

Private Security Regulation in Hungary and Slovenia – A Comparative Study Based on Legislation and Societal Foundations

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Purpose:

The purpose of the article is to conduct a comparative study of private security regulation in Hungary and Slovenia using Button-Stiernstedt's evaluation model based on legislation and societal foundations and to find out where the two countries are in comparison with other EU member states.

Design/Methods/Approach:

First, the main characteristics of private security in Hungary and Slovenia are analysed and presented through a literature and legislation review. Second, Button-Stiernstedt's evaluation model using legislation and societal criteria is studied and explained. Third, this evaluation model is used to evaluate private security in both countries and, fourth, Hungarian and Slovenian private security regulations are ranked on a regulatory system scale of 27 EU member states.

Findings:

In this re-evaluation, Slovenian private security regulation received 94 points which makes it equal to Belgium that holds first place among 27 EU countries. Hungary received 74 points, ranking it seventh with the same number of points as Ireland. Although Hungary seems to score relatively highly in the survey, this does not mean the situation in practice is positive. Button-Stiernstedt's private security regulation evaluation model is mostly useful for international comparisons. However, we suggest that in the future some criteria be used more flexibly than the authors proposed in 2016.

Research Limitations:

Limitations of the research arise from the fact that the presented evaluation model of private security regulation is not yet fully developed and that not all data on private security in both countries were available.

Practical Implications:

The findings are useful for both further harmonising private security regulation within the EU and improving the presented evaluation model to make international comparisons more precise.

Originality/Value:

Hungarian private security regulation is evaluated for the first time using Button-Stiernstedt's evaluation model.

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Keywords: private security, regulation, legislation, societal foundations, Hungary, Slovenia

Ureditev zasebnega varovanja na Madžarskem in v Sloveniji – primerjalna študija na podlagi zakonodaje in societalnih dejavnikov

Namen prispevka:

Namen članka je s primerjalno študijo ureditve zasebnega varovanja na Madžarskem in v Sloveniji z uporabo Button-Stiernstedtovega modela evalvacije, ki temelji na zakonodaji in societalnih dejavnikih, ugotoviti, kje se državi nahajata v primerjavi z drugimi članicami EU.

Metode:

Na osnovi pregleda literature in zakonodaje so bile analizirane in predstavljene glavne značilnosti zasebnega varovanja na Madžarskem in v Sloveniji, zatem pa je bil pojasnjen Button-Stiernstedtov evalvacijski model, ki temelji na zakonodaji in societalnih dejavnikih. Evalvacijski model je bil uporabljen za vrednotenje ureditve zasebnega varovanja v obeh državah. Ureditvi sta bili nato umeščeni na lestvico regulatornih sistemov 27 držav članic EU.

Ugotovitve:

Slovenska ureditev zasebnega varovanja je v tej ponovni oceni prejela 94 točk, kar jo postavlja ob bok Belgiji na prvem mestu med 27 državami EU. Madžarska je prejela 74 točk in bi se uvrstila na sedmo mesto, z enakim številom točk kot Irska. Čeprav se zdi, da se je Madžarska v raziskavi uvrstila razmeroma visoko, to ne pomeni, da razmere v praksi odražajo to pozitivno podobo. Button-Stiernstedtov model evalvacije ureditve zasebnega varovanja je večinoma uporaben za mednarodne primerjave, vendar predlagamo, da se v prihodnosti nekateri kriteriji uporabijo bolj fleksibilno, kot pa sta avtorja predlagala leta 2016.

Omejitve raziskave:

Omejitve raziskave izhajajo iz dejstva, da predstavljeni model evalvacije ureditve zasebnega varovanja še ni povsem dodelan in da niso bili na voljo vsi podatki o zasebnem varovanju v obravnavanih državah.

Praktična uporabnost:

Ugotovitve so koristne tako z vidika nadaljnje harmonizacije regulacije zasebnega varovanja v EU kot z vidika izboljšanja predstavljenega modela evalvacije, ki omogoča natančnejše mednarodne primerjave.

Izvirnost/pomembnost prispevka:

Madžarska ureditev zasebnega varovanja je bila prvič ovrednotena z Button-Stiernstedtovim modelom evalvacije.

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Ključne besede: zasebno varovanje, regulacija, zakonodaja, societalni dejavniki, Madžarska, Slovenija

1 INTRODUCTION

Private security is an activity or service not provided by state or local public authorities but by private economic entities – private security firms and individuals. They offer and provide security on a demand/supply basis and as such are first and foremost aimed at business success. However, their success in terms of profit cannot be achieved without being good at providing security to either private clients or the state. As such, private security is an important addition security mechanism in society and, together with other public and private policing/security organisations, forms part of contemporary plural policing family (Jones & Newburn, 2006).

