

NEW DIRECTION IN THE FIELD OF CUSTOMS HIGHER EDUCATION – ANALYSIS AND ASSESSMENT SPECIALIZATION

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Abstract

The basic institute for the higher education of expert training of public service was established 1 January 2012. The aim of this integration within the public service was strengthening the staff vocation and expertise of the national defence, the administration, the law enforcement and the national security services in the harmonized and planned offspring training. It also implies that the higher education of expert training of public service should be based on a unique institution. A main objective is an operation which based on an effective management as well as realizing the essential role in career development and career prospects. Therewith the basic trainings, master trainings, doctoral trainings, professional training courses, higher education and the requalification have the priority to be realized in an integrated structure. The government's purpose for this reorganizing is to reduce the absence of those experts who can understand the wider context of the state's operation as well as to establish the interoperability between the career prospects of public service and to develop staff quality.

The purpose of the study is to present a new specialization closely related to the training palette of the Faculty of Law Enforcement (FLE), which was first launched in 2014 by the Master of Science in Law Enforcement at the FLE, thus completing the first grade in 2016. Causes and aims of launching learned from the experience of specialization below, and will vigorously at another excellent example of the close cooperation between law enforcement agencies in the operation of specialization.

Keywords: master education (MA), risk analyses, law enforcement higher education, officer education

Introduction

The Faculty of Law Enforcement (furthermore: FLE) of National University of Public Service, Faculty of Law Enforcement – in all training level¹ – continues divided trainings which are eligible to the Bologna Process. The law enforcement MA is built upon the faculties of law enforcement and criminal administration. The Hungarian Police College (furthermore: HPC) in 2006 in the field of law and administration accredited its trainings i.e. in the faculty of criminal administration, specialization of criminal investigation, economic crime investigation and financial crime investigation and in the faculty of law enforcement, specialization of corrections, border policing, administrative policing, disaster management, traffic policing, public safety and the customs and excise administration. So the former departments became to specializations. The BA training in 2006 is supplemented with the specialization of security, and in 2012 with the specialization of migration. According to the government's decision - as HPC initiated - the BA and MA trainings are transferred to the

¹ Doctoral School of Police Sciences and Law Enforcement, established in 2015, first training year 2016 http://www.doktori.hu/index.php?menuid=191&di_ID=204 downloaded: 01. 04.2017.

fields of public administration, law enforcement and military science in the law enforcement division.²

The FLE's main purpose is to provide a high level, professional law enforcement preparation of the future officers of law enforcement authorities. The faculty is an acknowledged science research and training basis of one of the most important field of the EU integrated Hungarian Public Administration namely the law enforcement, which trains well-prepared experts and leaders who have not got any competition in this field.

The developing of the new faculties' training systems and the current modernization were indispensable to the university's integration.

A priority issue was furthermore to clarify the claims of the contracting authorities and to define the output requirements. The contracting authorities cover the Ministry of Interior, the Ministry for National Economy as well as the law enforcement authorities i.e.: Police, National Tax- and Customs Administration, Hungarian Prison Service Headquarters, National Directorate General for Disaster Management as well as in the field of private security, the Chamber so the leaders with training competence.

The faculty has a monopolistic situation why it is able to manage the law enforcement science in a comprehensive and integrated way as well as concentrated the necessary experts and researching instruments in an adequate way. To make the prompt competition is a bit complicated while the character of the science of the law enforcement is quite young and this young science is still searching its place within the frame of scientific methods and systems. For a long period the science of the law enforcement was learned in the frame of jurisprudence and political science so the jurisprudence approach of the law enforcement is still decisive. In this relation the workshops of the faculties of political science and law are competitors.³

The degree of the future competitiveness of the law enforcement higher education will be the fore grounded training which is determined by the quality and practice, the rationalisation of the BA and MA specializations, establishing and founding new departments and specializations, establishing the PhD research as well as vocational and higher vocational trainings, expert trainings, leadership trainings and initiating the other, various and practice-oriented forms of the Long-Life-Learning (LLL). The basic task of the faculty is to form the students' behaviour and aspect i.e. the education now in order to prepare the common public service.⁴

The realization of the objectives reflected in the Bologna Declaration views mixed results accordingly to the special character of the training. The students' and researchers' mobility possibilities appeared in a limited way, the law enforcement diplomas' equality and acceptance in other countries are still unimaginable, because of the limited mobility possibilities the credits' acquisition, transmission into another institutional structure is difficult. Therefore based on the already existing examples⁵ it would be useful to develop a sectoral qualification framework built on the assessment of the common educational needs.⁶

