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STREET POLICE CORRUPTION – A POST-COMMUNIST STATE OF

THE ART

INTRODUCTION

In his brilliant novel,¹ Péter Esterházy, the well-reckoned and celebrated Hungarian writer ingeniously described the submissive and resignedly self-humiliating behavior of the Homo Sovieticus² while interacting with the (among democratic and market circumstances) unacceptably arrogant and mal-performing representatives of authoritative entities – be them state officials, public transportation ticket inspectors, trade union representatives, or restaurant waiters. It was not fear, nor the dismantling imperative of a social paranoia, but more an alienated exhaustion, paired up with tired and by long lasting erosion weakened disdain. Ordinary, every-day interaction with police officials, street patrollers in particular, was an archetypal form of the above described sentiment and behavioral pattern. Political, economical and social psychological transition aside, the daily perception and societal functioning of traffic police had not changed much. In the following, I will attempt to shed some light onto a particular form of police corruption and the rules of this social game.

It often has been argued that corruption in general is an economically efficient, in a way anti-pre-established clientelist (thus in transitional societies to some extent even egalitarian and democratic), therefore often inevitable secondary and subsidiary

¹ Esterházy Péter (1950-): Hahn-Hahn grófnő pillantása: lefelé a Dunán, Budapest, Magvető, 1991.

² referred to as the "szocialista embertípus," e.g. a "socialist creature"

formation of social and economic interactions;³ and in particular post-communist corruption is always structural “*in the sense that it is part and parcel of the region’s emerging clientelistic structures.*”⁴

Under post-communist conditions, police corruption is an especially vivid and eye catching phenomena, as beside the daily annoyances of vehicle owner citizens, (since these news possess sensational information-quality) reports on hired policemen to enforce fake and outrageous bills from foreigners in downtown topless bars, as well as Mafia-involved car- or illegal immigrant-smuggling officers, or drug dealer and blackmailing policemen are usual media coverage’s.⁵ The outcome is that not the individual policemen are considered and viewed corrupt, but the whole apparatus and the police machinery as such.

Public confidence in the force has drastically declined. According to a survey of Gallup Hungary,⁶ the police was listed as the 14th among 15 institutions in terms of popular confidence. Only four percent of the interviewed said they believed the official police reports about investigations and corruption affairs.⁷ In a December 2000 press release, the minister of justice herself made references to a survey, according to which police has been rated the single most corrupt institution in Hungary.⁸

In my following analysis, I will investigate a peculiar, in my evaluation post-communist specific, structural form of police corruption. It is my submission that the

³ See for example András Sajó quoting Huntington and N. Leff. In: Corruption, Clientelism, and the Future of the Constitutional State in Eastern Europe, East European Constitutional Review, Spring, 1998, p. 39

⁴ Ibid., p. 37.

⁵ Both in the national and international media (see for example the, by the Hungarian government both in its factual content and attitude-bias contested, BBC World Report: Four riders of Apocalypses, shown on March 17th, 1999).

⁶ Published by the daily Magyar Nemzet on 13 November 1999.

⁷ See Hungarian Civil Liberties Union Policy Paper on the Police, April, 2000, p. 5.

⁸ In: Népszabadság, December 15, 2000.

current system of street-patrol related corrupt police conduct and the legal structures thereunder are embedded in the deeply illiberal and inherently anti-civilian, even semi-totalitarian constitutional provisions, which (pairing up with both the post-communist and profession-related social psychological specificity's) create a particularly favorable climate for corruption.

The empirical and legal basis of my findings are observations in Hungary, but considerable (public survey and literature) evidence suggests that most of the claims may be upheld throughout the post-soviet region.⁹

The following scrutiny will focus on a “*legal*,” yet constitutionally defected type of police corruption; one based on a constitutionally impermissible authorization of police power; which in many cases evokes trivial, petty bribery. I will contend that a substantial scope of police duties (exercised in a manner they are) actually constitutes a severe intrusion to civic liberties and civilian freedom.

