

SUMMARIES

ANDREA BORBÍRÓ

Crime prevention and criminal justice

Based upon the different concepts of crime prevention proposed by the five major utilitarian theories of punishment – promoting law abiding culture, general deterrence, incapacitation, individual deterrence and rehabilitation –, this paper examines some of the major concerns and practices of preventive crime policies. The author argues that through its general and special preventive potentials, the criminal justice system is closely linked to the overall system of primary, secondary and tertiary crime prevention. Giving a brief account of the question of efficiency, the paper concludes that preventive efforts based on the principle of cooperation are much more likely to prove to be successful than those building purely on deterrence and repression.

DÁVID VIG

Isolation as a result of social defence: Indeterminate sentences in Europe

Many forms of indeterminate deprivation of liberty are used in European countries. These sanctions are usually generated by the fear of crime and are designed to isolate and incapacitate “habitual offenders”. Using comparative legal methodology, the paper gives an account on the major forms of isolation in Europe: prison sentence of indeterminate length, preventive detention, long-term prison sentence, whole-life-tariff order or actual life sentence. Furthermore, it argues that in a continental perspective Hungary’s life sentence without the possibility of parole (LWOP) is an unreasonably severe punishment: with a strong reference to the prisoners’ “right to hope” and human rights standards, most European countries refrain from using LWOP.

SZILVIA ANTAL – LÁSZLÓ TIBOR NAGY – ÁGNES SOLT

Empirical research on convicts sentenced to life imprisonment

The research has been carried out in different prisons of Hungary. The group of convicts interviewed consisted of 149 life sentenced prisoners (out of the 231 total lifer population). 9 of the prisoners interviewed served life sentence without the possibility of conditional release. The custodial settings have also been explored, and information has been gathered in both the managerial and specialist layers of the staff. The mental-hygienic status of prisoners deteriorates continuously. The current legislation making it possible to impose life sentence without parole is criticized by the researchers as a pharisaic form of the capital punishment. According to the authors it is clearly against the constitutional principles and also inconsistent with the current civilized European criminal policy. The research proves that it was crucial to reconsider the system of conditional release, which alongside proper communication toward the community, could contribute to a higher social acceptance of a more humane penal policy.

PETRA BÁRD

European Union: An Area of Freedom, Security or Justice?

The trigger for the present paper and in generally the discussion on terrorism and the state responses given to actual terrorist attacks or potential and perceived dangers can be traced back to the series of the heinous terrorist suicide attacks upon the United States on September 11, 2001, which have shaken the whole democratic world. The author’s main theses on the one hand are that counter-terrorism legislation infiltrated into ordinary criminal law and criminal cooperation, and on the other the author contends that liberty and security should not be perceived as contradictory principles, where the one can only be enhanced to the detriment of the other. Whereas it is impossible and also impracticable to

exclude references to the US, the author's objective will be to address terrorism and the rule of law in a comparative way, mainly focusing on the European Union.

ANNA KISS

From European Public Prosecutor to Eurojust?

The European Public Prosecutor will protect the European Union's financial interests and will be able to prosecute directly all cases involving the EU's financial interests. This independent European Public Prosecutor would be supported by Deputy European Prosecutors at national level, so as to secure the link between the Community mechanism and the national judicial systems. The European Public Prosecutor would be appointed by the Council by a qualified majority with the assent of the European Parliament and on the basis of a list of candidates provided by the Commission, for a non-renewable term of six years. The essential characteristic of the European Public Prosecutor would be his or her independence. His or her task would be limited to investigating and prosecuting the infringements detrimental to the Community's financial interests.

