RESEARCH RESULTS – 2015
(Summaries of completed research)

Content

I. RESEARCH PROJECTS IN THE MAIN FIELDS OF RESEARCH

THE FIRST MAIN FIELD OF RESEARCH: VIOLENT CRIME

Katalin Parti:

The legal regulation of adult and child bullying – Hungarian regulations and an international overview

Both the daily press and social researchers pay increasing attention to the phenomenon of bullying. The **research objective** was to examine whether the relevant Hungarian legislation in effect covers all forms of conduct that may be classified as bullying and, if not, whether it is necessary to adopt a new and comprehensive criminal definition.
In the course of the project, we sent out questionnaires to chief prosecutor's offices of EU member states and to a number of universities, research institutions and professional organisations. The other main research method applied was consulting with professionals in the field. For this purpose, we contacted practicing prosecutors, members of investigating authorities, professionals involved in codification, teachers at universities and PhD candidates whose daily work includes reported crimes, proceedings and cases involving acts related to bullying. As a result of the international questionnaire-based research, we managed to collect data on bullying-related regulation from 11 countries (Slovenia, Croatia, Bulgaria, Romania, Czech Republic, Slovakia, Italy, Portugal, Lithuania, Norway and Finland). We also interviewed 10 professionals.
In the countries examined, there is no legally recognised definition of bullying. The definition of 'bullying' is currently evolving in criminology and other social sciences in other countries, as well as in Hungary. Both those completing the questionnaire and the interviewees agreed that, as long as there is no consensus on the components, it is difficult to regulate the phenomenon.
For instance, bullying and cyber-bullying are vastly different. While bullying is primarily assessed on the basis of the intention of the perpetrator and the repetitive nature of the act, it is not always the case with cyber-bullying: cyber-bullying sometimes lacks both the intention and repetitiveness as it is "carried out" by the on-line environment itself.
Although we have seen a number of attempts at the legal definition of bullying, these attempts are typical of common law countries. EU Member States have not yet been particularly active in developing legal practice regarding bullying. Although common law systems are more experienced in evaluating cases of bullying, the phenomenon itself is so complex that its assessment is primarily a practical matter. However, the law (whether administrative or criminal law) can only play the role of last resort in resolving these cases, because local communities (e.g. schools, workplaces, prisons etc.) should be more effective both for preventing and for finding solutions together.
With regard to the above, it is the **summary conclusion** of the paper that primary prevention should be used to eliminate the phenomena of bullying and cyber-bullying. Awareness and sensitising programmes can be used effectively for this purpose, primarily in schools. Schools and other communities (e.g. legal aid and victims' organisations) *must* look at this issue, in particular by involving the community, in order to make sure that the police are informed and participants are criminalised only in very serious cases of bullying.

Eszter Sárik:

Differences between the criminal behaviour, value system, religiousness and ethnic background pattern of young people between the age of 14 and 18 living in children's homes and not taken care of by the child protection system

The **objective of the study** was to compare the value systems, religiousness, and the family background-related structural and functional deficiencies of children taken care of by the child protection system and those children not taken care of by it. The secondary schools taking part in the study (grammar schools, vocational schools and technical schools) were institutions located in Debrecen and Budapest, based on the geographical distribution of youth detention institutes and child protection sites.

According to the **research hypothesis,** a significant difference can be identified between secondary school students and young people taken care of by the child protection system due to the differences between their family background, schooling and deviancy. In addition, the sample allowed us to check the validity of theories concerning the cultural homogeneity of post-adolescence. According to the relevant literature (Roberts and Parsells), in post-industrial (culturally, the so-called post-modern) societies the phenomenon of post-adolescence is a general phenomenon, i.e. for younger age groups, the value systems and lifestyles have similar characteristics depending on the social stratification of young people. There is also an opinion (Zinnecker), according to which the prevalence of the "value system of the young" depends on the amount of economic and cultural capital available in the given social group.

The data analysis of the research project showed that the difference between the sets of values of young people taken care of by the child protection system and young people belonging to the general population is not as large as suggested by the hypothesis. For the younger age groups, the content of "good" and "bad" are clear, i.e. the same terms appear at the top and bottom of the ranking of values. Regardless of the level of neediness and deviancy, the most important values were identified as terms related to family and security *(mother, family, health, no trouble in the family, security, quiet life)*. The values placed in the back end of the ranking of values were also identical in the two examined populations. Young people unequivocally disapprove of deviancy, bossing people around or dominating others, and power-related terms are also clearly qualified as negative by them *(others should fear me, I should be the boss, power, being cunning/causing some trouble, dispensing justice/having vengeance)*.

However, there were some significant differences in the details. Some of the terms *(e.g. originality, creativity and social justice)* were significantly more popular among young people who belong to the average population than among vulnerable young people. However, other values were considered more important by problematic youths. *A job that helps me earn a lot of money* was ranked 10th by the vulnerable group and 22nd by members of the control group. It can be concluded that among students, the more abstract values of post-modernity were more popular than the more material values of modernity.

The study proved to be useful from this aspect, as it had validated that in Hungary, differences between the economic and cultural capital of young people result in differences in their sets of values. This means that it is not yet true of Hungary that the attitudes and lifestyles of young people are homogeneous regardless of social stratification. Zinnecker's stratification appears to be more relevant.

Ferenc Irk:

Non-punishable crimes. Risk management of transnational production networks

Research shows that the activities of multinational and transnational companies often cause losses, the consequences of which appear partly today but some of the problems will only appear in the economy, employment, consumption, workplaces, and in air and drinking water quality at a later date. The negative effects on and losses caused to many societies by current, primarily or exclusively economy-oriented production activities, which show their impact even today, are increasingly being recognised. As a result, one part of humanity is gradually noticing that there is a link between economic development (or, more precisely, economic change) on the one hand and, in addition to the issues and injustices of production and consumption, and climate change, on the other hand.

The prevailing attitude of the day, focusing on extra profit has diverse negative effects that also impact on each other. The white-collar company manager, or better known today as the top manager, is a key player. It is this manager who is entrusted by the owners to make the employees meet the owners' expectations. This puts double pressure on the managers, who must adapt to their superiors and advocate their superiors' interests vis-à-vis their subordinates. With production companies, the method applied is very often the exploitation of the workers at the plant and the exploitation of consumers/users outside the plant. This can be considered the norm now at a global level, similarly to the fact that multinational and transnational companies sometimes re-colonise the economically underdeveloped regions and countries of the world with the assistance of state entities that help to create the legal environment necessary for their activities.

The conditions required and the internal motivations, skills and attitudes allow managers to endure this role are analysed.

The majority of the activities leading to the negative processes described above focus on generating extra profit conceived in sin. Some of the losses caused by companies already violate various international treaties and recommendations. However, in a number of countries, they belong to the non-punishable category. The economic life of our world and, as part of this, the operation of the majority of companies is based on the "end justifies the means" principle. For a large majority of the people and also for the leaders selected from the people in different ways, this principle is seemingly perfectly acceptable. They do not simply accept it; they advocate it. Stability, a sense of security, retaining the advantages and privileges gained, the abuse of dominant position and gaining extra profit without recognising state borders are all preferred objectives.

It is a question of who and what the law (and in particular criminal law) serves in this network. It is clear that the general principle of proportionate punishment has failed, due to uncertainties of the extent and quality of the crime's risk to society.

In connection with the acts of transnational organisations as presented in the monograph[1], legislators are still lagging behind in terms of the professional requirement that international crime should be handled by international law enforcement. So far, not even a uniform position based on a wider consensus has yet been reached concerning the social risks of the majority of the damage caused by globalised organisations. Today, short term interests suppress moral values, and it is possible that they will continue to do so for too long. In the economically developed world, at the level of macro-criminality, morality no longer offers support to the

[1] Irk, Ferenc: *Megbüntethetetlen bűnök I. Transznacionális gazdálkodó szervezetek kockázatmenedzselése [Non-punishable crimes I: the risk management of transnational businesse]*. Bíbor Kiadó, Miskolc, 2015

law. An example of this phenomenon is that countries of different economic and geographical status do not prevent and, what is more, they simply ignore a number of well-known production and commercial methods that are exclusively based on maximising profit and utilitarianism but are morally unacceptable or at least questionable. The legal environment conserves and sometimes even serves but rarely prohibits the current state of affairs. Large international organisations consisting of nation-states do not block current endeavours and practices effectively.
Countries in which the profit motive is given priority over the value of life are not democratic, regardless of how they define themselves, and the power centres of these states (or communities of states) holding the political and/or economic resources manage production-related risks in such a way that they leave the citizens of today and tomorrow to deal on their own with the damage caused. It is the non-governmental organisations, which are not effective at advocating their interests, that show their willingness to adopt a value-based approach globally, consisting of specific action beyond words. It is not a sign of a promising future that it is clearly the strongest economies that determine our future, as well as our present.

Judit Szabó:

Biological and psychological positivism in criminology

The **objective** of the research project was to present the biological and psychological trends of positivism from their roots to today. Although, of the trends of positivism, the sociological approach is the most dominant in criminology, in order to understand the causality of crimes, it is necessary to possess a general and methodological knowledge of biology and psychology. As it is theoretical and abstract in nature, the research focused on the processing and a systematic overview of Hungarian and international literature available in English and Hungarian and on a historical and criminological analysis of these sources.
The overview starts with a presentation of the prelude to and characteristics of biological positivism, and a critical assessment of biological positivism. In the course of critical assessment, the effects and consequences of early criminological theories beyond criminology are given particular weight. These effects, however, should serve as a warning for today's researchers, practitioners and decision-makers. This is because extreme determinism and reductionism not only block one's understanding of the problem of crime and the effectiveness in handling it but they also result in practices that violate human rights severely, systematically and on a massive scale. After the antecedents of the 19th and early 20th century, the key theories of and research trends in modern biocriminology, i.e. biosocial criminology, were presented. Although the dichotomy of biological and psychological theories cannot be maintained consistently, the psychological approaches to criminology were placed in a different chapter. The purpose of this not to describe individual theories in detail but to present the characteristics of certain psychological approaches and to shed light on how criminal behaviour can be explained based on these approaches. At the end of the paper, the main characteristics of developmental criminology and the key criminal policy aspects of biological and psychological positivism are listed.
The summary paper prepared as a result of the research project, giving an overview of the domestic and international aspects of the development of biological and psychological positivism, describes the history and terminology necessary for the readers to understand the trends and changes in international and Hungarian criminology, criminal sciences and criminal justice, and it gives a theoretical background for conceptualisation. The paper can be

used as educational material for students of law and criminology at university, but it can also be a useful background source for researchers in the field, as it gives a summary of the contemporary theories.

THE SECOND MAIN FIELD OF RESEARCH: SECURITY, PUBLIC SECURITIY

Szilveszter Póczik:

Links between international migration and international and national security

The **objective** of the project was to give a theoretical overview of the natural disasters, social and economic developments and international conflicts behind migration through the **method** of processing the relevant literature.