For practical simplicity and procedural comfort, the police had been entitled and obliged with control and authorization competence in areas, which (if again, exercised in a manner they are) make it questionable if should be trusted or burdened onto armed (police) forces. Thus, the controlling (to be carried out through random street patrols) of the certificates for appropriate carbon-dioxide emission and motorway pass-purchase, or the fining of, for example, dirty license plates—as set forth in the laws on police and the ones prescribing the rules and legal prerequisites of vehicle traffic— are important and necessary duties; not to be carried out however by police officers. We see a similar situation in case of, let us say, random street check-ups

⁹ According to the analysis of Pavol Fric, for example: “*in the opinion of the Czech public the police represents one of the most corrupt institutions of the public administration*”. In: Corruption in the

entailing the control-check of the medical box (a required supply of all vehicles for first aid-purposes), the insurance contract leaflet of the vehicle, or the condition of the windshield wiper and the splashboard.¹⁰

I find it important to stress, that the possession of all these documents and the safe navigation of the vehicles are important, but by no means would that imply its belonging to the competence of the police. The checking of most of the documents (such as the authorization of the managers' for the usage of a corporate owned vehicle, for example) serves tax, social security or other administrative purposes – again falling outside the scope of armed supervision.¹¹

Following Murphy's Law of police conduct; where there can be a financially beneficial abuse of power, there will be an abuse of power: while making let us say alcohol tests (in a country where there is practically zero tolerance, thus the suspicion of a dinner glass of wine is well founded a basis for stopping the driver) the presumption of innocent trafficking is simply put aside; the driver is stopped and tested, and while on the agenda, other documents and vehicle supply conditions will also be checked.

Legally speaking thus, the first direct trigger for day-to-day street corruption is the total neglecting and reversing of the principle of reasonable action, fairness and proportionality.¹² This is how the legally permitted administrative control of vehicle operation turns into a very well paying, and without any control or filtering utilized

Czech Police (Rebels versus official authorities), paper presented at the Princeton University-Central European University Joint Conference on Corruption, Budapest, October 29-November 6, 1999, p. 2.

¹⁰ It is similarly dubious why the ownership registration of vehicles, for example, was to be carried out by officers of the armed forces (obliged to follow the orders of the superiors by even putting their life at risk). The law had only been changed by January 1, 2001, transferring it to local government jurisdiction.

¹¹ Which, I find important to stress, is an authority of official state coercion-*imperium*.

¹² Which by the way are set forth in the Act on police, among the principles of force action and operation.

activity. The bribe-hungry practice (the purely for both legal and illegal monetary gain assessed thorough stopping, search and examination of the absolutely law-keeping driver) is thus both contrary to the constitutional rationale of the institution of the police, and internal (as well as external) operational directives within itself the force.

This behavior however is not a mere disobedience of the individual officers, it is a structural phenomena; backed up by both professional mentality and (not unimportantly) the temptingly wide scope of authority provided by the (in this regard non-restructured, total-state reminiscent and obsolete) legal frameworks. With probably satisfying legal (even constitutional) basis at the first glance, daily practice shows nothing but an opportunity for the police to stop citizens without any suspicion whatsoever for a criminal or other offense, and fine severely for several petty offenses – which the citizen feels unjustified to be held responsible for at the time and place by an armed officer. Adding this up with the well-trained behavioral and authority-negotiating patterns of the Homo Sovieticus, we may get an insight to the peculiarities of post-communist street-patrol practices.

Under the present system thus, due to a uniquely wide scope of police powers for street patrol and citizen control, actually a situation is created where the patrol forces are not investigating *after* petty criminal offenses, but using administrative control competencies to intently harass citizens. The search for punishable conduct is rarely unsuccessful, thus a unique, for corruption peculiarly favorable climate is created, where the actively corrupt citizen will be free from most moral restraints to engage in the actively corrupt behavior. Corrupt conduct therefore will be an easily accessible opportunity, an existential must, and a morally permissible exercise.

This constitutionally cemented armed kleptocracy is far from being harmless, as besides damaging the (under post-communist conditions already vulnerable) state-

citizen social psychological relations, creates a dangerous presumption of corruptibility. The hopeless cynicism of the system is in the fact that the citizen will actually be better off by paying the medium-scale daily/weekly bribe money than being forced to adhere to the insane and uncompliant laws of let us say windshield wiper maintenance. (On the social psychological note: the citizen's tolerance will without surprise end towards an institution sponsored from tax-money, which instead of serving and protecting, engages in ordinary street banditism and instead of preventing crime and disorder -- spreads and practices it...)

