

SUMMARIES

IMRE SZABÓ

Computer data as electronic evidence

Computer data are playing a very important role in the field of electronic evidences. There are three groups of computer data: traffic data, subscriber data and content data. Due to the differences in their sensitivities, the tools for their collection are also diverse. According to the Cybercrime Convention data collection can be conducted by way of tools of expedited preservation of stored computer data, expedited preservation and partial disclosure of traffic data, production order, search and seizure of stored computer data, real-time collection of computer data and the interception of content data. In my study I will present the different legal possibilities to acquire computer data.

KATALIN PARTI – GYÖRGY VIRÁG

**Cyber kid and the Bicycle.
Specifics of the internet use of Eastern European kids**

The „Budapest research” conducted in 2009 focuses on the online activities and behaviour of teenagers studying in secondary schools of the capital of Hungary. Compared to other international research studies, Budapest children tend to accept more when the stranger they meet online lies about his/her age and aims. They are seemingly less embarrassed when confronting sexual material online or when someone initiates indecent talk with them. The research showed nevertheless that the phenomenon called double moral standard responsible for the person’s danger-awareness during online communications is more palpable among Budapest pupils than among their peers from countries that joined the European Union before 2004. Young people in Member States that acceded to the European Union in and after 2004 are supported less by the adults when it comes to the points of online risks. It is obvious that we cannot draw a strict line between the above mentioned groups of countries, still we believe – and it is also supported by the researches we refer in the study –, that some significant differences are grounded. Last but not least, based on the data one can perceive that media representation of dangers of Internet use exaggerated, however security measures are needed. Researches exploring the real situation and the actual dangers are strongly recommended to conduct for the adequate intervention programs.

GABRIELLA KÁRMÁN – LÁSZLÓ TIBOR NAGY – IMRE SZABÓ – SZANDRA WINDT

Analysing the crimes against rights of intellectual properties

The National Institute of Criminology was asked by the National Board Against Counterfeiting to analyse six crimes infringing intellectual property rights through criminal statistics, to summarise its dogmatic background, and to carry out as the detailed assessment of 303 criminal cases. While the total number of registered crimes during the period (between 2002-2009) decrease by 3%, the number of crimes infringing intellectual property rights doubled. Infringement of copyright and certain crimes related to copyright excel among these crimes (Criminal Code Article 329/A). The characteristics of these crimes are the following: very many offenders per offence, the large proportion of the use of experts in the proceedings and the high costs of the criminal procedures. There is no doubt that the digital information revolution requires a paradigm shift also in the field of the intellectual property rights. Instead of focusing on the criminalization of a significant part of society, quick and efficient prosecution and law enforcement are needed focusing on acts committed in a pattern of criminal profiteering, the development of the professional skills of the persons acting in the proceedings, and the development of the educational activities among young people.

SZILVIA GYURKÓ

International child abduction – The general outlook of the cases and the work of competent authorities and services

The number of cross border family law debates increased after the Hungarian EU accession and it strengthened the importance of the international family law measures. In a typical international child abduction case – in increasing numbers thereof – the biological mother decides to take the child to Hungary/from Hungary because of family problems (violence, abuse, divorce etc.) or the difficulty of life (lack of local relationships, unemployment, cultural differences etc.). The competent Hungarian authorities and services work under several difficulties, like lack of information, not clarified competencies or the overrepresentation of criminal procedures in these cases. This study collects the results of a comparative empirical research on the files (and cases) at bar and at the Hungarian Central Authority.

ANDREA TÜNDE BARABÁS

The possibilities of the mediation in prison settings

According to Hungarian criminal law it is not the aim of the penal system to foster reconciliation between parties and nor is it suitable for it to do so. This means that, unless parties have already reconciled, they will not have the opportunity to do so later. Because of this, however, a victim who would like to take part in such a process is unfairly excluded from the opportunity of restoration and negotiation, and those imprisoned will not have the chance to face the pain or harm their crime has caused or to express their remorse in a way that is recognised by law. Meeting the victim may have a significant role in the process of the perpetrators facing up to the consequences of their actions and seeing the harm they have caused. This study examines the international practice of mediation in prison. It looks at the advantages and the disadvantages of the method and evaluates, in addition to the role of the affected parties, the roles of institutions and society.

JUDIT UTASI

Background of hate crime

Everybody has stereotypes and prejudices, this however is not necessarily detrimental, but to some extent necessary, normal. Some people however have biases, their thinking is dominated by the preconception of the negative image, which can manifest itself in words, in acts, even in violence. This study exposits the phenomena of categorization, stereotyping, prejudice and racism, and presents the causes and types of hate crime. The treatment of hate crime in Sweden and Great Britain will be shown, and critically evaluated.