TÜNDE BARABÁS A. – SZANDRA WINDT

The Role of the Prosecutor in the Process of Mediation. The Experiences of the First Year

Mediation is a new opportunity that was integrated into the Act on Hungarian Criminal Procedure in 2006. The criminal procedure is opened for mediation between offender and his or her victim principally in the prosecution phase. The goal of this research is to become familiar with the opinions of prosecutors about the first year of mediation in Hungary. In order to achieve this objective, two methods have been used. Firstly, statistical data on mediation have been analysed. Secondly, two expert meetings were organised. According to the data of the first year of mediation, there were 2451 mediation cases. The practice shows great differences among the counties. The study addresses mediation from the prosecution point of view. The authors' purpose was to examine which changes this new institution caused, how effective it was and what kinds of changes are needed in order to help mediation become more effective in practice.

ÁDÁM MÉSZÁROS

On the questions of criminal illegality

Act II of 1950 on the General Part of the Criminal Code abandoned the concept of the formal definition of 'crime', thereby giving it a material notion considering the element of the danger of society. In the last several years lots of studies focused on this category. Some of them endeavoured to eliminate it from the field of criminal law, others approved it. Meanwhile, in the draft General Part of the Hungarian Criminal Code the Hungarian Ministry of Justice and Law Enforcement aims to change the element of danger of society to illegality. The paper's objective is to give a review of the most important questions of criminal illegality and to find the connection between the two above-mentioned categories.

KATALIN PARTI

Latent juvenile deviances in Estonia and Hungary, from the aspect of family bonding and peer relations (ISR-2)

In this study the author has made a comparison between Estonian and Hungarian data of International Self-Reported Delinquency Study (ISR-2). Researches many times justified social control theory according to which internal and external control factors – such as personal touches, family, school, peer relations – equally play a crucial role in becoming a law-abiding citizen. In this comparison relations of peer and family bonding reveals. Correlations between deviant free time activities, deviant attitudes and social connections are also justified. The stronger the peer-bonding, the less control

parents can practice over their children. However, this finding proved less in relation to Hungarian pupils, hence Hungarian parental control is on a relatively high level even over pupils having a constant group of friends. Though superficial rate of parental control is undeniable: they oblige their kids to take part in family dinners and programs and be at home at a certain time, quality of kids' spare time activities still cannot be controlled this way. Estonian pupils commit more deviances than Hungarian ones. This can be a result of a parental control lower than in Hungarian families.

KLÁRA KEREZSI – JÓZSEF KÓ

'DADA' is 15 years old. Evaluation of the police prevention program

The aim of the first phase of the research was to summarize the history, operation and organizational structure of the DADA program. It soon became clear at the stage of information collection that the registry system of the program needs to be reconsidered, modernized, and its accuracy improved. In the course of the research authors organized focus group discussions for professionals in each region, and a separate discussion for the founders of the program. Authors conducted a questionnaire-based-survey in 120 schools in six regions of the country as part of the empirical research. Researchers have processed the responses of 4198 students altogether, consisting of 2048 students that took part in the DADA program and a control group of 2150 students that did not take part in it.

SZILVIA GYURKÓ – GYÖRGY VIRÁG

Media Representation of Crime, Children and Juveniles

This study contains the main results and conclusions of a research concerning the media representation of crime, criminal deviancy, and crime victimization with a special focus on juveniles. During the research conducted in April 2008 researchers investigated five media sources for the above mentioned terms. According to the most impressive findings, both violent crimes and juveniles as victims or offenders are overrepresented in the media.

KATALIN TILKI – SZILVESZTER DUNAVÖLGYI

The role of the Hungarian Customs and Finance Guard in environmental protection

The paper introduces the organization of customs administration and addresses its purpose in environmental protection. The study reviews the results of the empirical research carried out in 2007 and the most typical cases. The authors established that in most cases the criminal procedure started by reason of a well-founded suspicion of the criminal act of damaging nature [Article 281 section (1) point c) of the Criminal Code] because the perpetrators brought in the country animals, plants and different medical products illegally, that is without the prescribed permission. The majority of the unlawful acts can be attributed to the fact that citizens are lacking information. The complicated and ramifying regulation makes the law-enforcement difficult. We find it essential to publish brochures which would contain the most frequently illegally brought-in animal and plant species that fall under the legal protection of nature.