outer areas of municipalities.

Based on the research, the image of a service-providing local governmental law enforcement organization emerged, whose role is of crucial importance due to the unique funding system among the local governmental law enforcement organizations.

Originality/Value:

Field guards, although unavoidable actors in rural law enforcement, have not been the subject of research before, and therefore the authors of the paper examined the legal framework and practical tasks of field guards.

Keywords: local governmental law enforcement, municipal police, field guard service, Hungary, France

UDC: 351.742

Podeželsko redarstvo: zgodovinski razvoj, pregled stanja in pogled v prihodnost

Namen:

Namen prispevka je predstaviti zgodovino, temeljna pravila, dejavnosti in aktualno vlogo drugega najpomembnejšega organa pregona na lokalni ravni – podeželskega redarstva. Namen prispevka je tudi umestiti madžarske podeželske redarje v mednarodni kontekst in jih primerjati s sorodnimi francoskimi službami.

Metode:

V prispevku so predstavljene ugotovitve ankete in intervjujev o madžarskih podeželskih redarjih, skupaj z rezultati pregleda literature o zgodovini podeželskega redarstva, o aktualnem zakonodajnem okviru in dejavnosti podeželskega redarstva v Franciji.

Ugotovitve:

Občine na Madžarskem imajo že stoletja pomembno vlogo pri ohranjanju varnosti podeželja preko delovanja redarjev, nekdanje podeželske policije, kot organa pregona na lokalni ravni. Pravni okvir za delovanje podeželskih redarjev je bil postavljen v 19. stoletju, v času komunizma je bil skoraj nespremenjen in še vedno opredeljuje varnostne naloge lokalnih oblasti. Ugotovitve raziskave prikazujejo podeželsko redarstvo kot lokalni organ kazenskega pregona, katerega vloga je ključnega pomena, tudi na račun edinstvenega sistema financiranja.

Omejitve/uporabnost raziskave:

Kljub svoji ključni vlogi v sistemu zagotavljanja varnosti v ruralnih okoljih podeželski redarji doslej niso bili predmet raziskav, zato so avtorji prispevka pomembno prispevali k bazi znanja, predvsem o pravnem okviru delovanja in praktičnih nalogah podeželskih redarjev.

Ključne besede: organi pregona na lokalni ravni, občinska policija, podeželsko redarstvo, Madžarska, Francija

UDK: 351.742

1 INTRODUCTION

In Hungary, local governments have wide range of autonomy and a number of many different functions and competences. Act CXXXIX of 2011 on Local Governments of Hungary (»Magyarország helyi önkormányzatairól szóló 2011. évi CXXXIX. törvény«, 2011) in Hungary differentiates the functions of local governments, which exercise different functions and powers based on the size of the municipality and its legal status, creating the opportunity for each municipality to play an effective role in ensuring local public safety.

The municipalities' competence of ensuring local public safety was also included in the previous Act LXV of 1990 on Local Governmental Act (»A helyi önkormányzatokról«, 1990), but became particularly pronounced with the

adoption of the abovementioned Act CXXXIX of 2011 on Local Governments of Hungary (»Magyarország helyi önkormányzatairól szóló 2011. évi CXXXIX. törvény«, 2011). This created the possibility for a municipality to establish a local governmental law enforcement organisation by defining these as a legal institution (Christián, 2020), contrary to the previous negative judicial practice (Bacsárdi, 2018).

It seems that the role of local governments as contributors to local public safety and security has increased markedly in recent years, as they have gained a much stronger legal basis for carrying out their public safety and law enforcement responsibilities, although it should be noted that Act CXXXIX of 2011 on Local Governments of Hungary (»Magyarország helyi önkormányzatairól szóló 2011. évi CXXXIX. törvény«, 2011) quite rightly speaks only of the role of the municipalities as contributors to this, as the police remain the main actor in local public security in Hungary (Christián, 2020). In addition to the police and local government, other organisations (civil guard, private security providers) are also involved in public safety, and thus it can be seen as a cooperative product (Finszter, 2009). If we consider (local) public safety in this way, the question arises to what extent each actor can participate in shaping it, and how much freedom to operate they have. The role of municipalities in this respect has been little studied for a long time, just as the role of local governmental law enforcement in local public safety is an area that needs further research.

In our paper, we thus aim to shed light on the functioning and role of the least researched local governmental law enforcement organisation – the field guard service.

2 THE SYSTEM OF LOCAL GOVERNMENTAL LAW ENFORCEMENT IN HUNGARY

Before looking at this issue in more detail, it is necessary to define what is meant by local governmental law enforcement in official terminology. However, since this is not defined in Hungarian law, the definition has been left to the police and law enforcement researchers.

A review of the definitions of local governmental law enforcement in the dictionary of police science shows that it is defined as (Boda, 2019):

1. local government activity that expresses the tasks, obligations, action possibilities and framework of its contribution to local public safety.
2. a local government established and maintained organisation, a local governmental law enforcement agency with a legally defined competence of coercion more limited than that of the police.

Local governmental law enforcement is therefore both a law enforcement activity of the municipality and a local governmental law enforcement organisation. The two definitions are obviously interrelated, since the maintenance and operation of a local governmental law enforcement organisation can necessarily be defined as a municipal law enforcement activity.

