

RESEARCH RESULTS – 2024

(Summaries of completed research)

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RESEARCH PROJECTS INITIATED BY THE INSTITUTE

László Tibor Nagy:

Characteristics of Violent Offences Against Property

A novel feature of the current Criminal Code is that offences against property are divided into three separate chapters based on the nature of the offence and the protected legal interest: *violent offences against property* (Chapter XXXV), *offences against property* (Chapter XXXVI), and *offences against intellectual property* (Chapter XXXVII). The aim of the research was to explore the dogmatic features, structure, and dynamics of violent property offences, as well as changes in methods of perpetration and prevailing law enforcement and sentencing practices. The research used literature review, legislative analysis, document and data analysis, and computer-based processing and evaluation. In the four violent property offences (*robbery*, *plundering*, *extortion*, and *vigilantism*), we analyzed data on 724 crimes, 478 offenders, and 798 victims. The highest number of such offences was recorded in 2012 (6,645); since then, a significant and steady decline has been observed until 2021 (1,793), followed by a slight increase. In 2023, there were 2,129 recorded violent property offences, with *plundering* (979 cases) being the most common.

The most serious violent offences against property—*robberies*—are typically committed in urban settings, in public places, by male offenders with a criminal lifestyle and difficult financial circumstances. These offences are usually aimed at obtaining cash or mobile phones, involve low-value property, and are carried out occasionally, without serious planning, preparation, or means. Victims are often lonely, less able-bodied individuals or women, and the perpetrators typically use limited violence, resulting in at most minor injuries.

Plundering was introduced as a separate offence in the 1978 Criminal Code, positioned between *theft* and *robbery* in terms of societal danger. Initially, it could be committed in two ways: by taking property from a person intoxicated by alcohol or one under the influence of another violent criminal act. Act LXXX of 2009 brought a major change by also criminalizing the act of taking property from a person who is unable to defend themselves. As a result, nearly 90% of such cases now involve theft from victims who are typically asleep and often intoxicated. Unlike other violent crimes, the success rate of investigations is extremely poor—around 80% are suspended because the perpetrator cannot be identified, usually due to the victim's lack of memory caused by unconsciousness. *Plundering* is particularly common in the capital, with approximately 70% of cases occurring in Budapest.

In addition to traditional methods, *extortion* is increasingly carried out through electronic means, such as mass extortion emails, where the number of complainants—and thus victims—is unpredictable. A distinctive feature of *extortion* is the high rate of offences involving serious threats to life or limb, or other similarly grave threats, which has remained between 36% and 47% over the past three years. From a profiling perspective, it is important to emphasize that even among friends, sharing intimate photos and videos poses a serious risk, as it can make individuals highly vulnerable to blackmail, and it is impossible to predict who might eventually receive such images.

Vigilantism is a specific crime in which the perpetrator often has a legitimate motive, and the aim they want to achieve may be acceptable, but the way they carry it out is not. For a long time, it was a relatively peripheral offence, with only a few dozen incidents per year, but the 1990s saw an unprecedented 20-fold increase, leading to significantly harsher punishments. However, our research data suggest that the vast majority of known vigilante cases are not organized by money collection gangs.

Violent offences against property constitute a specific type of violent crime, where violence is not the objective but merely a means to financial gain; the ultimate goal is to obtain financial

benefit or value. These offences do not exist in misdemeanor or minor misdemeanor forms; they are regulated solely as criminal offences, and the threshold for more serious convictions carries limited significance. However, the consistency and coherence of the chapter's structure are questionable. On the one hand, due to changes in the law, most *plundering* is not committed through violent behavior but by taking property from persons unable to defend themselves; on the other hand, violent seizures of vehicles or threats to life or limb are not included.

György Virág – Ágnes Solt:

Artificial Intelligence and Violent Crime

The rapid development and widespread deployment of artificial intelligence (AI) are radically transforming our everyday lives, with significant implications for both the nature of crime and law enforcement practices. The main aim of the research launched this year was to highlight why an in-depth study of the relationship between AI systems and crime is essential for criminology. AI technologies—in particular, large language models like ChatGPT—have the potential to increase the effectiveness of law enforcement and social control, while also enabling new forms of crime.

Many criminologists are reluctant to study the connection between AI and crime, citing a lack of technical knowledge—even though their role is crucial in interpreting the social and legal implications of technological developments.

The research also aimed to examine the connection between AI systems—particularly large language models—and violent crime. In this report, in addition to reviewing the national and international literature, we conducted an experiment. We attempted to persuade ChatGPT to assist in the planning of an act against life. To successfully ask for help, we devised a cover story: as a crime writer, we asked for help to write an unsolved murder case, including its lead-up and aftermath, as realistically as possible in our novel. The model shared a surprising amount of information with us—what was even more surprising were the creative solutions it suggested to cover the tracks and obstruct the investigation.

The results suggest that AI can assist in the planning of crimes, despite ongoing efforts by developers to prevent such misuse and implement multiple security features.

The development of AI has introduced new types of crime and unprecedented opportunities for law enforcement. However, these technologies also pose risks that require urgent regulatory and educational responses. The research suggests that AI systems should be subject to stricter oversight, while the public must be well informed about both their benefits and dangers. Future research should explore the long-term societal impacts of AI systems, improve their self-regulation mechanisms, and identify ways to ensure that AI serves the public good without compromising safety and well-being.