The foundation of the National University of Public Service has an indisputable advantage namely it places strong emphasis on the initiation of the public service career and

² NUPS – Plan for institution building 2012-2015, pp. 18-19

³ NUPS – Plan for institution building 2012-2015, p. 62

⁴ Uo, pp. 59-63

⁵ Frontex (2013a), Sectoral Qualifications Framework for Border Guarding VOL.I, Frontex, Warsaw, ISBN 978-92-95033-66-5, 122. p.

Frontex (2013b), Sectoral Qualifications Framework for Border Guarding VOL.II, Frontex, Warsaw, ISBN 978-92-95033-67-2, 49 p.

⁶ Kiss, Lajos 2016, *Hová indultunk és hová jutottunk? A schengeni eszmétől a Frontexig*, In: Hautzinger Zoltán, Gaál Gyula (szerk.), Pécsi Határőr Tudományos Közlemények XVII, Pécs, 2016, ISBN:978-963-12-7484-4, pp. 127-132

supports the initiation of the interoperability between the public service careers.

One of the indisputable advantages of the NUPS's creating is to focus on public service careers and to support the move among the career paths. It serves the expectations of the Magyary Zoltán Public Administration Development Programme, that requires need to ensure the mobility among the staff of defence, civil public administration, law enforcement and the national security services.⁷

In the NUPS the name of the Law Enforcement Faculty implies too, that the university not only host but ensures a support for the work of science research in the institute. Next to the faculty there is also a complex law enforcement workshop i.e. the Hungarian Law Enforcement Association (furthermore – HLEA) as well as the Law Enforcement Subcommittee of the Institute for Legal Studies, Hungarian Academy of Sciences (MTA). Therewith that mainly the colleagues of the faculty are the members of the abovementioned committees, the research field what is really determinative and bounded them. In our opinion, the higher education institutes take one of the most important places for the law enforcement researches and development. The results of the researches have to be returned to the practice and training of law enforcement. Due to the globalising world, crime cannot be stopped by the borders (cross-border crime). Therefore the work of the law enforcement increasingly has an international nature and the exchange of international information and cooperation are becoming increasingly important. The international research is increasingly important in the field of law enforcement too,⁸ which is encouraged by not only of the bi- and multilateral agreements but, in our opinion, CEPOL⁹ and FRONTEX, which have to also take a more active role to encourage and support the researches and educational cooperation.¹⁰

The training of the customs officers had been already started in 1987 – as specialization of customs investigators in the course of correspondent however the department was first only in 1991 settled up when the specialization of customs administration was started both in part-time and full-time.¹¹

All of the bodies of the NTCA provide essential assistance for the practical training of the full-time course students. They provide not only the location for the summer apprenticeship but actively participated in the period of four-week apprenticeship to knowledge the practical tasks. The regional directorates provide essential assistance for the practice-oriented training by actively involved to manage the study visits and, last but not least to promotion the department's researching activities as well as in the assessment of the Conference of Scientific Students' Associations and of degree thesis defence.

Training of the officers of the NTCA is a very important task after the organizational integration. This organization has recognized that in the context of integration, organizational changes is always very important how to optimize the work processes and in what capacity (eg. training) to allocate resources.¹²

⁷ Magasvári, Adrienn 2016, *A munkavégzési rendszer megtervezése és működtetése a közszolgálatban*, In: Szabó Szilvia – Szakács Gábor (szerk.): KÖZSZOLGÁLATI STRATÉGIAI EMBERIERŐFORRÁS-MENEDZSMENT, Budapest, NKE Szolgáltató Nonprofit Kft, 2016. p. 8

⁸ Boda, József 2016, *A Nemzeti Közszerződési Egyetem Rendészettudományi Kar feladatai a rendészeti képzésben*, In: Határrendészeti Tanulmányok, A MAGYAR RENDÉSZETTUDOMÁNYI TÁRSASÁG HATÁRRENDÉSZETI TAGOZAT TUDOMÁNYOS, SZAKMAI KIADVÁNYA. XIII. évfolyam 1. szám. 2016/1. Budapest, 2016. 19. old.

