

**SUMMARIES**

GÉZA FINSZTER

**Decisions of the Constitutional Court on Policing**

The Constitution designates the place of law enforcement organs within the establishment of the state. The method used by the Hungarian basic law to fulfil this task refers to regarding it is desirable that the Police function in a centralized structure, within a hierarchical regime, along militaristic principles, is separated from the civil public administration. When the Constitutional Court revised constitutionality of certain provisions of the Police Act, it had to depart from such a constitutional situation.

MIKLÓS LIGETI

**Criminal provisions on drug abuse – a historical approach**

Criminal provisions on drug abuse have been utterly changing a number of times during the past decade and a half. These changes challenged key issues of the criminal justice system such as separation of illegality and criminality, potentials of criminal legislation and justice in reforming the society, and independence of the judiciary. The present paper draws attention to the core problem of criminal sciences, namely that both liberal criminal policy and its understanding of criminal law as the last ratio and also strict criminal policy that assumes criminal law to be the single solution may easily get into antagonistic conflict with the principle of Rule of Law and the concept of liberal democracy.

ÁDÁM MÉSZÁROS

**The incidentality of complicity**

In Hungarian criminal law, it is a generally accepted thesis that complicity is an incidental form of responsibility. By 'incidental' we mean that these delinquency formations do not produce independent criminal responsibility, but require a criminal action to do so. In this sense, incidental delinquency formations are instigation, assistance, and co-actorship. In the Hungarian legal system, it is customary to use the system worked out by Max Ernst Mayer to typify the incidentality of complicity. In this system, the incidentality of complicity can fall into four categories. The principle of the so-called minimal incidentality only requires that the committer's action be a legal fact of a crime; limited incidentality adds that the action should be illegal, while for full incidentality, the person's guiltiness is also required. According to the principle of hyper-incidental, the accomplice is also affected by the evaluation of the committer's action. This certainly seems to be a simple typology. But taking into account that (1) legal facts and guiltiness are concepts which can have different meanings in different systems, that (2) not even one school of criminal law can be said to be relying on only one rule of incidentality, and finally that (3) there are systems of incidentality which cannot be integrated with Mayer's categories, the author doesn't consider this model of typology; instead, he thinks it is more important to define the upper and lower limits of the incidentality of complicity. This is the intended purpose of the study.

KATALIN PARTI

**Child Pornography on the Internet – Data of the Empirical research**

In a Network Society like that we live in, premise of crimes more and more is the World Wide Web. Among the crimes appearing on the Internet Misuse of Illicit Pornographic Material is special concerning its prevalence, the illicit pornography's controversial judgement and its criminological and forensics aspects as well. The study writes about the data of the empirical research of the police files of the crime, after the latest modification of the crime entered into force in year 2002, involving the

years 2002-2005. The data introduced in this study are about the acts of perpetration, characteristics of the offender and the victim and their personal connection. They draw a circle around differentia specifica of the WWW-connected child pornography, pitfalls of notifying, investigation and evidence gathering. The detailed analysis writes about the forensics expert's and the physician expert' role: their practical and theoretical tasks in the criminal investigation process.

LENKE FEHÉR

### **Crimes of Exploitation of Prostitution of others. Main findings of an empirical research**

The study on the one hand gives a summary in a nutshell on the changes of criminal policy concerning prostitution, and on the other hand, provides the main data on crimes of exploitation of prostitution of others (abetting into prostitution, procuring and living on the earning of prostitution). The research aimed to collect and analyse several data on the offender, victim, criminal procedure, crime, and sanction, based on 220 files chosen from every districts of the country. The experiences and results of the research are now ready to be shared with the readers who are interested in this field.

MÁRIA HERCZOG – SZILVIA GYURKÓ

### **The age of innocence – child delinquents on the border of justice and child protection system**

This study reviews the basic characteristics, features of child delinquency and the social services, juvenile justice system in relation to it. Based on our research data the co-operation, coordination among law enforcement agencies and the child protection system are not trouble free, furthermore the mandatory reporting has also got its problems. More than 90% of delinquent children and their families are known by the local child welfare agencies before the crime committed nevertheless the consequence of the lack of human and financial resources and professional standards, protocols on prevention, early intervention together with the lack of holistic vision is that the child delinquency takes a very marginal place in the work of child welfare agencies. There is no follow-up of the cases, clients nor do the service providers detect the most important problems via systematic documentation, data collection and evaluation. With this paper we would like to reveal these deficits.

LÁSZLÓ TIBOR NAGY

### **Empirical research on Hungarian football hooliganism**

This study is the second part of my research on Hungarian football hooliganism amending the results of an empirical survey and continuing my study published in the previous volume of Criminological Studies. The study contains a detailed analysis of 168 cases whereby 114 cases matched the criterion of football hooliganism. We have also examined the main characteristics of 176 offenders, 127 victims of the above mentioned cases and 54 special crime committed by football players.

ANDREA TÜNDE BARABÁS

### **The changing number of the postponement of accusation in the Hungarian criminal procedure**

Due to the recognition, that instead of the traditional and long juridical way people needs quicker, cheaper and more adequate procedure that can also be more effective, diversion plays more and more important role nowadays. The actual problems of the criminal procedure morally destroy the society, because of the false public perception that responds of the authorities are prompt and the guilty will be punished. The postponement of accusation seems to be the most intensive instrument of crime prevention and the procedure of simplification. Because of this it should get more important roles in the Hungarian law enforcement. This study is dedicated to the practice of diversion on the basis of a statistical data analysis.

ANNA KISS

### **The Victim's Situation in the Procedure in Europe**

In the course of the development of criminal law the victim party has lost his leading role in the procedure and has been pushed out to the periphery of justice. That's why more and more people demand it back. According to the author's thesis this is possible only if the victim's rights increase, moreover if such guarantees infiltrate in the order of justice, guarantees which make impossible the restriction of the victim's rights. The author shows the victim's situation in the criminal procedures in Europe.

SZILVIA ANTAL

### **The regulation of execution, beginning of the punishment**

The execution of the sentences, punishment is seemed to be a short and clear law enforcement action but in the reality it is a long, expensive and non-transparent one. This study is dedicated to the practical problems of execution, mainly the analyses of the whole process from the sentencing to the beginning of the punishment. The study based on a comparative research initiated by the Public Prosecution Office and realized with close cooperation of the public prosecutors working in the field of punishment enforce.

SZANDRA WINDT

### **About the measures to manage the irregular migration**

The question of immigration, both legal and illegal, is not a new topic. In summer 2006 the European Commission had a new communication on policy priorities in the fight against illegal immigration. This Communication includes new policy priorities and proposes a number of practical and action-oriented measures and sets up a common European policy on irregular migration. In addition to it the EU spends about 6 million euros for "Solidarity and management of migration flows" between 2007 and 2013, beside the EU believes that managing migration is a shared responsibility of countries of origin, transit and destination. To show the measures what have been already taken and will be done is very actual.