Despite not being researched as much as its ‘older brother’ (the police), private security is attracting ever more academic attention. There have been many country and international comparative studies on private security in the last 25 years. A lot has been done so far to enable a better understanding of the following phenomena related to private security:

- the nature, functions and goals of the private security industry (for example Johnston, 1992; Meško, Nalla, & Sotlar, 2004; Nalla & Heraux, 2003; Nalla & Hwang, 2004; Nalla & Newman, 1990; Nalla, Meško, Sotlar, & Johnson, 2006);
- the source of the legitimacy of private security (for example Nalla & Meško, 2015; Sotlar, 2007);
- the relationship between police and private security officers (for example Nalla & Hummer, 1999a, 1999b; Nalla, Johnson, & Meško, 2009; Sotlar & Meško, 2009);
- citizens’ perceptions of and satisfaction with private security officers (for example Moreira, Cardoso, & Nalla, 2015; Nalla & Lim, 2003; Nalla, Gurinskaya, & Rafailova, 2017; Nalla, Ommi, & Murthy, 2013; Van Steden & Nalla, 2010) etc.

However, despite being quite a developed industry, private security is far from being equally understood, treated and especially regulated in EU countries. It is thus no surprise that international comparative studies on private security regulation are relatively rare and lack a common methodology. The best known studies in this regard are those dealing with the regulation and growth of private security in European Union countries (for instance Button, 2007; Button, 2012; Button & Stiernstedt, 2016; De Ward, 1993, 1999; De Ward & Van De Hook, 1991; Van Steden & Sarre, 2007) or in broader Europe (CoESS, 2011, 2013; ECORYS, 2011; Gerasimoski & Sotlar, 2013; United Nations Office on Drugs and Crime, 2014; Van Steden, & Sarre, 2010).

Hungary and Slovenia share one very important characteristic concerning private security. They are both former socialist countries where private economic

initiatives started developing upon the decline of socialism less than three decades ago. The ‘rebirth’ of private property also saw the birth of private security (Johnston, 1992; Meško et al., 2004). After almost 30 years of the development and regulation of private security in these two EU member states, it is interesting to see what level of development in the role, growth and especially regulation of the field of private security has so far been achieved. As mentioned, there are always questions of how to fairly compare, evaluate and assess different countries’ regulations without having a single comprehensive methodology. For the purposes of this article, we use quite a new evaluation model based on legislation and societal foundations prepared by Mark Button and Peter Stiernstedt. The model was first presented in their article “Comparing private security regulation in the European Union” (Button & Stiernstedt, 2016). The model will also be described in this article since, in our opinion, it represents the most comprehensive attempt to evaluate private security regulation in the EU thus far. Thus, we have decided to call it “Button-Stiernstedt’s evaluation model”. While Slovenia was already evaluated along with other EU countries, unfortunately this is not the case with Hungary. Namely, Hungary was (together with Croatia, another EU member state) excluded from the final analysis and report »due to insufficient data« (Button & Stiernstedt, 2016, p. 8).

The purpose of the article is therefore to comparatively study private security regulation in Hungary and Slovenia using Button-Stiernstedt’s evaluation model based on legislation and societal foundations and to establish where the two countries are, not only in relation to each other, but primarily in comparison with other EU member states. In addition, the evaluation of Slovenian private security regulation from 2016 will be challenged, along with the evaluation model itself.

2 THE MAIN CHARACTERISTICS OF PRIVATE SECURITY IN HUNGARY AND SLOVENIA

2.1 Private Security in Hungary

Public safety is a collective and cooperative product of society, and consists of the activities of individuals and communities, state organisations’ official measures, citizens’ capability to protect themselves, and services of the entrepreneur market (Finszter, 2001). Law enforcement is the broadest term in this area with maintenance of the public order being just one important segment of it. The relevant actors in Hungary are namely the public-order bodies (Police, Disaster Management, Civil National Security Service, Prison Service), organisations tasked with ensuring public order (Parliament Guard, National Tax and Customs Administration) and, finally, complementary law enforcement organisations (local government law enforcement (a state actor), civil volunteer security organisations, private security) (Christián, 2015, 2016, 2017). Private security is further explained below.

After the change in political regime in Hungary in 1989, state security entities were partially disbanded, thereby creating a security void. At the same time, as part of the transition to a free market economy opportunities for the security market were opened, with western private security providers expanding to ex-Soviet bloc

countries. The early 1990s may also be called the period of ‘low hanging fruit’. Many companies and actors entered the private security field without any genuine professional preparations. In this period, there was no legislation to regulate this branch of the economy. That allowed the sector to grow in the quantity but not in the quality of the service.

Prior to 1998, there was no law specifically governing the private security industry, except for government regulation 87/1995. The first rules on private security were introduced in the Law on the Police XXXIV of 1994 concerning the main requirements of the service and supervision of related activity. The earliest legislation as a separate law came in 1998: Law IV of 1998. The following Law CXXXIII of 2005 provides the current regulation that is effective today. Two other regulations connected to this activity are effective today, the first is Law CLIX of 1997 on armed security guards and the second is Law CXX of 2012 on special law enforcement personnel (Christián, 2014).