The question arises as to what exactly is meant by a local governmental law enforcement organisation? According to the Hungarian view of law enforcement,

a local governmental law enforcement organisation is an organisation established and financed by the municipality, which contributes to the local maintenance of public security, with a legally established power of coercion (Boda, 2019). The definition does not include this, but a municipal police force cannot be established to achieve this because according to the Fundamental Law of Hungary (»Magyarország Alaptörvénye«, 2011) the competence to manage the police is reserved for the Hungarian government.

Therefore, unlike in many European countries (Bacsárdi, 2020), in Hungary only a local governmental law enforcement organisation with limited competence can be established. Moreover, such organisations are not compulsory, except in Budapest and its districts (»Magyarország helyi önkormányzatairól szóló 2011. évi CXXXIX. törvény«, 2011). A local government may thus decide how it wishes to carry out its local law enforcement activities, with or without a formal organisation, and it can also decide how much financial support it provides for the provision of any local governmental law enforcement organisation's services.

The organisation of local governmental law enforcement in Hungary is therefore not uniform, because municipalities may establish several different types of agencies:

1. public area inspectorate,
2. field guard service,
3. local governmental nature protection guard service,
4. fishing guard,
5. authorised forestry staff in charge of law enforcement.

In practice, however, municipalities only set up two types of agencies: public area inspectorates and field guard services. The other types are not used because of the services provided by law enforcement officers employed by other organisations, both public and private. Moreover, the employment of a public area inspector and field guard is usually more than sufficient for a municipality to carry out law enforcement activities over almost its entire administrative territory, as the former is authorised to act in the inner areas of municipalities, while the latter is authorised to act in the outlying areas (Bacsárdi, 2020).

It is important to note that local governmental law enforcement organisations are established following a decision by municipalities, and that these discretion in deciding the organisational structure of the such agencies. According to Act CXX of 2012 on the Activities of Certain Law Enforcement Officials and Amending Certain Laws to Ensure Action Against Truancy (»Az egyes rendészeti feladatokat ellátó személyek tevékenységéről, valamint egyes törvényeknek az iskolakerülés elleni fellépést biztosító módosításáról«, 2012) local governments can decide among the following possibilities for the structure of a local governmental law enforcement organisation:

1. internal department of the local governmental office,
2. separate budgetary organisation,
3. an internal department of a budgetary organisation,
4. form of local governmental association.

Municipalities also have the possibility to employ a local governmental law enforcement officer on their own, without any organisational form (»Az

egyes rendészeti feladatokat ellátó személyek tevékenységéről, valamint egyes törvényeknek az iskolakerülés elleni fellépést biztosító módosításáról», 2012), as is the case with the field guard in many small municipalities.

In order to ensure that local governmental law enforcement agencies are able to carry out all of their duties, it is necessary for municipalities to conclude a cooperation agreement with the police on the exercise of professional supervision and the actual forms and methods of cooperation (»Az egyes rendészeti feladatokat ellátó személyek tevékenységéről, valamint egyes törvényeknek az iskolakerülés elleni fellépést biztosító módosításáról«, 2012). Local governmental law enforcement officers will thus become full partners of the police and carry out their activities in joint cooperation with them.

However, recent research has shown that the practical operation of local governmental law enforcement organisations and the activities of law enforcement officers are difficult and problematic in a number of respects (Bacsárdi & Christián, 2016). This is also true for the field guard services, and it is therefore particularly important to monitor and periodically explore these as a peripheral research area.

3 A BRIEF HISTORY OF FIELD GUARD SERVICES

In Hungary, as in other states in the Middle Ages, the maintenance of order outside towns was basically at the will of the local landowner or landlord (Sallai, 2018). The protection of crops was of paramount importance for the survival and well-being of the local community, and thus as early as the 16th and 17th centuries, orders from landlords and town statutes already described the organisation of boundary shepherds (*zsitár*) who looked after the crops, and among the peasants' duties were supporting a field judge and bailiff (Nagy, 1993).

During the reform era (1825–1848), the dominant economic sector in Hungary was naturally agriculture. The twin slogans of the era were freedom and property, which were inevitably linked to law enforcement in many regards. It was no coincidence that the reform era Hungarian parliament gave special attention to the countryside and agriculture, and in 1840 passed Act IX of 1840 on Field Police (»A mezei rendőrségről szóló 1840. évi IX. Törvénycikk«, 1840). This did not establish an institution, but provided for the punishment by law of minor offences committed in the open air in open country (László, 2008). It is interesting to note here that Act IX of 1840 on Field Police (»A mezei rendőrségről szóló 1840. évi IX. Törvénycikk«, 1840) was the first law in Hungary which mentioned a police force.

The concept of a field policeman was defined in the reform era as those who are the closest to maintaining good order in the field economy (Zsoldos, 1843). A field policeman could therefore not only be employed by the authorities, but was also paid by the municipality, as set out in the Act, which can be regarded as a forerunner of local governmental law enforcement legislation.

The consolidation that followed the Austro-Hungarian Compromise provided a good basis for the adoption of legislation that had a fundamental impact on the functioning of Hungary, such as Act XVIII of 1871 on the Rules of Municipalities (»A községek rendezéséről szóló 1871. évi XVIII. Törvénycikk«, 1871). In this we can read that the municipalities were responsible for managing the fire and

public police services, handling disputes among the poor, and arranging a regular council to manage the market, field, mountain, architectural and public police according to local needs.