SZILVESZTER PÓCZIK

Sanctioning of hate speech and Holocaust denial in German speaking countries

Hate speech is a verbal or written statement aiming to degrade or terrify or to appeal to aggression against a social group or minority defined by racial, ethnic, national, confessional signs or sexual orientation. International law identifies hate speech as a phenomenon of intolerance and discrimination. In the course of the research the related regulations of the German speaking countries have been collected, compared and analyzed based on the European conventions and other international human rights documents. Because of the tragic historical experiences, in the German legal system the penal regulation relating to incitement of popular hatred is a highlighted element. Hate speech is to be punished according to Article 185 of the German penal code on defamation and particularly by Article 130 which prohibits any public statement appealing to ethnic hate and to denial of crimes committed by Nazi Germany. The Austrian penal law deals with hate crimes in its chapter on criminality against public order. The related penal regulation orders to punish any form of hate speech or hatred propaganda endangering the public order and violating basic human rights. In

Switzerland, the public appearances of racism are to be punished based on Article 261bis of the Penal Code and by Article 171c of the Military Penal Code. All these are different legal solutions which serve the same goals of democratic politics in Europe, although induce intensive discussions on public forums.

LÁSZLÓ TIBOR NAGY

Analysis of violence against persons fulfilling public duties

After the turn of the century, a growing tendency could be observed concerning the number of violent acts against persons fulfilling public duties that also attracted an intensive media interest. Particularly the attacks against teachers of primary and secondary schools provoked an echo in the media and resulted in an aggravation of the relating regulation in the Penal Code. In the frame of our empirical research, the information about 283 offences, 311 perpetrators and 320 victims of such crimes have been analyzed. Most victims were employees of public transportation companies (drivers, ticket inspectors and conductors). In most cases the motivation of these criminal acts was the rebuke of a passenger by the latter. In the background of these offences, the decline of the value of norm conformity, the refusal of the fear of authority, a certain kind of derring-do, excessive pride, the affect of alcohol but in many cases also the behavior of the victims themselves could be observed. It seems necessary to offer conflict treatment trainings to the persons fulfilling public duties and to expand the mediation process onto this field of criminality, as well.

KLÁRA KEREZSI – JÓZSEF KÓ – SZILVIA ANTAL

The social costs of crime and crime control

There is currently no generally accepted method of estimating the costs of crime. After presenting the most commonly used methods of estimating crime, the authors attempt to explore the situation in Hungary. Taking 2009 as a base year, they recon the crime-related social expenditure accounts. The authors, with the help of other Hungarian research data and databases, have also taken into account the costs of the secondary social effects. According to the authors' calculations the social cost caused by crime was about 434 billion HUF (1.6 billion EUR) in 2009. The authors deduct the sum that was drawn by the offenders as a benefit/profit from committing crime, therefore the crimes in Hungary caused 235 billion HUF net social damage in 2009. The amount of 326 billion HUF was spent on crime control (e.g. law enforcement, judiciary, prison and crime prevention) in 2009. The results show that delinquency caused a total of 760 billion HUF as damage, or as an expenditure spent by the government in 2009. The cost of crime control was about 100 billion HUF higher (326 billion HUF) than the amount of damage caused by crime (235 billion HUF). The offender's benefit/profit from committing crime (199 billion HUF) was only 15% less than the damage they caused to the state and to the citizens (235 billion HUF). In other words, half of the criminal damage shall never be repaid: it will remain with the criminals.

GABRIELLA KÁRMÁN – ANNA KISS

The identification of forged pictures

The study calls the readers' attention to various issues concerning the protection of our cultural goods, and the need for legal regulation. The study analyses some issues of criminal law, criminal procedure and forensic sciences. Besides stealing pieces of art treasure, every year, a considerable number of offences is committed in the fields of property crime and economic crimes. These artistic pieces can satisfy the aesthetic demand of the people on the one hand, on the other hand they have a certain function to keep value, and that is why they are suitable for making investments. Unfortunately, one of the main obstacles of the implementation of these objectives in Hungary is the fact that the issues concerning cultural goods have not yet been clarified legally.

ÁDÁM MÉSZÁROS

Thoughts under cover

Between the legal institutions which are the objects of this study, „secret” is the link. The covered thing may be an intention to provoke a crime or a method that aims to investigate a crime. The research of provocation expands to three areas: criminal law, criminal procedural law and the field of forensic sciences. Earlier examination results drew attention to the questions of the relation between the denunciation of a crime and covered investigation. The study tries to give a solution to these problems.