A few relevant figures concerning the Hungarian private security sector are worth considering. In June 2017, around 5,260 companies were dealing with private security (see Table 1).

Year	Licences issued	Licences cancelled	Valid licences
2010	1,851	1,258	13,064
2011	3,345	1,615	12,907
2012	1,941	446	9,205
2013	1,119	242	8,311
2014	1,103	1,292	7,330
2015	1,086	829	6,637
2016	1,693	718	5,452
2017 (June)	817	242	5,260

Table 1:
Number of private security company licences in Hungary (2010–2017)

Source: Data obtained directly from the deputy chief of the Hungarian police.

There are nearly 100,000 certified security guards and, as shown in Table 2, the number of private security personnel dropped significantly between 2010 and 2017.

Year	Certificates issued	Certificates cancelled	Valid certificates
2010	16,429	10,933	133,360
2011	36,570	10,994	141,698
2012	35,030	994	122,151
2013	20,125	521	127,338
2014	16,526	436	122,754
2015	11,530	453	118,495
2016	26,616	373	104,187
2017 (June)	12,374	121	98,261

Table 2:
Number of private security guard certificates issued (2010–2017)

Source: Data obtained directly from the deputy chief of the Hungarian police.

The minimum employment requirements to become a security guard are:

- to be older than 18 years;
- no criminal record;

- legal residence in the country; and
- passing a state-mandated examination.

To obtain a security guard certificate, one must complete a 320-hour course which is provided by training companies in the market. In reality, the courses are usually shorter and of questionable quality. Private security personnel hold no state authority whatsoever, but may facilitate the arrest of citizens and act on behalf of their clients (exercising their rights to property, legal self-defence etc.). Most procedures fall into the legal category of defence of property. A security guard is authorised to use force, but items legally categorised as weapons are restricted (no teasers, firearms, batons, no tear gas above 40 mg/unit).

Compared to other countries, the figures concerning Hungarian private security are outstandingly high, some of the highest in the EU. Despite that, Hungarian citizens are hardly aware of the area and there is also a paucity of scientific research on it. Undoubtedly, the private security sector is quite an important and relevant part of the economy. Private security is taking over more and more responsibilities from the state, also providing public security. One can clearly distinguish these agents in terms of their authorisation (empowerment). While private security focuses on prevention, public law enforcement agents have a strong focus on reaction. In fact, citizens are hardly aware of the field and tend to hold quite negative opinions of private security guards due to their poor qualification and low pay. A recent research study concluded that before the turn of the millennium these agents considered each another as rivals. However, it is now evident that optimal security is only attainable if these agents actually cooperate as partners (Sotlar & Meško 2009).

The Hungarian Chamber of Bodyguards, Property Protection and Private Detectives is supposed to play an important role in private security as a professional representative organisation. Yet, since mandatory membership in the chamber was abolished (1 January 2012), membership in the Chamber plummeted by approximately 80%–90%. In such circumstances, the Chamber lost its financial backing and thus no longer holds any real power to represent the interests of the private security sector. The organisation has a dual-level structure, including a national council with a Chief Board and regional county associations. The Chamber's remaining duties are to ensure members follow an ethical procedure and to investigate complaints concerning private security activities (Christián, 2014).

The supervision of private security activity is a responsibility of the state police and refers to the issuing of private security guard/private detective certificates and private company licences, the official registration of private security guards and licensed companies, and the control of all these activities. The police may levy a fine, cancel a certificate or a licence in the event of violations. Practically speaking, due to the limited human resources, supervision is mainly confined to administrative rather than professional control.

It has become a global tendency in recent years for the role of private security actors to be increasing within the law enforcement system. The main reason for this is that they offer both specialised and comprehensive services at an equal professional level. Meanwhile, despite its growing importance, private security

is relatively poorly treated in Hungary, with a number of anomalies making its lawful and effective operation almost impossible. The legislation regarding close protection, safeguarding, as well as private investigation suffers considerable drawbacks, rendering it difficult for those in the trade to fulfil their duty especially since mandatory membership in their professional chamber was abolished in 2012. So far, professional, theoretical and scientific foundations for the area have been missing, a deficiency the Department for Private Security and Local Governmental Law Enforcement at the National University of Public Services intends to ameliorate.