The Hungarian parliament re-established the regulation of the field police in 1894, when it adopted Act XII of 1894 on Agriculture and Field Police (»A mezőgazdaságról és mezőrendőrségről szóló 1894. évi XII. Törvénycikk«, 1894), introducing the term *mezőőr* to uniformly designate the persons acting in the field police, a name has been preserved until today.

It is particularly noteworthy that the employment of field guards was made compulsory for the municipalities by this Act, so local governmental law enforcement in the outlying areas was clearly based on field guards carrying out the compulsory performance of their duties. It should also be pointed out that the remuneration of field guards was paid for by the landowners concerned, thus forming the basis for the current regulation on such guards. As before, there were also provisions for private field guards under the new legislation. Landowners with more than 100 cadastral acres of land were eligible to employ a field guard. According to the famous Hungarian jurist Zoltán Magyary (1942), these could be regarded as something between public and private employees.

The communist takeover of 1949 had a serious impact on the activities of field guards, who played a significant role in shaping the security of the countryside and protecting crops. During the communist regime there was no local governmental law enforcement, but the regulation of the field guards, although amended four times between 1950 and 1968, was essentially based on the dualist model, except for a brief two-year period. During the communist period, field guards (Bacsárdi, 2020):

1. were employed by a municipality or agricultural organisation,
2. the operation of the field guards employed by the municipality was covered by compulsory field guard contributions,
3. their main task was to take the measures provided for by law in the event of unlawful conduct in the areas they guarded,
4. the right to supervise the field guards was vested in the Ministry of Agriculture or its competent body and the Ministry of the Interior.

In the communist era the use of field guards by agricultural cooperatives and companies proved to be an important tool in the protection of agricultural land. On the one hand, the field guards provided protection against crop theft and, on the other hand, they protected the crops from animals.

The regulation of field guards did not change substantially for a long time after the fall of communism in 1989, and both farmers' organisations and municipalities were allowed to employ field guards. "A fegyveres biztonsági őrségről, a természetvédelmi és a mezei őrszolgálatról szóló 1997. évi CLIX törvény" was the first important law for field guard services under the new, democratic system, as it allowed only municipalities to employ field guards and established the rules for the financing of the field guard service, which is currently in effect and unique in Europe.

The next important milestone was the adoption of Act CXX of 2012 on the Activities of Certain Law Enforcement Officials and Amending Certain Laws

to Ensure Action Against Truancy (»Az egyes rendészeti feladatokat ellátó személyek tevékenységéről, valamint egyes törvényeknek az iskolakerülés elleni fellépést biztosító módosításáról«, 2012), although the earlier related amendment of Act LXIII of 1999 on Public Area Inspectorate (»A közterület-felügyeletről szóló LXIII«, 1999). törvény on the public area inspectorates was also significant. These acts strengthened the law enforcement agencies of municipalities and allowed public area inspectors, who previously performed law enforcement duties strictly within the inner areas of municipalities, to perform the duties of field guards, if they had the necessary qualifications, thus creating the legal basis for the unification of the municipalities' law enforcement activities.

4 CURRENT REGULATIONS ON FIELD GUARD SERVICES

Currently, the two main sources of legislation on field guard services are Act CLIX of 1997 on Armed Security Guard, Nature Protection and Field Guard Service (»A fegyveres biztonsági őrsegről, a természetvédelmi és a mezei őrszolgálatról szóló 1997. évi CLIX törvény«, 1997), and Act CXX of 2012 on the Activities of Certain Law Enforcement Officials and Amending Certain Laws to Ensure Action Against Truancy (»Az egyes rendészeti feladatokat ellátó személyek tevékenységéről, valamint egyes törvényeknek az iskolakerülés elleni fellépést biztosító módosításáról szóló 2012. évi CXX. törvény«, 2012). Act CLIX of 1997 on Armed Security Guard, Nature Protection and Field Guard Service (»A fegyveres biztonsági őrsegről, a természetvédelmi és a mezei őrszolgálatról szóló 1997. évi CLIX törvény«, 1997) lays down the main specific rules for the operation of the field guard services, while Act CXX of 2012 on the Activities of Certain Law Enforcement Officials and Amending Certain Laws to Ensure Action Against Truancy (»Az egyes rendészeti feladatokat ellátó személyek tevékenységéről, valamint egyes törvényeknek az iskolakerülés elleni fellépést biztosító módosításáról szóló 2012. évi CXX. törvény«, 2012) lays down the general rules applicable to persons performing law enforcement duties, including field guards.

According to Act CLIX of 1997 on Armed Security Guard, Nature Protection and Field Guard Service (»A fegyveres biztonsági őrsegről, a természetvédelmi és a mezei őrszolgálatról szóló 1997. évi CLIX törvény«, 1997), the local government may provide for the guarding of the agricultural land, which does not include forests and fishponds, belonging to its administrative territory by establishing a field guard service. Under the Act, the establishment of a field guard service is only an option for a municipality, as opposed to the 1894 legislation, and is not compulsory. If a municipality establishes a field guard service it is a result of numerous interrelated factors:

1. Is there a need to justify the establishment of a field guard service?
2. Is there a political (municipal) will to establish a field guard service?
3. Are there budgetary resources for the establishment and operation of a field guard service?
4. Is there a person who is capable of carrying out the tasks of a field guard?

