

Studies on Criminology 40. (2003)

SUMMARIES

GÉZA FINSZTER

Police corruption (An international outlook)

When an inspector in London was found to be corrupt, and his case triggered a nation-wide scandal, Tony Blair himself said: "We have nothing else to do but to feel ashamed." There is hardly any police organisation in the world that could say they never have reason to feel ashamed. There are lots of reasons for committing this serious crime, for instance: the special features of the job; the constant (and quite often uncontrollable) touch with crime; the close nature of the organisation; obstacles in the way of obtaining the professional acknowledgement; the negative effects of the social environment; screening that fails to operate well when new members join the organisation; the weaknesses of one's character, etc. And the harms is difficult to estimate: it is as if a doctor spread the disease instead of curing the patient. The study offers a number of examples from various police organisations in Europe.

LÁSZLÓ TIBOR NAGY

Taking the law into one's own hands: some criminological issues

Recently, the phenomenon of taking the law into one's own hands has been rising with a dramatic dynamism in Hungary. In the previous volume, the author analysed this offence from the viewpoint of criminal law. Now, he enlists the criminological criteria of an empirical study conducted by the Institute. A number of illustrations and tables help the readers. Based on the cases studied, we can say that the overwhelming majority of the offences of taking the law into one's own hands that were detected and judged by courts cannot be connected to the activities of the gangs recovering money from the debtors. Crimes committed in a rough or organised form rarely occur. To some extent, the offender himself can also be regarded as a victim, since justice could offer him effective legal protection in a rather complicated way only. Therefore, we can just query the motivation of the legal policy which resulted in the aggravation of the punishment, changing this offence from a privileged fact of the case (earlier) to a serious crime.

MARIANN KRÁNITZ

Józsefváros – contribution to the trends of misdemeanour

The study outlines the situation of misdemeanour belonging to the authority of the local government in Józsefváros, the VIII. district of Budapest. This district is highly threatened by various forms of deviation. Józsefváros consists of several smaller units which are easy to separate and are different in character. They are: the so-called magnates' quarter, the civil servants' garden quarter, and Central Józsefváros. Each of these quarters has got its own ways of misdemeanour. The fact-finding research which was conducted in this district includes the examination of all files that were accumulated at the Department of Misdemeanour of the Mayor's Office of the Józsefváros Local Government as the authority of first instance in the field of misdemeanour.

The most important findings are the following:

- the number of the cases of misdemeanour has been increasing. This phenomenon indicates that the threat caused by the total number of misdemeanour cases is getting more and more intense;
- due to various objective reasons, the application of the law in the field of misdemeanour is not efficient;
- this also applies to the practice of imposing fines;
- warning can easily turn on its wrong side; and
- communal work is anomalous.

Research has proved that the special economic, socio-cultural and demographic characteristics of the district play an important role in the development of the trends of misdemeanour, as well as in the efficient application of the law.

SZILVESZTER PÓCZIK

Some social and criminological problems of the Romany minority

The study sums up the results of the research conducted in the last six years. In the Introduction it says that Romany people form a problematic group all over Europe; attempts to integrate them have proved successful only partially. In Hungary, social policy has been dealing with the “gypsy-question” since the 18th century, but it was only in the second half of the 20th century that their situation changed remarkably. However, the social trends which were slowly improving, turned back in the course of the changing of the political system. While Romany people have become a political factor, their elite members are still not mature enough to efficiently represent their interests. The disadvantageous situation of this group generates tension in the field of demography, health, education, employment or urban policy. However, no comprehensive concept for their integration has been elaborated yet, though research has created the conditions for this work. Legal protection and the antidiscrimination laws generate a number of questions. In the closing part of the study, the author compares the Hungarian and the Romany offenders kept in prison. The comparison is based on certain criminological viewpoints and is built on some empirical research activities.

KLÁRA KEREZSI

The connection between criminology and the crime policy

The author traces back the changes of the connection between criminology and crime policy to the influence by the disciplines related to criminology. When criminology made recommendations to crime policy on crime management, it used the results of the related fields of sciences. The present study tries to find out how and when criminology and the other fields of sciences meet, and why at that given time. The other question the author intends to find an answer is what influence scientific results exert on crime policy; and whether these results are mediated by criminology, or they try to “avoid” meeting criminology. The author underlines the results that have enabled criminology to make useful recommendations to crime policy; and she also points out the historic milestone when criminology lost its ability to exert any effect on crime policy. In her view, the crime policy of the welfare state has merged the borders between the professional and the political liability crime management used to have. When the system of the welfare state started to break down, and the notion on the most helpful way of exerting an influence on the social problems changed, criminology did not have any useful recommendations for the politicians on how to manage crime. (The reason was that the related fields of sciences failed to show up new results.) It is the author’s standpoint that in the 1980s, there were no new and comprehensive theories in the related sciences for the interpretation of the society which could synthesize our knowledge on the operation of the society and the human beings. Criminology, on the other hand, could offer some partial answers only for the new crime-related problems. That is why the influence by criminology on crime policy started to diminish. So criminology is just trying to seek its ways and means. The author believes that one possible explanation for this phenomenon is that the theory for the interpretation of the society (building on the consensus of the professionals) has just “disappeared” from behind criminology as an applied social science. That is why the present means for crime management are getting more and more remote from what criminology knows about crime.