József Kó:

Morphological Changes in Offences Against Property in the 21st Century

The research examined criminal statistics related to offences against property.

The most significant change in non-violent property offences has been the sharp decline in incidents since 2013. The number of cases, which was around 300,000 at the turn of the millennium, had fallen below 100,000 by the second half of the 2010s. The smallest number of recorded cases was in 2021, with 65,155 offences. Such a large reduction has been

unprecedented. (The number of recorded cases also declined when the crime wave after the change of regime subsided, but that drop was smaller and occurred later.)

This decline can be attributed to a combination of factors.

1. With the entry into force of the new Penal Code (Act C of 2012), several administrative changes were introduced in the area of offences against property. Some of the offences previously included under this heading were moved to another chapter: infringement, breach of credibility, falsification of rights management information, infringement of industrial property rights, withdrawal of coverage of debt, *infringement of copyright* or rights related to copyright, and circumvention of their defense. These are typically low-frequency offences, outside the scope of *infringement of copyright*. However, offences related to *infringement of copyright* remain relatively frequent, and the removal of these offences led to 10,000–20,000 fewer cases of offences against property.
2. The modification of the offence threshold—from HUF 20,000 to HUF 50,000—also contributed to a significant decrease: 50,000 fewer cases of registered offences against property. In previous years, according to statistics, the number of cases involving financial damage between HUF 20,000 and HUF 50,000 amounted to 50,000.
3. In addition to administrative measures, broader trends have also contributed to the decline in crime statistics. Around the turn of the millennium, crime rates in advanced industrialized countries began to fall. The trend was particularly evident in offences against property. Among these, the most notable decline was in cases of burglary. In both the United States and EU Member States, burglaries decreased by 30–50%. Domestic data showed an even greater drop, with the number of burglaries falling by about one-third in the second half of the 2010s compared to figures recorded at the turn of the millennium.
4. Demographic changes have also contributed to the decline in crime rates. After the turn of the millennium, Hungary's population—especially the number of people who may be culpable—declined significantly.

Taken together, the contributing factors have led to an unprecedented drop in the number of recorded offences. The decline was not limited to offences against property, but since these are the most common, the greatest impact was observed in this category. In 2020, the total number of recorded offences was lower than the number of thefts alone in 2000.

The sharp decline in the number of cases has also brought about structural changes. Theft remains the most frequent offence against property but now accounts for less than 50% of such cases. Fraud has become the second most common offence. Due to the nature of these crimes, the incidence of fraud fluctuates significantly; however, in the long term, data clearly indicate a rise in both its frequency and severity. The financial damage caused by fraud is estimated at approximately 20 billion forints.

The rise in recorded fraud offences, combined with the drop in burglaries, has reshaped the ranking of property-related offences by frequency. The decline in the number of incidents has also elevated the relative importance of vandalism. Although the frequency of vandalism has followed the general downward trend, the financial damage it causes has increased.

Investigative authorities must also redefine their priorities in response to structural changes in property crime.

Ildikó Ritter:

Domestic Characteristics of Counterfeit Medicines

The *pervasive medicalization* of our society—characterized by over-diagnosis and over-prescribing—has led to high levels of drug use, which has become a serious public health problem. However, the prevalence of drug use is not only due to inadequate prescribing by health professionals, but also to a significant increase in self-medication. The pharmaceutical

market offers many, and with the rise of e-commerce, increasingly diverse opportunities to meet the strong social demand for self-medication. At the same time, since this is a vast and profitable market, the illegal segment (production, distribution, and trade of illicit, unauthorized, or counterfeit products) is capturing an ever-growing share alongside legal channels and products, competing with the producers and markets of legitimate goods.

In recent years, there has been a great deal of research on the counterfeiting of medicines, but no targeted investigation has been carried out. This year, there was an opportunity to conduct a targeted study of the phenomenon using the full national sample of detected medicine counterfeiting offences (N=193) reported to the ENYÜBS in 2022 and 2023.

The majority of the sampled medicine counterfeiting offences were import offences detected by the National Tax and Customs Authority (77.8%). Potency-enhancing drugs (43.8%) and performance-enhancing drugs (18%) were the most frequently encountered in the sample. 90.7% of the offenders had no criminal record, and their average age was 45.

Law enforcement does not consider the phenomenon of counterfeit medicines a priority area. It processes the “inevitable” cases, but shows even less interest than in so-called victimless crimes (see drug abuse). Without NTCA detections—which are obviously just the tip of the iceberg—hardly any cases would be identified, even though the market for medicines and performance enhancers not authorized in Hungary is constantly expanding, with ever-growing turnover—at least when looking at the open internet.

The research results confirmed that criminal law cannot address the downside of widespread self-medication among the population, and that other, more effective social policy instruments should be used to discourage demand-side behavior. At the same time, there is one segment of the phenomenon in which criminal law should play a significantly more serious and forceful role: the import, possession, sale, and trafficking of large quantities of performance-enhancing and prescription drugs, as well as their supply to minors. Furthermore, there is no justification for why commercial conduct involving large quantities of medicinal products—no less dangerous to health than drugs—should be punished far less severely.