The municipality is obliged to decide by decree on the establishment of a field guard service, because its establishment must be accompanied by a decision on its

financing. The method of financing of the field guard service is unique in Hungary among the local governmental law enforcement organisations. As a general rule, the operation of local governmental law enforcement agencies is a voluntary task, and thus not financially supported by the state, and the operation of the public area inspectorate is not subsidised. However, municipalities are eligible for state aid when they set up a field guard service, and a special municipal contribution may be levied for its operation (»A fegyveres biztonsági őrsegről, a természetvédelmi és a mezeti őrszolgálatról szóló 1997. évi CLIX törvény«, 1997). The amount of this municipal contribution, known as the field guard levy, must be fixed by decree when the field guard service is set up. The field guard levy is payable by the land user or, in the case of an unknown land user, by the landowner. Municipalities usually set the amount per hectare that the land user must pay to the municipality for the operation of the field guard service. Of course, municipalities have the possibility to exempt land users from paying the field guard levy. In this case, the municipalities will set the field guard levy at HUF 0 for the land users, and cover the operating costs of the field guard service from other municipal revenues.

The establishment and operation of the field guard service is also supported by the Hungarian state, so it is a great help for smaller municipalities with resource constraints. The municipality may claim 50% of the costs of setting up the newly created field guard service, up to a maximum of HUF 500,000 (around EUR 1,380) per field guard. The municipality may apply to the National Chamber of Agriculture for reimbursement of 50% of the costs incurred in maintaining and operating the service, both personnel and material costs, up to a maximum of HUF 90,000 per month per person, around EUR 250 (»A mezeti őrszolgálat megalakításához, fenntartásához és működéséhez nyújtandó állami hozzájárulás igénybevételeinek rendjéről és feltételeiről«, 2009).

The operation of the field guard service must be registered with the National Chamber of Agriculture. At the same time a cooperation agreement must be concluded with the county police headquarters in which the municipality is located in order to monitor the persons performing law enforcement duties, supervise their activities and coordinate the performance of their duties (»A fegyveres biztonsági őrsegről, a természetvédelmi és a mezeti őrszolgálatról szóló 1997. évi CLIX törvény«, 1997).

The municipality must determine the number of field guards in such a way that regular daily patrol activities can be carried out (»A fegyveres biztonsági őrsegről, a természetvédelmi és a mezeti őrszolgálatról szóló 1997. évi CLIX törvény«, 1997). This rule gives local governments a wide margin of manoeuvre, because the control task can be fulfilled not only by a person being physically present, but also by technical and technological means. It is therefore possible to install and operate control cameras and even smart devices (e.g. drones) to help the field guards.¹ The recruitment of field guards is somewhat easier than that of

¹ With the policy support of the Hungarian Ministry of Innovation and Technology, 17 research and development laboratories were established in 2020. As a member of this network, the National Laboratory of Security Technologies Project was established at the National University of Public Service, which is developing a complex planning framework for security technology development in Hungary. One of the sub-projects of this is the »Safe Municipalities« sub-project. One of the goals of this sub-project is the creation of an Integrated Municipal Security Technology System, which also includes the development of drone competencies to support the tasks of field guard services.

public area inspectors, as they do not need to have a secondary education, but only need to attend a course organised by the National Chamber of Agriculture and a short, three-day law enforcement examination at a law enforcement technical school (»A mezőőrök és a hegyőrök szolgálati viszonyáról«, 1998).

The field guards must guard agricultural lands, and protect the crops and products, equipment, tools, livestock, agricultural buildings and agricultural land survey signs (»A fegyveres biztonsági őrségről, a természetvédelmi és a mezeti őrszolgálatról szóló 1997. évi CLIX törvény«, 1997). The National Chamber of Agriculture and the police are responsible for the professional supervision of the activities of the field guards, while the county government offices have the power of legal supervision (»A fegyveres biztonsági őrségről, a természetvédelmi és a mezeti őrszolgálatról szóló 1997. évi CLIX törvény«, 1997). Act LX of 2021 on Amending Certain Acts Concerning Agriculture (»Az egyes agrártárgyú törvények módosításáról szóló 2021. évi LX. törvény«, 2021) modified Act CLIX of 1997 on Armed Security Guard, Nature Protection and Field Guard Service (»A fegyveres biztonsági őrségről, a természetvédelmi és a mezeti őrszolgálatról szóló 1997. évi CLIX törvény«, 1997) and came into force on 5 June 2021, has great importance, because, unlike the public land inspectorates, it has settled the problem of the legal supervision of field guards – quite rightly, in our opinion – by voting in favour of this being done by the state, by the governmental administration. This new legislation was very important because from 1 January 2012 to 4 June 2021 there was no legal supervision of the field guard services (Bacsárdi, 2020).

