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The corruption risks of police tasks related to state border in connection with the handling of world pandemic COVID-19

Abstract

Preventing and decelerating the spread of COVID-19 epidemic required fast and special measures in many areas of life. This meant a lot of operative interventions in the police tasks, many times by specific measures, most of which contained general tasks. Enforcing these was based on the specific decisions of police officers. By all means, no general rules could be regulated, which eventuated that police work became almost without external control. This entailed that the preparedness and integrity of police officers taking actions got major role. Police tasks in connection with handling of pandemic-related to state border, further increased the already high level of corruption risks, principally of police officers executing border policing and traffic policing tasks. In the future similar unforeseen situations can anytime happen. In my study I am analysing corruption risks emerging in such extraordinary period, in order to be able to handle them more efficiently. The integrity of police officers must be increased, and the number of corruption situations must be decreased. Besides, particular attention must be paid to the regulation of the obvious processes in order that the police personnel considers the interests of the Hungarian Police and of Hungary essentially in any situation.

Keywords: law enforcement, corruption, COVID-19, state border, border police

Introduction

The disease COVID-19, caused by SARS-CoV-2 virus, was discovered in Wuhan, China in December 2019. Since the new pathogen spread among people easily and sustainably, it meant a new, unknown disease for the population,

causing serious symptoms. Thus, WHO declared the disease as pandemic on 12 March 2020 and it went down in our minds as coronavirus. The virus spread on all continents of the Earth as quick as thoughts, causing serious diseases and shocking numbers of fatalities. In a short time, it became obvious for all countries that the medical science was not able to avoid the spreading due to the lack of vaccination, but it had to be slowed down. Otherwise people suffering from the disease would reach such a number that it would overload the healthcare. The patients would not get medical attendance and many of them would die of the disease just because they could not get hospital beds, life support systems, there would not be enough doctors and nurses for their healthcare. There was not any other solution to slow down the spread of the epidemic but to reduce the number of people getting in touch. This radically changed our accelerated and global world, of which main pillar was that people and goods could move fast and free, almost without any control in certain regions among countries, for example in the Schengen area. For the sake of preparing the health care system and reducing the number of people getting in touch, almost every country declared the state of danger, curfew or restriction on movement, furthermore closed their borders within a short period of time. In this stage of the pandemic, it was not only a healthcare issue to prevent the spread but also a serious police task and a challenge. In Hungary the government signed the declaration of state of danger¹ on 11 March 2020 and reintroduced border control at the borders of the Republic of Slovenia and at the Republic of Austria, forbade the foreigners coming from China, Italy, Republic of Korea and Iran to enter the territory of Hungary. The government obliged the Hungarian citizens travelling back home from these countries to have medical examination and institutional or home quarantine.² Beyond that the government forbade the workers who played major role in the prevention (healthcare, armed forces, government officials) to travel abroad. Visiting higher education institutions became forbidden and the number of participants at events got also limited. After this until the end of May 2020 213 government decrees were declared, which brought changes in connection with the coronavirus at all segments of our lives. The rules concerning travelling and free movement tightened suddenly and eased gradually. In March-April 2020 in almost every country of the world, more and more tough rules were introduced in order to mitigate the spread of the pandemic. After that from May 2020, as the spreading speed of epidemic eased, they

1 Government Decree 40/2020 (11 March) on the declaration of state of danger.

2 Government Decree 41/2020 (11 March) on the measure to be taken during the state of danger declared for the prevention of the human epidemic endangering life and property and elimination of its consequences, and for the protection of the health and lives of Hungarian citizens.

tried to mitigate the restrictive rules in order to relax the harmful impacts on the economy. In order to be able to handle the epidemic efficiently, the legislators introduced quite different rules in relation with police tasks related to state border. The sudden changes in the tasks, the difficulties in the interpretation of new rules, the lack of established practice, the significant workload among the police officers in the field caused lack of transparency of service activity. These made significant difficulties for the senior police officers in implementing their control-tasks. Besides that, the vulnerability and uncertainty of subjects of a measure were increasing and getting through, the state border became more and more important for them. These together significantly increased the corruption risks of people taking part in the implementation. In this study I am examining the tasks related to state border in connection with the handling of world pandemic COVID-19, being given to the law enforcement field of police, and the new corruption risks linked to that.