A risk and security conscious society looks at social changes primarily from the aspect of security. The smaller and larger migration "conveyor belts", which operated periodically around the world from time to time, now run simultaneously and continuously, and they carry massive numbers of people in an unorganised manner. For this reason, security science will have serious challenges to tackle in terms of studying international migration and its parts, and in terms of the development of security strategies that improve state security, society, the individual social subsystems and groups and individuals in the territories of origin and reception of migration. Immigrant ethnic groups can cause demographic, sociological, economic, social policy, foreign policy, administrative, law enforcement (internal security) or military policy issues, i.e. general security issues in the developed Western countries receiving the migrants. However, international migration also increases the level of national and international security. Intensive migration balances out the global society and the world economy; core countries will gradually lose their competitive edge while underdeveloped regions develop faster. For this reason, international migration is one of the factors that bring the development of humanity closer to its necessary result, i.e. singularity, which only exists in theory today.

In developed countries, tensions and conflicts caused by immigrant groups may result in higher institutional, political, and national security tensions and also higher public security and economic risks. Risks threatening the security of society may increase along with risks related to social integration.

(a) Institutional, political and national security related risks and tensions

It may happen that, over time, immigrants become the majority, i.e. a larger and therefore more dominant group than the group that was once the majority. This means a risk of losing ground in a demographic sense for the other side. If the relevant conditions are met, permanently settled migrants can grow stronger as an ethno-cultural group and they will, in time, attempt to change the political status quo and the established system of institutions. Ethnic parties may appear as a new power group, and may force the established players in the political arena to make concessions. Internal political interest struggles may be intensified with the new players, political fragmentation may grow and political competition may become of an ethnic nature. To counterbalance these, the state is forced to develop new models of co-existence. Multicultural society is a common example of such a model.

(b) Public security risks

The theory of cultural conflicts includes two substantial statements to explain the high crime rates of immigrant groups. In the period of social, economic and cultural uncertainties

following immigration, members of the immigrant group end up on the fence, so to speak, between two civilizations. Their original ethnic culture, norm system and social organisation erode when their adaptation to their new situation has not yet been completed. Their temporarily unstable social status and orientation patterns generate identity disorders and norm violations. Very often, mass immigration results in the emergence of illegal migration and human trafficking networks and new culture-specific forms and methods of crime.

(c) Economic tensions and risks

The disproportionate distribution of national resources, capital and capital income between the majority and the immigrant groups may result in a growth of the disadvantages of the latter category and may cause balance issues in the labour market.

(d) Threats against social security

A disproportionate increase in the number of immigrants poses a risk that the state, while fulfilling its social promises, becomes unable to continue providing the same level of social services to the native population to which they are accustomed.

(e) Cultural threats

Unequal access of the host society and the immigrant (ethno-cultural) group to cultural and in particular to education services constitutes significant risks.

(f) Adaptation, integration, security tensions and risks

In today's globalised world, one of the most important methods of alleviating irregular migration (migration pressure) on destinations of immigration is to improve the security of the territories from which massive numbers of immigrants originate: the prevention of regional conflicts, sovereign defaults, state failures, civil wars in failed states and the humanitarian disasters caused by such events, to stop any conflicts already broken out from escalating, and to alleviate or eliminate disasters.

The **overall conclusion** of the paper is that, beyond the risks and threats described above, migration moving massive numbers of people will possibly result in a more even distribution of the Earth's population, the prevention of some regions from becoming overpopulated and the compensation of a population decrease in certain regions.

Szilveszter Póczik:

The structured theoretical, historical, sociological and security policy study of international terrorism

The paper gives an overview of the history and sociology of international terrorism. A suitable **method for studying** the phenomena of modern history is the method of comparative historical and sociological analysis. In our case, we examined the origin, ideology, organisational principles, practices and history of terrorist groups, focusing on causal and functional issues. To better understand the current situation, the paper presents the more significant terrorist groups in European civilization individually. The paper also makes an attempt at defining international terrorism, and it outlines what security policy challenges modern terrorism poses for developed countries.

International terrorism is a direct threat to the civilisation and culture of the entire developed Euro-Atlantic world, its regions, and its countries. Extremist groups that may be labelled terrorist groups not only fight an armed struggle, a guerrilla war against certain powers or state interests. They also represent a counter-culture with their unique and complex ideology, and their activities are focused on developing this counter-culture. Fighting using irregular military methods is not an end in itself but rather a means to an end. The social base of international terrorism is those groups who are the losers in modernisation and globalisation

from a certain aspect or who consider themselves losers or overshadowed. The more complex the international system, the stronger the link between individual societies and, the more likely it is that interferences and tensions will occur.
International terrorism cannot be defined from the aspect of social sciences. It encompasses illegal armed activities based on conspiracy that serve political objectives in a broad sense and are aimed at civilian and/or military establishments at times when there is formally peace. The activities are carried out by groups, movements, political entities and subjects of international law (e.g. states) of varied substance and form.
The more advanced a peripheral or semi-peripheral region is in modernisation, or the more weight it has in the world economy or from a military, demographical or cultural aspect, the more intensive the reactive force or threat that its modernisation-related tensions and their political consequences may have for the core of the world economy and politics. At the same time, any fluctuations of stability in the core of the world economy and politics (that may be related or unrelated to the processes of the periphery) cause waves in the peripheral countries and their intensity grows as the waves approach the less developed regions of the periphery.
Radical left- and right-wing politics have an elitist, authoritarian, technocratic, corporatist and militaristic nature. These are non-traditional political ideologies; in their mature form, they are more like a total utopia. Their logic is that it is impossible to correct the existing structures; they can only be destroyed.
The key components of the two types of terrorist radicalism (national and social) and the catalysts of the connection between the two are available in the whole of European civilisation; their organisations are in constant rivalry.
Terrorist radicalism, at least in its communication, considers itself a political organisation (an illegal party), a mass movement and a paramilitary organisation at the same time. In its first form, it imitates traditional political parties and, if necessary, it is willing to participate in the activities of the legal political arena. In its second appearance, it is mass politics: it attempts to exert political pressure outside the legal political sphere through street confrontation. In its third form, it is armed terrorism against political opponents or social groups and powers labelled as enemies.
In conclusion, the paper states that terrorist organisations in the international sphere emerge as a result of dividing lines of international, regional or national development and inequalities, in particular of power. Terrorism is not a strange or temporary phenomenon of the existing international political system – it is a specific result of the system. It is impossible to eliminate it through the public security, national security and military methods used today.

Erzsébet Tamási:

Prostitution in Budapest

The two-year project's **objective** was to discover the legal and law enforcement situation of street prostitution in Budapest, the situation caused by the effective minor offences and criminal laws, the prostitution-related activities of the police and the courts, the effect of these on the situation of prostitutes and, last but not least, the various forms of international regulation.
The project started in 2012, when the Józsefváros municipality contacted the institute. The primary goal of the district leaders was to eliminate prostitution activities, which was disturbing for the population. Consequently, they wanted to solve the prostitution situation in the interest of the local population for reasons related to public order (cleanliness, less noise),

public security (less violence and crime) and public morality (elimination of deviant sexual behaviour).
For this reason, the situation had to be analysed using scientific methods and criteria to explore prostitution in the district as carefully as possible. By the end of the first year of the project, it became clear that a survey limited to one district, even if it was the one most impacted by prostitution, was not sufficient to reach the project goals. Prostitution knows no district boundaries, which meant that the project had to be extended to cover the entire city.
The scientific **methods** of the project included the examination of files, the collection and analysis of statistical data, interviews and observation.
The project focused on the period between 2012 and 2014 with regard to the quantity and type of data available in the area. Interviews were made with prostitutes (25 of them) about their situation, circumstances, needs and future plans. We randomly selected 100 files from the minor offence court files for 2012 and 2013 of the Pest Central District Court (*Pesti Központi Kerületi Bíróság*). The data were processed on the basis of set questions. We had 37 questionnaires completed in the Metropolitan Correctional Institute (*Fővárosi Büntetés-végrehajtási Intézet*). From the 23 districts of the city, we collected data in the form of questionnaires sent to the police headquarters of each district. Also, observations were made in a support group for prostitutes. Interviews were made with NGOs working with prostitutes, the relevant municipalities, the Budapest Police Headquarters (BRFK) and the Ministry of Interior (BM). All statistical data on petty offences related to prostitution were collected (KEKKH, OBH, BRFK, ORFK, ENYÜBS) and statistics from the Budapest files on prostitution-related crimes (59 cases) created in the period under review were processed.
This project was the first ever attempt to fully and scientifically discover the state of prostitution in Budapest. The focus of the project was on the petty offences committed by prostitutes. The new 2012 regulation of fines imposed on the spot transferred the institution of fines imposed on the spot to the purview of the police, and it introduced expedited procedures. The consequence is fines amounting to billions and fragmented payment, i.e. stricter regulations in vain, which consumed more human resources, finances and time of the police departments, and prostitutes consider these proceedings as harassment. The reason behind this is non-compliance with the regulation's provisions applicable to local governments, which is regularly cited by courts of minor offences. The statute of limitations for these large fines is two years. Prostitutes escape the fines by moving abroad in large numbers, and they often return as victims of human trafficking. According to experts and the results of this research, the prostitution law and the rules of the new petty offence law applicable to prostitution should be reconsidered. However, this is not a technical but a political decision.
This project confirms the thought-provoking lesson that the practical evidence issues of prostitution related petty offences and criminal cases cannot be solved in themselves and by law alone. The questions and issues related to prostitution do not originate from law, which means that solution must be found outside of the law. Prostitution should be assessed on the basis of criminal policy and moral principles. If all of its component issues are to be solved, the key to the solution primarily lies in the fields of criminal policy and morality.

Erzsébet Tamási:

The Internet and prostitution

The **objective** of the project was to examine the link between the Internet and prostitution from a sociological aspect, and to check whether the Hungarian legal regulatory system is up-to-date. The project examined the international literature and the results of empirical studies.

Interviews were made with the operators of Hungarian websites that are related to prostitution and with advertisers of sexual services on the Internet, and also with customers buying such advertising space.

The new trend is the development of a bourgeois, consumer, individualised and sexually free society everywhere. This kind of society is on the rise through the Internet, whether we want it or not, while government policy focuses on the appearance: its goal is to eliminate prostitution in the streets, where people live, where they can see it. In other words, official policy aims at punishing street prostitution. Indeed, prostitution appears to be disappearing from the streets, but it re-emerges in another space. The lack of state control does not help the cleansing of this space or the personal safety of prostitutes. The Internet supports the alternative solution; it helps prostitutes to become legal sex workers, it converts prostitution into a profession, an enterprise. In the Internet-driven space, conditions are clearer, meeting people is more straightforward and refined, and the risk of getting caught is reduced. Prostitutes can become more protected and their circumstances may improve with the help of the Internet. They can work alone, run a business, advertise themselves, choose their clients themselves, and they do not have to hit the streets and be exposed to the risk of sexual exploitation by pimps. With the help of communication through the Internet, the majority of prostitutes disappear from the streets. The Internet-generated space help them in becoming independent, and sex work can potentially turn into a decent "bourgeois" job, if it is their aim. As crime in general is mostly linked to the street, the parasitic types of crime related to prostitution (drug abuse, robbery and various forms of violent crimes) may also decrease.