Gabriella Kármán – Petronella Deres:

Experiences of the Hungarian Application of Regulation 1805/2018 (EU) on the Mutual Recognition of Freezing and Confiscation Orders (RECOVER International Project)

The National Institute of Criminology was invited to participate in the “RECOVER – Project”, funded by the European Union. This international project, running from December 2022 to the end of November 2024, conducted the first scientific impact assessment of Regulation 1805/2018 (EU) of the European Parliament and of the Council on the mutual recognition of freezing and confiscation orders.

The aim of the research conducted at OKRI was to analyze Hungarian legislation based on the given criteria, and to examine and share domestic legal experience. The project also provided extensive new information on regulatory solutions and practices in other Member States, as well as on the effectiveness of international cooperation within the framework set by the Regulation.

According to the findings, Hungarian legislation meets the requirements of European law. The analysis of statistical data, review of criminal files, and insights from a focus group discussion with representatives of the prosecution services and the Consultative Council of European Judges (CCEJ) indicate that Hungarian authorities respond to foreign requests in a regular and efficient manner, in accordance with the cooperation framework.

The difficulties in applying the Regulation stem primarily from differences in the legal systems of the participating Member States, particularly in criminal cases involving victim

compensation. According to statistical data, the Regulation is mainly applied in proceedings involving such offences, with freezing and confiscation orders issued predominantly in cases of online fraud and money laundering. The issue is that Hungary applies the Regulation solely for the purpose of confiscation, and under national law, it cannot be used to compensate victims. Other legal instruments serve this purpose. In other countries, it is possible to use confiscated funds to compensate the victim. A potential cooperative solution would be to interpret Member State requests according to their intended purpose and adapt them to the legal framework of the executing country.

The effectiveness of the Regulation's application is fundamentally hindered by the rapid "movement" of scriptural money, which the new EU legal instrument alone cannot address effectively. This can be improved through electronic links between authorities and targeted new tools for financial investigations.

Cooperation is also hindered by the fact that some Member States are less flexible in responding to requests and taking action. The new instruments under Directive (EU) 2024/1260 could help improve the efficiency of cross-border asset recovery.

Renáta Garai:

Ex-Post Review of the Jurisprudence of the Offence of Domestic Violence I. (Rejection of Complaint, Termination of Investigation)

The number of registered domestic violence offences under Article 212/A of the Criminal Code has ranged between 400 and 800 in each of the last ten years. This is largely due to the high latency rate and often incorrect enforcement practices—cases are frequently handled as "*simple*" assault, harassment, etc., even when the documents indicate repeated abuse. Paragraph (1), applicable in private prosecution and subsidiary proceedings, essentially penalizes verbal assault and material obstruction, while paragraph (2), applicable in public prosecution, addresses assault and aggravated assault, physical defamation, serious bodily injury, unlawful deprivation of liberty, and coercion committed on a regular basis (i.e., at least twice).

Between 1 January and 31 December 2023, the police issued 226 decisions rejecting complaints and 782 decisions terminating proceedings nationwide. Based on the examined criminal files (N = 1008), it can be concluded that in 40% of the decisions closing the proceedings, the offence was classified as domestic violence under paragraph (1). However, in 26% of cases (262), this classification was incorrect or unlawful, and in 31% of those cases (81), the prosecutor noted this by issuing a transcript or annulling the decision.

In 45% of all examined decisions, the offence could not be established based on the available data or evidence. In 23% of cases, authorities concluded that the act described did not constitute a criminal offence. In 15% of cases, the complaint was found to be missing and could no longer be replaced; in 11%, the act was classified as not constituting a public offence based on the facts presented. In 5% of cases, there was no suspicion of a criminal offence. In 19 cases (1%), there were grounds for exclusion or termination of criminal liability because the offence had already been adjudicated. Notably, 14 cases had to be terminated due to the death of the perpetrator—10 of whom had committed suicide (with no information available on the remaining cases).

The legal grounds in the operative parts of decisions rejecting complaints and terminating investigations are often formulated based on general principles and appear incidental, which makes them at times unclear and inappropriate. The facts and reasoning presented in these decisions sometimes contradict the underlying documents, and the classifications applied are often inconsistent with the Criminal Code. In addition to inadequate on-the-spot police measures, inaccuracies in recording complaints (e.g., paraphrasing statements) and the provision of misleading information to victims during investigative acts are particularly concerning, as they undermine trust in the authorities and the justice system.

In domestic violence cases, it is common for some victims to be uncooperative, change their minds, alter their original statements, or invoke their immunity to avoid testifying. This occurred frequently in the past year; in nearly 40% (390) of the examined files, it was the main obstacle to the progress and effectiveness of the investigation. The authorities are usually aware of the underlying reasons for this, which are not always rooted in repeated reconciliation due to co-dependency, but rather in victims' fear of further abuse and their vulnerable circumstances. Proving domestic violence—relying almost exclusively on circumstantial evidence—is extremely difficult, but the investigating authority and other branches of the judiciary must continue striving to uncover the truth and hold perpetrators accountable.