EXTENT AND VOLUME

If corruption in general is one of the least visible and most latent crimes, the real morphology of police corruption (especially petty bribery) is probably even more difficult to measure. The reasons therefore are quite obvious: both parties are disinterested in the publicity (not to mention legal consequences) of the conduct and other externalities (e.g. the investigative and law enforcement agencies being actually involved therein) also support latency and secrecy.

For a comparison¹³ it is worth noting that while for example in 1993 Hungary (a country having app. 10 million inhabitants) approximately 400,000, and in 1995 about 500,000 crimes were registered with 119,000¹⁴-132,000¹⁵ offenders detected; corruption related crime estimates never exceeded 1000,¹⁶ and some 200-400 offenders were detected annually. Police corruption (according to the unified police

¹³ See: Kránitz Mariann: Korrupt-e a közutakon bírságoló rendőr, In: Kriminológiai és Kriminálisztikai Tanulmányok, 1998, Vol. 35., pp. 226-227.

¹⁴ in 1994

¹⁵ in 1992

and prosecutorial registers) is hardly existing: between 1992 and 1996 the annual number of such offenses varied between 9 (!)¹⁷ and 54,¹⁸ and the detected (police officer) offenders varied between 14 and 54.¹⁹ Other statistics report slightly different, but in scale similar estimates: the number of police corruption cases was 36 in 1991; 29 in 1992; 17 in 1993; and 9 in 1994.²⁰ This latter report mentions the following number of police offenders and corruption related criminal activities: 1991: 505 – 11; 1992: 561 – 29; 1993: 623—24; 1994: 528 – 14. A third source of statistics, based upon prosecutorial registers, found 877 police corruption cases between 1994 and 1988, drawing out a clear numerically increasing tendency (14 in 1994 and 113 in 1998.)²¹

The author of a 1993 study drew the following conclusions: 93% of police corruption is small scale, small value, in nature petty offense, and 58% of all police corruption is registered in Budapest and the neighboring county (Pest).²² In contrast, in “regular” official corruption, only 71% of the offenses is committed to petty value, as according to 1988 estimates: the average bribe-amount varied between 500-10.000 forints (the average above 5000); for police corruption, the respective figures were 2-300 forints.²³

It is also worth mentioning, that 69% of the passively corrupt police officers is above 30 years of age (therefore this is not a specificity of the young and inexperienced), 2/3 had already been subject to similar disciplinary procedures, and

¹⁶ Although their number was increasing: in 1990: 385; in 1991: 432; in 1992: 899; in 1993: 582; in 1994: 983; in 1995: 676.

¹⁷ in 1994

¹⁸ in 1996

¹⁹ 1994 and 1996 respectively.

²⁰ Bencze József: Erkölcsi-jogi tényezőket érintő tapasztalatok a rendőri munkában, különös tekintettel a korrupciós jelenségekre, Főiskolai Figyelő, 1996/3, pp. 7-8.

²¹ Finszter, Küzdelem, p. 12.

²² Approximately 25-30% of the population lives in these, urban, metropolitan areas.

²³ (1 USD = approximately 300 forints; for a statistical comparison on incomes, see below.)

87% are warrant officers.²⁴

It has also clearly been shown by statistics that the ratio of traffic corruption is by far the largest, to be followed by security divisions (approximately half of these estimates is committed by prison guards), with administrative and criminal divisions appearing to be the least corrupt.²⁵

Hearsay and media publicity sketches a devastating picture about the volume and diversity of police corruption; we hear and in fact read about the quasi-official price lists for avoiding drunk driving procedures, eased driver's license retain actions, atrocities for foreign speeders (accepting foreign currencies on a 1 to 1 basis), policemen appearing in civilian outfit 2-3 days after the street control at the apartment of the let off offender asking for bribe money, etc.²⁶

PUBLIC ATTITUDES

According to the estimates of an older survey, 13.3% of the population judged policemen in general to be corrupt, and 31.5% found them "easy to influence".²⁷ The estimates of a repeated survey²⁸ of the leading survey-institution showed that 27-35% of the population found policemen corrupt.

