

SUMMARIES

TÜNDE A. BARABÁS – FERENC IRK

**Economy, crime, economic crime, organised crime,
organised economic crime II.**

Following the changing of the political system, the number of economic crimes increased in Hungary. Various large-scale economic offences and scandals irritate the community day in, day out. However, the majority of them do not belong to the category of economic crimes, at least, not “officially”, that is, they are not included in the Chapter XVII of the Hungarian Criminal Code (see, for instance, the section on economic fraud). Besides this, it occurs more and more frequently that the relation between economic and organised crimes becomes clear. In practice, there seem to be connections among the “economic crimes in a wider meaning of the phrase” and corruption, as well as drug-related crimes. If these relations concern nothing else just money laundering, this experience of ours is certainly true. The first part of this study examines the developments in the field of economic crimes, and also the changes of their legal regulation. The second part offers some definitions concerning economic crimes; and it also analyses the forms of this offence, as well as tries to outline the possible ways of prevention.

GÉZA FINSZTER

The system of policing

Police intervention to avert threat does not tolerate legal bindings. In the 1970s, even in the central states of the civilian democracy, the prevailing view underlined that there was a legal basis for a general authorisation of the law enforcement organisations, because it was necessary for them to maintain safety. However, this view was not supported by facts. Police organisations working freely could not offer greater safety. Therefore, a new crime policy emerged, which modified the requirements towards policing: besides efficiency, it also required the police to work on a legal basis. It has turned out, however, that the society could not check this new requirement, because people hardly know anything about the operation of the law enforcement organisations. Consequently, it is not by accident that several series of studies were published which could answer one question only: what the police organisations actually did. This study also intends to find an answer to this question.

KLÁRA KEREZSI

**The place and function of the alternative sanctions
in the sanctioning system of criminal law**

During the last ten years, the number of inmates in prisons has continuously increased in Hungary. In 2000, the prisons were overcrowded by 56%. The average period of detention was longer both in cases of preliminary detention, and in the case of those sentenced to imprisonment. A certain part of the sanctions without imprisonment was converted to actual imprisonment, since the necessary conditions for the former were lacking. 49% of those in prison committed their first crime; and 40% of them came from the North Eastern region of Hungary. Some highly developed countries have already started to enforce the principle that the costs of crime management should not exceed the damage caused by the offences themselves. The intention to reduce the costs has got an important role in the efforts to find solutions that could replace imprisonment, and also in the development of a system of organisations which serve the execution of imprisonment. That is why they have been trying to find various kinds of alternative solutions, and making efforts to convert sentences of short period imprisonment. Consequently, the execution of sanctions without imprisonment will be easier to evaluate, and it will also get more transparent and effective. The study offers a detailed description of the alternative sanctions, as well as the means of diversion as solutions of the civil rights “leaking into” the sphere of

criminal law. These solutions have considerably altered the “input” and the “output” of the criminal procedure. The author offers some concrete recommendations to change the sanctioning system of the criminal law in Hungary.

GABRIELLA KÁRMÁN

New possibilities and prospects in the examination of handwriting

Like in any other field of criminalistics, some new possibilities have also appeared in the examination of forensic script. Experiences have proved that certain results of the technological development (primarily, the usage of computers) can contribute to the modernisation of the examinations, and will result in obtaining more reliable findings. This will not only make the jobs of the professionals easier to do, but will also enhance the validity of the evidence by the experts. The author’s main objective is to offer an up-to-date picture of the examinations of handwriting to those applying the law, from ordering the examination to the evaluation of the findings. Particular attention is paid to the specialisation of the knowledge concerning handwriting, and the competence originating in this specialisation. The study is based on the traditions, and explores the classic literature that guides the professionals even now. But at the same time, it also considers the new trends, in the hope that the results of progress will soon facilitate the production of evidence on a wider scale.