Police corruption, corruption risks

Corruption is a worldwide known phenomenon. There are notes remained from the ancient Egypt concerning corruption. That is to say, 3000 years ago it existed, but it cannot be designated as congenital disposition of humans. The realisation of corruption – shall be ancient, medieval, modern, most recent – is helped by the excessive bureaucracy, the lack of transparency of processes, loopholes, imperfections of internal and external control systems, weakness of financial respect of colleagues (Ifi-Valde, Klotz, Váradi & Végh, 2015, 5.). Although – according to researches – there are significant differences in characters of some people, that is to say, how they take part in social interactions, so likely in corruption as well. This phenomenon does not have a congenital disposition. Corruption is generated by social-situational agents, such social environment (e.g. hierarchical dispersion, unequal allocation of sources, etc.) and group interests that exploit corruption (Bereczkei & Tóth 2008). Corruption – besides being a moral problem – is an act that has serious economic and social consequences. In case of this phenomenon confidence of citizens in state institutions is declining, ceasing, which ruins the democratic operational mechanisms (Borbíró, Gönczöl, Kerezi & Lévy, 2016). In democratic states the most important basis of law enforcement is the confidence of citizens, to which the integrity of organisations must be ensured and strengthened. This is the only way to be able to have social function to defend the society from illegal human conducts, to which they have tools of government-regulated coercion as well (Finszter, 2008, 167.).

For the legal tasks of the police forces, it is indispensable that every member of the staff uniformly interprets and implements the expressed orders and commands being determined in rules and common standards for the whole body (Kardos, 2015, 31.). Rules can play their real roles if they are implementable, transparent, and controllable. Besides, in order to prevent corruption – inter alia – it is indispensable to decree and systematically check the administrative-legal rules concerning the strict corruption behaviour (Gecse, 2015, 20.). Thinking through the tasks at the state border concerning handling the world pandemic, the suddenly changed and difficult-to-see rules, the difficulty in implementing the senior and decoupled control, it seems obvious that in the future, in order to handle similar situations effectively and efficiently, the new police tasks and the relating corruption risks have to be analysed. Preventing corruption cannot be fulfilled without identifying the risks and analysing the circumstances of committed corruption acts that became known. These are the regular conditions of it. As Mariann Kránitz says: *‘the aim of dealing with corruption is preventing this phenomenon and cannot be anything else.’* (Kránitz, 1986, 30.). On the basis of identification and analysis of corruption risks the proper tool can be selected and implemented at risky areas. Risk is such a possibly occurring unwanted act (with missing activities, failures, deficiency, irregularity, harm, loss), whose impact(s) somehow and somehow endanger(s) reaching the organizational aims, the operation and activity of the organization, implementation of its tasks or a project (Domokos, Nyéki, Jakovác, Németh & Hatvani, 2015, 8.). The aim of handling the risk is to form our activity consciously in order to reduce the chance of that certain threatening event or the damage that could be caused before the risk emerges.³ The risk management can only be effective if the organisation realizes the risks and can react effectively. This is the reason why it is needed to elaborate the possible solutions and methods for risk management beside an analysis. The risks of police corruption point beyond the general effects of the phenomenon. Measuring the risks of police tasks related to state border and the possible solutions given in order to handle the risk management have to be examined when being aware to them. The biggest risk of police officers having corruption behaviour while implementing tasks related to state border is – beside that the confidence of citizens in state institutions is declining and the discipline needed for law enforcement organisations to function, will suffer – that deficit in the confidence emerges. One of the basic needs of human existence is security, including public safety, in providing of which

3 International Organization for Standardization (2009), ISO 31010:2009 Risk management-Risk Assessment Techniques.

the border police officers must play a significant role (Mátyás, Németh & Ritecz, 2020, 568.). In order to prevent corruption, it is essential to identify corruption risks, apply the integrity approach and toolkit (Báger, 2017, 38.). Measuring and analysing corruption risks are necessary because this is the method to act against corruption behaviour specifically and effectively (Klotz, 2017, 92-134.).