Technologies are never perfect and the Internet can be unreliable in many ways. Also, it does not solve the issues of street prostitution by itself. The solution can be regulation of the issue at multiple levels, as is often talked about. The most developed forms of the sex market should be legalised and promoted, while the street form, which is linked to human trafficking, should be banned. It is not easy to implement this, and the black market would not be eliminated completely. Nevertheless, street prostitution can catch up with the 3.0 system through mobilisation and phones. The most critical part is the lack of political will. The legal profession believes that there is no chance of a green light for this process in the United States. However, there is a better chance of success in other countries where the decriminalisation of prostitution is a possibility or is planned.

The Hungarian situation is hypocritical, as a result of the existing laws and the uncertainties related to their application. The law clearly aims at protecting morality and the healthy moral development of minors and, by excluding the public, to limit the spread of this very profitable business that it considers to be dangerous to society. The prohibition focuses on the elimination of prostitution's background and of the intermediary network's playing field. The new 2012 act on petty offences no longer includes a prohibition on offering and advertising sexual services due to the principle of no double sanctions. Nevertheless, the advertising act prohibits the advertising of sexual services, which means that prostitution took over the place of sex partner search sites and the legal sex partner searching opportunities on the Internet. The operator of the intermediary site is also a hosting provider, whose activities are regulated by Act CVIII of 2001 on certain aspects of electronic commerce and information society services.

Prostitution in cyberspace shapes the structure of prostitution and it has an impact on what society thinks of the phenomenon and whether it can accept it. The policy objective can be reached, so citizens can relax. The real question is whether this situation is truly relaxing.

László Tibor Nagy:

The *ustawka* and its assessment under criminal law

As a result of the increasing control of order in stadiums, it is becoming increasingly common that organised hooliganism occurs at other locations, away from the match and sometimes even at a time different from the match. A special form of these acts of hooliganism is the so-called *ustawka* or pre-arranged fight. It is a word of Polish origin; it means an arranged and fixed meeting. Football hooligans organise their clashes in advance and at a location outside the stadium. They want to create a good and fair fight away from other fans and the police or security guards. In the preparation phase, they make use of modern communication devices (mobile phones and the Internet).

In principle, *ustawkas* have strict rules and the terms of the fight are agreed in advance; the groups of fighters are of equal numbers. The most important rule is that there are no weapons, the fighters are unarmed, and it is forbidden to attack a fan who has become incapacitated or who has given up the fight. The "battles" usually take place in secluded locations and only those interested in and giving their consent to participate may fight. The participants consider it a sports event and a manly challenge.

Ustawkas are most common in Poland and Russia but, similarly to other countries, they occur in Hungary, too. The legal assessment of these events generates questions for criminal law, law enforcement and the protection of public order.

During the project, we analysed the available sources, supporters' attitudes and, with the help of the National Police Headquarters (*Országos Rendőr-főkapitányság*), we collected information from each county and the Budapest headquarters on the occurrence of this phenomenon, how it is controlled and what is the police's approach to it.

It can be concluded that the number of criminal proceedings opened in Hungary due to *ustawskas* is very low, and it seems that recently the number of such events has dropped (which may also be a result of an increased level of conspiracy). However, it is a bad sign that the largest such event to date was being organised for 31 October 2015. Of Diósgyőr fans travelling to an away match against Videoton, 83 wanted to take part in an *ustawska* but due to the low number of Videoton fans volunteering to participate (45), the event did not take place.

The police's approach is uniform from the aspect that if they learn of such events, they believe that official measures are required to stop or prevent these fights from happening. Although participants must volunteer to fight, these situations are still very risky because the agreed rules are not very elaborate, the fight itself takes place in an uncontrolled framework, unlike combat sports, and the legal assessment of the injuries is also ambiguous. It is no coincidence that in Poland ustawkashave resulted in around a dozen fatalities so far.

From a criminal law viewpoint, the possibility of the consent of the victim as a circumstance excluding the illegality of the act should be discussed. With regard to acts violating the right to life, the consent of the victim is irrelevant. However, there are exceptions with regard to acts threatening life, i.e. there are cases when the consent of the victim excludes the possibility of punishing the perpetrator. The reason for threatening life should, however, be some objective considered socially beneficial. In an *ustawka,* no such objective can be identified, and there is a risk that the participants might be seriously or even fatally injured.

Klára Kerezsi – Géza Finszter – Géza Gosztonyi:

Police presence in underprivileged settlements

In this project launched at the request of the commander of the national police, the Scientific Council of the Police (*Rendőrség Tudományos Tanácsa*) provided practical assistance in preparing and undertaking the programme.

The project was necessary because it is impossible to assess the general public security situation of the country without a micro-level analysis of the individual regions and of the administrative units of various sizes and characteristics within the region. It should be examined what effect increasing the number of police staff in 2010 and the service organisational measures increasing the police presence had on local public security.

There are two ways to measure police density: (1) number of officers per hundred thousand people, and (2) number of people per police officer. *Potential police density* means the changes in the ratio of the number police staff according the staff list and size of the population. Potential density can only be measured through the ratio of the number of police officers for each hundred thousand people. *Actual police density,* however, indicates the available number of officers at a given location and at a given point in time divided by the size of the population of the given settlement. Actual police density can only be measured by specifying the size of the local population per police officer.

Our research question was what the content of the police presence in smaller settlements was and whether it actually improves their security and sense of security. What has a greater impact on the sense of security of the local population, police presence or the availability of policemen? We tried to find out what the police and the population think (or, to be more precise, what the local governments representing the people think) about this. We wanted to know what feedback the police gets from the population and in what form, and what forums are used. We also tried to answer the question of whether the increase in the number of police officers had a noticeable effect in smaller settlements and, if yes, in what form. We also studied the relationship between (a) police density, (b) the duty of increasing police presence and the demand for changing the culture of police intervention and (c) the presence of larger police forces (stand-by police).

The commander of the national police believed it was necessary to carry out the research in the following eight counties: Pest, Baranya, Bács-Kiskun, Zala, Borsod-Abaúj-Zemplén, Somogy, Szabolcs-Szatmár-Bereg and Heves. Due to its local-level tasks, the Stand-By Service of the Police (*Rendőrség Készenléti Szolgálata*) was also part of the sample.

Within the eight counties, the settlements for the sample were selected from the micro-region with the highest number of settlements falling into the "most underprivileged" category. We calculated an average on the basis of the average size of settlements in the given micro region from the 2001 census data, taking into account the number of Roma citizens, and then we identified the settlement closest to the average.

We also gathered research information through individual (county police commanders, city police commanders and civilian police leaders) and focus group interviews.

In focus group interviews with the police, the following topics were discussed:

1) What is the police's impression of the level of satisfaction of the population (when can the population feel that the police is effective; by service line; what measures are available; the measures of visibility);
2) Actual feedback from the population (facts, in what form; the content of the feedback);

3) Possible indicators of self-assessment/professional effectiveness (what is more important at each level; how can presence be measured; availability, ability to react; professionalism; case turnover);
4) Whether the increased number of staff has a discernible effect at the settlement level; which specialised line benefited the most, etc. What tasks consume the most energy of the police unnecessarily (because it is not their job, because they're not qualified to do it, etc.).

Within the local government focus group, we gathered information on the following topics:

1) Satisfaction with police work in the population (by specialised service line/in general; when does the population feel that the police is effective, etc.);
2) Actual feedback of the population (did they give feedback, is it positive or negative);
3) In what form do the assessment/professional efficiency indicators appear from the side of the population/the local government;
4) Whether the increase in police staff numbers had a discernible effect in the settlement.

A few statements from the research results:

- public security has improved over the past couple of years, but drug consumption is a serious problems in the smallest settlements (amphetamine derivates, powdered amphetamine);
- police officers are convinced that the population is the most satisfied if there is actual, physical police presence;
- local government opinion saw it as a more complex issue;
- the flow of information is bottom-up within the organisation and not the other way around although there would be a significant demand for it;
- the law enforcement actors in the local government only satisfy the visibility requirement but add nothing to the professionalism of the measures;
- Stand-by Police increase the "visible" element of the police although there is a conflict of prestige with local police officers;
- the introduction of the preparatory phase of petty offence procedures has significantly increased police workloads, and there are issues with the calculation of the number of hours spent in public spaces;
- there is a staff shortage for tasks in the field (an increased role for "decentralised police units");
- the image of the police among the population is mixed; residents are critical of the police but they do not know what the police can possibly do;
- according to the focus group interviews, it is the professional knowledge that is the most important for police officers, while for the police leaders, it is administration and, for the population, physical presence and the availability of the police are the most important;
- hierarchy makes data reporting difficult; sometimes such data are requested that are available in the Robocop system;
- there is no workload testing despite the increased number of law enforcement tasks (securing the transportation of schoolbooks, school police officer etc.)

Petronella Deres:

Alcohol and (violent) crime

For criminal justice practitioners, it is a common experience that there is a link between alcohol and violent crimes. For the investigating authorities, the public prosecutors, the

courts, the defence attorneys and the professionals involved in the development of criminal and punishment policy, it is necessary to discover and examine the processes behind the facts experienced in practice, and the results of domestic and international research and analysis, in order to fight against this segment of crime more effectively.
The research has consisted of an overview and summary of Hungarian and international literature and a comparative international analysis.
The **main findings** of the research project are as follows:
The topic has not been researched much in Hungary. No comprehensive scientific research has been done concerning the connection between crime (violent crime) and alcohol since a violence research project in the sixties. No information of sufficient quantity and quality is available on a number of key areas of the alcohol problem, although the results of such research projects would increase the effectiveness of domestic anti-alcohol policy and the national alcohol strategy. However, at an international level, the link between alcohol consumption and violence is becoming an increasingly important field of research. In some countries, dangerous drinking patterns have become well-established, especially among young people or minors. In developed countries, damage caused by alcohol is among the top five conditions causing a significant disease burden. In a number of countries, these losses include damage caused to others through crimes committed under the influence of alcohol or crimes caused by the consumption of alcohol (e.g. injuries, neglect, material damage).
In 2012, 16.5% of perpetrators were under the influence of alcohol when they committed the crime. The involvement of alcohol is common with regard to traffic related crimes (40.8%) and public order offences (28.4%). It should be mentioned that 42.8% of the perpetrators of violent crimes and vandalism were under the influence of alcohol.
The integrated mapping of the link between alcohol and violent crimes included an overview of the general links. The analytical description of the nature of the link between alcohol and violent crimes has been prepared on the basis of a wide range of international research results. Some of these research projects focused on the link between alcohol consumption and aggression. The connection between aggression and crime must also be taken into account because crime or the commission of crimes is not a necessary result, even if the link between alcohol and aggression is proven.
The results of research projects focusing on the connection between alcohol and crime suggest that the mere fact that a large percentage of perpetrators consumed alcohol before committing a crime does not automatically mean there is causality between alcohol consumption and crime. It should be taken into account that a number of other situational factors (e.g. provocative behaviour by one side) may also be relevant in connection with the occurrence of the violence.
The research project looked at the complexity of the link between alcohol and crime on the basis of the results of international and domestic research into the link between the two phenomena and, concerning the results, took prevention and the key internationally and domestically recommended measures into account.