ZSOLT NÉMETH

Police and child protection

Child protection primarily involves a kind of comprehensive care implemented with the help of various social, medical, pedagogical and psychological means, but it also contains some legal responsibilities concerning crime prevention, crime management and policing. Its main objective is to facilitate that children could grow up in their families, in harmonic condition, which can be implemented via making provisions for one’s family, taking care of and educating the children. One of the most important parts of the institutions of child and youth protection is the activity of the police. Their activities include not only certain protective responsibilities in general, but they also have some concrete duties, which intertwine with the other participants of the system of child protection. What basically characterises the present-day situation is that the police organisation has not had the chance yet to learn the Law No. XXXI/1997 on child protection, and the administration of the system of guardianship. So, up till now, they have been unable to adapt their child protection “services”, as well as their inner regulation to the law. Consequently, child protection by the police practically does not exist; and this is especially true for the many-sided co-operation among the participants of the system.

ANNA KISS

Strengthening the procedural position of the injured party, with special attention to the system of additional private prosecution

The author intends to prove the need for the introduction (or re-installment) of the system of additional private prosecution. She offers us a detailed analysis of the origins and the rules of this legal institution. She believes that the institution of an additional private prosecution is necessary in the following cases: when the principle of opportunity gains a larger ground in the procedure; if the dismissal of the charge is applied on a larger scale; in case the parliamentary supervision of the prosecution ceases; and if the relations among the procedural phases actually change, and the emphasis is put on the trial. The author calls the attention of the reader to two facts. On one hand, this extension of the rights of the injured party cannot take place at the expense of the offender. On the other hand, when we intend to enable the injured party to make an impact on the outcome of the procedure on a wider scale, we should not forget about the public prosecutor who is not a “passive” participant of the criminal procedure.

MARIANN KRÁNITZ

A “hallway” to crime?

In the course of the last 10-15 years, the scope of criminology got wider and wider, though it did not cover all fields of deviancy. For instance, the investigation into misdemeanour got into a peripheral position. The present research has found that no system of registration (like the Unified Statistics of the Police, the Prosecution and Crime) exists in relation to misdemeanour, though it would be essential to elaborate and operate such a system, since misdemeanour is a social phenomenon, which involves hundreds and hundreds of thousand of people and several milliards of Hungarian forints. The first phase of this study covers the files of the Office of petty offences for the I-II-III, and the XII districts of Budapest (this is the largest authority of first instance of the kind, in the capital), between January 2-October 31, 2001. We made interviews and used questionnaires. The following offences were involved in the study: theft, fraud, embezzlement, as well as causing damage. All cases and procedures were legally final; the offenders were partly known, partly unknown. In the course of the work, the experiences concerning some other facts by the Office were also elaborated. These facts are characteristic ones, and they do not include offences against property.

LENKE FEHÉR – KATALIN PARTI

Women in prison

The study entitled “Women in Prison” concentrated on the estimation of the situation of women (sentenced to imprisonment) in the correctional institutions in Hungary. The main objective of the study was to take a model, in order to explore the essential factors and critical points that can be the objects of certain large-scale research activities in the future. Based on 100 interviews, the authors examined the conditions of the correctional institutes for women in Hungary, and they also collected information on the special problems of women in prison. On the other hand, the authors were studying the role of the families, the ways the inmates could keep in touch with their families, as well as the question of domestic violence. They were astonished to hear that almost half of the women had been physically and/or psychically terrorised by their husbands or partners for years (and in a number of cases, for decades) before they committed the offence. Only one-sixth of those interviewed told the authors they had not been exposed to any psychological or physical offences by their husbands or partners. The present study contains only the most important data obtained in the course of the research.

