

INTRODUCTION OF INTEGRITY IN HUNGARIAN PUBLIC ADMINISTRATION

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Abstract

The requirement of integrity is a new area of Hungarian public administration. Better to say, the preludes and principles could be found in administration before its actual legal institution by law.

In this paper I am going to analyse the antecedents of integrity in Hungary, then the areas of evolving of integrity will be shown step by step (e.g. acts, education, and preparation). Later, I will write about the actualities of integrity in Hungary.

At the end of my paper you can read about the results and possibilities of the introduction of integrity in the administration of Hungary.

1. Introduction

The integrity is a new institution of the administration in Hungary. This requirement appeared in different areas and stages in Hungary recently, for example in the administration, legislation, public life, and in law enforcement. We need to ask the question what is innovative in the existence of integrity in Hungary. The substantive content of integrity had always existed without the usage of this term (integrity) in many areas of law and acts in Hungary.

At first, I am going to analyse the question whether the introduction of integrity in Hungary has brought about any novelty.

Secondly, I am demonstrating the areas of integrity in Hungary. It involves lots of different stages in public life. It is worth considering the exposition of the acts which regulate the main rules of integrity. We face that these acts do not mention the term of integrity, but circumscribe its important elements. On the other hand, we realize that there are a few authorities for whom only a few actual elements of integrity are mandatory, but the integrity is a clear requirement and must have a full effect. It may seem a bit strange. Integrity affects administration, legislation, law enforcement and public life in Hungary. As a specialty I will show the realization of integrity in the case of law enforcement agencies, which have to accommodate the most requirements of integrity in their daily operations, but they are not obliged to employ integrity specialist. The integrity is a significant part of authorities in Hungary, the resilience of law enforcement organizations could be the next stage of integrity in Hungary.

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At the end of my paper I will write about the actualities of education of integrity in Hungary.

2. Is integrity a new concept in Hungary?

The usage of integrity in the heading of acts is new in Hungary. It started in 2012 [1]. The main rule of this Edict was not about integrity, but mentioned the requirement of integrity in the point of network services at a national stage.

The first laws about integrity came into force in 2013, so we can establish that the integrity as a special main area of legislation appeared at this time. The integrity became important requirement for all areas in state. For example, public administration [2], law enforcement [3], national defence [4], judges [5] and prosecution [6]. The relevancy of integrity can be detected in the Decision of Constitutional Court of Hungary [7], which partly destroyed the Integrity Policy of Mansion Court.

We can claim that integrity is a new phenomenon in Hungary, but it is not completely true. If we examine the legal system of Hungary, we will recognize that the main postulations are there in lots of acts in Hungary. The most important of them is the requirement of the anti-corruption, which is an old pillar in the law in Hungary. Other modules can be found in the legal system of Hungary.

Hungary joined the Criminal Law Convention on Corruption of the Council of Europe in 2002 [8]. There had been lots of acts containing requirements of anti-corruption in Hungary before the introduction of integrity, such as the area of procurement [9], economic competition [10] etc.

We have to ask the question whether the integrity is a new concept in Hungary. If we want to find the adequate answer, we must examine the essence of integration. If the integrity is the equivalent of the requirement of anti-corruption, then the integrity is not a new legal institution in Hungary. But we know that it is more than that. The requirement of anti-corruption is only one of the many parts of integrity. What is integrity in fact? What does integrity mean and when did it come to Hungary?

There was a survey in Hungary in the spring of 2011, which materialized in the Integrity Project [11]. This project was funded by the European Social Fund from 1 December 2009 to 30 April 2012. The aim of this project was the rollback of corruption in Hungary via the national adaptation of international methods, to increase the awareness in the area of identification and management of corruption risks [12]. This project resulted in a new approach in Hungary: integrity. The Hungarian participants expected the professionals from European Union to show new control methods, which were suitable for the confinement of corruption, but they started to talk about integrity (then new and unknown term in Hungary) [13]. The integrity is more than anti-corruption. "It contains the following values: incorruptibility, fairness, honesty, immediacy, neutrality, prudence, trustiness, detachment, customer-centricity, respect, decency. The civil servants have to strive to work and live for commonweal; the authorities must meet all of these values as well." [14]

The above statements show that the integrity has double content from the point of view of anti-corruption. The requirement of anti-corruption is a pillar of integrity, and integrity is a tool of fighting corruption.

