

**SUMMARIES**

LÁSZLÓ KORINEK

**We are living in a Panopticon**

The leaders of societies have a great temptation to use the explosive development of technology for collecting information about those they lead. It seems that the less democratic a country is, the less its leaders are able to resist this temptation. However, such endeavours are curtailed by states governed by the rule of law that respect democratic fundamental rights, as well as by the efficient operation of civilian control and the public. This paper examines these issues.

PETRONELLA DERES

**Digital space – Cybercrime. The current situation**

After laying the groundwork for cybercrime, the paper outlines the international and European developments of this phenomenon: among other things, it discusses among the newest developments what was said at the extraordinary meeting of the European Council in October 2020 regarding the issue of digital transformation; the EU policies that contribute to the digital transformation; the so-called Cybersecurity Act adopted as a regulation in 2019; the latest IOCTA report; and the latest document published by the EU Agency for Cybersecurity in April 2020; and it also mentions the effects of the COVID-19 pandemic on cybercrime and the current provisions of the draft additional protocol to the Budapest Convention.

ORSOLYA BOLYKY – ESZTER SÁRIK

**The criminal regulation of criminal organisations and the difficulties of finding proof before the legal amendments**

Despite its “young age”, the legal concept of a criminal organisation has raised a number of questions and generated controversy over the past decades. Although the first attempt at codification did not take place until 1997, since then the relevant part of the Criminal Code has been amended four times by the legislature, most recently in 2019. In addition to a review of the legal regulations, the present study attempts to explain the factors behind the difficulties of defining a criminal organisation, while highlighting that legal concepts emerging from the criminological and forensic phenomenon immanently involve problems of law enforcement, including difficulties of proof.

ILDIKÓ RITTER

**The drug economy in Hungary and the patterns of its perception by the authorities**

The drug market is part of the same global or local economy as the markets constituting the licit economy, since it operates in the same society. In order for a business to prosper, it must adapt, both functionally and structurally, to the economic and social environment in which it intends to operate successfully. Therefore, groups active on the drug market strive to ‘copy’ or adapt the models used on the licit market. There is a multi-level, fragmented drug market

operating in Hungary, with structures and features that are characteristic of the European drug economy. The characteristics, the structural and functional model and the complex structure of roles of lawful and formal small and micro-enterprises are reflected in these organisations, the main purpose of which is to make a quick profit. The blurry nature of the roles is the 'product' of the peculiarities of a fragmented drug market.

SZANDRA WINDT

### **Opinions of Prosecutors on Trafficking in Human Beings – based on an attitude survey**

On October 20 2020, the European Commission published its third report on trafficking in human beings, based on data from 2017 to 2018. In this, the Commission reiterates that criminal proceedings are very few compared to the number of victims and that action against trafficking in human beings should be strengthened. How could this be further increased? In 2020, a new three-year strategy and amendments to the law came into force. In addition, there were training courses on human trafficking at the Hungarian Police Headquarters (ORFK) and the Attorney General's Office. While international bodies stress that domestic law enforcement still has work to do in developing a victim-centred approach,, prosecutors' views on the phenomenon of trafficking in human beings and their attitudes towards victims have however never been examined before. We fill this gap below.

KRISZTINA FARKAS

### **Effects of the reform of criminal proceedings on carrying out the proceedings in reasonable time from a practical point of view**

The paper focuses on those legal institutions aiming at carrying out proceedings in reasonable time – envisaging measures or decisions taken by the public prosecutor; agreements concluded during the investigation and the following judicial proceedings, and the preparatory session – which can be assessed as innovations. Initial experiences are mostly favourable. In general, the innovative legal institutions were able to complete criminal proceedings efficiently and quickly. It can be stated that practices vary at the national level. Envisaging measures or decisions by the public prosecutor are used successfully in cases involving less serious crimes in some counties. However, the agreement is still evolving in practices and there is no significant change compared to its previous practical application. Its more effective operation is a task for the future. In the preparatory session, the most effective measure is accepting the defendant's confession; it is the most effective innovative tool for accelerating proceedings. This is considered a real success story.

TÜNDE A. BARABÁS – KRISZTINA FARKAS – ANNA KISS

### **Some of the important legal institutions of the new Criminal Procedure Act**

Today's legal policy no longer focuses only on punishing perpetrators but it also seeks to understand the more in-depth aspects of crime in respect of perpetrators, victims and communities. The international instruments on the legal status of defendants and victims/aggrieved parties also expect the legislator to ensure that persons participating in criminal proceedings can exercise their rights and perform their obligations in a justice system that respects the rule of law. The state also ensures that criminal proceedings are quick and efficient, as this is the only way of ensuring the functionality of the justice system. Act XC of

2017 Criminal Procedure (Criminal Procedure Act) introduced several innovations, in addition to significantly amending the previous legal institutions. During codification, the legislator paid special attention to the enhanced protection of victims of crime and to the enforcement of their rights. Otherwise, the main driver of changes was the need to improve the efficiency and timeliness of procedures. In this respect, the paper highlights the rules of three legal institutions included in the Criminal Procedure Act, namely mediation procedures, plea agreements and special treatment.

LÁSZLÓ TIBOR NAGY

**Some criminal law issues of robbery in connection with  
an empirical research project**

At the National Institute of Criminology, we are conducting empirical research on the criminal law and criminological issues of robbery within the topic of violent crimes against property, which follows research into self-administered justice and plundering. Although the statutory definition of robbery has been practically unchanged in Hungarian criminal law for decades, problems of the application of the law, differences in the interpretation of the law and difficulties of differentiation still regularly arise. Based on the findings of the first stage of the research, this paper primarily discusses the dogmatic questions arising during the administration of justice that also came to light during our empirical study.

RENÁTA GARAI

**From whom should we protect our children?  
Sexual offences committed against minors in the light of factual data**

Offences against the freedom of sexual life and sexual morality are always in the centre of interest, not only in relation to the criminal conducts and the methods of the commission of these crimes, but also due to problems of classification, concurrence and distinction. This paper addresses a narrower range of sexual offences, and only a specific group of victims within that scope; in this context, we focus on minors' protection under criminal law and the acts committed against them, in the light of cases closed by a final court ruling.

BERNADETT CSAPUCHA

**The statutory definition that penalises the prevention of the exercise of contact rights  
with a minor, based on the analysis of case files**

The paper examines the offence of preventing the exercise of contact rights with a minor primarily from a practical perspective, in view of the fact that I had the opportunity to gain insight into such criminal cases throughout the country. All final judgments, decisions on the termination of procedures and decisions rejecting crime reports made in the period under review have been examined. As regards the practice of sentencing, it can be said that the courts proceeding mostly found it sufficient to apply criminal measures in order to achieve the purposes of sentencing in such cases. The reasons behind decisions resulting in the termination of procedures and decisions rejecting crime reports overlapped, since these had to be found in cases where the criteria of liability to punishment declared in the provisions of the Criminal Code were not present.