2.2 Private Security in Slovenia

The first modern private security firms in Slovenia were established in 1989. Prior to that, all activities in the private security sector were carried out by security firms based on 'social ownership' common to the socialist political and economic system of former Yugoslavia (Meško et al., 2004). In 1994, the Law on Private Security and on the Mandatory Organisation of Security Services was adopted. The law defined physical and technical security for the first time in Slovenia. It also introduced licences for private security and the Chamber of the Republic of Slovenia for Private Security (CRSPS) in which membership was compulsory for all private security firms. The CRSPS was responsible for granting licences. Over the next ten years, the private security industry grew significantly. A new Private Security Law was passed in 2003. The traditional division into physical and technical security was replaced by six forms (licences) of private security activities, while mandatory training of private security personnel before commencing employment in security firms and certain new job positions were also introduced. A special body within the Ministry of the Interior – the Inspectorate for Interior Affairs of the Republic of Slovenia – and the Police (to some extent) became responsible for oversight of private security firms with respect to the legality of their activities, whereas professional supervision of firms was left to the CRSPS. The Ministry of the Interior (MI) was tasked with granting, revising and revoking licences for performing private security activities (Sotlar, 2010). In 2007, amendments to the Private Security Act did away with mandatory membership of the CRSPS. The Chamber had to change its name and organisation and now works under the name of the Chamber for the Development of Slovenian Private Security. Since no other chamber or association was founded, in 2011 the Ministry of the Interior proclaimed the chamber a representative professional association with certain administrative responsibilities in the private security field (Sotlar & Čas, 2011).

Private security regulation in Slovenia is today characterised by a new Private Security Act (Zakon o zasebnem varovanju [ZZasV-1], 2011). Sotlar and Čas (2011) describe the main characteristics of the new regulation as follows:

- the powers and responsibilities of the Ministry of the Interior in the field of private security keep growing;
- there is too much regulation of the field of private security, which is an economic activity;

- the Chamber for the Development of Slovenian Private Security is gaining back some powers even though membership in it is not compulsory;
- the number of measures/powers and means of private security officers has increased;
- the conditions for the use of particular measures/powers have broadened;
- basic and advanced security personnel training is given special attention; and
- in-house security is introduced.

Since 2011, eight different licences (forms) of private security have been available. A private security firm can apply for one or more licence if it meets the conditions and standards prescribed by law. In February 2018, there were 142 registered private security firms which together held 427 licences (see Table 3).

Table 3:
Private security
licences in
Slovenia

Licences	No. of issued licences	No. of private security firms
Protection of people and property	91	
Protection of persons	26	
Transportation and protection of currency and other valuables	42	
Security of public gatherings	71	
Security at events in catering establishments	53	
Operation of a security control centre	15	
Design of technical security systems	35	
Implementation of technical security systems	94	
Total	427	142

Source: Ministrstvo za notranje zadeve (2018)

The Private Security Act (ZZasV-1, 2011) defines jobs in the field of private security which are also licensed. Security personnel is a common name that covers security watchmen, security guards, security supervisors, security control centre operators, security bodyguards, security managers, security technicians and authorised security system engineers. The law prescribes for all these categories basic (for example, 102 hours for a security guard) and advanced training as well as an examination. Without having trained security personnel who hold official identity cards private security firms are unable to apply for particular licences. No official data are available but some estimations indicate there are already around 6,500 private security personnel in Slovenia, meaning that private security is gradually numerical catching up with the police and its some 7,170 uniformed and criminal police officers (Police, 2018). The ratio between the number of private security officers and police officers is 0.91:1 (see Table 4).

The Private Security Act (ZZasV-1, 2011) provides relatively extensive powers (in Slovenia defined as “measures”) that a security guard can use “when performing tasks of private security, in case of a threat to life, personal safety or property or when order or public order are breached” (Article 45). Security guards may issue warnings, make verbal orders, ascertain identity, conduct superficial searches, prevent entry to or leaving from a protected area, detain a person, use

physical force, and apply handcuffs or other means of restraint. They may also use other measures if so specified by the law governing a particular field (e.g. the protection of airports, casinos or nuclear facilities) as well as technical security systems in line with the relevant legislation. Security guards (except security watchmen) may carry and use firearms (handguns), incapacitating spray¹ and a service dog.²

It seems the biggest problems concerning private security in Slovenia do not relate to the legislation but to factors in society like the salaries and working conditions of private security personnel. Their salaries remain far below the average salary in Slovenia (see Table 2), but it is promising that a collective labour agreement for private security was finally signed in 2016, bringing some improvements in this regard.

2.3 Comparison of the Main Characteristics of Private Security in Hungary and Slovenia

In order to ensure an easier comparison of Hungarian and Slovenian private security, we systematised the most important characteristics, thus making the similarities and differences more evident. Data from Table 4 will be analysed and furtherly discussed in section 4.

<i>Characteristics</i>	<i>Hungary</i>	<i>Slovenia</i>
Population	9,797,561 (2017)	2,065,890 (2018)
Gross Domestic Product (GDP)	EUR 113,723 million (2016)	EUR 40,418 million (2018)
GDP per capita	EUR 11,300 (2016)	EUR 19,576 (2018)
Ratio police force/ population	1/245	1/288
Ratio private security force/population	1/100	1/317
Ratio private security force/police force	2.46/1	0.91/1
Licensing for private security companies	Mandatory by law	Mandatory by law
Total no. of private security companies	5,260 (2017)	142 (2018)
Total no. of private security officers	98,261 (2017)	6,500 (est.) (2018)
Maximum no. of working hours in the private security industry (under national legislation)	8 hours/day 40 hours/week Overtime: 240 hours/year	8 hours/day 40 hours/week Overtime: 240 hours/year

Table 4:
Comparison of the main characteristics of private security in Hungary and Slovenia

1 A security guard can only use an incapacitating spray if there is no other way of preventing an immediate illegal assault on the security guard.

