

**SUMMARIES**

SZILVESZTER PÓCZIK

**A sociological examination of perpetrators violating the border fence regulations**

As a defence against the wave of mass migration that unexpectedly arrived in Hungary, building a border fence on the southern state border of Hungary started in July 2015, and its legal foundation was also established at the same time. This action was heavily criticised in Hungary and abroad but it can be stated that the Hungarian law-makers drew up appropriate and constitutional regulations. In spite of that, some questions are still waiting to be addressed. Although numerous studies analysed the border fence problem, the social composition of the immigrants remained unstated. Research into this was therefore initiated by the Prosecutor's Office of Csongrád county (Hungary). The data processing took place on the basis of eight sociological factors (gender, age, citizenship or source country, mother tongue, marital status, pre-punishment and earlier money-making profession). The research showed that the most important territories from where the migrants originated are no longer war regions. The majority of asylum seekers (68 percent in the sample) arrived to escape from poverty, unemployment, corruption, the organised criminality and Islamic fundamentalism.

ZSOLT KOPASZ

**The experience of the public prosecution organisation on criminal procedures related to crimes concerning order at the state borders**

The study discusses the public prosecutor's activities associated with illegal migration and the investigation of crimes concerning order at the state borders by law enforcement bodies. The author presents the characteristics of each phase of the proceedings, and discusses the directions and professional framework of the public prosecutor's activities. He highlights the public prosecution organisation's experiences related to crimes associated with the protection of state borders. The author emphasises that trafficking in humans is closely related to illegal migration, and notes some typical forms of perpetration.

ÁGNES SOLT

**About the fissures in child-friendly justice**

My paper addresses some of the deficiencies of child-friendly justice in Hungary. I will evaluate the practice from different perspectives. Child-friendly justice cannot be realised until certain systemic shortcomings are remedied. The most important challenges are 1) lack of targeted training for professionals; 2) the lack of cooperation and the lack of a multidisciplinary joint evaluation framework; 3) the barriers to information exchange between the procedures of different jurisdictions; 4) the child-related practice of parental supervision; 5) the criminal case law regarding the affected juveniles; 6) a lack of a monitoring system for child-friendly justice.

KATALIN PARTI – ÁGNES SOLT – GYÖRGY VIRÁG

### **Hearing of juveniles and minors in the criminal procedure in Hungary, in light of the European and international standards**

The focus of the study was the special problems that occur in relation to the hearings of minors (children) in the criminal procedure – whether they are victims, witnesses or possible offenders (suspects or accused parties). In the theoretical part, the study examines the current European and international protocols and the domestic rules. We describe the “Children’s House” model of Icelandic origin (*Barnahus*) as an example of good practice. The empirical part comprises a quantitative and a qualitative data analysis. The former was a meta-analysis of research based on criminal files. In the course of the qualitative analysis, we conducted in-depth interviews with professionals in the judicial system who might have to interact with children throughout the procedure. According to the results, institutional education and training of law enforcement officials are needed regarding the hearing of children in criminal procedures, and to highlight possible measures to avoid their further traumatising during the procedure. It will be necessary to make fundamental changes in order to improve how hearings with children are conducted.

KATALIN PARTI

### **What do civil organisations and services do to tackle bullying and cyberbullying in Hungary?**

The Digital Child Protection Strategy adopted in 2016 by the Hungarian government recommends launching research into school bullying and cyberbullying, and urges that cooperation between educational institutions and civil organisations providing awareness raising and harm reduction should be invigorated. Bearing this in mind, the current project aims at mapping civil organisations and services providing such aid to schools, grouping them thematically and identifying gaps and failures in the programmes. Although in today’s Hungary the presence of civil organisations providing education, training, and anti-bullying programmes at schools is significant, these organisations are not visible to principals, school counsellors, psychologists, or even to school resource officers. Hence, this study provides a list of civil organisations with school-addressed anti-bullying programmes on the one hand, and identifies gaps and desired future directions for development on the other.