ÁGNES KÖVÉR

The cost relations of the operation of criminal justice – a practical model for calculation

There was a study to investigate the cost-related facts of the operation of crime management and criminal justice, with special attention to the costs of the various phases of criminal procedure, as well as the costs of each particular activity within these phases. The study has made a cost-profit analysis of these activities, so it could point out the problems concerning the efficiency of the criminal procedure and criminal justice. It could also outline the possible areas where the budget was utilised in a dysfunctional manner. The study explored the cost relations of the Corrections (László Huszár, Klára Kerezsi), as well as the system of probation under supervision and the alternative sanctions of punishment (Klára Kerezsi, Mária Dér) up to 1999, in a model form. The present study investigates into the activities of the Fifth district Police Headquarters of Budapest and the Attorney’s Office concerned. It also examines the activities of some judges working for the Central District Court of Pest. Throughout five working days, the researchers made time studies; they interviewed one or two professionals of each of the above fields; they also standardised the activities examined; prepared the computer analysis of the time maps; and also studied and analysed the data of budget of the organisations concerned.

ILDIKÓ RITTER – JÓZSEF KÓ

Some characteristics of the illegal amphetamine market in Hungary

The authors describe the ways the illegal market of drugs of the amphetamine-type operates. This market can be divided into two parts; and they show different features. The first appears as a kind of quasi market, which does not show the actual characteristics of a market. Instead, it is based on the system of acquaintances; and is operated by reciprocity, not by real commercial relations. The second shows the features and regulations of a real market; and there, the well-known principles of the economy prevail. There is no unified market on a national level. This market is highly segmented. Both drug trafficking and drug consumption can be attached to the large cities, and – within them – to some places of amusement. Because of some special features of the drug and the addicts, drugs are usually consumed in company. Amphetamine trafficking is done by well-organised and well-structured criminal gangs. There are no reliable data proving the existence of any central control. It seems the groups supplying the given areas, work independently. The division of the market has not been done in a conspicuous and violent manner. As far as supply is concerned, a stable division of labour, and separate organisations can be observed. Illegal drug trafficking is going on three, separate levels, though they intertwine.

LÁSZLÓ TIBOR NAGY

On taking the law into one's own hands in the criminal law

In the last two decades, the increase of the number of violent crimes and offences of nuisance lagged behind the general increase of the crime rate. At the same time, however, the number of certain violent crimes (for instance, taking the law into one's own hands, blackmailing, affray, or robbery) was above the average. Strangely enough, during this period of time, twenty times as many offences of taking the law into one's own hands were committed than before. This phenomenon has justified the institutional research of the issue, which – previously – had been considered the “stepchild” of the literature. This study examines some questions of the offence in regard to criminal law. It outlines the way this offence developed in the legal history; and analyses the emerging questions concerning legal dogmatic (with due consideration of the empirical surveys, which were conducted). It also examines the difficulties those applying the law can experience because of the increasing number of the offence; and finally, it offers some *de lege ferenda* recommendations. The criminological respects of the results will be outlined in the next volume of the present series. (The study was supported by the Ministry of Youth and Sports.)

SZILVESZTER PÓCZIK

The Romanies in the criminological research in Hungary between 1970–2001

The study describes the main events of the history of the research into the situation of the Romany people, from the 1970s to the present day. Since the mid-1960s, research served primarily the objectives of the police, and concentrated on the offences committed by Romany people, which the police jargon called “Romany crime”. At that time the political life did not mention any ethnic relations of the Romany people, while these relations were over-emphasised in the special agencies of the administration. In the general public, the Romanies appeared as an ethnic minority committing crimes; and this fact hindered their integration, and intensified prejudices towards them. In the course of the 1970s and 1980s, however, criticism was getting more and more intense, bringing about the onset of research into their situation where disadvantages are accumulated; and later, studies concentrated on the exploration of the problems concerning their integration into the society. In the studies of the 1990s, some ethnic fears and prejudices got into the foreground. Attention to these fears and prejudices was called primarily by various civilian organisations, and also, by the findings of the scientific activities abroad. With due consideration to them, examinations started, mainly with respect to the models by the police; and efforts were made to re-define the relations between the Romany people and the police organisation. When the official collection of data of the ethnic nature was banned, research became rather empirical; and it has turned out that about one-third to one half of the

inmates in prisons are certainly of Romany origin. Presently, research activities concentrate on Romany victimisation. The development of the institutional system of the constitutional state has certainly contributed to this fact.