2 A security guard may use a specially trained service dog and use its sense of smell or sight to determine the presence of a person or substance. The dog must be muzzled, on a leash and under the direct control of the security guard.

Private Security Regulation in Hungary and Slovenia

**Table 4:
Continuation**

<i>Characteristics</i>	<i>Hungary</i>	<i>Slovenia</i>
Collective labour agreements	None exist	Collective labour agreement for private security (2016)
Average monthly salary in the country in 2017	HUF 297,000 (EUR 958) gross HUF 197,500 (EUR 637) net	EUR 1,627 gross EUR 1,062 net
Average monthly salary of private security officer in 2017	HUF 200,000 (EUR 645) gross (est.) HUF 150,000 (EUR 483) net (est.)	EUR 1,000 gross (est.) EUR 750 net (est.)
Private security industry regulated by	The Private Security Act (CXXXI-II/2005)	The Private Security Act (Official Gazette No. 17/11)
Competent national authority for drafting and amending legislation regulating the private security industry	Ministry of the Interior	Ministry of the Interior
Competent national authority for control and inspection of the private security industry	<ul style="list-style-type: none"> The Police Ministry of the Interior (via the Chamber of Private Security) 	<ul style="list-style-type: none"> Ministry of the Interior Inspectorate for Interior Affairs The Police
Entrance requirements and restrictions	<p>Entrance requirements (vetting procedure) for the private security industry:</p> <p style="text-align: center;"><i>At company level</i></p> <ul style="list-style-type: none"> General conditions: Criminal record check Have at least one licensed security person The company is not prohibited from engaging in private security activity The company must not have an unpaid supervisory fine concerning its private security activity Liability insurance <p style="text-align: center;"><i>At personal level</i></p> <ul style="list-style-type: none"> Age above 18 years No criminal record Legal residence in the country State-mandated examination <p>Every 5 years, obligatory state-mandated refresher training</p>	<p>Entrance requirements (vetting procedure) for the private security industry:</p> <p style="text-align: center;"><i>At company level</i></p> <p>Entrance requirements depend on the type of licence</p> <p>General conditions:</p> <ul style="list-style-type: none"> Criminal record check Hold a valid guard licence Have a full-time security manager employed on a permanent contract (not required for all licences) Have security personnel who are professionally trained Have its own security control centre or one guaranteed by contract Have to own or rent business premises in Slovenia Liability insurance <p style="text-align: center;"><i>At personal level</i></p> <ul style="list-style-type: none"> Minimum age of 18 EU, EEA or Swiss Confederation citizenship Minimum professional training Criminal record check Passed a physical and psychological health assessment Have active command of the Slovenian language

Table 4:
Continuation

Characteristics	Hungary	Slovenia
Powers of private security officers	<p>A security guard holds no state authority. Use of force is authorised, but items legally categorised as weapons are restricted.</p> <p>In case of property defence except public spaces:</p> <ul style="list-style-type: none"> • Stop, identity check, require information about the purpose and right of entry. If required, prohibit entry. • Ask a person to show their packages • Ask to cease a breach of law • Use of technical security systems • Prohibit the taking in of unsafe items <p>To make arrests and act on behalf of clients (exercising their rights to property, legal self-defence)</p> <p>Use of other means (in case of lawful self-defence):</p> <ul style="list-style-type: none"> • CS gas/pepper spray • Service dog • Baton • Use of physical force • Handgun: very limited 	<p>In the event of a threat to life, personal safety or property or when order or public order are breached, a security guard may apply the following measures:</p> <ul style="list-style-type: none"> • Warning • Verbal order • Ascertain identity • Superficial search • Prevent entry to or leaving from a protected area • Detain a person • Use physical force • Use handcuffs and other means of restraint <p>A security officer may also use other measures if so specified by the act governing a particular field (protection of airports, casinos or nuclear facilities).</p> <p>A security officer may use technical security systems.</p> <p>Use of other means:</p> <ul style="list-style-type: none"> • Incapacitating spray • Service dog • Carrying and use of a firearm – handgun (except for a security watchman)
Training and related provisions	<ul style="list-style-type: none"> • Minimum no. of basic training hours for security officer: 320 • The training is provided by specialised training institutions licensed by the Ministry of the Interior • Every 5 years a refresher training programme is mandatory by law • The training is provided by an educational institution of the Chamber of Bodyguards, Property Protection and Private Detectives • Basic training and refresher training are usually low-quality courses • University-level education: • National University of Public Services, Faculty of Law Enforcement Course for private security and local governmental law enforcement (BA, full-time and correspondence) 	<ul style="list-style-type: none"> • Training programme is mandatory by law • Minimum no. of basic training hours for security officer: 102 • Mandatory additional/advanced training for various security jobs • Mandatory refresher training • The training is provided by specialised institutions licensed by the Ministry of the Interior • The training is financed by the company and/or officer • Upon successfully completion of basic training, private security guards are issued with a certificate of competence

Sources for Hungary: CoESS (2013), Központi Statisztikai Hivatal (2017). Some data were obtained directly from the deputy chief of the Hungarian police.