²⁴ Bódi quoting and comparing other studies, Bódi János: A rendőri korrupció alakulása 1980-1992 között, Főiskolai Figyelő 1999, 3/1., p. 19.

²⁵ Ibid.

²⁶ Convincing, but very few cases report however corruption-affirmative judicial decisions. Bencze (op. cit. p.6.) for example mentions one from 1991, where two members of the police special command units engaged in private money recollection leading to cruel intentioned murder; in 1994 for a price of 2000 DM/piece passports and residency permits were falsified, etc. However in many cases (instead of setting a firm example) the decisions themselves are powerless and intentionally weakly formulated: for example according to a press release (Népszabadság, March 2, 2000) a police captain was sentenced to 120,000 forints (approximately 480 USD) of punishment for official corruption, yet the same day became liberated from all negative consequences of the criminal conviction, was kept in service, only reduced in rank to first-lieutenant; or Bódi (op. cit. . p. 20) mentions a prison guard who has been under corruption-related disciplinary proceedings six times...

²⁷ Szoció-Reflex Piackutató Kft, In; Bencze, op.cit., p. 6.

²⁸ Szonda Ipsos, 1990-92, Ibid.

As no person is willing to be interviewed upon their active corrupt (thus criminally liable) behavior, the surveyors²⁹ needed an intricate, extremely cautiously anonymous format (random contacts with vehicle owner parents of school children). Based upon personal experiences, the outcomes seem quite convincing: only 6.5% of the questioned (all having been stopped by traffic police) refused to pay to the officer in duty; 85% immediately reached for his/her wallet; and only 9% opted for formal denunciation. Only 70% received a receipt for the fines paid (this may still not prove the legality of the officer's action); the rest, 30% manifestly paid to the pocket of the officer in duty. Only 14% of the thus fined drivers contended (months or even years after the incidents) that the police conduct, e.g. the procedure as such was just and fair (equitable). 43% held that it was legal (no mention of moral fairness); and 43% clearly held the police action both unjust (illegal) and unfair (lacking equity). Every second driver, more than half: 55.3% of the questioned admitted trying to "negotiate" with the law-executing officer before paying. Only 18% those of was unsuccessful in bargaining; 35% succeeded once, 16% twice, and 30% (every third driver) had more than three successful "bargains" with the policemen on duty. 10% of the fine-dealers admitted to have made an excellent bargain, that is having paid substantially less than otherwise required by law; and altogether 20% of the questioned benefited financially for having bribed the police officer.

All these questions were asked in an intricate, circumventing format, and to the only straightforward question: "Were the policemen corrupt?" only 13% of the questioned held affirmative views. However, 44% of the questioned does not trust policemen in general, or the apparatus.

²⁹ Done and reported by Kránitz, op. cit. pp. 232-47.

SUBCULTURAL CHARACTERISTICS

The specialty of (first of all traffic) police corruption may be explained by the peculiar subculture their work is performed. This subculture consists of two layers: a) the distinct socio-cultural norms and behavioral patterns of the police forces; and b) the special (for simplicity's sake let us call it post-communist) constitutional climate in which the police is allowed to work in.

COP-WORLD FINDINGS

The psychological and moral environment of the police forces has been in the focus of various Hungarian and international studies and surveys.³⁰ One of its characteristics is the relative homogeneity of the outer world – built from the bricks of suspicion, as the lawbreakers' features are being projected to the entire civilian population. One of the cornerstones of the “copworld” is thus the hostility of the outer world: where dangers, insecurity, and lack of respect for authority create the image of a total moral chaos. Experts also point out the from our point of view most important aspect of the “copworld:” the strong feeling of solidarity and fraternity – a fact to have a substantial effect on the unpunished likeliness (thus occurrence likeliness) of let us say petty corruption. This attitude was not only tested by surveys on the likelihood of standing out (e.g. not reporting or even providing false alibi) for lawbreaking colleagues, but also by analyzing leisure-time habits -- showing that policemen are much more likely to spend free-time amongst themselves than with hostile and

³⁰ For a Hungarian example see Krémer, 1998, pp. 37-42.

humiliating civilian companies.³¹

The surveys³² provided strikingly similar results to the findings in police communities abroad – including Western states. 41% of Hungarian policemen spend their free time in the company of other policemen; 72% of the questioned would not report his/her colleague's unlawful conduct, and would only notify the forfeiter (only 5% would report it, 13% would even protect—back him/her up—).