Tünde A. Barabás – Szandra Windt:

A secondary analysis of the research project on *"Examining the burglary risk of Hungarian buildings"*

On the basis of an assignment given by the National Crime Prevention Council (*Nemzeti Bűnmegelőzési Tanács*) in 2014, the National Institute of Criminology (*Országos Kriminológiai Intézet*) carried out empirical research in seven correctional facilities in

connection with the risk and prevention of burglary. In this project, which was unprecedented in Hungary, we interviewed 139 inmates who had been convicted by final court decisions of burglary regarding the crimes they had committed. We also presented photos of 100 buildings placed into nine categories to find out what factors are taken into consideration by the burglar when selecting a target and what key criteria are used (what deters the burglar and what motivates them to break into the building).
In 2015, we completed a secondary analysis into the data collected during the research. The **purpose** of this was to summarise the research results and to categorise them on the basis of the main questions related to burglary and relying on international experience. The analysis showed that the estimation of risk is an extremely complex process that is more difficult to study than the assessment of presumed profit. The long-term risk (e.g. prison time) is ignored by a lot of burglars. They instead focus on direct factors, such as the risk of being caught or the lack of escape routes. From the aspect of prevention, "external" circumstances that may deter the perpetrator from committing the crime play a key role.
In the project, we also built a typology of various burglar characteristics. Through a novel statistical analysis of empirical data and the possibility of comparing results between cultures, the authors carried out latency categorisation analysis on the domestic database and created the main groups of the "Hungarian burglar" profile.
In connection with the secondary analysis, we also studied circumstances that, had they been consciously changed, would have better prevented victimisation. The research confirmed past results, which had showed that the main cause of opportunities for crimes is the lack of community control. Offenders try to avoid being seen by witnesses because one of the most common causes of getting caught is that the burglar is noticed by a witness, who calls the police. Burglary type crimes are easier to prevent in residential areas that have stronger personal relationships, and where the members of the community know each other and sometimes feel responsible for each other.
This research focusing on the motivations, decision-making and choices of the perpetrators offers useful input to the development of crime prevention programmes.

THE THIRD MAIN FIELD OF RESEARCH: CRIME CONTROL

József Kó:

The utility of ENYÜBS (Uniform Crime Investigation Authority and Prosecution Statistics) for a criminologist

The study focused on the characteristics of the ERÜBS-ENYÜBS criminal statistics system.
Issues identified by the research project:

1) The statistical system was connected to the police appraisal system. The work performance of the police as a whole and individual police organisations is appraised primarily through statistical data. This means that the performance of investigating authorities is measured through the system's data, but these data are generated by the members of the organisation. This means that there is a motivation and opportunity to adjust or manipulate the data to a smaller or larger extent.
2) It is not possible in any country to determine with the same level of accuracy and at the same time that certain events that occurred, qualified or are believed to be crimes, are actually crimes and the number of such events. If we want to record the fact of the crime accurately, we lose some of the cases. If we want to determine the number of

cases as accurately as possible, the identification or definition of the crimes will become more uncertain. While the exact qualification of crimes is specified by criminal statistics, the fact of the crimes is presented by victimology research. Neither of these databases shows a true picture; they should be studied together.

3) The ENYÜBS statistics only show any rise in crime rates one or two years later. This delay is the result of the output nature of statistics. Only closed cases are added to the statistics, and the processing of cases usually suffers delays.
4) If there is no change of pace, the difference between statistical data and the calculated data, which better shows the actual situation, is low, a couple of per cent. However, when there is a change of pace, it can increase to 15%, which is a significant difference. This difference should be accounted for in the course of trend analyses. The change of pace in statistics therefore reflects a situation that was valid one or two years before.
5) The data entered in the statistical database may be distorted in certain identifiable directions as a result of accidental or intentional distortions. We have no information on the level of distortion in the ENYÜBS, so there is no possibility to correct the distortion during the data processing phase. Regular evaluations should be carried out to manage the system's efficiency and operation. Ad hoc tests can only discover the fact that errors exist.
6) It is a well-known fact in criminology literature that statistical data and actual events sometimes do not overlap. Latency is the main source of the difference. It would therefore be necessary to carry out targeted empirical research into the link between the statistical data and the actual criminal situation.

Opportunities for improving the utility of statistics:

1) It would be advisable to develop a feedback mechanism for the reporting area (e.g. police headquarters level).
2) If those actually reporting the data had first-hand experience of the utility of the statistical data, the accuracy of completion and the validity of the data would improve noticeably.
3) It would be necessary to add to the system flexible data reporting capabilities that are able to adapt to any demand by the government, police, media or the citizens (e.g. banner method).
4) The processing of the collected data should be brought in line with the demands made by the various stakeholders. It is not sufficient to simply release the unprocessed statistical data. The data should be made easier to process and interpret for users through the application of the appropriate ratios and index calculations.
5) The parts of materials prepared on the basis of individual orders (e.g. made by ministries, the government or police leaders) that may be published should be made accessible to a wider audience than today. In this way, some of the parallel data processing could be avoided, and criminology experts would have access to more data sources.
6) It would be necessary to publish a document that gives a comprehensive overview of the current completion system. Uniform code keys that have simpler completion rules and that are easier to manage should be applied.
7) The utility of the code keys should be checked through targeted empirical checks, and the necessary modifications should be made based on the results of such checks.
8) The possibility of recording data at two levels should be examined. Those completing the data sheets should be able to use a code key with comprehensive categories that are uniform and remain unchanged for extended periods but which are less detailed than today. At the second level, i.e. when the data are recorded in a form that can be

processed by computer, the information handled as an open question and appearing at recording points could be processed by adjusting it to current demand and any changes.

9) In order to make the data comparable at an international level, it would be advisable to take minor offences of a criminal nature into account. In order to bring ENYÜBS data closer to the actual figures, it would be important to disclose the frequency of minor offences of a criminal nature in the summary statistical reports. It would no longer be necessary to turn crimes into minor offences only to avoid them from entering and spoiling the statistics.

As a summary, it can be concluded that while in principle a wide range of data is collected, the actual detailed data are not reliable and not as deep as they could be. ENYÜBS data do not actually show the criminal situation or its changes but they rather reflect the activities of the investigating authorities.

Gabriella Kármán:

Changes of the principles of forensics expert areas and methodologies in Hungary with reference to European quality assurance criteria (and based on the conditions of application in legal practice)

The **objective** of the research was to examine the effects of the accreditation of the Hungarian Institute for Forensic Sciences' (*Bűnügyi Szakértői és Kutatóintézet*, BSZKI) laboratories, completed in 2012, on the methodology and practice of forensic expert areas.

The research topic is particularly relevant now because, on 7 October 2015, the National Body of Accreditation (*Nemzeti Akkreditáló Testület*) accepted the Hungarian Institute of Forensic Sciences' request on the extension of its laboratory activities. As a result, in addition to the expert activities accredited since autumn 2012, the Institute now has a certificate for five additional areas (in clue and weapons analysis), according to which the Institute is able to carry out its activities at an appropriate and consistent quality level if the necessary resources are available.

The purpose of the research projects carried out in the field of forensics since 2000 is to demonstrate how the modern requirements of reliability are met and how they can be expected to be met in the expert areas that do not have classic natural science foundations. It is also studied what facts and circumstances support the possibility of using, the reliability and especially the possibility of reproducing as evidence the forensic expert areas' results (especially in the clue, weapons and handwriting areas, and also fingerprint analysis) .

According to the research **hypothesis**, in the interests of measurability, objective analysis and reproducibility, it is expedient to look at the possibility of applying modern mathematical and statistical methods, computer science, automated expert procedures and international databases in these areas.

It can be concluded that, through accreditation, in the classic areas of forensic science that have no classic natural science foundations, progress has been made primarily in defining and documenting work processes. Working according to the protocols and the verifiability of them play a key role in quality assurance.

In addition, the new approach that has been adopted over the past few years, the greater human and material resources available and the introduction of the new automated method has resulted in a quantum leap in the field of weapons expertise, and extended research and publication opportunities.

Szandra Windt:

Multi-level community police network for cooperation-based crime prevention project (National Police Headquarters)

The project was carried out between 2012 and 2015 and it was funded by the Swiss Fund. In the community law enforcement project, the objective was the development of the professional background and the domestic model and, after a one-year test period, its implementation in four towns.
In 2015, a number of studies and progress reports had to be prepared on the "results" of the one-year testing period in four towns (Szeged, Zalaegerszeg, Miskolc and Nyíregyháza) on the basis of the opinions of both the population and the community police. The 2014 poll was repeated in 2015 in all four towns, which allowed us to measure public awareness of the project, the change in the sense of security and their opinion on local police officers. Following the testing period, three focus group conversations took place with the involvement of community policemen to collect information on their experience and develop recommendations. Summaries of the opinion polls and the focus group interviews are parts of the report on the one year testing period.

THE FOURTH MAIN FIELD OF RESEARCH: OUTSTANDING OR DANGEROUS CRIMES AND PERPETRATORS

Orsolya Bolyky:

A study of sentencing circumstances and sentences imposed in homicide, with special regard to the use of forensic psychiatrists and psychologists in the judgement

The project's objective was to examine the consistency of the sentencing practice in homicide cases and of taking psychological factors into account when imposing the punishment. The **research project studied,** from a semantic aspect, the sentences of the lower courts and those of the appeal courts in the murder cases analysed in the previous research projects (homicides by juveniles and young adults, multiple murders) and also the forensic psychiatric and psychological expert opinions.
The **research method** applied was a questionnaire-based and textual analysis of the files of available homicide cases, and the processing of data using the SPSS program. The *SPSS* analysis covered the arguments of the defence and collecting, coding and summarising the aggravating and mitigating circumstances taken into account at sentencing. In *textual analysis,* the sentencing practice of juvenile, young adult and adult offenders, and perpetrators of multiple homicides (since the average age of the last category was significantly higher than that of younger offenders). In the project, we examined the style of reasoning of the judgements imposing whole life orders, and we compared the style with judgements imposing lighter sentences. Additionally, we tried to find an explanation for punishments differing from the average, i.e. extremely light or harsh sentences, and we compared the circumstances of these crimes with judgements that had similar main characteristics but which resulted in an average sentence.