Police tasks related to state border and handling COVID-19 world pandemic

In order to slow down the spread of the epidemic, during the state of danger the rules of crossing the state borders became significantly stricter. Keeping the rules first of all, was one of the police' tasks. This meant a significant change compared with the previous conditions. Since Hungary became a member of the Schengen area, in our internal borders there were not any border controls, at the external borders those were carried out according to the rules of the European Union legislation and the Schengen Borders Code,⁴ which basically guaranteed the free movement of people and goods in the Schengen area. The right of free movement and residence are also entitled to citizens out of the Schengen area (citizens and family members of EEA⁵ countries). The prime intention of every country was to abolish travelling between states or to reduce the number of border crossings. However, a tender balance had to be kept, since the measures introduced could not cause a disproportionately huge conflict of interest not only for the individuals but also for the characters of the economy. The border crossing had to be ensured with consideration of the health risks in a controlled way. In this continuously changing situation; the Hungarian Police had the following tasks related to state border:

- reintroduction of border control at the internal borders of the Schengen area: physically closing, guarding the smaller border crossing areas, establishing checkpoints at the main roads;
- sustaining the border control at the external Schengen borders: closing smaller BCPs⁶, operating 1-2 BCPs per sections;
- restriction of entering traffic with the following exceptions:

4 Regulation (EU) 2016/399 of the European Parliament and of the council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code).

5 European Economic Area (EEA).

6 Border crossing points.

- Ensuring for Hungarian citizens coming home from abroad and for EEA citizens, having an address in Hungary, to enter the territory of Hungary;
- ensuring the smooth and controlled passing of international goods;
- judging special leniency applications, ensuring the border crossing at permitted entrance points;
- ensuring transit traffic between Western-Europe and the Balkan countries: passage of passengers at the designated BCPs, in designated time-limits, police ensuring corridors in the country in order that passengers in transit do not mean epidemiological danger for those living in Hungary. Later the transit traffic was spread for travellers to Budapest Ferenc Liszt International Airport, entering the external borders as well;
- ensuring commute for those living in the border area and travelling in order to receive healthcare or work on the basis of an agreement with the neighbouring countries;
- foreigner students studying in Hungary taking part in school-leaving examination;
- clearance of enter for foreigners living abroad, working in agriculture with contract of employment and prior notification in order to address the labour needs of agroindustry.
- ensuring medical check-up for every entering passenger – carried out by colleagues and volunteers of the National Ambulance Service;
- ordering home, official or workplace quarantine for those who enter with Hungarian destination (except for commuters, school-leaving students or people with special permission);
- control of keeping quarantine rules;
- continuous relation with the neighbouring countries' border policing bodies, harmonisation of the restrictions and facilitations, operative interfere if waiting emerges.

As it can be seen, closing the borders did not automatically result in interrupting border traffic, moreover more thorough controls had to be implemented at the BCPs designated for transit traffic. The police officers working there had to make more decisions in more significant cases. Because of the world pandemic, the number of passengers reduced and the border crossing concentrated to bigger BCPs compared with the previous term. In order to have the numbers of entering passengers perceived, I am using the data of Nagylak Public Road BCP and Csanádpalota Highway BCP, both belong to Nagylak BPO. These two BCPs are situated 10 kilometres from each other. During the state of danger at Csanádpalota traffic of trucks and buses were permitted in prior, while passenger

traffic at Nagylak. In May 2020 at the two BCPs 326,619 persons crossed the border, which fell far behind (by 56,8%) from May 2019 but meant 10,500 passenger controls every day. The more shocking is that this month police officers implemented 124,914 truck controls (4029 trucks every day), which exceeded that data from previous year by 58%.