According to another survey:³³ 94% of the policemen would not report the mistakes (disciplinary fallacies) of a colleague; 82% would “cover” even if an explicit breach of law had been committed. Similarly, if there was a proceeding against one of their colleagues, who, to the certain knowledge of the questioned, actually committed the illegal behavior: only 11% would tell the (to the colleague detrimental) truth, 72% would say he/she knows nothing about the issue, and 17% (more than the “honest ones”) would provide a false alibi. 80% of the policemen would accept occasional gifts from shop-owners within his/her district; when caught drunk driving (off duty), 67% of the policemen will show their police id. card and refer to collegiality in order to escape legal consequences.

68% would take small value items when called (and having arrived first) to shop burglary. On the question of traffic bribery (accepting money with no receipt given), 44% admits doing it occasionally, while 50% (half) admits doing it on a regular basis.

POLLS WITHIN THE FORCE

³¹ Ibid.

³² Ibid. pp. 60-69

A 1998 comprehensive survey³⁴ among police officers brought the following results: power corruption (free drinks, gifts, and services accepted): 90% of the Hungarian policemen admits the existence thereof; profit percentage/protectionism/fraud (admission to bars, referring to police status in private occasions): 93% of the Hungarian policemen admits the existence thereof; occasional theft (from victims, seized shops): depending on whether or not there was an actual burglary 10- and 2% of the Hungarian policemen admits the regular and, 61- and 53% admits the occasional existence thereof; illegal activity protection: 62% of the Hungarian policemen admits the occasional and 6% the regular existence thereof.

The most recent (in the Spring of 2000 published) survey³⁵ on Hungarian police corruption (as seen from the inside, by officers) supports our previous arguments and the earlier assessed findings: 100% of the questioned found corruption one of the most serious, increasingly dangerous problem within the force, which degrades, ridicules and humiliates police work. 97% had first-hand, reliable experience on corrupt police conduct, while only 3% admitted having personal involvement therein.³⁶ All (100%) found bribe money the single most important contributing factor to corruptibility³⁷ and 60% held corruption within the service (bribing one another for profitable (!) duties) common.³⁸ 80% was aware of doing

³³ Krémer, 1998, p. 53.

³⁴ 1998, p. 49.

³⁵ Finszter, Küzdelem, pp. 20-48.

³⁶ Although 59% admitted doing favors of some sort (either for monetary or other gains.)

³⁷ For the first time, anonymized, yet documented testimonies were recorded on actual amounts of bribe-rates. Crossing red lights, for example, would cost 10.000 forints, or 50 DM to foreigners, while drunk driving cost 20-50.000; and residence permits 100.-300.000 forints. Monthly 'incomes' of 1-1.5 million forints were mentioned, while several procedurally traceable, proven cases were shown; such as where (with the legal limit of 2.000 forints for street-fines) for crossing a red light, 300.000 forints and 200 DM's were demanded (by the officer) from an Austrian citizen. While documented cases show 500.000 forints paid for aborting investigation, on the other hand, the morbid example of bribing a head of police department with a 400 forints worth teapot set was also mentioned.

³⁸ As a matter of fact, when asked for potential estimations of corruptibility and respective costs in other spheres of administration, without much hesitation a scale from 15 million (ministry leaders) to 25.000 (local police department patrollers) was drawn.

small favors (such as helping one another in eased procedures) for monetary returns; and 90% experienced selling information (such as illegal market inspections, for example). Although only 20% testified illegal usage of criminally seized goods (such as selling drugs, for example); 50% subscribed for misuse of power (physical brutality, racial hatred and prejudice).

While nobody (0%) was aware of corruption for 'noble causes' (creating false evidences for well-known criminals); all (100%) questioned were willing to support colleagues. As for general estimations, it was held, that 25-30% of the overall force, and 75-80% of the officers are corrupt (!). There was no inconsistency (100%) in holding that a dissident, that is a policeman not willing to comply with corruption-rules will be outcasted and in one way or another persecuted from the service.