⁹ Szabó, Andrea, *Egy rendészeti képzésre (felsőoktatásra) irányuló kutatás konklúziói*, In: Gaál Gyula, Hautzinger Zoltán (szerk.): Tanulmányok "A változó rendészet aktuális kihívásai" című tudományos konferenciáról. 512 p.

¹⁰ Kiss, Lajos 2015, *A határrendészeti képzés fejlődési vonalai a schengeni térségben*, Nemzeti Közszerződési Egyetem, Hadtudományi Doktori Iskola, Budapest, 2015, Doktori (PhD) értekezés. 262. p.

¹¹ Szabó, Andrea, *A magyar pénzügyőr-képzés intézményi kereteinek fejlődése 1867-2011*, RENDVÉDELMI TÖRTÉNETI FÜZETEK 25:(43-44-45-46) (2016) 122 p.

¹² Magasvári, Adrienn 2015, *Különböző jogállású szervek integrációja*, In: Szabó Szilvia – Szakács Gábor

1. Law enforcement MA in the Faculty of Law Enforcement

The aim of this programme to train such law enforcement professionals who will be able to carry out in the middle and high management positions with the professional knowledge of special fields like as judicial, municipal, financial, correction, policing administration, disaster management as well as the NTCA, national security service and civil security. The graduates will be able to solve efficiently the management tasks in a frame of international cooperation too furthermore to continue their studies with PhD research.¹³ In this programme the candidates can choose from the specialization of Law Enforcement Theory, Law Enforcement Manager, Police Support Units, Analysis and Assessment and Prevention of Organized Crime both in part-time and full-time courses.¹⁴

Knowledge to be acquired in law enforcement MA:

- science of law enforcement, basic knowledge of law enforcement;
- knowledge of international law enforcement comparators and forensics;
- knowledge of integrated social sciences, communications, statistics and scientific research methodology;
- knowledge of problem-solving technology and professional language;
- knowledge of security policy, law enforcement and law enforcement administration, international law enforcement cooperation, law enforcement technology;
- knowledge of leadership and management, psychology and pedagogy, HR management and general quality assurance;
- knowledge of economy and logistics;
- knowledge of labour law, administrative law, fiscal law, international criminal and law enforcement cooperation;
- the system of the law enforcement, its legal aspects, its governmental and public administration contexts, its integration of civil society, the control mechanism of the law enforcement activity, the community model of the law enforcement;
- knowledge of IT communication (user-level) furthermore in the specialization of Law Enforcement Theory: law enforcement theory, law enforcement systems, international law enforcement cooperation, private security, theory of aliens policing and the history of law enforcement.¹⁵

Graduates in Law Enforcement MA are able to:

- set out researches in the field of law enforcement, entering to the PhD researches;
- carry out the tasks of home affairs, in the field of finance, judicial as well as the related law enforcement bodies, furthermore the national security service, civil security in the middle and high management;
- in the field of law enforcement apply the management assets, including the modern management and organizational solutions;
- international law enforcement cooperation accordingly to the international tendencies.¹⁶

(szerk.): Közzolgálati HR-menedzsment. Budapest, NKE Szolgáltató Kft., 2015. p. 89.

¹³ Kovács, Gábor 2016, *A rendészeti képzések rendszere a Nemzeti Közzolgálati Egyetemen*, In: Határrendészeti Tanulmányok. A MAGYAR RENDÉSZETTUDOMÁNYI TÁRSASÁG HATÁRRENDÉSZETI TAGOZAT TUDOMÁNYOS, SZAKMAI KIADVÁNYA. XIII. évfolyam 1. szám. 2016/1. Budapest, 2016. 30. old.

¹⁴ Kovács, Gábor 2017, *A Nemzeti Közzolgálati Egyetem Rendészettudományi Kar rendészeti vezető mesterképzési szakon folyó képzés*, In: Varga János (szerk.): *A határrendészeti tisztképzés negyedszázada*. Dialóg Campus Kiadó. Budapest, 2017. 120-121. old.

¹⁵ <http://rtk.uni-nke.hu/oktatas/mesterkepzes> downloaded: 01.04.2017

¹⁶ http://rtk.uni-nke.hu/uploads/media_items/rendeszeti-vezeto-mesterszak-kepzesi-es-kimeneti-kovetelmenye.original.pdf downloaded: 01.04.2017

To acquire the MA degree a state-recognised, complex, intermediate (B2) language certificate is required of one of the official language of the European Union or Ukrainian, Serbian, Beás, Lovári, Russian or Chinese.