The duties of the field guards are also regulated by Act CLIX of 1997 on Armed Security Guard, Nature Protection and Field Guard Service (»A fegyveres biztonsági őrségről, a természetvédelmi és a mezeti őrszolgálatról szóló 1997. évi CLIX törvény«, 1997), which states that a field guard is entitled and obliged to use measures and coercive means against any vehicle in his area of operation which they have reason to believe is carrying unlawfully obtained goods from the area of operation, and against any person who does not have reason to believe that the goods in their vehicle or in the vehicle they are using have been obtained lawfully. In addition, the field guards shall have the right and duty to hand over to the owner any animal found illegally grazing or found without supervision (»A fegyveres biztonsági őrségről, a természetvédelmi és a mezeti őrszolgálatról szóló 1997. évi CLIX törvény«, 1997). The field guard is entitled to detain individuals, inspect clothing, luggage and vehicles, hold back a vehicle and take a person to the police if suspected of breaking broken the law. In 2017, 843 field guards filed 403 administrative reports, 15 criminal reports and 305 infringement reports. In 2017, the field guards imposed a total of HUF 5,885,000 (EUR 16,350) in on-the-spot fines to 93 people, short-time arrests were carried out six times, and 304 people were detained. A field guard is entitled to use physical coercion, chemical means, handcuffs, service dogs, police batons and shotguns in the performance of their duties. However, none of these coercive measures or instruments were used in 2017 by the field guards (Hungarian State Police, 2021).

A field guard is authorised to impose on-the-spot fines for the following offences: offences against property, unlawful use of metal detectors, endangerment by dogs, public order offences, breaches of prohibitions on hunting, fishing and

grazing, field offences, disobedience to a call to order and water pollution (»A szabálysértésekről, a szabálysértési eljárásról és a szabálysértési nyilvántartási rendszerről«, 2012).

There are no precise statements or official statistics on the exact number of municipal law enforcement organisations and field guard services in Hungary, we only have information on the number of persons performing municipal law enforcement tasks. According to this data, there are currently 773 field guards on duty in Hungary, which is less than half the number of public area inspectors. We know that in Budapest there are about 750 public area inspectors, so we can conclude that in rural areas there are only slightly fewer field guards than public area inspectors. The total number of field guards and public area inspectors is more than 25% of the total number (10,315) of law enforcement personnel in Hungary (Hungarian State Police, 2021).

5 OPERATION OF FIELD GUARDS AND THEIR ROLE IN COMMUNITY SECURITY

In Hungary, the central actor in local governmental law enforcement is undoubtedly the public area inspectorate, which is the typical local governmental law enforcement organisation of larger municipalities, but the activities of the field guards also form a striking part of municipal security, not in the interior but in the exterior territories of municipalities. Despite their undeniable importance, the operation of the field guard services has not been the subject of scientific study so far, and has been neglected by both the police science and the municipal profession. Recognising this, primary research on the field of police services was carried out in 2017-2018.

In the framework of the primary research, unstructured interviews were conducted with a total of 13 people, of whom one was the head of a field guard service association, two were field guards, five were town clerks, two were mayors and three were police leaders. The research covered the following topics:

1. financing of field guard services,
2. the staffing of the field guard services,
3. the activities of field guards,
4. the supervision of field guards,
5. cooperation of the field guard services with other bodies.

Prior to the research, the following hypotheses were formulated:

1. State support is essential for municipalities to operate field guard services and state support plays a catalytic role in the decision to establish a field guard service.
2. The competences and means available to the field guards are sufficient to carry out their tasks.
3. The system of supervision of the field guards needs to be reviewed.
4. In municipalities with less than 10,000 inhabitants, the activities of the field guards go beyond the tasks required of them by law.
5. The employment of field guards contributes to the improvement of public safety in the municipality.

6. Municipalities have problems recruiting field guards.
7. The level of training of field guards is low and this needs to be improved.
8. The field guard services can cooperate with other municipal law enforcement agencies, the police, the civil guards and private security providers without problems.

Due to space constraints, it is not possible to cover all the issues involved in this paper, so we will limit ourselves to the results with regard to these hypotheses.

1. State support is essential for municipalities to operate field guard services and state support plays a catalytic role in the decision to establish field guard service.

The hypothesis was partially accepted, as the research showed that several municipalities, obviously the wealthier ones, could maintain field guards without state support. However, there was clear evidence that state support is a catalyst for the decision to set up field guards by municipal decision-making bodies, as otherwise more municipalities would either not have set up a field guard service, or would have set up one with fewer staff. Given that the public services provided by each municipality compete with those provided voluntarily, a public service such as the field guard service, for which the state provides meaningful support, is more likely to be provided on demand than one for which it does not.

2. The competences, coercive measures and coercive instruments available to the field guards are sufficient to carry out their tasks.

The hypothesis was considered to be accepted, as no data or information emerged that would indicate that the powers and means of the field guard services should be expanded. In addition, the current legal framework allows for the possibility of public area inspectors to perform the tasks of field guards, thus creating synergies between the two municipal law enforcement bodies. However, it should be noted here that field guards are not allowed to exercise powers of public area inspectors.

3. The system of supervision of the field guards needs to be reviewed.

The hypothesis needed further testing as its claim could not be determined. The field guard services operate under dual professional supervision (police, National Chamber of Agriculture), but this professional supervision does not seem to be very strong or substantial. Moreover, following the conclusion of this research the legal supervision of the field guard services by the governmental administrations was defined, so the practical functioning and content of this supervision should be further investigated in separate research.

4. In municipalities with less than 10,000 inhabitants, the activities of the field guards go beyond the tasks required of them by law.