Anna Kiss:

The Relationship Between the Rights of the Accused and the Rights of the Victim

The research was based on the assumption that situations exist—both in the regulation and application of the Code of Criminal Procedure—where the rights of the accused and those of the victim come into conflict. In such cases, there is no general rule establishing the primacy of either right; rather, it is the legal practitioner's responsibility to decide, on a case-by-case basis, which procedural right should prevail.

Following a comprehensive mapping of the rights of the accused and those of the victim, the research presents international and national literature, the case law of the European Court of Human Rights (ECtHR) and the Court of Justice of the European Union (CJEU), as well as the experiences of domestic legal practitioners gathered through interviews and round-table discussions.

Findings of the research:

1. The role of the victim has gained increasing importance in recent years, as reflected not only in legislative changes but also in the case law of the ECtHR and the CJEU. With regard to the latter, the research highlighted the parallel nature of the decision-making processes of the two courts.

2. The roundtable discussion held as part of the research also raised the issue of changing public perceptions of victims, which influence criminal proceedings, where conflicts between the rights of the accused and those of the victim frequently arise. This is particularly evident in cases involving recordings classified as child pornography—electronic data. In such cases, electronic data are not only a means of proof but also the product of the offence, as highlighted in a 2023 study. The question arises as to which right should take precedence: the accused's right to access the evidence (right to defence), or the right to dignity of the minor who is a victim of a sexual offence and appears in the recording. As in many rights-based conflicts, the applicable Code of Criminal Procedure does not always provide clear guidance for legal practitioners, and the roundtable discussion identified several possible approaches:

- a) One possible solution is to interpret the rules on special treatment more broadly in cases where the rights of the accused and those of the victim come into conflict, and to accept—consistent with ECtHR case law—that in certain circumstances, the rights of the accused may be limited, provided that this is done proportionately and does not infringe the overall right to a fair hearing.
- b) Another possible solution would be to resolve the conflict of rights by amending the Code of Criminal Procedure to include a provision granting the investigating authority, the prosecution, and the court the power to determine the manner of access to documents in cases involving a victim requiring special treatment.
- c) Another possible solution would be to state that, in each case, determining the primacy of rights is the responsibility of the competent law enforcement authority.

Szandra Windt:

The Phenomenon of Trafficking in Human Beings in the Shadow of the Covid19 Pandemic and the Attitudes of Law Practitioners

While the activities of law enforcement—especially police and prosecutors—have long been studied in connection with trafficking in human beings abroad, this has not been the case in Hungary, as reflected in both the response rate and the quality of the responses. With the permission of the deputy chiefs of police, 525 public law enforcement officers and 177 criminal investigators completed the attitude survey; 65 prosecutors responded with the permission of the Prosecutor General, and 60 judges participated with the consent of the President of the National Office of the Court of Justice, following internal trafficking training. In total, 827 law enforcement officials shared their views on trafficking in human beings.

The pandemic had varied effects on different forms of exploitation, and these effects were interpreted and experienced differently by victims, the social workers assisting them, and most law enforcement officials. The most significant impact on sexual exploitation was a decrease in demand, income, and opportunities. Restrictions and curfews imposed during the pandemic contributed to the further isolation of victims—sometimes together with their exploiters. In some counties, experiences suggested little change in how the crime was carried out, and the pandemic's impact could not be clearly identified. Nevertheless, new methods emerged—for example, instead of allowing prostitutes returning from foreign brothels to rest during the closures, they were put to work, and private “parties” were held in isolated suburban homes.

In addition to the attitude survey involving nearly 830 legal practitioners, in-depth interviews were conducted with 20 victims, along with expert interviews involving 10 legal professionals, a social worker, and shelter managers. Two focus group discussions were held with nearly 60 legal practitioners in total, and two roundtable events were organized, alongside the analysis of nearly 100 criminal case files between 2021 and 2024.

In cases of trafficking in human beings and forced labour, procedural challenges arose during the pandemic—for instance, difficulties in communication due to mask-wearing. Delays and slowdowns in proceedings were often caused by the increased workload of the police in combating the pandemic, as well as by accused persons invoking viral infection as a reason for postponement. However, one positive side effect of the pandemic was the broader use of remote hearings, which allowed victims to avoid direct contact with suspects.

RESEARCH PROJECTS INITIATED BY THE PROSECUTOR'S OFFICES

Tünde A. Barabás – Petronella Deres – Eszter Sárík:

New Forms of Offences, Trends and Tendencies in Online Crime

The research focused on two typical forms of online crime: trends in online fraud and the phenomenon of harassment in digital environments.

Online fraud has become increasingly sophisticated and complex over the past decade, and technological advances have given rise to new fraud techniques and methods. In 2024, *artificial intelligence (AI)*, *blockchain technology* and *social engineering techniques* dominated the online fraud trends. Today, online scams no longer rely on the exploitation of a single technology, but use complex methods and widespread psychological manipulation to harm people and businesses. This part of the research focuses on the current state of online fraud trends, the

different types of online fraud (e.g. *BEC and CEO frauds*; *cryptocurrency frauds*; *investment scams*; *phishing* and *smishing* attacks; *deepfake technology-enabled frauds*; *fast payment fraud, fraud related to immediate payment*), the risks posed by new technological developments, the new methods used and their potential impact, with a view to anticipating new challenges and formulating recommendations.