The term of integrity is formulated by the EU General Data Protection Regulation (GDPR), it shows the relevance of integrity, and because one of the most importance areas is the protection of privacy

law uses the tool of integrity in European Union. The integrity is a requirement of personal data management [15].

In summary, we can state that integrity is a new legal term in Hungary.

3. The different areas of integrity in Hungary

Integrity, or rather, its main elements emerged and were able to exert broad effect in Hungary. The main requirements of integrity had been there in lots of public sectors previously, than the legislator started to use the concept of integrity and commenced legislation according to the new approach of integrity.

There are important legal postulations that the National Bank of Hungary recommends for the financial sector; The National Bank of Hungary informs the European Securities and Markets Authority about the protection of the integrity of the internal market and it introduces alternative financing forms [16]. The leader board of the loan bank is responsible for maintaining the integrity of accounting and financial reporting system [17].

The integrity is an essential requirement of administration. Integrity has three parts in the field of administration according to the act [18]; integrity management system, integrity risk, and corruption risk [19]. The offices have to employ an integrity consultant who works in this capacity [20] under the direct control of the manager of the office [21].

The public administration bodies must comply with the integrity. The integrity, as a new term and recommendation has become an important part of the total state governance. For example, home-defence, law enforcement agencies, judges, prosecution etc.

The relevancy of integrity is shown by the Decision of the Constitutional Court of Hungary [22]. This Decision was remarkable because the integrity policy of the courts was created by the president of the National Court Office. This policy was supervised and partly was annulled by the Constitutional Court. A judge presented a constitutional complaint because according to his opinion the policy was unconstitutional. They argued that the integrity concept of the integrity policy of judges was not precise enough because the president of the National Court Office had the right to define and broaden the integrity, so he applied for the destruction of the policy in full. The Constitutional Court of Hungary annulled only the part of policy which caused the inaccuracy in the term of integrity.

The fact that the Constitutional Court of Hungary was concerned with the field of integrity of courts shows the importance of integrity in Hungary.

4. Practice of the integrity in the field of law enforces agencies

If we start to examine the emergence of integrity in law enforcement organizations, we face an ambivalent aspect. The effect of the act [23] which regulates the integrity does not expand to the enforcement organizations [24], however they have to operate several parts of the integrity system in Hungary. The law enforcement organizations have to apply the reliability test on human resource level and the internal control system on organizational level [25]. The requirement of anticorruption is an essential prescription for the law enforcement organizations. All Ministers must frame up an

internal control system and the corruption prevention measure [26] by the Government Decision [27].

The integrity started to effect the law enforcement organizations; the legislator realized the significance of integrity, and they produced regulations about its obligatory application e.g. anti-corruption and monitoring of efficiency of integrity. Recently, the Ministry of Home Affairs of Hungary has gradually introduced parts of integrity in the law enforcement organizations. One of these could be the organizational resilience of law enforcement organizations.

5. What comes next after confirming organisational integrity management? The importance of organisational resilience at law enforcement organisations

At first it may seem awkward to talk about resilience in the case of law enforcement organisations. However, perceiving the potential challenges of future, we suppose that it is worth considering in order to achieve a process-oriented system which proves to be useful both in crises and in everyday situations.

Besides establishing a well-defined order and documental expectations of organisational integrity in public administration, it is necessary to examine the “soft factors” which are essential for improving the resistance capacity of organisations. One of these is the concept of resilience, which may be interpreted in different ways in organisations. Certain researchers [28] talk about resilient organisations if the majority of employees are resilient or behave in a resilient way. Several experts, however, claim that organisational resilience means more than just the sum of the resilience of the employees. Resilient organisations will take preventive measures to foreseeable problems, such as pre-practicing crisis management or preparing business plans and strategies for a case of recession [29]. The same is true for corruption-suspicious events. Therefore, precisely defined processes and structures may also contribute to organisational resilience. A communicational, network or managerial information system can improve the resistance capacity of the whole organisation as well.