The hypothesis was partially accepted. The field guards perform numerous tasks (e.g. social assistance in winter, driving, assisting in the organisation of municipal events) not in their law enforcement competence, but as service providers, which are not legally assigned to

them, and this is true not only for municipalities with less than 10,000 inhabitants, but for all municipalities we examined. We do not think this is a problem, and in fact it can reinforce the citizen-friendly image of the field guard service. The research revealed that the field guards perform the following tasks in their practical operations:

- a. patrol activity,
- b. preventing theft of crops and wood, illegal dumping of waste,
- c. monitoring of outdoor camera footage,
- d. liaising with farmers, helping to resolve disputes between farmers,
- e. rectifying anomalies in the boundary (e.g. notifying the municipality of the deterioration of external roads, signalling the need for maintenance of culverts, crossings),
- f. checking and maintenance of barriers on closed roads in the countryside,
- g. social assistance in winter,
- h. startling warnings,
- i. participation in the renovation of lanes and afforestation,
- j. driving tasks,
- k. assisting in the organisation of municipal events.

It is clear from the research that the picture that emerges is that the field guard service is a service provider and not a typical law enforcement organisation.

5. The employment of field guards contributes to the improvement of public safety in the municipality

The hypothesis is accepted. The activities of field guards make a major contribution to crime prevention in the outlying territories of the municipality, and thus to increasing public safety. The employment of field guards is of great help to both municipalities and the police in maintaining order in the outlying areas.

6. Municipalities have problems recruiting field guards

The hypothesis cannot be accepted. In contrast to the recruitment of public area inspectors, the recruitment of field guards is not a major problem. This is clearly due to the fact that the legislation imposes a much lower entry barrier for field guards, by not requiring a secondary level of education, which can only be easily obtained through a course of study. In addition, there are more options available to the municipality for the employment of a field guard, who can be employed as a civil servant, public servant or employee covered by the Labour Code. This provides municipalities with a sufficiently flexible framework for the employment of field guards.

7. The level of training of field guards is low and this needs to be improved

The hypothesis was partially accepted. The research did not reveal any problems with the training of field guards, but more and better quality training is still needed. Field guards are obliged by Act CLIX of 1997 on Armed Security Guard, Nature Protection and Field Guard Service (»A fegyveres biztonsági őrsegről, a természetvédelmi és a mezeti

őrszolgálatról szóló 1997. évi CLIX törvény», 1997) to participate in continuing training, but there is currently no information on the quality and content of this training.

8. The field guard services can cooperate with other municipal law enforcement agencies, the police, the civil guards and private security providers without problems

The hypothesis was considered to be accepted, as only minor problems (e.g. inefficient information flow, under-qualified civil guards) with regard to cooperation were reported by the interviewees, which did not fundamentally affect the good cooperation.

Summarising the results of the research, we can conclude that the field guard services are a service-oriented organisation with little authority. The role of the field guard services is significant in providing security in the open countryside, which is facilitated by specific funding arrangements. For the above reasons, there is no need to amend the current legislative framework, only to fine-tune it on some points.

6 THE ROLE OF FIELD GUARD SERVICES IN PUBLIC SAFETY

Within the framework of the National Laboratory for Security Technologies in the spring-summer of 2021, the first primary research of the “Safe Municipalities” sub-project focused to public safety and its components.

The primary research, carried out at the National University of Public Service, was a questionnaire survey using the quantitative survey method. Before starting the research, the following principles were established:

1. At least 100 municipalities (3.15% of the municipalities in Hungary) should be included in the survey.
2. A closed questionnaire (accessible only to invited municipalities), published on the Internet and using the IT system of the National University of Public Service, should be sent.
3. The questionnaire should be anonymous.
4. The questionnaire must be capable of producing quantifiable data for analysis, and should therefore consist of closed and/or scaled questions (with a maximum of a 4-point scale), but with the possibility of deviation where justified.
5. The completion time should not exceed 10 minutes (if the questionnaire is longer than this, there is a high risk of abandonment).

Finally a total of 121 municipalities were invited to participate in the survey, representing the 3,177 municipalities in Hungary after a municipality segmentation procedure, as presented in Table 1.

Table 1:
Municipality
segments and
participation
in survey

Municipality segments	Percentage of total municipalities	Number of municipalities surveyed
More than 45,000 inhabitants	1.26%	8 (20%)
Between 25,000 and 45,000 inhabitants	0.82%	5 (20%)
Between 12,000 and 25,000 inhabitants	2.30%	15 (20%)
Between 2,000 and 12,000 inhabitants	21.91%	70 (10%)
Less than 2,000 inhabitants	73.72%	23 (1%)

In the end, 55 of the 121 municipalities completed the questionnaire in full, while 33 municipalities partially completed it, giving a total of 88 municipalities. The municipalities that completed the questionnaire could be divided as presented in Table 2.

Table 2:
Number
and share of
municipalities
in completions
of the survey

Municipality segments	Number of completions	Number of municipalities surveyed
More than 45 000 inhabitants	9	8 (20%)
Between 25,000 and 45,000 inhabitants	5	5 (20%)
Between 12,000 and 25,000 inhabitants	11	15 (20%)
Between 2,000 and 12,000 inhabitants	43	70 (10%)
Less than 2,000 inhabitants	7	23 (1%)
No answer	6	-

The table shows that there were more completions than municipalities contacted for those with populations above 45,000, and this may be due to duplicate completions on the one hand, or incorrect data being provided by one of the completers on the other.