ANNA KISS

### **Rights of vulnerable persons in the new Act on Criminal Procedure**

The rules for vulnerable persons will be given a separate chapter in the new Criminal Procedure, as opposed to them being found in various chapters and sub-headings. The provisions are based on an emphasis on aspects of individualization and the individual needs of persons requiring special treatment. In addition to describing the rights, the study also warns that it is not enough to regulate the rights of persons belonging to a vulnerable group, because the principle that all rights are worth upholding is true.

### **Insecurity issues and their solutions in two Budapest neighbourhoods**

The European Commission-funded MARGIN project's aim was to create high quality tools to research and tackle insecurity issues at the local level. The project focused on the four dimensions of insecurity: the objective dimension (victimisation); the subjective dimension (fear of crime); the socio-economic dimension (social vulnerability); and the socio-geographic dimension (neighbourhood effect). In the selected two neighbourhoods of each city (Barcelona, London, Milan, Paris and Budapest) we implemented quantitative (data analysis and survey) and qualitative (in-depth interview, participant observation, focus group) research methods. According to our results, the socio-economic and socio-geographic factors have a significant impact on the perception of insecurity, as along with the phenomenon of social exclusion and social cohesion or the deprived, marginalised position of the neighbourhoods.

LÁSZLÓ TIBOR NAGY

### **The legal and organizational framework for the expert evidentiary procedure**

Plundering as an individual criminal act was introduced by the Criminal Code of 1978, and its threat to society is ranked between those of theft and robbery. After 2010, a remarkably significant increase may be observed in the number of registered cases of plundering. In the course of our empirical investigation, the changes in legislation were analysed along with issues of legal dogmatics and data from 363 crimes. The cause of the increase in the number of cases is primarily the amendment made to the legal facts of the crime set out in the law, whilst plundering may be considered to be unique in the chapter on violent crimes against property because, in practice, only a fraction of the acts of crime are perpetrated with violent conduct. Plundering is overrepresented in the capital city, and is a crime perpetrated mostly by persons who remain unknown in the course of the investigation, typically to the detriment of people who are asleep and often intoxicated, in the course of travelling/commuting.

ILDIKÓ RITTER

### **The aetiology of drugs and crime**

As a result of the dynamic drug market and the diffuse justice system, the relationship and patterns of drug use and crime, including the relationship matrix, are constantly changing. I think that the relationship between narcotics and crime consists of patterns, not just one pattern, so it is necessary to interpret it as a multifactorial phenomenon. It is one in which causes and effects are occasionally reversed and where the external environment – whether a drug market or a “justice system market” – has a significant impact on the network. The linking network is similar to a spider's web, formed by a set of horizontal and vertical links in which connection patterns can be convergent or divergent, and these will be set out in detail.

RENÁTA GARAI

**Legal practice regarding the crime of  
infringing waste management regulations**

The study describes and analysis the crime of infringing waste management regulations, and discusses the legal possibilities of distinction between the forms of crimes and administrative offences. It specially focuses on the appointment of an expert and the circumstances of the evidence gathering phase. The study reflects on the past years' cases regarding the aforementioned crime, and deals with both the mistakes and the lessons that can be drawn so that a standardised legal practice may be developed in the future.

KRISZTINA FARKAS

**The possibilities for accelerating procedures  
in the Austrian criminal justice system**

The aim of the paper, which fills a niche, is to examine the provisions in the Austrian criminal procedure aiming to accelerate it. In Austrian criminal proceedings, the complex and complicated procedures are drawn out, and therefore there is a need to accelerate them; in recent years, speeding up and improving the efficiency of criminal proceedings has thus taken place in both substantive criminal law and procedural law. The Austrian legislator approaches how the proceedings can take place in an appropriate time frame from several points of view. It employs regulations against the protraction of investigations, provides some opportunity for diversion to avoid a judicial phase, resolves cases at the court stage in the absence of the defendant and issues penalty orders. The Austrian system resolves a significant proportion of cases using diversion, but the prosecutor's discretionary powers are relatively narrow and we do not encounter any form of summary proceedings or some kind of solution based on the consensus of the parties or plea bargaining-like proceedings.