The questioned were on the opinion that a) firm and fast sentencing, and b) effective control would be the applicable measures to fight corruption. (On the other hand, experiences on the "controllers" were rather ambiguous, many found them (too) corrupt³⁹ and impotent⁴⁰ to act.) 100% held that no policemen would report a colleague; and 80% found police trade unions incapable and 20% unfit and incompetent to fight corruption. Furthermore, 57% held that the present police leadership is neither morally, nor professionally able to start an effective anti-corruption strategy.

FURTHER NOTES ON THE CONSTITUTIONAL BACKGROUND OF BLUE-COAT CRIME

³⁹ One of the testimonies mentioned a corruption-control officer taking 360.000 forints bribe-money for non-reporting...

In Hungary, despite four years (1994-98) of liberal internal ministry guidance, no substantial changes in the apparatus had been done, and the several intact illiberal constitutional, e.g. legal enabling clauses making way for structural corruption – were and are being only backed up by the described subcultural behavioral elements.

Besides the above-mentioned terrains, there are several other expressions of police-state mental- and legal structures. Such are for example statutory languages according to which the subordinate is obliged to follow the superior's order even in case of manifest illegality, or the fact that not even the illegality of a police action may entitle the citizens for disobedient non-compliance. Furthermore, agent provocateurs (apart from intentional ones) may commit any criminal offenses and still will not be part of the formal criminal procedure; and will have no prosecutorial supervision over their actions.

Similarly (citing some of the concrete, corruptibility encouraging cases), if the symbols (name, uniform, emblem, etc.) of a private security guarding company are similar to those of one of the state forces (even if the latter had initiated changes in theirs) the trademark law should favor the state organs.

Another questionable provision of the Police Act (of 1994) is that it is the police who (without any guidelines whatsoever provided by the law) decides on the “desirability” of providing firearm licenses for legal persons engaged in private security guarding. (Needless to say, such companies will do *all* they can in order to obtain such licenses.)

It has been held, that the practice (and legal allowance) of providing unconditional identity-check for policemen is more an instrument of power exercise

⁴⁰ Focusing on irrelevant formalities, such as uniform checking, for example, instead of effective performance.

within a police-state, then a legitimate means for criminal investigation and crime prevention. For example, the habit of drug-testing passengers (not only the drivers) of vehicles is one of the instances, where (lacking well-founded criminal suspicion) such (regular) police conduct may be held severely right restricting. Here too; the action of the policemen is legal, yet is based on a (in nature dictatorial, for simplicity's sake let us say, post-communist) presumption of seeing the whole citizenry suspicious; where police control need not be based on occasion-induced suspicion of criminality, but can simply be initiated upon the discretion of the officer in charge.

Also, the law allows a wide range of hardly controlled or restricted private (thus paid for) services (e.g. protecting persons, real estates, etc.) to be provided by the police as an authority; where the thus hired policeman will be an official authority with all the powers of a police officer. Again similarly, the prevailing general construction where the police unit is entitled to a certain percentage of the fines levied is strongly questionable, as the police (the representative and executor of the state power) is thereby materially interested in fining citizens – an activity which should neither be a consideration based on financial gain (but on the breach of law), and by no means should the state be allowed to twist the presumption of innocence and go out hunting for materially profitable misdemeanors.

It needs not much further proving why allowing police departments and units be materially interested in patrol- and administrative supervisory fining; as well as allowing private hiring of official (!) public police services are constitutional and antitrust nonsenses.

On the socio-political note: in transition-time Hungary, police deviancy was not an issue, and post-1990 governments were concerned with rehabilitating the forces' self-esteem and self-consciousness. Instead of legality, productivity was the

declared priority, in return for which, the government (in position) promised protection from the complaining citizens and was determined to keep prosecution rates low.

The (since and throughout the transition undisturbedly) dominant campaign-slogan of firm criminal-policy, which puts a strong emphasis on repressive measures, however can only bring visible political results, if pairs up with a permanent increase of investigative productivity. This puts an additional (anti-professional) psychological (and directional) burden on the, by the politics already pressured forces.