Of the municipalities that completed the questionnaire, 21 were agricultural municipalities and 20 were municipalities in agglomerations. There were eight metropolitan municipalities and 12 industrial municipalities. A much smaller number of municipalities were located in tourist areas (4), in natural protected areas (5) or in residential areas (5).

Local governmental law enforcement organisations, such as the field guard services, were the focus of the section of the questionnaire on “Local security actors”. The questions in this focus on the extent to which an organisation is responsible for shaping local security. Five different response options were provided in the questionnaire, from which those responsible for local security

were to be scaled according to the extent of their responsibility. The response options provided were as follows:

1. police,
2. public area inspectorate,
3. field guard service,
4. civil guard,
5. other law enforcement officials.

According to the responding municipalities, the police are the main actor of local security (53 municipalities, 60%), i.e. municipalities rely on the state to provide local security. There were only four responding municipalities (5%) which considered that local security is primarily the responsibility of the municipality through the public area inspectors (three municipalities) or the field guards (one municipality). One municipality identified the neighbourhood police as the organisation primarily responsible for local security. It is noteworthy and thought-provoking that there were respondents who felt that the municipality, rather than the state, was the main actor of local public safety through the public area inspectorate and field guard service.

The municipalities and the civil guard were considered to be secondly responsible for local security. According to about a third of the responding municipalities (30 municipalities, 34%), the public area inspectorate is secondarily responsible for local security, while the field guard service is only responsible in 3% (three municipalities). A significant proportion of municipalities, more than a fifth (20 municipalities, 23%), consider the civil guard to be the second most important actor in local security. This was more likely to be the case in municipalities where there is no local governmental law enforcement organisation, so that the municipality has no other option but relying on the civil guard to maintain local public safety and solving any law enforcement problems.

According to 15% (13) of municipalities, the field guard service is only one third responsible for local public security, while 24% (21) consider it to be one quarter responsible. According to 20 municipalities (23%), the field guard service has no responsibility at all for local security compared to other actors.

This is in line with the results of previous research, as it can be seen that municipalities do not see the field guard service as the main actor of local security, but rather as a service provider. Municipalities see the public area inspectorate as more important than the field guard service, in addition to the police and the civil guard, in providing local security. However, it should also be noted that the public safety problems in the inner parts of the municipalities tend to be of greater concern to residents, so the activities of the public area inspectors are much more important for the municipalities than those of field guards. In addition, field guards provide a public safety service to a minority of the population (mainly land users and landowners), but public area inspectors can be seen by all residents and businesses every day. In addition to the above, we know that the number of public area inspectors is much larger than the number of field guards, which indicates that a larger proportion of municipalities with local governmental law enforcement organisations are not aware of the role of field guards in public safety.

7 INTERNATIONAL OVERVIEW - FIELD GUARD SERVICES IN HUNGARY AND FRANCE

At this point it is worth making a brief international overview, because the legal institution of field guard services is not only known and in operation in Hungary, but also in France. A comparison of the two organisations is certainly instructive, as it allows us to assess how the field guard services can operate in a law enforcement system different from the one in Hungary. The comparison is especially interesting because we have no information on similar field guard services in other countries.

In France, Book V of the Code on Internal Security (»Code de la sécurité intérieure«, 2012) provides the possibility for municipalities to establish municipal police forces, unlike in Hungary. Within Book V there is a separate chapter on the institution of *gardes champêtres*, or field guards. As such, in the French system of municipal policing the field guard service is placed among the municipal police forces, so it is considered a special municipal police force (»Code de la sécurité intérieure«, 2012).

The role of the French field guards is to contribute law enforcement activities of the countryside, and the fact that the Code on Internal Security (»Code de la sécurité intérieure«, 2012) specifies the word 'contribution' to these tasks shows that the role of field guards in rural municipal law enforcement is only complementary. This is not surprising in the light of the fact that we know that the *Gendarmerie Nationale* is the central actor in French rural law enforcement (»Code de la sécurité intérieure«, 2012).

French field guards are responsible for protecting rural property and enforcing forestry rules. These include, for example, powers relating to theft of crops and wood, damage, traffic on forest roads, environmental protection (the protection of animals and fish, protection of living water). The French field guards are appointed, have the same competences and are classified at the same level (category C) as municipal police officers (»Code de la sécurité intérieure«, 2012).

An overview of their competences shows that the powers of French field guards are much broader than those of Hungarian field guards, because the latter are responsible for the protection of the agricultural land of the municipality, which does not include forests and fishponds. Comparing the powers of the French field guards with the field guards operating in Hungary, it is clear that the former effectively combine the powers which may be exercised in Hungary by several persons performing different law enforcement functions. The development of the legislation for Hungarian field guard services has made it possible for them to exercise more powers, although this requires that the field guard has additional qualifications (e.g. fish guard, forest guard) and that the outlying area to be guarded is of mixed classification (»A fegyveres biztonsági őrségről, a természetvédelmi és a mezői őrszolgálatról szóló 1997. évi CLIX törvény«, 1997).

