

**SUMMARIES**

LÁSZLÓ NÁNÁSI

**The creation of the Csemegi Code**

Act V of 1878 promulgated 140 years ago under the title “The Hungarian Criminal Code of Felonies and Misdemeanours”, which is known in jurisprudence as the Csemegi Code (named after its creator), is an outstanding Hungarian example of codification, that is, the uniform, comprehensive and systematic regulation of a branch or area of law according to certain specified principles.

RENÁTA GARAI

**The crime of domestic violence in judicial practice – lessons learned from final judgments**

The study presents the practical application of the criminal offence of domestic violence regulated in Section 212/A of the Criminal Code, along with the difficulties of its distinction from other criminal offences occurring within a relationship, with the problems arising when multiple counts of offences are committed and with the problems of legal classification. OKRI's research project undertook to analyse and follow the entire process from the reporting of such a crime to the conviction/final judgment. The first part of the study discusses the main features of a new, unprecedented, independent criminal offence, and after that the legal practice of the previous three years is outlined through the information obtained from the analysis of case files, from several aspects: the classification of the acts and their consequences; the characteristics of victims and the accused persons; the judicial discretion – relying on reasonableness – that underlies the rate of final convictions and acquittals; or the key role of indirect witnesses and evidence. The great significance of the study resulted from the fact that no comprehensive research was conducted in the past 5 years describing the actual case-law of this new, unprecedented, independent offence based on final convictions, using a national sample.

GABRIELLA KÁRMÁN

**Illegal trade of works of art in Hungarian criminal case-law**

The protection of cultural goods is primarily provided by administrative law; however, in view of the violated and endangered values, the severity of the danger these acts present to society and their direct links to organised crime, the development of the relevant institutional system of criminal law is increasingly necessary. Within the category of criminal offences committed with cultural goods as their object, the research project was especially focused on the examination of the phenomenon and occurrence of the illegal trade of cultural goods – which is the crime that presents the most serious threat to cultural goods – and the related experiences gained during the application of the law. The Hungarian Criminal Code includes no statutory definition clearly covering this phenomenon, and therefore, to examine the problem, the author

analysed several criminal offences committed against cultural goods by empirical methods. The author assessed the characteristics of the category of cases under examination based on a list of indicators. Unfortunately, from the low number of cases that come to the knowledge of the authorities, it cannot be clearly concluded that the illegal trade of works of art occurs in a very low number in Hungary. Emphasising the problem and disseminating basic knowledge among professionals working in this field could significantly contribute to prevention and effective legal action.

KRISZTINA FARKAS

### **The approach of criminal law to the protection of cultural goods in Italy**

Italy has created a complex and unique system of cultural heritage protection, which can be considered one of its kind in the world. Therefore, the examination of the Italian solutions is essential to make the Hungarian regulatory system more efficient. The study approaches the Italian system of protection from the perspective of criminal law; it presents its general features and the historical roots of the regulation, it clarifies the basic concepts, outlines the different forms of protection and describes the statutory definitions of the offences. The criminal regulation of this area is dual in nature, since it is basically divided between two areas of law – administrative law and criminal law – and two codes – the legislative decree on the protection of cultural and natural re-sources and the criminal code. This solution provides extensive protection, but the regulation is not homogeneous. The ongoing reform of the protection provided under criminal law intends to eliminate the inconsistency and incoherence of the current system.

ANNA KISS

### **A special Hungarian plea bargain?**

The legislator has tried to improve the efficiency of criminal procedures for a long time, and thus it has provided for the creation of legal institutions that either replace the judicial procedure or although they do not eliminate the judicial stage, by dispensing with trials in the traditional sense, they are capable of simplifying and accelerating procedures. All of these legal institutions remain within the civil law procedural system and they do not attempt to implement the original plea bargain characteristic of the common law procedure.

LÁSZLÓ TIBOR NAGY

### **The criminological issues of plundering**

Plundering is a criminal offence included in the chapter on violent crimes against property in the Hungarian Criminal Code, with a specific, heterogeneous structure, with three main criminal conducts. As for its volume and dynamics, there have been significant changes in the past ten years, and plundering has become the most common criminal offence in its category. Relying on the results of the empirical research conducted at the National Institute of Criminology, the study seeks to explore the morphological, aetiological and prophylactic characteristics of the phenomenon of this crime. It can be concluded that in practice, plundering

is typically carried out by taking away a thing from a person who is incapable of self-defence, mainly because of being asleep or drunk, on a vehicle or in a public space. The use of actual violence is extremely rare, which means that plundering is different from other violent crimes against property, and this must be taken into account when trying to find appropriate solutions for prevention.

TÜNDE A. BARABÁS – ENDRE DALLOS – JENŐ ISTVÁN MOLNÁR – JÓZSEF PAPP

### **Environmentally sensitive crime prevention in smart cities Insecurity**

The transformation of cities into more livable and safer community spaces is one of the great challenges of the 21st century. This is necessary because urban areas will face a continuous population growth in the coming decades. And the growing population requires the rethinking and reinterpretation of the existing systems of supply, transport and security. During this it must be examined how the different systems – such as transport, public safety, health care and other urban services – can connect to and cooperate with each other within the cities to make them better, more livable, healthier and safer places as a result of such coherent cooperation. The study shows how the principles of CPTED can be applied in ‘smart cities’ to transform the urban environment and to make it safer, and how, as a result of this, the environment, the individual and the community receive more and more attention, or in other words, what the environmentally sensitive application of these principles means.

GABRIELLA KÁRMÁN – JUDIT SZABÓ

### **The principles and conditions of using a polygraph in the evidentiary procedure**

The aim of the research conducted at OKRI in 2018 was to revisit some as yet unanswered questions that had been discussed before, in connection with the regulation of the use of the polygraph in the new Code of Criminal Procedure. Although the verification of testimonies by means of an instrument is included among the acts of evidence, there are several questions that still need to be discussed. The study discusses the conditions of using the results of the polygraph test, the related theoretical questions and international research background, and it also summarises the Hungarian views of using a polygraph in the evidentiary procedure. It can be concluded that for being able to use a forensic method as evidence, the professionals working in the area of expertise concerned and the representatives of the related disciplines must express their opinion on the scientific basis of the method, thereby supporting the application of the law. The Daubert standard can be used as a starting point for the relevant criteria.

ESZTER SÁRIK – ORSOLYA BOLYKY

### **Criminal careers in view of Maslow’s theory of needs**

In the present paper, we discuss the results of an empirical study conducted about perpetrators falling within the category of recidivists/repeat offenders (so-called chronic or habitual offenders), with the aim of gaining insight into the lives of criminals who belong to a sensitive group – both in terms of criminal law and criminology – and trying to find common themes in

their life stories. The report contains the conclusions and the researchers' impressions of interviews made with thirty male detainees who were sentenced by the court to mandatory imprisonment in a final judgment, and who are serving their sentences in the Budapest Penitentiary and Prison. We analyse the preliminary results of the research activities of the first two years of the research project planned to be conducted in three years (2017–2019) in the context of Abraham Maslow's theory of needs.