The **results** of the research project are as follows:

1) There is no uniform position on whether psychological issues can be taken into account as a mitigating factor if they do not affect criminal liability.
2) Young perpetrators, and especially those under 18 years of age, are rarely diagnosed with a mental illness or disturbance as their personalities are still evolving. This, however, has a negative effect on their punishment because their criminal liability is usually not limited.
3) There is no uniform practice about whether the trial was remote in nature.
4) Only physical illnesses (chronic illnesses) were taken into account as a health condition that made a sentence of imprisonment more difficult. Mental or psychological illnesses were never treated as such.
5) It is uncommon that psychological factors are highlighted or assessed in the judgements, except for judgements of whole life or life sentences in which psychological and mental characteristics are in most cases taken into account and assessed from a legal standpoint.
6) The only mental factors criminal judges take into account as a mitigating circumstance relatively consistently is mental retardation or intellectual disability.

Petronella Deres:

A comparative analysis of violent crimes against property in Hungary and in certain English-speaking countries

The project was aimed at the analysis of certain terminological issues in violent crimes against property and also the questions of decisions that are common in legal practice. The starting point was robbery, the most serious violent crime against property. After this, the regulations of English-speaking countries were presented, first in general and then focusing on the state of affairs regarding robbery and blackmail.

The **main findings** of the research project are as follows:

Violent crimes against property are always topical. Although the application of the law related to them should be clear, as such cases are common, there are a number of issues whose interpretation is not uniform in literature or in judicial practice, or at least there are a number of opinions and statements of reasons in decisions that can be disputed.

Although, in the course of the development of criminal law, the regulation of crimes against property has always been very important, the new Criminal Code had a more specific concept when compared to the previous regulations regarding the categorisation of these crimes in the special part of the Code.

The new Criminal Code sets out the definitions of these crimes in three separate chapters, based on the nature of the criminal act and the interest to be protected:

- Violent crimes against property (Chapter XXXV)
- Crimes against property (Chapter XXXVI)
- Crimes against intellectual property (Chapter XXXVII)

It is a common characteristic of violent crimes against property that, beyond the attack against the property of the victim, not only property relations are violated but violence against the person, certain forms of violence directly transferred to the person from the object, and the restriction of the person's personal freedom (or the exploitation of the person's restricted personal freedom) may also occur. According to the official commentary to the legislation, the nature of the criminal act and the protected legal interest made it reasonable to regulate these crimes in a separate chapter.

The new Criminal Code includes four crimes in the chapter on violent crimes against property: robbery (Section 365), robbery through inebriation or intimidation (Section 366), blackmail (Section 367) and vigilante justice (Section 368).
The looting nature of robbery, robbery through inebriation or intimidation and blackmail is confirmed by the fact that all three crimes are aimed at gaining material profit illegally, by causing loss to another person's property, and either in the interest of unlawful appropriation (robbery and robbery through inebriation or intimidation) or for gaining illegitimate benefits (blackmail).
However, vigilante justice does not have the characteristics specified above. Vigilante justice is aimed at the enforcement of a material interest that is either legitimate or is thought to be legitimate. It is, however, made into a crime, not because of the aim but "by the illegal method of enforcing a right." Act IV of 1978 regulated vigilante justice among crimes against public order and, within that category, among crimes against public peace. The new Criminal Code regulates the crime among violent crimes against property because, according to the official commentary of the Code, the protected legitimate interest is the existing order of property relations.
The **conclusion of the project,** in agreement with other authors, is that the criminal law regulation of violent crimes against property is basically acceptable. Legal practice seems to be well-established, but in certain cases there are issues related to the accumulation of crimes that urgently need a decision on the uniformity of law. On the basis of the analysis of the crimes against property in English-speaking countries and Hungarian criminal law, it can be concluded that the definitions of the crimes are different from those in Hungary, which makes international comparison difficult.

RESEARCH OUTSIDE THE MAIN DIRECTIONS

Ádám Mészáros:

The foundations of the theory of crime in Hungarian criminal law

The topic of the research is part of the process started in 2008 with the project entitled *"Current issues in criminal liability. Societal danger and violation of criminal law."* The process continued with the 2010 study entitled *"Current issues in criminal liability 2: preventive self-defence"* and in 2014 with the project initiated by the Chief Prosecutor's Office entitled *"Theoretical and practical problems of lawful defence"*.
The objective of this criminal liability related research project, which started in 2015, was to categorise crimes from a theoretical point of view and contribute to the theory of crime in this way. It should be stressed that the research project was not aimed at the definition of the crime, at separating it from other actions in the legal system that also create liability or at categorising these crimes in the special part of the Code. Instead, it wanted to look at and define certain categories, primarily from a terminology-based approach, that can be applied to all the crimes in question. The project primarily relied on the solutions of French criminal law, because criminal law textbooks in France still discuss the categorisation of crimes. Naturally, German (and also Hungarian) criminal law distinguishes certain categories of crimes, for instance felonies and misdemeanours, and recognises various types of crimes. However, it was more effective for the purposes of the research project to look at French criminal law literature. As a result of the review, it was possible to outline what theoretical

categories can be made in Hungarian criminal law on the basis of this research topic. These were the following:

(a) On the basis of the *criminal act*:
- crimes of action and crimes of omission;
- permanent and condition crimes.

(b) On the basis of the *object of the crime*:
- passive subject; crimes without a victim.

(c) On the basis of the *result*:
- material and immaterial crimes;
- within material crimes, crimes causing injury and crimes causing danger.

(d) On the basis of *the characteristics of the perpetrators*:
- common and special crimes.

(e) On the basis of *culpability*:
- intentional, negligent and mixed.

(f) On the basis of the *stages of the crime*:
- the elements of the crime are fulfilled; the violation of the protected legitimate interest has ended.

(g) On the basis of single/accumulated crimes:
- complex, joint, regular, business-like and continued crimes.

György Vókó:

The present and the future of penology

The project was looking for an answer to the questions of how penology and the theoretical and practical system of corrections have changed recently, and what guiding principles have appeared in Hungary with the introduction of European standards and practice, i.e. what the new regulatory system is like.

The sizeable material collected in the study can be broken down according to the following broad categories: the basic principles of the international system of requirements related to the appreciation of human rights in Europe; the basic provisions of fundamental rights in Hungary through processing the effective laws; the phases of the operation of the punishment system; the structure of the corrections system; the system of authorities responsible for enforcement; enforceability and grounds excluding enforceability; measures to be taken to ensure enforcement; the decision of the enforcement authorities and legal remedies available against the decision; the system and structure of rule of law-based guarantees (supervision of legality by the prosecutor, wide range of powers for judges supervising the correction system, ombudsman, international monitoring, social control); the powers of judges supervising the correction system and the main rules of procedure (including competence rules); the start of punishments and criminal law measures; issues of postponement and pardon (including the mandatory pardon procedure; the legal status of a person who is held criminally liable (rights and obligations); differentiation and categorisation during the term of imprisonment in the interest of successful reintegration; mitigating and shortening the term of imprisonment; custody for reintegration purposes; international experience and domestic issues of electronic supervision; the characteristics of the legislation on inmates working; improvements to be made in the area of implementing punishments that do not result in the deprivation of liberty and the importance of improving their supervision's efficiency; innovations in the implementation of criminal law measures (probationary supervision in the corrections system, making electronic data non-accessible); new characteristics of the enforcement of coercive

procedural measures that result in the most serious restrictions of rights; the similarities in the regulation of incarceration as a punishment, incarceration in petty offence procedures and incarceration in enforcement; the compatibility of the criminal records system with European standards; the enforcement of monetary claims in the justice system.

It is a key task to ensure the conditions of carrying out the punishment as stated in the law are met.

When penology and the law of corrections are analysed, the result is always the situation at the given time, and the next day may bring a new practical question, scientific result or a need for legislation, to which attention must be paid on the basis of established human values, along with the entire set of relationships. It is not closed material; it is a permanent task.

The reform of the entire process of criminal liability and the reform of penology has already started with the increase in the value of human rights, and the new waves suggest fundamental changes in the EU. Criminalization, imposing penalties and implementing them are key requirements from the aspect of society and its individual members, i.e. each and every person. In Hungary, the new Criminal Code focuses on general prevention, and it is the law of corrections, which has also been renewed, that is responsible for the principle of special prevention and its details. In the course of the implementation of the punishment, the focus shifts to the perpetrators (the criminal act remains important). The philosophical principles of criminal law and the law of corrections are in harmony in the entire process of criminal liability. However, in the corrections phase, the focus shifts to the perpetrators. The difference between the imposed and the actually served penalty is a well-known phenomenon in the world, and it generates debates that help progress to be made. However, the response to crime must respect the social function of criminal law and the law of corrections;, it must match their traditional values and also the requirements of the rule of law and human rights documents.

Violating the norm must have its consequences, and the execution of the penalty should not be cancelled. The liberties and restrictions, the lines of protection that have been violated by the criminal act must be restored and strengthened, and it must be done so quickly and publicly to be effective.

The protection of society from the perpetrator, i.e. the one breaking its laws, is important, but so is the protection of the perpetrator from the wrath of society and from the arbitrary actions of some misguided official while the punishment is being carried out.

In Hungary, the concept of developing a new code of criminal procedure has started recently, and now is the time to bring up issues that require careful consideration and recommendations to improve the concept and solve current issues.

Authorities operating in different phases of the criminal justice procedure must cooperate more effectively.

The focus of the concept and structure of criminal law, criminal procedure and the law of corrections should be the protection and respect of both the perpetrator and the victim, i.e. of human beings. The restriction of liberty can be derived from this: liberty is only available and respect for one’s freedom may only be demanded from others if it does not violate similar rights and liberties of another human being, which deserve equal respect.

The alignment of science and practice, their cooperation and joint thinking are indispensable for progress. Beyond reaching original discoveries, the results of global science must be disseminated.

The struggle against crime, in its own complexity, tries to examine and discover the reasons in order to eliminate them.

The quality and legality of the activities of the law enforcement and justice authorities, and within the latter category, the authorities responsible for the implementation of punishments have a strong effect on the efficiency of sanctions. The foundations should be the discovery of the entire system, and its operation should be examined on the basis of this discovery.

II. RESEARCH COMMISSIONED BY THE PROSECUTOR'S OFFICES

1. Research initiated by the Chief Prosecutor's Office

Ildikó Ritter:

New challenges of the illegal drugs market with special regard to the spread of new psychoactive substances

The widespread use of the so-called new psychoactive substances forces countries and international organisations to employ not only new drug policies but also different criminal policies and crime investigation approaches and techniques. Not legally qualified as drugs, the market for mostly synthetic psychoactive substances has exploded over the past 5 or 6 years. Since 2009, most EU member states have a new or amended legal background to drug abuse, and more specifically to new psychoactive stimulant (hereinafter "NPS") abuse. No social science research is being conducted on this topic in Hungary. However, we were able to study the characteristics of NPS abuse through the cases in the sample as an extension to the research project *"An impact study of Articles 222 (2) and 225 (4) of the Act on Criminal Proceedings applicable to drug-related criminal offences"* (I.T.III/B/36.). In the course of this study, we attempted to answer the question of how the application of the law can adjust to the constant change of the list in Government Decree 66/2012 (IV.2.), i.e. a continuously changing legal environment, and whether these have any special characteristics compared to other drug related crimes that qualify as misdemeanours and if yes, what are the special characteristics of these procedures and the perpetrators.