The level of online fraud in 2024 and this year's trends highlight the emerging dangers of combining modern technology with psychological manipulation. Close cooperation between governments, the private sector, and technology companies is essential to better protect society and businesses. This is the only way to ensure that the online world becomes safer for future generations. Ongoing innovation and the development of effective prevention strategies are crucial in the fight against fraud.

While many forms of crime have shifted from the physical world to the internet, *online fraud* has received the most publicity—as it has resulted in the highest number of victims and the greatest financial losses in recent years. However, personality-destroying, severely mentally damaging, and potentially disruptive *harassment* should also be a priority for research. Although the consequences of *online harassment* are not primarily financial, the moral and emotional harm suffered by members of society is immeasurable. The phenomenon referred to in English-language literature as *stalking*, which can be equated with interpersonal, persecutory harassment, was typically committed in the offline space.

Online and offline harassment essentially go hand in hand, and the two behaviours are not (or not easily) distinguishable. However, it should also be noted that online behaviours cannot be equated with classic stalker behaviour either, as it often takes the form of *bullying*, especially among younger age groups, and new subgroups of *bullying* are emerging. In many cases, online harassment is merely a technical tool on an internet platform—but this is precisely where the danger lies, as there are no timely or spatial boundaries to the harassment. This is what causes the most serious harm: in many cases, online harassment can lead to psychological and mental damage, even inducing suicidal thoughts. Studies show that while women are more exposed to potential harassment, men are not completely safe either—anyone can be harassed, regardless of gender, age, or education.

Petronella Deres – Gabriella Kármán:

Smuggling of Human Beings as a Service: Tracing the Money Trail, the Possibilities of Confiscation of Assets in the Hawala System and in European Case Law

Among the various financial systems that have emerged throughout history, informal value transfer systems (IVTS) have played a prominent role alongside formal banking structures, particularly in geographical areas with limited access to formal financial services. As a subset of IVTS, *hawala* is a trust- and reputation-based money transfer mechanism that can be used for both legitimate and illicit purposes.

This report presents a comprehensive examination of the historical and legal characteristics of the hawala system and its role in the smuggling of human beings, while also considering its relevance to other forms of organized crime—such as drug trafficking and money laundering—that are closely associated with hawala in terms of law enforcement experience. The research emphasizes that the system's opaque and unregulated nature makes it well-suited for anonymous money flows, particularly in cases of migrant smuggling.

The analysis reviews enforcement practices in EU Member States and outlines how the *hawala* system is embedded in global financial networks. In addition to evaluating the latest international literature and sources, we conducted an empirical study in cooperation with the

National Institute of Criminology and the Hungarian branch of Eurojust to explore relevant legal and judicial practices and experiences.

Our key findings are as follows:

According to Europol, hundreds of millions of euros in illicit proceeds are moved through the *hawala* system each year. While *hawala* serves as a vital remittance channel for migrant workers, it is also exploited by smugglers and criminal networks. The anonymity of transactions and the reliance on trust-based relationships complicate the detection of money laundering activities.

Our proposals include the following:

- 1) Strengthening international cooperation: Closer coordination among EU Member States is necessary to regulate the *hawala* system.
- 2) Technological innovations: The use of blockchain analytics and artificial intelligence should be promoted to enhance the traceability of transactions.
- 3) Increasing expertise: Specialized training for financial analysts and IT experts is essential to support more effective investigations.

The study concludes that the continued widespread use of the *hawala* system is likely in the long term. Therefore, international regulation, enhanced cooperation, and the application of innovative technological tools to detect related offences are of paramount importance.

Szandra Windt – Anna Kiss:

The Procedural Status of Migrants Transported by Smugglers in European Case Law

This research examines the criminological and procedural legal approach to the phenomenon of human smuggling at the European level, outlining the requirements of international legal instruments and presenting the latest statistical data.

The following questions were submitted to EU Member States via Eurojust concerning the procedural status of individuals transported by smugglers:

- In criminal cases involving human smuggling, what is the procedural status of the transported person (e.g., victim, witness, instigator)?
- Are there any specific criminal, administrative, or misdemeanor proceedings initiated against such individuals?

In addition, the Ministry of Justice submitted the following questions to members of the Legicoop network:

- Which law governs human smuggling in your country?
- During which procedural phase does it apply?
- Do irregular migrants receive any assistance in your country, and if so, what kind?

The main section of the survey presents a summary and analysis of responses from 15 countries. In several European jurisdictions, smuggled individuals are considered victims of human smuggling and are usually granted victim status in criminal proceedings. However, in most cases, they are only questioned as witnesses. Victim status is often contingent upon whether the individual applies for asylum upon entry and whether that application is accepted. As a general rule, they are not prosecuted for illegal border crossing alone, but if they are suspected of additional offences—such as the forgery of public documents—they may be treated as suspects. In prosecutions related to smuggling, the person who crosses the border illegally is typically not charged with a criminal offence but is instead subject to administrative, law enforcement, or misdemeanor proceedings, which often result in deportation.

Although the EU has placed increasing emphasis on victim protection in recent years, this has primarily concerned victims of trafficking and refugees—particularly foreign nationals who reside illegally in Europe. In the context of human smuggling, this focus extends to those who

have suffered additional victimization during transit or who are suspected of also being victims of trafficking in human beings.