5.1. How can organisational resilience be measured?

There are various tendencies for describing and analysing resilience. If resilience is regarded as a constant process (and not as an achievement or performance), then it is obvious that resilience results from a complex interaction of different factors. On one hand, from the individual resilience of co-workers, on the other hand, from resilient structures and processes (according to the organizational and operational rules), furthermore, from an organisational culture which provides a fertile soil for the presence and development of resilience. How these different forms of resilience interact has not yet been satisfyingly clarified by research. Soucek et al.'s [30] starting point is that organisational resilience cannot be described by a single score value, but has to be evaluated at least at three levels. Thus individual resilience (which can be divided into personal resources and resilient behaviour) affects not only the whole team but also influences the organisational level.

Resilience can only be measured at the time or after a crisis or some difficulty. Employees of organisations meeting the requirements of resilience but having not faced crisis, cannot be regarded as “resilient”. Besides, a crisis or disorder may be wide-ranging and may not be handled within the frames of occupational safety or emergency management only [31]. Crises and disorders should not be regarded as errors though, since there may be errors which do not cause problems to the whole system. In order to measure organisational resilience, it is necessary to analyse the reactions to

crises and disorders at various levels. Therefore the presence of resilience needs to be examined along technological operation areas. There are different tools for the analysis of resistance capacity.

5.2. ISO 22316 for organisational resilience

According to the definition of the norm: “Organisational resilience is the ability of an organisation to absorb and adapt in a changing environment to enable it to deliver its objectives and to survive and prosper. More resilient organisations can anticipate and respond to threats and opportunities, arising from sudden or gradual changes in their internal or external context.” (ISO 22316:2017) [32]. This definition clarifies that enterprises must currently calculate with crises or at least critical situations, from which the resulting experiences should be harnessed for development.

Both in the operational fields of Supply Chain Management and the high-reliability systems (e.g. fire service, nuclear power stations, emergency clinics) the main points of resilience have emerged [33]. The non-concealment, rather publication of “bad news”, with time, will always result in shorter reaction time. Early recognition of deviances and errors also can prevent more serious malfunctions. Beyond this, if decision making competences are there where events occur (and not somewhere in the hierarchy), then crises may be solved faster and more efficiently. These aspects can be found among the 9 elements of the ISO norm:

1. Shared vision and clarity of purpose
2. Understanding and influencing context
3. Effective and empowered leadership
4. A culture supportive of organisational resilience
5. Shared information and knowledge
6. Availability of resources
7. Development and coordination of management disciplines
8. Supporting continual improvement
9. Ability to anticipate and managing change

Evidence shows that the concept of resilience is often used in a rather abstract way. The present study has intended to be an introduction to understanding how an organisation can be enabled to enhance its own resilience. If we really understand the concept of resilience, it may appear and become developable in several law enforcement organisational areas.

6. Summary

We have demonstrated the status of integrity in Hungary from its initiation till recently. The integrity develops permanently; and it is prescribed by the EU. The legislator of Hungary created the main concepts of integrity for the administration and started to introduce several components of integrity for the law enforcement agencies. Both integrities are similar. The most significant

direction is the materialization of integrity in all sectors of Hungary, e.g. administration, government, etc.

The legislator faced another problem when he wanted to introduce the integrity in Hungary: the hiatus of integrity experts, so the National University of Public Service started to train the integrity experts. The training of integrity experts is an important part of qualification of civil servants, because there was a monitoring about efficiency of training of integrity experts in Hungary in 2016 [34].

With today's pervasive change and uncertainty it is no longer adequate to simply rely on security, risk and business continuity that often applies historical data to try and predict future shocks, catastrophes and crises along with their consequences [35]. The analyzing of organisational resilience is a good tool for decreasing of danger, which rises from fluctuation, and leaving of professions. The main aim is the planning of strategy, personal and organizational learning, making of integrated process maps about all of areas of office, creating of knowledge transfer between colleagues (leaders and juniors). The integrity is an excellent tool for driving of a good government in the future.

7. References

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