The input criterion for applying to the specialization: the already existing service by the armed force and have at least two years of relevant and proven professional experience by the armed force gained after obtaining the degree. Additional requirement that the candidate has at least 60 credits from the previous studies, namely: knowledge of social sciences, knowledge of legal literature, knowledge of general administration, knowledge of special administration, knowledge of finance and economic, knowledge of public administration and labour law, knowledge of economic management, knowledge of EU.

Colleagues with at least ten years professional experience may require to calculate (validation) their experience but in this case evidence (title and role of management positions held) are required.¹⁷

2. Analysis and Assessment Specialization

In specialization of Analysis and Assessment, the students can acquire the knowledge of the key concept of the risk management, its general task, and the applied methods in the EU. Accordingly to the risk management the concept of the used information, its source and data content is presented, understanding the uncovering of the risks, their identification and handling mechanism is created as well as the available possibilities concerning to the activity are learnt. An overview about the levels of the analysis and assessment, the organisational peculiarities, the assets of the strategically and crime intelligence analysis, IT systems is made.

The establishment of the specialization of Analysis and Assessment was an aim by the management of the NTCA to achieve by 2014. While the preparation of the specialization the need has arisen that the programme should be “opened” to other colleagues of the law enforcement, furthermore that so for engaging them fully in education and training was forthcoming. The original thought was also that the methods of the risk management - in the law enforcement authorities - made them available to learn and understand the methods of data-profiling but mainly the mindset in this field.

The theme of the risks and risk management is quite interdisciplinary and that may caused problems immediately by studying the key-concepts while the individual disciplines concerning to their own needs have defined unique definitions which are sometimes completely different.¹⁸

The concept “risk” can be defined in different ways, but in generally means the activity, the unknown outputs of the acts and from the resulting uncertainty.

The concept risk may certainly lie in the fact that in which relation, in which field it has to be defined. It means something different in relation of environmental protection, medical, disaster management, criminal, financial and customs administration. The training pronounced the field of the risk management activities of the NTCA’s customs and finance guard and tax administration so the students can understand the definition defined by the WCO,¹⁹ namely “*a risk of potential non-compliance with Customs laws*”. Furthermore the Taxation and Customs Union Directorate-General (DG TAXUD) has issued a risk management and customs control guideline for the EU customs authorities which defines that “*risk*” means the likelihood that something will prevent the application of Community or

¹⁷ <http://rtk.uni-nke.hu/oktatas/mesterkepzes> downloaded: 01.04.2017

¹⁸ Palinkás, Péter 2011, *Kockázatkezelési eljárások alkalmazása az európai unió mezőgazdaságában*, Doktori (PhD) értekezés, Szent István Egyetem, Gödöllő Gazdálkodás És Szervezéstudományok Doktori Iskola, Gödöllő 2011, p.3.

¹⁹ World Customs Organization

national measures concerning the customs treatment of goods."²⁰ The concept of risk is determined by Article 5 (7), and risk management - by Article 25 (5) of the Decree of the Council of the European Union and the European Parliament No. 952/2013 on the creation of the Customs Code of the European Union.

Different views can be also found in the literature on classifying the types of risks. It can be classified for example by the reasons which caused them, by the possible effects (simple, clear risk, speculative risk) or by the risk time horizon (short-term, long-term risk) etc.²¹

However the risks of the customs can be classified as the following:

For the purpose of financial impact:

- financial type (tax or customs reducing);
- non-financial type: security and defence (health, food, the safety of persons), cultural goods or services (each case of illegal metal trafficking e.g. theft of commemorative plaques or statues, art treasure smuggling etc.), environment protection (illegal transport of waste etc.).

For the purpose of infringement standard:

- infringement of EU legislation (undue application of EU funds/supports, fraudulent concerning to EU customs revenue, EU security policy etc.);
- infringement of national legislation (for example VAT, metal law, registration tax, excise tax).

For the purpose of the risk's base/object the risk can be connected to goods, procedure, person (natural person, economic operator) or vehicles etc.

For the purpose of the risk organizational level:

- central level;
- local level.

For the purpose of the intervention:

- embedded in process, i.e. has an effect to the implementation of the procedure (accordingly to customs for example create a risk profile which stops the customs procedure);
- post check, i.e. measures, which was carried out after the occurrence (for example tax control, customs post clearance audit).