In smuggling-related proceedings, transported individuals may be designated as witnesses, victim-witnesses, or victims. However, the responses do not clearly indicate whether these individuals are considered victims of smuggling involving coercion or of other criminal offences (e.g., coercion, assault, or manslaughter). This reflects a complex doctrinal issue within criminal law that remains unresolved in national legal theory and practice. To explore this matter, both an online and an in-person roundtable discussion were held. The online session addressed doctrinal legal questions, while the in-person meeting clearly revealed the stance of the prosecution: in domestic human smuggling cases, transported individuals are not regarded as victims under either the basic or the aggravated offence categories. If they have been victimized, it is typically in connection with other crimes, in which case they are classified as victims of those specific offences.

Katalin Tilki – József Kó – Judit Szabó:

Reasons and Motives Leading to Terrorist Acts and Threats of Terrorist Acts in the Light of Domestic Practice

The research initiated by the Office of the Prosecutor General aims to provide an overview of terrorist acts regulated by Sections 314, 315, and 316 of the Criminal Code, with a particular focus on the reasons and motives behind such acts. The analysis of domestic legal practice serves, on the one hand, to explore the circumstances in which these acts are committed, the underlying motives, and the social, psychological, and mental characteristics of the perpetrators, and, on the other hand, to draw conclusions regarding Hungary's exposure to this phenomenon. The study was based on a review of the relevant legislative framework and a summary of both national and international research findings. It also involved a quantitative and qualitative analysis of criminal cases concluded by final court judgments. As part of the research, a complete national sample of prosecution and investigation files was examined for cases where final judgments were delivered between 2014 and 2023, and the acts were classified under one of the aforementioned Criminal Code provisions.

Although the results should be interpreted with caution due to the small sample size (32 criminal cases, 35 perpetrators), it can be confidently stated that in Hungary, the dominant conduct falling under the category of terrorist acts is threat of terrorist act, and such offences are generally not driven by ideological, political, religious, or similar motives. These underlying offences were typically impulsive in nature, often committed under the influence of alcohol, most commonly through telephone threats made to police emergency lines, or, following prolonged disputes, via email or letter. These cannot be considered classic terrorist acts. In the vast majority of cases (87.9%), perpetrators acted alone, and in no case was there evidence of organizational affiliation or acting on behalf of a terrorist group. The offenders—of whom only two were female—were generally characterized by low levels of education, poor financial standing, a higher-than-average age (42 years) compared to other offender groups, and prior criminal convictions (63%). A further notable aspect of the sample was the high incidence of mental disorders of varying severity (60%) and significant concerns regarding mental competence in 20% of the cases.

The findings thus suggest that the acts examined were typically committed by individuals from socially disadvantaged backgrounds, suffering from mental health issues and poor self-advocacy skills, who reacted inadequately to chronic life difficulties or acute distress due to limited social and psychological coping mechanisms.

Orsolya Bolyky – Ildikó Ritter:

Characteristics of the Offence of Mistreatment in Official Proceedings in Law Enforcement Institutions and Police Custody

This study focused on prevention and aimed to identify the reasons why officials commit violent acts against individuals in detention. It examined environmental, psychosocial, and sociocultural factors, as well as evidence-related indicators. The research was based on a full national sample spanning an 11-year period (2013–2023).

We sought to identify the *common denominators* of abuse, while also highlighting specific contributing factors. One such factor was that approximately half of the individuals subjected to police action were under the influence of alcohol, drugs, and/or medication, which led to serious behavioral disturbances and, in some cases, psychotic states. In contrast, within prison settings, it was typically not substance influence but rather the abrupt withdrawal of anti-anxiety medication (*Frontin*) that triggered aggressive or auto-aggressive behavior, necessitating intervention by prison staff.

Whether or not detainees had access to a supportive network of relationships significantly influenced their likelihood of victimization. Prisoners who lacked emotionally supportive social contacts within the institution were more likely to provoke wardens or, in the event of an unusual incident, to report it, file complaints, or request a hearing with the prosecutor—compared to those who had such support systems.

A common characteristic of assaults committed by both police and prison staff was that victims' disobedience and verbal aggression triggered emotional stress and anger in the offenders, contributing to forceful reactions and aggressive behavior. We referred to this phenomenon as *authority protection*, which emerged from a breakdown in the formal power structure. It often occurred when an individual (typically the eventual victim) deviated from or overstepped the bounds of their subordinate role in an informal power dynamic.

In most instances, the assaults were impulsive acts targeting provocative or attention-seeking individuals, triggered by emotional outbursts. Another key finding is that the severity of the assaults was typically unrelated to the severity of the victim's behavior as perceived or reported by the suspect.

One of the most striking findings of the study concerned the occupational risk associated with the officers involved in these assaults. Most of the suspects were seasoned professionals—the average length of service was 9.9 years for law enforcement staff and 8.9 years for police officers—and they were well acquainted with the subculture and duties of their work environment. While considered experienced and competent, these very characteristics were identified in the study as potential risk factors for abuse in official proceedings—primarily due to factors such as burnout, lack of rest, and excessive overtime.