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The corruption risks indicate significant difference in certain fields of law enforcement (Báger, 2015, 6-15.). If the workers of the given service branch get in touch mainly with foreigners, special professional knowledge is needed for their work, the law, the public law regulatory instruments, which regulate their work, are difficult to comprehend or change quickly, it means greater risk. Besides these the workload, the maleficent working conditions and the difficulties of the completion of leader's or independent internal controls are also increasing the risks. According to the professional point of view the service branches of border and traffic policing include emphasized corruption risks, since the risk raising factors are present at regular, average service measures. These, already notable hazards have been raised further by tasks in relation to the handling of COVID-19 pandemic.

Police work during the handling of the pandemic means emphasized corruption and simultaneously security risk because of the following reasons:

- Remarkable intervention to the daily life unprecedented in the last decades. Restriction of entry of foreign travellers, which cause notable detriment of interest. As a result of the decision millions of Eastern European stayed away from their Western workplace, earlier existence, accidentally from relatives. Such important interest relates to the border crossing in several cases that it is still worth passengers paying a higher amount of bribe to reach their destination. In the meantime, appreciable interest can be attached to avoid 14-days quarantine.
- Uncertainty. The continuously changing entry and transit regulations have caused notable uncertainty among police officers and passengers as well. It often happened that the police officers themselves had been aware of the changes from the news in the first instance, then they were waiting for receiving the changes in prosecution regulations, directly in written form or in published, in order to be able to apply them.

- Lack of transparency. Right after the introduction of severe regulations, relaxations followed, more and more exemptions emerged who did not have to observe those regulations. Different restrictions were valid at the open border crossing points, however the entry clearance of passenger categories, destinations, time limits were continuously changing.
- The member states of the Schengen area have not been prepared for restrictions of the right of free movement ever. The European Union laid great emphasis on the controlled entry of citizens of third countries and their trackable travels in the last years. The data control of all EU citizens in Schengen Information System at Schengen external border entrances is required lately, so those who are dangerous for the public order of any country can be caught or their movement can be tracked. But this measure is effective only against those who are already in the scope of the authorities. During pandemic Covid-19 it is claimed that all countries let those people enter their territory who stayed for longer period of time at the territory of that certain country, who have address and workplace there. Before transit, the Hungarian police officers had to control these data in case of passengers arriving from Romania. A problem occurred because a residence permit is not issued for an EU citizen for the certification of a permanent residence in another EU state. The citizen's report and registration in the host country is enough. The regulations for permanent stay are controlled by the member states. In practice, all member states publish different certifications in order to verify that an EU citizen lawfully lives, works or studies at their territory. These certifications do not contain any security protection mostly, so the control of the documentation at the state border is quite difficult, it can be a basis for misuse.
- Difficulties of the controls of the police officers: The above-mentioned problems not only complicated the work of the police officers taking measures but their control too, since the correct or wrong decision during a measure is not differentiated sharply. The situation was further complicated because police officers who worked at the border crossing points were subject to increased hazards of infection because of the high number of crossing passengers, so their control needed much more prudence.

On the basis of police work sessions and the analysis of corruption risks I examined, which realistic situations are those, when the realization of corruption actions are expectable in practice:

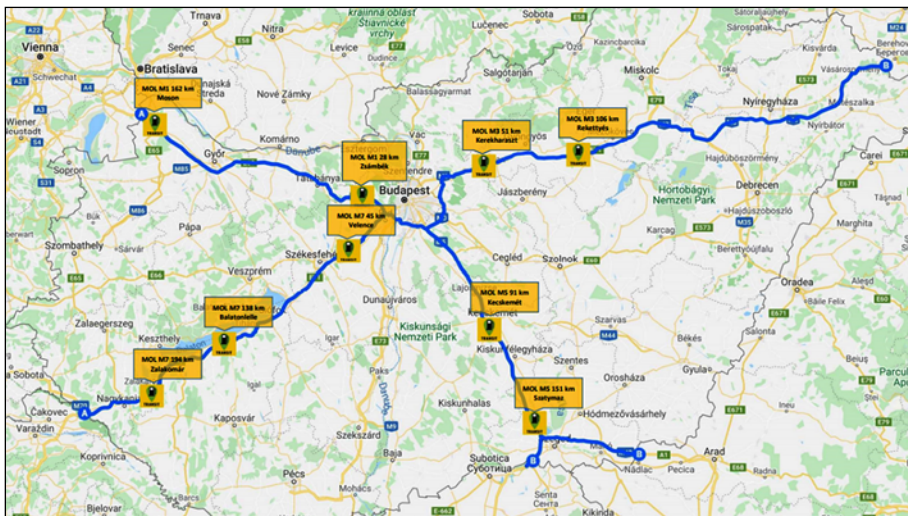
- At the beginning of the state of danger after the reintroduction of the border control there were restrictions only for those foreigners who wanted to enter from China, Italy, Republic of Korea and Iran. Since we do not have land borders with these countries, the observation of this regulation was laid on the basis of the passenger's statement as it could not have been stated whether the passenger actually had been, for example, in Italy on the basis of the presented documents. It occurred that the police officer himself gave information the passenger what to state in order to avoid the quarantine. It could happen because of goodwill or avoiding the police work culminated from the quarantine or for profit (URL1).
- Another corruption risk source was the clearance to pass without permission at closed BCPs. Because of the lockdowns most of the passengers had to travel more than 100 km in order to try if the entry was permitted for them. At the operating BCPs the cross was possible in certain time limits for months and the waiting time was several hours long. All of these together have raised the corruption hazards at the closed BCPs.
- During the introduction of the most severe restrictive measures in passenger's traffic, the continuity of goods transport had to be ensured without any kind of restrictions. However, the separation of passengers' and goods' traffic was partly regulated, since goods could not only be transported by trucks determined by the highway code. Nowadays, 25-30% of goods transport is transacted by vehicles of 3,5 tonnes weight, which are considered as passenger's car. To establish whether the transport vehicle actually realizes transportation or the empty vehicle goes for goods caused serious work for police officers. Moreover, the control of the passengers of the vehicle (if they are only the staff of the transporting vehicle) was also important. The large scale of increase in the number of the trucks, due to the regulation, - that could be interpreted in several ways - also could be realized as a significant corruption risk.
- Besides the introduction of the severe regulations, it was necessary to deal with consideration of individual cases immediately. The relevant law⁷ gave the issue of customized permissions, which claimed appreciation to the power of law-enforcement deputy of the leader of the national headquarters. This could mean the permission of border crossing of foreigners or the passing over of the quarantine in case of Hungarian citizens. The high number of permission claims handed in or the free interpretation of the concept of

7 Government Decree 81/2020 (1 April) on extraordinary measures relating to the state of danger declared for the protection of health and lives and for the restoration of national economy 4. §.

particular appreciation could serve as a basis for misuse. This meant hazard not only during the permission procedure necessarily.

- The permission for humanitarian transit crossing meant an extreme corruption risk.⁸ The quintessence of the regulation is that the transit of foreigners between Western and Eastern Europe was assured by Hungary if the person could verify the legality of his stay at the destination and the suspicion of COVID-19 infection had not emerged during medical examination at the state border. The transit crossing was only permitted at limited time periods and defined routes. The passengers had to leave the territory of Hungary on the shortest route and within the least time. The control and the observation of this regulation at the state borders and in the internal territory of the country was quite a challenge for police officers, though it meant corruption and security risks, too.

Picture 1: Humanitarian routes in 18. March 2020.



Note. URL2.

Problems have occurred at the state border control because earlier people with the right of free movement (EEA citizens and relatives) could cross freely the Schengen external borders by the presentation of their ID card or passport.

8 Number 29000/9828/2020.ált decision of the Leader of the National Headquarters of the border crossing, the stay of the territory of Hungary, the transit, the route, the stopping possibilities of citizens of neighbouring countries and humanitarian transit and the exceptional regulations concerning humanitarian traffic.