Sources for Slovenia: CoESS (2013), Gerasimoski & Sotlar (2013), Sotlar & Čas (2011), Sotlar & Dvojmoč (2016), Private Security Act (ZZasV-1, 2011), Republic of Slovenia Statistical Office (2018).

3 EVALUATION OF THE REGULATION OF PRIVATE SECURITY IN THE TWO COUNTRIES BASED ON LEGISLATION AND SOCIETAL FOUNDATIONS

The characteristics of private security in Hungary and Slovenia presented above give us a solid basis to evaluate the extent and level of regulation of private security in both countries. In order to make the data from two countries comparable with the situation in other EU countries, an evaluation based on a common methodology will now be conducted.

3.1 Methods

Button-Stiernstedt's evaluation model

Button and Stiernstedt (2016, p. 16) wanted to “illustrate the current state of private security regulation in the Member States of the EU”. In order to achieve that, they were looking for a comprehensive methodology to evaluate private security in different EU countries. They studied the most significant literature, academic research articles, reports, government websites and interviews with industry professionals on these topics etc. They mostly relied on findings from four sources: 1) *State regulation concerning the civilian private security services and their contribution to crime prevention and community safety* (United Nations Office on Drugs and Crime, 2014); 2) *Private security in Europe in Europe – CoESS Facts & Figures 2011* (CoESS, 2011); 3) *Security regulation, conformity assessment & certification. Final report (Vol. I: Main report)* (ECORYS, 2011); and 4) *Assessing the regulation of private security across Europe* (Button, 2007).

They realised that merely analysing the legislative side of private security would be insufficient and that the way legislation is actually implemented is almost equally important, which led them to consider societal foundations. They created an analytical tool consisting of: 1) Legislation (“those aspects pertaining directly or indirectly to the actual national legislative framework”); and 2) Societal Foundations (“as the direct or indirect consequences of that legislation upon its implementation into the society”) (Button & Stiernstedt, 2016, p. 8).

Button and Stiernstedt (2016) divided Legislation into 3 sub-divisions (Regulation, Coverage and Licensing) with a total of 13 questions. Societal Foundations were also divided into 3 sub-divisions (Professional associations, Enforcement and Training) with a total of 9 questions. They arbitrarily allocated a maximum of 100 points to these 22 questions. Ten points were allocated to Regulation, 16 to Coverage and 30 to Licensing, which gives 56 points to Legislation. On the other hand, 44 points were allocated to Social Foundations of which 4 points were allocated to Professional associations, 8 to Enforcement and 32 to Training (Button & Stiernstedt, 2016). Tables 6 and 7 explain the further division of questions and allocation of points, while Table 5 presents a description of the criteria according to which the private security regulation of each country was evaluated upon the allocation of the appropriate number of points.

Criteria/questions (max. 100 points)	Descriptions of criteria
Legislation/Regulation type (max. 4)	<ul style="list-style-type: none"> • 4 points: regulation is specific to private security • 2 points: general legislation with specific amendments addressing private security issues • 0 points: general legislation
Regulatory body (max. 2)	<ul style="list-style-type: none"> • 2 points: a single regulatory body is effectively responsible for all or most private security concerns • 0 points: the responsibility for private security is divided or diffuse
Role of PSI in regulation (max. 4)	<ul style="list-style-type: none"> • 4 points: if formally and democratically established and run • 2 points: if informal but influential • 0 points: if having a dominating role, formal or informal, and if not holding a significant role in regulation
Scope of licensing regulation (max. 10)	<ul style="list-style-type: none"> • Up to 10 points: for scope going beyond general standards with 2 points for each area (this refers to regulated areas falling outside of general guarding, e.g. CIT, close protection, private investigators etc.)
Prohibitions/Restrictions (max. 2)	<ul style="list-style-type: none"> • 2 points: if regulation contains a "speciality principle" • 0 points: without a "speciality principle" <p><i>*Speciality principle means that one single legal entity, officially recognised as a private security company, is only allowed to carry out private security services and not auxiliary or additional services</i></p>
In-house security personnel (max. 4)	<ul style="list-style-type: none"> • 2 points: in-house security personnel, i.e. privately managed staff providing security services is included in the regulation • 0 points: in-house is not included in the regulation
Licensing firms (max. 8)	<ul style="list-style-type: none"> • 8 points: regulation contains comprehensive criteria • 4 points: regulation contains partial criteria • 0 points: regulation contains no criteria <p><i>*Criteria included but were not limited to a consideration of background checks, criminal records, financial viability, fees, age restrictions, minimum educational level, language proficiency etc.</i></p>
Licensing operatives (max. 8)	<ul style="list-style-type: none"> • 8 points: if the regulation contains comprehensive criteria • 4 points: if the regulation contains partial criteria • 0 points: if the regulation contains no criteria <p><i>*Criteria included but were not limited to a consideration of physical and psychological evaluations, criminal records, training certificates, fees, age restrictions, minimum educational level, language proficiency etc.</i></p>
Types of licensing (max. 4)	<ul style="list-style-type: none"> • 4 points: different licences may be issued for different roles and whether such differences reflect a comprehensive licensing spectrum • 2 points: different licences may be issued for different roles and whether such differences reflect a partial licensing spectrum • 0 points: no types of licences <p><i>*Licences included but were not limited to: aviation/ airport security, CCTV related, close protection, CIT, maritime security etc.</i></p>
Licence card (max. 4)	<ul style="list-style-type: none"> • 4 points: if a licence card meeting the official EU standard for ID cards is issued • 0 points: if not