Eszter Sárík – Orsolya Bolyky – Ágnes Solt:

Investigating the causes and sociological background of violence against persons entrusted with public functions in children's homes and schools

The aim of this research was to identify the characteristics of conflict situations, perpetrators, and victims, and to explore differences across children's homes. The purpose of this investigation was to support the development of targeted crime prevention programs and to address potential systemic deficiencies.

Using a file analysis methodology, we examined the criminal case files of 83 offences involving violence against persons entrusted with public functions. These cases were closed with final judgments between 2022 and 2023 and involved child or juvenile offenders who committed the acts in children's homes, residential care homes, correctional facilities, or schools. Altogether, the sample included 121 offences committed by 103 individual offenders.

The findings clearly show that the perpetrators were typically in cumulatively disadvantaged situations and exhibited severely impaired mental health. They showed substantial deficits and vulnerabilities in both educational and social development. A total of 55% had a diagnosed mental health disorder—most commonly intellectual disability and/or ADHD. Repeated grade retention, truancy, running away, and substance abuse were widespread. Although 87% of the offenders had no recorded history of violence, this may be due to their age or the absence of formal reporting. The data depict a bleak picture of inadequate resources in both child protection and public education systems when dealing with truly at-risk and multiply burdened youth.

Three-quarters of the offenders were raised in environments that are themselves considered high-risk—characterized by under-education, unemployment, and family members with criminal records or substance abuse problems. This context supports the view that the number and proportion of violent acts committed against professionals working with children also reflect the vulnerability of the child population: those who commit such offences are typically the most neglected and exposed members of society.

Of the victims in our sample, 47% were educators or carers working in children's homes or residential institutions, 42% were teachers, and 10% were school guards or doormen. The frequency of violence did not differ significantly across institution types. In most cases, the adult victim reported the incident, but it emerged that the child had exhibited repeated aggression, leaving the victim feeling helpless and exposed. The research also revealed that professionals with lower levels of education and training were more frequently victims of such abuse—highlighting a structural weakness in the social and child protection system.

Judit Szabó:

Dogmatic Issues and Law Enforcement problems of the criminal offence of Child Pornography in Light of the modified statutory definition

The research initiated by the Office of the Prosecutor General is especially timely, given that in 2021 the definition of child pornography under the Criminal Code underwent significant changes. Moreover, the rapid and substantial evolution of the technological environment—particularly the emergence of artificial intelligence—and international legal developments further underscore the importance of keeping the issue of online child sexual exploitation on the agenda and examining it in greater depth.

The objective of the study was to explore and analyze the dogmatic challenges and law enforcement practices related to the revised legal definition of child pornography, as well as the criminological characteristics of such offences. This was achieved through an analysis of criminal case files initiated and concluded by final court judgments following the entry into force of the amended legislation on 8 July 2021. In total, data were processed from 60 criminal cases involving 66 perpetrators and 37 identified victims. The findings were compared to data from the Institute's 2019 research on child pornography.

One of the most notable findings was the high proportion (37%) of juvenile offenders. The study also found that individuals convicted of child pornography offences constitute a heterogeneous group in terms of age, education, occupation, and associated criminal behavior. A key difference from the previous research was the emergence of a specific offence type—

grooming—committed by juveniles. Regarding the victims identified in the analyzed cases, it is particularly striking that more than half created the abusive recordings themselves.

As for sentencing practices, although the conclusions are limited in scope, no substantial differences were observed in the overall sample compared to the 2019 research, which had examined cases concluded with final court decisions in 2016 and 2017. However, a change was identified concerning juvenile offenders: whereas probation previously dominated, courts now apply it only rarely, with 80% of juvenile defendants receiving suspended prison sentences. This shift is presumably linked to the increase in penalty levels. Notably, only 44% of juvenile offenders avoided permanent disqualification from a profession, meaning that over half of the under-18 offender group is subject to this severe sanction, which restricts future career and educational opportunities—even though their actions are typically not motivated by sexual exploitation or pathological sexual interest.

Given the small sample size and the new questions raised—particularly regarding juvenile offenders—the continuation of this research is clearly warranted, including an extension to cases concluded during the investigative phase.

Renáta Garai:

Nature of Redress Accepted in Mediation

From a legislative perspective, the research addressed legal gaps and inconsistencies, categorized various types of redress claims, and explored aspects such as territorial characteristics, the role of surveillance cameras, timeliness, prosecutors' observations and suggestions, and the practical experience of mediators.

In mediation proceedings, offences such as causing a road accident, theft, and criminal damage continue to account for nearly 50% of all cases. Between 1 January and 31 December 2023, a total of 2,650 successful mediation cases were recorded in Hungary. Half of the full sample—1,325 criminal files—was requested for review, and after refining the dataset, 1,308 cases and 1,341 agreements were analyzed.

In most cases, the parties agreed on financial redress (692 cases; 51%). However, in a significant number of cases, the suspect or the insurer had already paid for the damage earlier in the proceedings (95 cases; 7%). For many victims (397 cases; 30%), a sincere expression of regret was sufficient. In a small proportion of cases (19; 1%), the agreement involved redress in kind or other forms of material compensation. There was a notable tendency for victims to expect the insurer to cover the redress instead of the suspect (116 cases; 9%). In 22 cases (2%), the type of redress could not be determined due to missing documentation or data. Overall, 67% of victims ultimately received monetary compensation, and in nearly 100 cases, it was definitively paid by the insurer rather than the offender.