Before the introduction of the measures in whole Europe during COVID-19 pandemic there had been no need to certify the stay of an EEA citizen in another EEA member state, since it meant the restriction of a fundamental EU law. This regulation caused uncertainty among passengers and police officers as well. It often happened that Romanian citizens, who had been working in Germany legally for years and had dwellings there, could not verify with official documents (issued by governmental authorities) that they had the right for prolonged stay in Germany. The fact that the border controllers did not have a list of documents, which were defined as preconditions for further travel, was a severe base for malfeasance. The assurance of transit routes meant the biggest challenge in the internal territory of the country. It often occurred that the passengers, in order to avoid waiting, left the predetermined route. Taking advantage of the passengers' fears, the incomplete knowledge and the outage of coach transportation a whole industry emerged to transport passengers between Western and Eastern border sections, capitalizing and evading the weak points of the regulation of the humanitarian transit crossing, all of which has caused a bigger problem (URL3). The conveyors made a great profit of evading the regulations, the police action against them was not effective and also gave basis for several misuse.

- The observation of the 14-day-long home quarantine issued in Hungary was also controlled by the police. The essence of this regulation was that the competent police station had a registry of the people who were in quarantine in its territory and controlled regularly whether the residents were at their dwellings. This was also a basis for misuse since it occurred that police officers verified a control of a person who actually had not stayed at that given address.

Summary

The constitutional definition of police, which has to maintain the internal order of the state, is not regarded as basic requirement in every country (Hautzinger, 2011, 65.). However, the basic roles of the police, which is the protection of the order of the state border and taking part in the prevention of unlawful migration and others, are recorded in the Article 46. section (1) of the Fundamental Law in Hungary.⁹ This direction pictures that the police roles in connection with the

9 Section (1) Article 46. The Fundamental Law of Hungary (25. April 2011.).

state border and their proper execution are strategically important regarding the security of the country. The coherent rejection of corruption of the professional workers during service action is inevitable. The incidentally high corruption risks of the police officers executing border policing or traffic policing tasks were increased by those in connection with the handling of COVID-19. However, the handling of the pandemic created an unprecedented and unanticipated situation, we have to take notice of that similar extraordinary situations, tasks may emerge anytime in the future. Accordingly, the preparation in all fields of life, so as handling corruption is needed. The leader and the independent internal control staffs have to dispose up-to-date knowledge of the hazardous factors in the work circumstances as they can only execute such controls, which help to prevent corruption actions and decrease the supervision feasibility (Balla, 2019, 19.). In order to fight against corruption effectively, the detailed knowledge of service tasks, the survey, the analysis of risks through this knowledge and the selection of proper, specific tools and methods for handling these risks are inevitable. In order to prevent the spread of the pandemic, a plenty of operative interventions were introduced in the police proceedings in the form of discrete measures. Most of these measures contained general tasks and the enforcement based on the individual decision of the police officers. The system of proceedings became so complicated that general regulations could not rule every individual case, so the police procedures stayed almost without external control, the measure taking police officer's knowledge, commitment to the organization and integrity got emphasized role. During the preparation for similar situations the strengthening of these competences will need highlighted notice for the sake of the representation of the interests of the police and Hungary, at first place by police officers, in the fast changing and unregulated situations.

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Online links in this article

URL1: *Humanitárius korridor*. <http://www.police.hu/hu/hirek-es-informaciok/legfrissebb-hireink/hatarrendeszet/humanitarius-korridor>

URL2: *Magyar rendőr az osztrák határon: „Nem szabad megmondani, hogy Olaszban volt”*. <https://24.hu/belfold/2020/03/13/rendor-kamion-hatar-ellenorzes/>

URL3: *Titokzatos utasok taxiznak a nagylaki határállomáshoz.* <https://makohirado.hu/2020/05/13/titokzatos-utasok-taxiznak-a-nagylaki-hatarallomashoz/>

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