Table 5:
Sub-divisions
and questions
of the league
table

Private Security Regulation in Hungary and Slovenia

Table 5:
Continuation

Compulsory codes of conduct (max. 2)	<ul style="list-style-type: none"> • 2 points: if one exists • 0 points: if not existing
Special equipment & weapons (max. 2)	<ul style="list-style-type: none"> • 2 points: firearms in private security are regulated that consequently allow or disallow guards from being armed with firearms • 0 points: unregulated
Working conditions (max. 2)	<ul style="list-style-type: none"> • 2 points: in legislation that affects the PSI, i.e. not necessarily specific to the PSI, there are sector- specific binding agreements for working conditions • 0 points: no sector-specific binding agreements
Professional associations (max. 4)	<ul style="list-style-type: none"> • 4 points: there are professional associations assumed to promote higher, better and more effective standards than the statutory minimum • 0 points: no such professional associations
Complaints procedure (max. 4)	<ul style="list-style-type: none"> • 4 points: regulation provides specific provisions for making, managing and following up complaints against private security individuals and/or entities • 0 points: no such provisions in the regulation
Sanctions for transgressions (max. 4)	<ul style="list-style-type: none"> • 4 points: there is a possibility for the regulator to administer sanctions upon security industry or individuals under both criminal law and administrative law • 2 points: there is a possibility for the regulator to administer sanctions upon security industry or individuals under criminal law • 0 points: there is no such possibility
Licensing of trainers (max. 4)	<ul style="list-style-type: none"> • 4 points: a licence is required to provide security personnel training • 0 points: no licence is required to provide security personnel training
Mandatory training (max. 14)	<p>Mandatory training is stipulated by the regulation. The range of hours:</p> <ul style="list-style-type: none"> • 14 points: 121 + hours • 12 points: 100 to 120 hours • 10 points: 80 to 99 hours • 8 points: 60 to 79 hours • 6 points: 40 to 59 hours • 4 points: 20 to 39 hours • 2 points: 1 to 19 hours • 0 points: 0 hours
Exam (max. 2)	<ul style="list-style-type: none"> • 2 points: upon successfully completing the basic training there is a theoretical and/or practical pass/fail exam after which private security guards are issued with a certificate of competence • 0 points: no exam
Refresher training (max. 4)	<ul style="list-style-type: none"> • 4 points: mandatory refresher or follow-up training exists • 0 points: no mandatory refresher or follow-up training exists
Specialist training (max. 4)	<ul style="list-style-type: none"> • 4 points: mandatory specialist training is required for security roles other than general guarding • 0 points: no mandatory specialist training exists
Management/Supervisor training (max. 4)	<ul style="list-style-type: none"> • 4 points: mandatory training is required for management and/or supervisory roles of private security • 0 points: no mandatory training for management and/or supervisory roles

Source: Button and Stiernstedt (2016)

3.2 Results

Evaluation of private security regulation in Hungary and Slovenia

Table 6 presents a comparison of the results of the evaluation of private security regulation in the two countries based on legislation. The first column presents the sub-divisions and questions with the maximum possible points, the second and third columns present the results for Hungary and Slovenia in 2018, while the fourth column presents the results for Slovenia from Button and Stiernstedt's study conducted in 2016.