As with 1999 the government had launched a new, strict criminal policy and strategy. As part of that, street-patrol fines increased by 500%, (from 2000 to 5000 forints, app. 20 USD) and new (approximately two times of the initial ones) petty-offense punishment limits were established. Although (due to stricter rules thereon) the number of street-fines diminished with 20% (meaning 350.000 cases) its average value increased with 700 forints, and reached 2000 forints. (Since the new tariffs were effective of September and these numbers are referring to the annual pool, the actual value-raise is actually at least 3-4000 forints.) To see the total picture: in a country of 10 million inhabitants in 1999 (with the 20% decrease) 700.000 street-fines were issued, meaning 1.5 billion forints (300.000.000 more then last year's) budget revenue. Notwithstanding the desirability of both the Europeanizing of the almost unbearable manners and style of public trafficking, and the reduction of drunk-driving and other injuries; another indicator of the police-state construction is the outrageous (and bribery-inducing) legal construction of the fine-scales.

According to the new government decree (effective from March 1, 2000) on traffic violations, the following fines may be levied for the following violations: drunk

driving: 100.000 forints; speeding: 60.000 forints; inappropriate passing of another vehicle, or changing lanes without signaling: 50.000 forints (in case it makes another vehicle instant braking or changing directions): 100.000 forints; allowing unqualified persons to drive: 100.000 forints; operating inappropriate vehicles (this includes malfunctioning lamps and signals – which the lone driver cannot even be aware of): 50.000 forints; not having appropriate vehicle documents (insurance, for example): 30.000 forints; etc.

Needless to say, such violations do perform undesirable traffic behavior, but when the average net monthly earning is 50.076 forints, and the minimal wage is approximately 24.000 forints/month,⁴¹ such fine estimates, in my evaluation are outrageous and (despite the somewhat more firm rules on instant fining and receipt giving) are clear signals for police-state reflexes and are a green signal for patrol corruption, and will in fact without doubt further encourage traffic-bribery.

In fact statistics seem to support this fear: while fine-threats are increasingly burdensome, as the previous practice of on-the-spot cash fining was eliminated, and now a relatively time-consuming paperwork is needed to validate fining (where the tickets need to be paid in a post office), although citizen behavior is unlikely to have changed due to different procedural rules, less than half of the previous years' (already smaller) number of fines were levied in the first half of 2000. Even police sources admitted the “growing tendency of latency...”⁴²

Despite the fact that (unlike Hungary) in other post-communist states, in the cradle of the political transition (due to the more fierce political oppression and aggression carried out by the forces in the 1980's) most of the apparatus was

⁴¹ For official statistical data see www.ksh.hu

⁴² There was a 46% decrease in fining and 12% decrease in petty offence procedures. (192.000 and

dismissed from service,⁴³ thus we could expect not only the constitutional framework, but also the fresh leadership and apparatus to impose more integrity, or at least be free from the cynicism of the former – yet, sadly, the Hungarian findings appear to be quite typical throughout the region. As Fric claims: “Policemen are said not to be proud of their profession, bad reputation does not bother them very much and moral prestige does not mean a thing for them. They picked up the corrupt behavioral patterns from their superiors, whose corrupt practices are public knowledge...Step by step they get accustomed to corruption and learn collegial loyalty. Corrupt colleagues are not reported to superiors and participation in a corrupt transaction is seen as something morally acceptable...”⁴⁴ Or, as the Polish participant of a recent conference held: “A policeman should not be seen as a loser who would never find a job; a power-thirsty deviant; or a corrupt swindler who cannot practically fight crime being a criminal himself.”⁴⁵

It would be a mistake however, to see the peculiar sub-culture or the mal-socialization of the morally initially fallible officers as the (sole) reason for police corruption. As it has been demonstrated, the constitutional climate, the legal environment and the thus created social strata is equally responsible therefor.

436.000 cases respectively). True, an average fine rate increased by 360% (!), from 1265 to 4395 forints. Source: Attorney General’s report in the leading daily *Népszabadság*, August 4, 2000.

⁴³ In the Polish context Lajtar for example mentioned 30%, *op. cit.* pp. 2-3. In: Marek Lajtar: *Corruption in Polish Police: A Sociological Study*, paper presented at the Princeton University-Central European University Joint Conference on Corruption, Budapest, October 29-November 6, 1999, p. 9.

⁴⁴ *op. cit.* p. 9

⁴⁵ *op. cit.* p. 16.

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