It should be noted that French legislation allows any municipality or association of municipalities to employ one or more field guards, but in three counties (Moselle, Haut-Rhin and Bas-Rhin), the employment of at least one field guard per municipality is compulsory, with the exception that several municipalities may jointly employ a single field guard (»Code de la sécurité

intérieure», 2012). The French legislation is deeply rooted in the fact that, as early as 1795, the employment of field guards was mandatory in France (Emsley, 1999), and this is in line with the Hungarian legislation of 1894, which also made the employment of field guards compulsory for municipalities («A mezőgazdaságról és mezőrendőrségről szóló 1894. évi XII. Törvénycikk», 1894).

It is also important to look at the development of the number of field guards in the two countries, together with the number of French municipal police officers and Hungarian public area inspectors, because official statistics are available, although only partially in Hungary (Ministère de l'Intérieur, 2021; Országos Rendőrfőkapitányság, 2021).

France			Hungary	
	Field guards	Municipal police officers	Field guards	Municipal police officers
2016	928.5	21,636	no data	no data
2017	761	22,083	843	1,787
2018	726	22,780	no data	no data
2019	725	23,934	no data	no data
2020	701	24,221	795	1,914
2021	no data	no data	773	1,898

Table 3: Number of municipal police officers, public area inspectors and field guards in Hungary and in France (Ministère de l'Intérieur, 2021; Országos Rendőrfőkapitányság, 2021)

Looking at the evolution of the number of field guards, it is striking that the importance of field guard services is much greater in Hungary than in France, because proportionally more field guards are employed in the former. It is also striking that the number of municipal police officers is steadily increasing compared to the number of field officers in France. The same trend is observed in Hungary, where the number of field guards is slowly decreasing, while the number of public area inspectors is increasing, except for in 2021.

France population: 67,407,241 (2021)		Hungary population: 9,731,000 (2021)	
Field guards	Municipal police officers	Field guards	Public area inspectors
1 field guard for 96,158 inhabitants	1 police officer for 2,783 inhabitants	1 field guard for 112,588 inhabitants	1 public area inspector for 5,126 inhabitants

Table 4: Share of municipal police officers, public area inspectors and field guards in Hungary and in France (Institut National de la Statistique et des Études Économiques, 2021; Központi Statisztikai Hivatal, 2021)

This brief look at the systems in two countries provides us with some useful lessons.

In the absence of further research, we can only speculate on the reasons for the trend in the number of field guards in both France and Hungary. The focus of local government operations is on problems in the inner parts of the municipalities, so the development of the municipal police and public area inspectorate is a higher priority for local government than the protection of the outlying areas, which is

manifested in the significant reduction in the number of French field guards. In Hungary, the reason for the slight reduction in numbers, apart from the focus on the inner parts of the municipalities, is probably also due to the fact that public area inspectors can also perform field guard duties if they are qualified to do so. We thus suspect that the public area inspectors who are also field guards appear in the statistics as public area inspectors only.

The French field guards are police officers, while the Hungarian field guards are persons performing law enforcement duties. The difference between the two law enforcement organisations is therefore in the legal status and area of competence. The French field guards have broader competences and can operate in the whole of the municipality's outlying areas, as opposed to the Hungarian field guards, who have more limited powers and can only operate in certain areas of the municipality's outlying territories.

In France, it seems that the role of the field guards as police officers needs to be redefined and their place in the police system needs to be found alongside the municipal police forces, given the significant reduction in the number of such guards. In Hungary, on the other hand, the role of field guards in the local law enforcement system is clear and unambiguous, as they are providers of security services in the countryside. However, further extension of the outlying areas in which the field guard service can operate should be considered, thus increasing the usefulness and local embeddedness of this legal institution, similar to in the French legislation.

8 CONCLUSION

In the Hungarian system of local governmental law enforcement, the field guard service is the other main branch besides the public area inspectorate. The regulatory roots of the field guard service in Hungary are deep, and research shows that it is necessary to maintain this legal institution, as it seems that it has found its place in the 21st century and is able to provide adequate responses to the law enforcement problems that arise in the outlying areas of municipalities. In addition, the Hungarian state supports the maintenance and survival of this legal institution through special financial regulations, thus helping the operation and functioning of the rural local governmental law enforcement organisations.

There are three different visions for the future of the field guard service:

1. abolition,
2. merging with public area inspectorates,
3. survival.

The abolition of field guard service does not seem to be a realistic vision for the future in Hungary, neither in the short nor medium term. The legal institution has shown its usefulness in past centuries and has proven its viability in the present in maintaining public security in the countryside and providing local governmental services. Moreover, the field guards are important partners of the police, because they have special knowledge relating to the outlying areas of the municipality that is very important to the police performing their law enforcement duties (e.g.

guards personally know the landowners and the people living in the areas they operate in).

A somewhat more likely vision is that the field guard services will be merged into the public area inspectorates, as the legal basis for this is already present in some form in the legal system (a public area inspector can perform field guard duties). Nevertheless, the merger of the two local governmental law enforcement organisations is unlikely, as the two agencies have fundamentally different profiles, and they are not rivals but complementary organisations. It would thus be unjustified for the central government to abolish the field guard service.

In the light of the above, the most likely vision for the future of the field guard services is for them to continue to exist and possibly expand, as their place in the legal system is clear and they are able to provide useful public services in the outlying areas of municipalities under the current regulatory framework. If the operation and usefulness of the field guard services become more widely apparent to municipal decision-makers than it is at present, and if they become aware of the available funding opportunities for such guards, we are confident that we will see an increase, or at least no fall, in the number of field guards in Hungary in the future.

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