The research project applied **the method of document analysis.** Those cases were sorted from the research data file of the project mentioned above, where NPS abuse was identified.

Of the reported drug-related crimes involving minor quantities, 44% were NPS related. In five counties and Budapest, more drug related misdemeanours were committed with NPS than with all the classic drugs.

The abuse of small quantities of NPS shows the detection pattern of non-specific criminal acts. A large majority of discoveries take place randomly, i.e. outside general checks by the authorities.

The offenders responsible for NPS abuse misdemeanours are older than the average perpetrators of misdemeanours involving other drugs; there are fewer women among them, they usually have lower qualifications and the proportion of those with a criminal record is higher.

The average expert cost per case/per perpetrator in the NPS sample was HUF 249,115, i.e. more than HUF 50,000 higher than the procedural cost of classic drug-related misdemeanours.

We identified 26 cases (4.5%) in the sample with types of NPS that were not "listed" at the time of the crime, i.e. they were not included in the list attached to Government Decree 66/2012 (IV. 2.). In 23 other cases (4%), the procedure started with the subject-matter of the crime being only a new psychoactive material and the date of the crime was before 1 January 2014. This means that the act (taking possession, possession and thus consumption) was not punishable at the time. This represented 8.4% of the sample. When these procedures were started, carried out and completed, the effective laws were clearly and completely disregarded. Basically, one out of every 12 NPS-related misdemeanours was incorrectly classified as a crime by the authorities, and not only by the police officer but also by the investigator, the prosecutor and sometimes even by the judge.

The justice system is slow and significantly behind in adapting to the significant changes in the crime and legislation "market". This is reflected by the application of the law in practice in connection with NPS misdemeanours. The pattern of detections did not change to match the changes in drug market, and the principle of legal certainty in the procedures is not upheld at times. Legal practitioners have a hard time in adapting to the new regulatory system, which is somewhat one of "over-regulation" and very difficult to apply, or is applied with a high failure rate, without sufficient practice and routine.

Katalin Tilki:

Activities (further actions) of prosecutors performing neighbourhood protection tasks based on resolutions adopted in criminal cases

The **purpose** of the research is to present the further steps for the prosecutor to take in protecting the neighbourhood, based on the decisions in criminal cases, which is particularly important because the ban, limitation, obligation or severe fine imposed as a result of the proceedings initiated by such a prosecutor prevents an activity harmful to the neighbourhood from continuing. The study focused on a selection of cases where the *official procedures launched* by the county prosecutors located in the six regions of the country between 1 July 2012 and 30 June 2014 were clearly visible, as well as the *actions* submitted to the courts in 2013–2014. The files serving as the basis for the research were made available to me by the Department of Public Interest Protection of the Office of the Chief Prosecutor. The study covered a total of 91 cases.

It can be concluded on the basis of the files that, in the majority of the criminal cases on the basis of which official procedures were started, a final court judgement was reached, and usually the accused were found guilty by the court of cruelty to animals as defined in Section 266/B paragraphs (1) or (2) of Act IV of 1978. The initiated official procedures show accurately the typical forms of conduct that risk or damage the neighbourhood. It happened often that the owners did not keep, feed and take care of their animals (dogs, horses, pigs, goats) properly or they left their dogs permanently alone without food and water or hurt them. It happened often that the perpetrators were hunting using illegal weapons. The majority of the cases initiated aimed at imposing animal protection, waste or game protection fines.

In the studied cases, the prosecutors typically filed petitions with the courts requesting the court to prohibit the perpetrator from abusing or keeping animals. In the court procedures already completed, the courts typically accepted the petition.

As part of the study, a collection of typical cases was prepared.

It can be concluded that the official procedures are quick and timely methods for eliminating both risk and damage. First, they help raise awareness of the procedural obligation of the environmental protection authorities and they help prevent illegal actions damaging the neighbourhood. It is vital to make the exchange of information complete within the framework of criminal law and public interest protection authorities. In the course of this, it would be essential to give feedback to criminal prosecutors, and to improve communication between environmental protection prosecutors working in different counties.

Anna Kiss:

Changes of the waiver of the right to trial and the possibilities of further development of this procedure

In the project, we tried to find an answer to the following topics:

1. What is the role and the place of consent-based institutions in the domestic justice system?
2. How can the waiver of the right to trial be made compatible with the general rule that everyone has the right to have any accusation against them adjudicated by a court in a public trial?
3. Can the accused waive a fundamental right?
4. What does the European Court of Human Rights case law say about this?
5. What does Hungarian legislation say about this?

The **main findings** of the research project can be summarised as follows:
It is still a valid principle that the accused person has the right to have a court decide on the accusation, and the trial must be public. However, the accused person, subject to certain conditions, may waive their right to the entire court procedure or a part of it, i.e. the trial. The waiver of the right to trial is only valid if the waiver is voluntary, i.e. the accused person is not coerced into the waiver. Moreover, the court is required to examine whether the accused person's guilty plea is credible. According to the case law of the European Court of Human Rights, if the court has any doubt whether the waiver was voluntary or made without any coercion, the court must hold a trial.
The study also explores what the court should do if the accused person's plea is significantly different from the confession made during the investigation, and what should happen if the accused refuses to testify following a guilty plea made earlier.
The study presents the common law roots of the legal institution and compares it with other similar European legal institutions. The closing study devotes a separate chapter to the comparison of the waiver of the right to trial and the deferral of prosecution, and tries to find out why the waiver of the right to trial is rare in court practice.

Ádám Mészáros:

A comparative analysis of the domestic and international practice of homicide [Section 160 (5) of the Criminal Code] and complicity in suicide (Section 162 of the Criminal Code)

The purpose of the study was to examine the relationship between a special case of homicide and complicity in suicide. The project was topical because, under Act LXII of 2012 on the amendment of certain acts for the purpose of establishing a child-friendly justice system, the provisions of Act IV of 1978 on complicity in suicide and homicide were modified in such a way that, from 29 June 2012, it qualified as homicide if someone persuaded a person under the age of fourteen or a person incapable of expressing their will to commit suicide, provided that the suicide was committed. The same rules appeared in the new Criminal Code (Act C of 2012).
The title of the project was the analysis of the practice of a special case of homicide and complicity in suicide, but it was impossible to carry out this analysis efficiently. This is basically because that neither complicity in suicide nor the case when someone persuades a person under the age of fourteen or a non-imputable person to commit suicide has any

meaningful practice, and there has been no such practice in the past. Nevertheless, it seemed to be worth checking the relationship between the two crimes using terminology analysis, and to cast light on any inconsistencies.
The following should be mentioned in connection with this:

a) the criminal nature of complicity in suicide: in legal literature, there are various positions on the type of crime complicity in suicide is:
   - an accomplice crime, defined as a separate crime;
   - an accomplice-type crime, defined as a separate crime; or
   - the legislator simply defined the criminal acts of the two types of accomplices and of complicity in suicide identically;
b) the question of accomplices in cases of complicity in suicide: there are two views in the legal literature concerning whether the perpetrator of complicity in suicide can have accomplices;
c) the stage of crime issues of complicity in suicide and the special case of homicide; and
d) whether the classified circumstances of homicide apply to this special case.

The source of the overview of the legal practice from the effective date of the Csemegi Code (1878) until the effective date of Act LXII of 2012 was the published individual case decisions of the supreme court. Regarding the past couple of years, the ENYÜBS (*Egységes Nyomozóhatósági és Ügyészségi Bűnügyi Statisztika* – Unified System of Criminal Statistics of the Investigating Authorities and of Public Prosecution) data were reviewed (material from a total of five cases). At the end of the paper, the relevant regulations of five European countries were included.

Petronella Deres – Ákos Szigeti:

The frequency of the crime of usury (Section 381) and the effect of the unlimited mitigation option in Section 381 (4) of the Criminal Code

The project's **objective** was to explore the frequency of usury crimes in Hungary and the general phenomenon of usury. For this reason, in the project, we analysed and assessed the criminal files of the final judgements made between 2009 and 2015, partly from a criminological and partly from a legal terminology point of view. We also looked at the effect of the introduction of unrestricted mitigation and the special characteristics observed in criminal procedure.
The **main findings** of the research project are as follows:
According to Pál Angyal, usury is "in general and in the broadest sense, the exploitation of the economically weak or, in certain cases, even the creation of the possibility of such exploitation." Usury-related provisions are included even in the Old Testament. Indeed, in canon law, the illegal acts concerning material goods included the collection of interest (*fenus*) and usury (*usura*). The New Testament also discusses finances, interest and loans (e.g. the Gospel of Luke). Similarly to past periods, usury is booming nowadays.
It can be concluded concerning the frequency of the crime of usury that between 2009 and 2014, a total of 1063 cases were registered in Hungary, of which 1016 resulted in prosecutions, while the investigation was stopped in 33. According to data collected from criminal files (i.e. criminological and statistical data collection on 114 cases and 158 perpetrators), only 9.5% of cases resulted in acquittal. The "provability" of the crime was greatly supported by the investigation instructions given under intensified oversight by the prosecutors, who gave detailed guidelines to help the work of the investigating authorities. According to the criminal files, in certain counties, the focal point of the evidence procedure

concerning the crime of usury is gradually shifting to indirect evidence. Instead of the squared notebook used in the past as conclusive evidence, the secret surveillance of funds being distributed is increasingly used, and so is on-site inspection. The purpose of the latter is to present the living conditions of the accused and the victim; as a result of this, the courts have concluded a number of times that the accused person's lifestyle and level of legal income are incompatible, and that this factor has confirmed the victims' original testimony. It has happened a number of times (as 74% of the examined cases are reported to the authorities by the victim) that accused persons and their relatives tried to influence the victims with various promises (e.g. another loan or some money, payment of utility bills, forgiveness of the entire or a part of the usury debt). Of the legal terminology issues studied in the project, accumulation and delimitation questions were discussed by the paper in addition to practical issues related to the elements of the criminal definition of the crime of usury.
In connection with the effect of the possibility of unlimited mitigation, it can be concluded that, according to the ministerial commentary of the Criminal Code, "crimes of usury are typically committed in the form of organised crime.The regulation of the option in 2011 to mitigate the penalty was to end the alliance of interest between the perpetrators.This improved the effectiveness of investigation and reduced the significant level of latency.The Act maintains the possibility of mitigating the sentence without any restrictions if the perpetrator cooperates with the authorities and shows active repentance."
Of the cases that have been examined, it can be concluded that the offender pattern basically excludes the possibility of unlimited mitigation. In 60% of the cases, one perpetrator commits the crime. In 29% of the remaining cases (i.e. when there are multiple offenders), the perpetrators are relatives, while in the majority of the remaining cases the offenders have some other form of close relationship (they are a couple, friends, acquaintances or co-workers). Consequently, when there are multiple offenders, they are usually family members or are otherwise close.
The rule referred to above was not applied in any of the cases we looked at. In addition, all the prosecutor's offices affected by the study confirmed that there was no usury crime reported in the given period in which there were grounds for applying unlimited mitigation.