Sub-divisions/questions (Max. points – 56)	Hungary	Slovenia	Slovenia in Button and Stiernstedt's (2016) evaluation
<i>I. Regulation (10)</i>	10	10	10
Legislation/Regulation type (4)	4	4	4
Regulatory body (2)	2	2	2
Role of PSI in regulation (4)	4	4	4
<i>II. Coverage (16)</i>	8	14	14
Scope of licensing regulation (10)	6	10	10
Prohibitions/Restrictions (2)	2	0	0
In-house security personnel (4)	0	4	4
<i>III. Licensing (30)</i>	18	28	22
Licensing firms (8)	8	8	4
Licensing operatives (8)	4	8	8
Types of licensing (4)	2	4	4
Licence card (4)	0	4	4
Compulsory codes of conduct (2)	0	2	2
Special equipment & weapons (2)	2	2	0
Working conditions (2)	0	0	0
Total	36	52	46

Table 6:
Comparison of
the states based
on Legislation

Table 7 compares the results for the two countries based on societal foundations. The first column presents the sub-divisions and questions with the maximum possible points, the second and third columns present the results for Hungary and Slovenia in 2018, while the fourth column gives the results for Slovenia from Button and Stiernstedt's study in 2016.

Table 7:
Comparison of
the states based
on Societal
Foundations

Criteria/questions (Max. points – 44)	Hungary	Slovenia	Slovenia in Button and Stiernstedt’s (2016) evaluation
<i>I. Professional associations (4)</i>	4	4	4
<i>II. Enforcement (8)</i>	8	8	4
Complaints procedure (4)	4	4	0
Sanctions for transgressions (4)	4	4	4
III. Training (32)	24	30	28
Licensing of trainers (4)	4	4	4
Mandatory training (14)	14	12	10
Exam (2)	2	2	2
Refresher training (4)	4	4	4
Specialist training (4)	0	4	4
Management/Supervisor training (4)	0	4	4
Total	38	42	36

When we combine the scores in Tables 6 and 7, we obtain the following results: Hungary: 74 points (36 for Legislation and 38 points for Societal Foundations); Slovenia: 94 points (52 points for Legislation and 42 for Societal Foundations) and Slovenia in the study from 2016: 82 points (46 points for Legislation and 36 points for Societal Foundations). Comparison of private security regulation in Hungary and Slovenia as well as the results given by the evaluation model using legislation and societal foundations are discussed in section 4.

4 DISCUSSION

Hungary and Slovenia share one common characteristic – they are both ex-socialist countries with a relatively short history of private security development and regulation. But here most of the similarities stop. Hungary outnumbers Slovenia in population terms by 4.5 times, but this is not reflected in the private security field. Hungary has 37 times more registered private security firms and 15 times more private security guards than Slovenia! If we consider another parameter, the number of private security guards per police officer, we realise there are almost 2.5 times more security guards than police officers in Hungary, while in Slovenia there are still slightly more police officers than security guards. The reason for this discrepancy between the two countries was not researched in this paper, but certainly deserves further analysis. A comparison of the powers held by security guards shows that Slovenian guards are more empowered than their Hungarian colleagues. On the other hand, according to legislation the latter have to complete up to 320 hours of training, three times more than in Slovenia. However, it seems that in reality this training obligation in Hungary is quite poor and does not meet the prescribed standards.

Button-Stiernstedt’s evaluation model also enabled us to assess and compare private security regulation based on the legislation and societal foundations in the two countries. We allocated points to 22 criteria of which 13 were related to legislation and 9 to societal factors. Slovenia was ranked third after Belgium (94 points) and Spain (90 points) among 26 EU states in Button and Stiernstedt’s

evaluation in 2016.³ In this new evaluation, Slovenia received 94 points, making it equal to Belgium that holds first place among 27 EU countries. What makes Slovenia's score 12 points better than the 2016 evaluation? We gave Slovenia 6 additional points for Legislation as well as 6 more points for Societal Foundations. Namely, we believe that the criteria "licensing firms", "special equipment & weapons", "complaints procedure" and "mandatory training" were not initially allocated enough points regarding the existing regulation in Slovenia.

On the other hand, Hungary with 74 points would be ranked 7th, with the same score as Ireland, behind Sweden and Portugal with 78 points and ahead of Romania with 68 points. Although Hungary seems to have scored relatively highly in the survey, this does not mean the situation in practice is positive. Several criteria are stipulated by law, but in reality only a small fraction of the conditions can actually be observed.

In this article, we strictly and accurately followed Button-Stiernstedt's private security regulation evaluation model because we wanted to put Hungarian private security on the "EU private security regulation map". The model mostly works, but we suggest that in the future some criteria should be used more flexibly than Button and Stiernstedt proposed in 2016. Thus, in cases where criteria consist of several sub-criteria and the total sum is 4 points (for example), we propose that 0, 1, 2, 3, or 4 points be allocated (and not just 0, 2 or 4 points) because countries can have very different levels of regulation of particular private security questions. Of course, a precondition for that is that each sub-criterion is clearly defined and elaborated.

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³ Please note that an error was discovered in the article by Button and Stiernstedt (2016). Namely, Spain could not receive 18 points for "Coverage" since the maximum number of points was 16. The total number of points for Spain was therefore 90 and not 92 as written in Table 3 on page 8 of the mentioned article. However, Spain remains second, after Belgium and in front of Slovenia. This error was discussed with Button and Stiernstedt who had also noticed their mistake.

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