FERENC IRK

The future of public safety and crime prevention

It is fact that there is no close contact between safety as an objective phenomenon and the feeling of safety as its subjective reflection. This also applies to crime as an objective fact and unease as its reflection. It is part of the very essence of safety that the foreseeable future can be calculated on one

hand, and on the other hand, the prospects are favourable. Safety has got different dimensions. They form a delicate balance both in themselves and together with other dimensions. Safety is a contradictory phenomenon, it is not unlimited, and we always have to pay its price. One of the sensitive areas in the life of a constitutional state is to find out to what extent safety can be enhanced without violating the basic human rights, so that neither the state nor any other organisation could cause irreversible harm to the autonomy of the civil sphere.

The contrast between social safety and the enhancement of the welfare of the individuals is not any lesser. One of the essential determinants of the undisturbed operation of the society, and especially of the choice between right and wrong decisions (particularly when the conditions change rapidly) is the operation of the culturally embedded – and quite often informal – norms and values.

Concerning the future prospects of crime, we can say that in fact, we have only some estimations about the measure and the composition of crime. Consequently, we should speak about elements that hinder the preparation of a reliable prognosis instead of factors that facilitate this work. The most important elements are the following:

- we do not know how the future of the balance between liberty and safety is developing;
- we have no information about the future prospects of the development in the field of the technical means and instruments that are used against crime, and are marked out for the improvement of public safety and the feeling of safety; and finally,
- the development of the legal background is also unforeseeable.

What we know for sure is that the development of crime is basically determined by the situation and the chances of the most active age-groups, (that is those between 10-30 years of age). If the economic changes really exert an influence on crime, then (as it was in the past) the most reliable “means for the outlook” is the lag of some 20-25 years Hungary is behind the West-European countries. We can use this period of time for calculating the prospects of crime, with one reservation only: the order of magnitude will show a remarkable “lag” behind West-Europe. Even in the future, the crime-rate in Hungary will not reach the crime level of the West-European states. However, this does not mean that the population in Hungary will feel threatened to a lesser extent than the people in the West. In order to believe that we can really avoid falling victims of crimes, we should get accustomed to being burdened by crimes more heavily than in the past on one hand; and on the other hand, we should learn the ways of a more successful defence.

KATALIN PARTI

Computer crime and the Internet

Computer technics showed a great development in the second half of the 20th century. The effect of this development can be experienced also in crime. Since the mid-1990s, Internet has been spreading, and this phenomenon has been accompanied by the appearance of some new forms of crime. This requires certain new investigative methods, and urges the legislators to outline a new regulation that can keep pace with crime, or – at least – can follow it somehow. It may occur, however, that technical development exceeds the applicability of new provisions of law at the very moment they come into effect. The usage of PCs and the Internet makes it easier for the offender to commit a crime, since it ensures anonymity and the liberty to choose the site of the offence. At the same time, monitoring crime is getting more and more difficult. This phenomenon generates a number of questions in relation with investigation. For instance: where is the dividing line between the private sphere and accountability? What role does the Internet provider have in detection? Can we allow any investigative activities that infringe the liberties in connection with the protection of the personal data? Internet has got its advantages: e.g. we can obtain information or attend our business very quickly. However, its dark side is getting more and more perceptible.

KATALIN TILKI

**Regulation of the criminal law on environment protection
in some European countries**

Nowadays, environment protection is one of the most essential global issues. It was strongly underlined while Hungary was preparing for the accession to the European Union. Though the complete harmonisation of the criminal law is not a must at present, it is worth examining what ways and methods some other countries in Europe use. The author has studied the Criminal Codes of eight countries (France, Italy, Sweden, Germany, Russia, Poland, the Ukraine and Slovenia) from the viewpoint how they protect the natural and the human environment. The study deals with the connections between the criminal and the administrative law in the field of the offences against the environment. It also studies the sanctions these countries apply; and finally, it offers an outlook to the issue of the criminal liability of the legal entities.

RENÁTA KARDOS – ANNA KISS

The role of the state attorney in the criminal procedure

The study consists of three parts: the first part compares the Law on Criminal Procedure which is in force at present, and the law (having been modified several times) which will come into effect on July 1st, 2003. The basic question of the comparison is to what extent and how the role and the activities of the state attorney will change because of the new regulation. The second and the third parts of the study deal with the situation following the reform: they examine the changes that took place in the Law No. XIX/1998, due to the amending novels of the years 2002 and 2003.

GABRIELLA KÁRMÁN

Classical criminalistic investigations in the light of automation

The theoretical studies analysing the future of criminalistics are attaching greater and greater importance to computer technics and the application of the methods of mathematics and statistics. According to some forecasts, criminalistics that integrate and mediate the results of various sciences will open the way for more and more effective detection, and it will also facilitate a production of evidence that builds on a more objective basis. Development is spectacular primarily in the field of the professionals' methods of natural sciences. The author studies the branches of the classical criminalistics in order to offer an up-to-date picture of this – mainly – empirical science. She builds her research on casuistry: she analyses the chances of the application of the results of the natural sciences and informatics in this light.