Gabriella Kármán:

Current criminal law issues of copyright

The new Criminal Code, which entered into effect in early July of 2013, brought significant changes in the regulation of criminal offences violating intellectual property rights. First of all, the criminal definitions of this subject-matter are now regulated in a separate chapter, which clearly suggests that the legislator intends to protect the specific interests connected to this protected legal subject.
The **objective of the research project** initiated by the Chief Prosecutor's Office under the above title was primarily to examine the changes caused by the new Criminal Code. In addition to the analysis of the criminal definitions and the related rules, particular attention had to be paid to the issues of legal practice. This work was supported by the experience published in the literature and the results of the evolution of legal practice. In the latter, we were assisted by the prosecutors acting as contact points in the Anti Computer Crime contact point system operating in the Metropolitan Prosecutor's Office and by the head of the Legal Enforcement Working Group of the National Board Against Counterfeiting (*Hamisítás Elleni Nemzeti Testület* or HENT).

The National Institute of Criminology (OKRI) carried out a study in 2010 at the request of HENT on crimes violating intellectual property. As a conclusion of this large-scale empirical research, the researchers articulated the typical questions and issues of this field. The second objective of this year's research was to review these conclusions on the basis of the new Criminal Code's provisions.
The issues of the application of the law can easily be defined in connection with the procedures of crimes violating intellectual property. The new Criminal Code solved some of the previously disputed issues but also generated new dilemmas. In the application of the law, there is a conscious will to create uniform legal practice and to develop optimal solutions and "best practices". The interests of the intellectual property holders, their willingness to cooperate and their activism also support this policy.
The contact point system within the prosecutor's offices, the collection of experience and proposals for solutions, the provision of information to the Chief Prosecutor's Office and the requesting of a decision all help the everyday efforts.
The activities of the National Board Against Counterfeiting, an advisory board that issues recommendations in order to make combating counterfeiting more effective, the members of which include a representative of the Chief Prosecutor's Office, may contribute to the joint discussion of the professional and legal side of the issues and to finding a solution that meets all the criteria.

Szandra Windt:

The definitions of human trafficking and exploitation, and the criminal law means of fighting them

There are very few statistical data and research projects available about the Hungarian human trafficking situation. The latency ratio is particularly high for this crime. For this reason, we tend to think of it as a less important crime, as it is barely detectable. However, our international reputation is quite low, despite the fact that measures have been taken and the legal environment was harmonised with the applicable European documents in 2013. No uniform practice has yet evolved in connection with the new criminal definitions effective from 1 July 2013. This is made difficult by the fact that this definition has only been used in a few cases over the past year and a half. In order to discover the position of the prosecutors, we organised a round table talk in the National Institute of Criminology for 24 March 2015. On the whole, it can be stated that, according to the experience of prosecutors and the "legal approach" they use, human trafficking is scarce in Hungary, as confirmed by statistics and their experience. There are practically no cases of human trafficking within the country, but they did come across some international cases.

2. Research commissioned by the County Prosecutors' Offices

Gabriella Kármán – József Kó:

Crime committed in the trade of artefacts, with special regard to counterfeit artefacts and fraud committed in the trade of counterfeit artefacts

Crimes against cultural goods, including the counterfeiting of works of art, represent a special, narrow field within criminal law. To illustrate the seriousness of the issue, the

Bundeskriminalamt of Germany estimates that the market for counterfeit works of art has been the second largest illegal market after that of drugs since the 1990s. In addition to the property loss, the intangible loss to the artist and cultural heritage is equally important.
The majority of cases remain latent due to the shortcomings and inadequacies in the set of measures. The cases that do go public often represent a cross-section of the entire set of problems. There is a need from the side of the application of the law to gain a deeper understanding of the phenomenon; the Somogy County Prosecutor's Office designated the relevant questions.
The purpose of the research was to study the characteristics of known criminal cases, especially the methods used to commit the crime and the accomplices that can be held accountable. The conclusions will, it is hoped, fully contribute to the development of a more effective set of measures, to prevention and to the development of the aspects and conditions of evidence.
The objective of the 2015 phase was to collect more information on legal practice and to conduct empirical research for this purpose. As it appeared to be reasonable to review legal practice regarding a wider scope of subject-matter and a longer time period but at the same time to find out about cases closed with a final decision, we examined all the criminal procedures of all such nationally known fraud cases between 2000 and 2012 that were related to deception and causing damage in connection with artefacts or, more broadly, objects qualifying as cultural goods. A special case of this category of crimes is the misuse of counterfeit objects.
Empirical research experience shows that few cases are reported as compared to their estimated total number, and only a limited number of the reported cases are closed by court judgements. In connection with the category of fraud involving cultural goods, the hypothesis was confirmed: a specific sub-category of the misuse of counterfeit cultural goods can be identified. Some issues in the application of the law are proving the intention of the offender to deceive and the purpose of unjust enrichment, the problems of expert witness evidence, the consequences of the lack of regulation in artefact trade and the incorrect treatment of the issues of counterfeit objects. HENT's Working Group against Artefact Counterfeiting contributes to finding a solution through appropriate recommendations and initiating legislation.

Ildikó Ritter:

Impact analysis of Sections 22 (2) and 225 (4) of the Criminal Proceedings Act in drug-related crimes

The application and the applicability of what is termed diversion, i.e. the applicability of preventive or medical treatment of perpetrators of the misdemeanour category of drug related crimes as an alternative to the criminal procedure, have been studied a number of times over the past 15 years. The legal institution was introduced by Act XVII of 1993. Without instructions on enforcement, a uniform interpretation of the law and professional methodology materials, a number of issues arose over the years that undermined, first, the cooperation between the criminal justice system and the public health system and, second, the uniform application of the law. These were serious risks to legal certainty.
The **purpose** of this study was to discover whether the anomalies of the application of this legal institution, as identified in the past, have been eliminated, and to explore how the effective regulations can be enforced in practice. In the empirical phase of the study, through **the method of document analysis**, the case files of those crimes of drug abuse in the 2013 criminal statistics reported to the authorities were examined where prosecution was postponed and, within the

framework of this measure, treatment curing drug addiction or other treatment for drug use was given or the person was required to attend a preventive and awareness training course.
Although the past issues of legal interpretation have been solved, and legal interpretation is relatively uniform in this regard, there are issues related to the application of the law that constitute a greater risk for legal certainty than in the past. One such issue is that evidence practice and the assessment of evidence are not consistent. This is partly a result of excessive regulation. This is caused, first, by the fact that up-to-date knowledge of a number of sources of law is required just to decide whether a crime has occurred and to assess the crime, and second, by the fact that the tasks of applying the law are not harmonized in the different sources of law. This means that a criminal procedure was started and carried out against one out of every 21 perpetrators of a minor drug related offence (4.8%) in the sample, in spite of the fact that no crime had been committed (the substance or the conduct was not prohibited at the time the crime was committed).
The implementation of diversion, starting from the so-called documenting of the provision of information and affidavits before ordering diversion, is regulated by the effective procedural rules [Section 222(2) of the Act on Criminal Proceedings, National Police Headquarters instructions no. 20/2007, Section 10, and Joint Decree 42/2008 (XI. 14.) EüM–SZMM, Section 6]. Nevertheless, it is still not clear, for each institution participating in the procedure, what administrative tasks they are required to complete in the interest of enforcing the law. The differences between the two sources of law and the harmonisation issues impact the enforcement of the law and, in a number of cases, these procedural errors influence performance.
The implementation of diversion is still done on the basis of the guidance set out in 1993, when diversion was introduced. The guidelines were not adapted to the fast-changing social, economic and, last but not least, drug market environment.
The average expert cost per individual person's case is HUF 197,761, which is three times higher than 14 years ago. Of the approximate amount of HUF 1,097,910,000 spent in 2013 for expert studies for evidence purposes in drug related crimes, the criminal justice system could only recover HUF 20,222,445, representing only 1.8% of the expenditure.
In both the 1999 and the 2003 studies, the same seven substances (substance categories) were used by the perpetrators in the sample to carry out drug abuse. By contrast, in 2013, 57 different substances, eight times the figure of 10 years earlier, were identified by experts in the cases added to the sample.
Although the drug market and, within the market, the distribution of drugs have experienced significant changes over the past few years, based on the distribution of the months and locations of the crimes in the 1999 and 2013 samples, it can be concluded that the investigation methodology and time pattern of the authorities regarding minor drug related crimes is independent of the legal environment or changes in the drug market.

Katalin Tilki:

Experiences in criminal proceedings launched since January 2006 for damage caused to nature in Natura 2000 sites (Section 243 of the Criminal Code)

Natura 2000 is the largest ecological network of protected sites in the world. It ensures the protection of biological diversity through the protection of wild animal and plant species and natural habitats with significance at Community level, and in this way it contributes to maintaining and/or restoring their favourable nature conservation characteristics. It covers 17% of the EU's mainland and 21% of Hungary's territory. The purpose of the project

initiated by the Vas County Prosecutor's Office was to collect information on the damage to the environment committed in Natura 2000 sites.
The paper describes the most important international agreements and the system of nature conservation in the EU, including the Birds Directive and the Habitats Directive. In addition, it gives an overview of the European ecological systems, including the Natura 2000 network. It can be concluded, on the basis of the documents, that serious efforts have been made at an international level to ensure a high level of protection. The European Union has developed a modern regulatory system for the protection of the environment, which is suitable for preserving natural resources. The only thing missing is the consistent implementation of these instruments.
In the course of describing the Hungarian situation of nature conservation, the most important environment protection strategies and programmes, the relevant rules of the Fundamental Law and the Act on Nature Protection, and also the process of designation and the legal rules applicable to Natura 2000 sites were specified in the study. There are two categories of issues related to Natura 2000 sites. First, there are issues related to the procedure of designation and, second, the harmonisation of the management and maintenance of sites and the coordination with other activities.
The basis of the 2014-2015 empirical research was a set of 127 crimes. On the basis of the cases, it can be concluded that the reported crimes were typically unauthorised logging, earthworks, soil conversion and arson. The investigation was stopped a large number of times because the act did not qualify as a crime. The most frequent decision by the prosecutor was to close the investigation of the case. In the final judgement of the court, the act was most frequently cited was the felony of causing damage to nature under Section 281(2)(a) of Act IV of 1978. Of the issues in the evidence procedure, it should be noted that sometimes the expert opinion prepared by the nature conservation expert appointed during the investigation was inaccurate and, in the course of classifying the crime, it was at times difficult to separate significant change from significant damage.