Risk analysis is a methodical application of information aimed at identifying threats, determining the frequency of their occurrence and the cost of possible damages. The risk management is coordinated activities by administrations to direct and control risk, a technique for the systematic identification and implementation of all the measures necessary to limit the likelihood of risks occurring.²²

The risk management process applied in the NTCA and based on the abovementioned theories can be divided as following:

- risk identification, collecting information;
- risk analysis, targeting;
- risk assessment;
- risk management;
- observation, revision.

²⁰ Csaba, Zágon 2014, *A gazdasági biztonságot garantáló fegyveres szervezetek szükséges képességeinek és kapacitásainak meghatározása kockázatelemzési eljárásokkal*, Doktori (PhD) értekezés, Nemzeti Közszolgálati Egyetem Hadtudományi Doktori Iskola, 2014. p. 25.

²¹ Sándor, Barbara 2011, *A kockázatkezelés jelentősége/kockázatkezelési hiányosságok egy választott közép vállalkozás gyakorlatában*, Szakdolgozat, Budapesti Gazdasági Főiskola Külkereskedelmi Kar Nemzetközi Gazdálkodás Szak 2011. pp. 8-9.

²² Schutzbach, Mártonné 2003, *Az informatikai biztonság általános koncepciója és gyakorlata a védelmi szférában*, Nemzetvédelmi Egyetemi Közlemények, 7. évfolyam, 2. szám, 2003, p. 156.

The training of specialization of Analysis and Assessment provide a whole picture – accordingly to the legislation and appropriate processes – about the risk analysis and assessment concerning to the NTCA (tax, customs, excise, European Agricultural Guarantee Fund, post clearance audit, metal trade).²³

Summary and concluding remarks

The establishment of the NUPS has created a totally new situation for the department while it became a university department. University department with university requirements which compliance will be one of the most important tasks in the following term whether is publication requirement, language training, and implementing research project or acquire the doctorate level. Which has not been changed from the previous period the support from the NTCA which has continued unbroken on the one hand in the field of science researching on the other hand – in the field which directly affected to the training - the organization of the practical training and study visits. The contracting authority provides a major assistance by ensuring additional and strengthening presentations and background materials.

Both of the integrations, changes had much uncertainty but, in our opinion, the uncertainty very often stimulates the creativity, the increasingly new solutions and the obligation of renewal. The changes and uncertainty multiply the energies and stimulate new energies.

While the common customs law has a highlighted place between the common policies so the preparation of the officers and the economic operators has also a priority. The DG TAXUD²⁴ in order to achieve these goals established the so-called Customs Programmes²⁵ which changing in every five years.

It should be established that in the specializations hosted by the department only modern and EU conform legislations are trained. The strong international character and the membership of the European Union also encourage the department to build and develop the international relations however mediating the legislation and develop the training efficiency. The Hungarian Customs Administration is a member of the World Customs Organization since 1968, participates in the so-called Customs Programmes but strengthening the department's international relations is a future task. The colleagues of the department participating in the CEPOL and Fiscalis Programmes but it is indispensable to enter into contact with other European or international higher education institutes which have customs trainings/courses/programmes on the one hand in the frame of the International Network of Customs University²⁶ on the other hand individually e.g. by organizing international conferences.

In the NTCA central level risk management there is a lot of available external and internal information. The challenge of this level to acquire the knowledge for the information processing so this knowledge needs to be passed on. The training purpose of the specialization of Analysis and Assessment that's the experts not only learn one special knowledge but have more special knowledge and furthermore be able to systemically connecting information.

²³ Dajka, András 2016, *Integrált kockázatmenedzsment a Nemzeti Adó- és Vámhivatal vám- és pénzügyőri szakágán belül (irányított kockázatkezelés)*, Diplomadolgozat. NKE RTK, Budapest, 2016. p. 8.

²⁴ Directorate-General Taxation and Customs Union, http://ec.europa.eu/info/departments/taxation-and-customs-union_en

²⁵ https://ec.europa.eu/taxation_customs/business/customs-cooperation-programmes/customs-2020-programme_en

²⁶ Szabó, Andrea: Világmeretű hálózat a vámszakmai felsőoktatás területén In: Zsámbokiné Ficskovszky Ágnes (szerk.): *Válogatott tanulmányok a Vám- és Pénzügyőri Tanszék fennállásának 25. évfordulója alkalmából*. 195.

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