Tünde A. Barabás:

The experience of mediation procedures and the reasons behind failed cases

Mediation has been a success story in Hungary. In the very first year, more than 2,400 mediation procedures were carried out by the Offices of Justice. This number rose in the following years. In 2012, there were more than 6,000 instances of mediation cases in criminal cases, which means that the increase was constant; the number of cases rose by 161% since the beginning, and the trend has continued since then.
As it turned out early in the process, the rate of applying mediation varies significantly between the counties, i.e. there are large regional differences between the number of mediation cases. Although the rankings of counties changed every year, the situation remains the same: there are still substantial differences between the numbers of cases, which suggests that the willingness to apply mediation largely depends on the human factor.
An agreement was reached in 80% of the 4,660 cases completed in 2012. And, in line with international trends, 90% of the agreements were carried out. The high proportion of successful procedures shows that the content of the deals is typically appropriate and that both the needs of the victim and the offender's ability to perform the agreement are taken into account.
Unfortunately, the solution is seldom used for juvenile offenders, although for them mediation is, according to the results, highly effective. For instance, in 2010, an agreement was made in 88% of

the cases, and 94% of the agreements were fulfilled while on four occasions prosecution was postponed. This pattern has been constant ever since, with no significant change.
The Criminal Code amendment, effective from 1 July 2013, further extended the scope of application of mediation. In order to investigate the views of the probation mediators, a focus group discussion was organised for 1 October 2015 in the Office of Justice, in cooperation with the Office, on the factors affecting the success of mediation. It can be concluded on the basis of this that, for mediators, the biggest obstacle was the regular reorganisation of the Office of Justice and the transfer of victim assistance services to the purview of county councils. This organisational fragmentation reduces the efficiency of work and increases the workload of probation officers, giving them new tasks. The case numbers increase although, since 1 January 2014, it has been possible to use mediation in minor offence cases. However, this may not be consistent with the actual purpose of the legal institution because, with these minor offences that do not even constitute crimes, the victims usually do not suffer severe psychological damage and the offender typically will not be imprisoned and these consequences therefore do not need to be offset. As a result, the parties in these cases find mediation a burden. For these reasons, it has become a practice that mediation is mainly used in petty offences against property.
It can be concluded, on the basis of the results of the focus group conversation, that the reorganisation involving the government offices makes continuing the good relationships between prosecutors and probation officers more difficult. As a result, there was a demand that, in the future, county-level discussions should be held with the involvement of the participants in the mediation process to clarify the issues, which would support the application of this legal institution.

Anna Kiss:

The reasons for the protraction of criminal procedure, the procedural law options to prevent this and their efficiency

The protraction of criminal proceedings is one of the biggest challenges for the application of the law. Consequently, the criminal justice system focuses on making the application of the Act on Criminal Proceedings faster and simpler. It is no surprise that, in the current codification procedure of criminal law, those legal institutions that help to make the procedure more efficient will be given priority.
The study explores the reasons behind protraction and presents the legal institutions (along with their advantages and disadvantages) that can help simplify and/or accelerate the procedure.
With regard to solutions replacing court proceedings, the prosecutor plays the key role (terminating the procedure, cautioning, diversion from or postponement of prosecution, mediation procedure, waiver of the right to trial). However, there are other legal institutions that do not bypass the trial phase but simply eliminate the traditional trial to simplify and/or expedite the procedure (no standing before the court, negotiation, mediation used by the court).
Some of the solutions replacing trial are made possible by employing the principle of opportunity while others are feasible within the context of an expedited procedure. The procedural stages with opportunities for diversion vary in Hungary; most of them take place before the court trial but some may even come into play at a later stage.
The project primarily looks at the issue from a criminal procedural law viewpoint, but it does not disregard forensic science either. The study explores the diversion options in Hungary and the European situation, since it looks at solutions applied in individual countries. It also

introduces the latest European results and trends. The paper prepared on the basis of the research projects also discusses the trends of codification in Hungary.
The research project is aimed at proving the hypothesis according to which making the procedures under the Act of Criminal Proceedings faster is not in itself sufficient tor ensure the efficiency of law enforcement. In the course of legislation, forensic science and human rights factors must also be taken into account. For this reason, the project explores the forensic science issues of investigation and provability, and those human rights that cannot be renounced in the procedure are listed.

József Kó (with the *Department for Legal Aid and Compliance Supervision of the Correctional System*):

The current status of criminal records and the options for further development

In the study, an overview was given of the history of criminal record-keeping and its current situation in order to make recommendations for the improvement of the current situation, modernisation, the simplification of the records and the elimination of common errors. Following the discussion of the tasks of the criminal records system, we looked at the factors impacting the public authenticity of the records.
The Department for Legal Aid and Compliance Supervision of the Correctional System in the Chief Prosecutor's Office monitors the system to maintain its authenticity. The issues discovered by the department are corrected regularly. As a result of the corrections, public authenticity is maintained continuously. The most common problem to be solved is the deletion of cases affected by the statute of limitations. Due to the large number of measures, corrections in the hundreds have been required each year. Compared to the number of data entries on record, the proportion of corrections is staying below 1%. It can be safely concluded that public authenticity is not hindered by incorrect data, which appear regularly in all databases.
When the possibilities for developing the records further are examined, it can be concluded that, on the basis of international practice, development efforts are aimed at providing a wider range of access via the Internet. The widest access is granted in the United States, where even private service providers offer services in connection with the criminal records system. Authenticity and the updating the data, however, raise a number of issues. According to the current experience, the interests of the public in the United States are given priority over the privacy rights of the individual.
The trends of development are clearly that wider access will be granted. However, the American practice should not be used as an example in everything. In Europe, access is more limited due to privacy considerations. In Hungary, the biggest issue to be tackled is paper-based data reporting. It would be expedient to replace paper-based reporting and manual recording with digital methods. The web-based connection between the subsystems, those reporting the data and the Records Office could make the operation of the records system faster and more efficient. It is worth switching to a direct electronic connection in all areas; however, for users, direct access should be limited to the investigating authorities. Users outside the justice system should have only restricted web-based access.

Klára Kerezsi:

The effectiveness of punishments: A study of criminological re-offending on the basis of statistical data with regard to community service and suspended imprisonment

Ever since the science of criminology was developed, re-offending has been an intriguing subject of research. It was always concluded by criminological research that notorious criminals, a very low percentage of all criminals, are responsible for a disproportionately high number of crimes. By today, this area of research has evolved into the study of criminal careers. This research tradition is now supplemented by a career approach, which looks at individual criminal activities from "premature birth to death".

Criminal law and criminology approach recidivism differently. For criminal law, recidivism and re-offending are important for the purposes of a uniform interpretation of the criminal laws and fair and proportionate sentencing. By contrast, the science of criminology wants to help prevention and the development of the defence mechanisms and methods of society through discovering the reasons behind re-offending, its rules, and its objective and subjective conditions.

Re-offending is generally defined as "falling back or relapse into prior criminal habits, especially after punishment" (Blumstein and Larson, 1971). A recidivist is therefore a person about whom we know that they have already committed at least one criminal offence. In order to give a non-criminal law definition of re-offending, the following questions must be asked: 1) Is it only committing a new crime that causes re-offending, or can any technical violation during parole be considered as a sign of failure? 2) Does re-offending cover so-called status crimes? 3) If an individual is classified as a re-offender, does this classification only relate to the earlier final judgement? Maltz, for instance, read 90 papers dealing with recidivists and identified nine separate points of decision-making on which recidivism was based: arrest, re-sentencing, imprisonment, the violation of parole rules, suspension of parole, withdrawal of parole, committing a new crime and the introduction of probationary supervision (Maltz 2001).

The measurement of recidivism is not simply the selection of the sample of the examined population or a specific procedural stage. Defining the method of measurement includes a decision of interpretation of the original collection of data.

The calculation of the rate of recidivism is carried out through dividing (a) the number of people in an age cohort selected on the basis of the same criteria, who are considered as failed and having the same follow-up period by (b) the entire cohort. The calculation, consequently, has three components: the cohort, the follow-up period and the characteristic of failure. The recidivism rate can be significantly different in the different studies due to the differences between cohorts, partly due to the different follow-up periods and the content of the characteristic of failure. The recidivism rates published as the results of each study are therefore in general difficult to compare. Nevertheless, research experience shows that the characteristics of recidivism, both geographically and in time, are very similar. For instance, we know for a fact that in Hungary between 1925 and 1936, the number of those sentenced with a criminal record, i.e. the number of recidivists, rose from 6,688 to 15,997, a 139% growth. Within this category, those that had already been punished three times rose from 709 to 3,856 (by 443%) (Hacker 1938). On the basis of the data of the past 25 years, it can be concluded that more than a third of perpetrators have already committed a crime, and half of them also qualify as a re-offender in a criminal law sense. If we look at the proportions from the aspect of first-time offenders, it can be concluded that crime is not the continuous activity of a small group of society but instead it is a group of individuals who have turned from law-abiding citizens into criminals as a result of causality.

The data of the last twenty-five years confirm from the aspect of perpetrators the trend of decreasing crime rates around the world: the number of detected perpetrators has dropped in Hungary, quite possibly due to the smaller number of crimes against property. Nevertheless, it can also be see that there is a marked drop in the categories typical of recidivists. When we look at the data more closely, it becomes clear that the study of absolute numbers is not enough. This is because the proportions show that while the number of detected perpetrators is falling, the number of "new entrants", i.e. the proportion of those with no criminal record, is on the rise among perpetrators. It is a new phenomenon that the average age of recidivists has clearly increased since 1990, which suggests that, despite the lower absolute number, the possibilities of leaving their criminal career behind have been further limited for re-offenders. If we look at the age of detected re-offenders in Hungary in a given year, it can be concluded that there has been a new tendency since the mid 1990s concerning the age distribution of those with a criminal record: the recidivist cohort is getting older. For criminal policy, there are three points of possible intervention to influence recidivism: intensive early intervention systems (social policy, child protection etc.), the improvement of the effectiveness of penalties and the intensification of treatment programmes in prison.

III. OTHER RESEARCH ASSIGNMENTS, COMPLETED OUTSIDE THE PLAN

Orsolya Bolyky – Eszter Sárik:

Urban Violence. Street riots, and particularly the involvement of juveniles

The research assignment was the completion of a questionnaire. The primary purpose was to collect information on urban violence in Council of Europe countries and the secondary purpose was to examine whether the involvement of juveniles in such events constitutes a special problem. The answers received from the countries were added to the CDPC database. The database itself was made available to the European Commission Council of Ministers to provide the theoretical foundations to responses given to urban violence.
As part of the study, Hungarian peculiarities and the events of the past few years were assessed critically. The analysis showed that street riots in the traditional sense, i.e. street riots started by young people due to social disadvantages, are uncommon in Hungary. The analysis also looked at the events typically considered as urban violence in which young people actively take part. The summary described the domestic legislation and the crimes that can be considered relevant from the aspect of this topic.

V. TASKS COMPLETED WITHIN THE FRAMEWORK OF COOPERATION

Internet Encyclopaedia of Legal Science

The entire article list of the Internet Encyclopaedia of Legal Science has been prepared, and merging the complete list has started. At this time, the harmonisation of the article list relevant from the aspect of the relationship between criminology and criminal law is in progress. The articles relevant for both fields (e.g. crimes against property, recidivism etc.) are written under the supervision of both fields. This means that the editors agree on who the author or authors should be, and the editors of both sections check the draft text.