Installment payments were common even for smaller sums—for example, HUF 100,000 paid over 5 or 6 installments—and in some instances, victims agreed to 15, 20, or even 25 installments. But what is the price of sin? In many cases, a full review of the criminal file provides little insight into the victim's reasoning, motivations, or emotions when consenting to mediation or deciding on the nature and amount of redress. Some proceedings involving severe bodily harm and permanent disability have been “settled” with only an apology, while other cases involving minor material loss resulted in large financial compensation and additional redress obligations. (The smallest amount was HUF 5,000; the largest was HUF 31,267,000.)

The study also examined several additional issues, including the specific situation of juvenile offenders, the content and failure of agreements, prosecutors' grounds for rejecting mediation, the potential necessity for asset forfeiture, and the special living conditions within families. It was emphasized that police enforcement needs institutional support, and that prosecutors face challenges when assessing the feasibility of mediation, particularly due to uncertainties about

the offender's capacity to perform. The prohibition of actions contrary to good morals and the risk of unjustified procedural delays were also highlighted. Among the many comments and suggestions, the most important were the need to provide clear pre-mediation information to the parties and to define and clearly differentiate the legal concepts of redress and compensation.

While mediation largely fulfills the hopes placed in it, it is also essential to recognize the need for criminal justice to deter offenders from committing future crimes, especially when victim expectations clash with the state's interest in public enforcement.

Renáta Garai:

Regulation of Restraining Orders in the Light of Case-Law Experience

Legal practitioners generally consider the existing legislation on restraining orders to be fundamentally adequate but point to procedural shortcomings—such as tight deadlines for prosecutors—and issues related to effectiveness. During the course of the research, practical insights were collected from police officers, prosecutors, judges, and lawyers, who approached the issue from different perspectives but ultimately reached the same conclusion. In their view, restraining orders serve only as a temporary solution and are truly effective only when the abused individual has made a definitive decision to separate from the abuser.

During the period of restraint, what unfolds is often a *life-saving* process—such as fleeing to a shelter or maternity home—which causes significant trauma not only for the adult victim but also for the children in the family, who are forced to adapt to a new environment, nursery or school, and cope with elevated stress and uncertainty. At the same time, the abuser's anger and desire for revenge are typically exacerbated. In essence, the restraining order marks a short transitional phase that legally enforces separation from the abuser. However, since offenders frequently violate these conditions, meaningful changes in the victim's life situation are unlikely to occur without external support from family members or authorities.

Given that these cases most commonly involve domestic violence, child endangerment, or harassment, it is of paramount importance that the police, public prosecutors, and criminal justice actors work in close coordination—gathering evidence continuously and initiating criminal proceedings as early as possible to ensure that perpetrators are brought to justice.

Anna Kiss – Gabriella Kármán:

Reasons and considerations leading to the failure to reach a settlement on the side of the defendant and the prosecution

Following the renewal of the legal instrument of plea bargaining (hereinafter: settlement), both academic and professional circles initially focused on examining its underlying principles and predicting its future application. However, the emphasis has since shifted to evaluating its practical implementation. In this context, the present research on the failure to reach a settlement complements earlier efforts.

The aim of the 2024 study, initiated by the Office of the Prosecutor General, was to identify and present the reasons why settlements fail—both on the side of the prosecution and the defendant. The research also sought to examine the conditions under which prosecutors are willing to enter into settlements, whether practices vary across counties, and what views defense attorneys hold regarding the use of this legal instrument.

To achieve these goals, the research team reviewed the relevant literature on settlements, analyzed statistical data, and conducted interviews with both prosecutors and defense lawyers. The findings were also supplemented by a case study analysis of practices in selected counties.

Upon conclusion of the research, Circular No. 1/2024, issued by the Deputy Prosecutor General for Criminal Law, was published with the intention of standardizing the application of the settlement procedure across all prosecution offices. The circular aimed to address the inconsistencies and anomalies that had been observed up to August 2024, as the instrument had not been uniformly applied nationwide.

After publication of the circular, the researchers compared their findings with the circular's content and determined that the conclusions of the OKRI study were largely consistent with the new official guidelines. In addition, the research explored the reasons for failed settlements from the perspective of the accused and their legal representatives.

TASKS COMPLETED WITHIN THE FRAMEWORK OF COOPERATION

Reanáta Garai – Gergely Karácsony (SZE ÁJK):

The Fight Against Black Market; Consumer Habits and Motivations in the Illegal Tobacco Market

The national tobacco retailers operating under contract with the Hungarian State since 1 July 2013 are most frequently targeted by crimes such as vandalism, property damage, assault, theft, and robbery. The Hungarian Tobacco Retailers Association and the National Police Headquarters work together closely to prevent and respond to these offences—through initiatives such as the Security Net Working Group.

In recent years, the illicit tobacco trade has become increasingly visible and has inflicted significant damage on Hungary's state budget, with losses estimated in the billions of euros. Under current regulations, individuals may only purchase tobacco products from authorized retailers, and ordering excise goods subject to duty—such as tobacco substitutes containing nicotine—is prohibited. Investigations into these crimes are handled by the National Tax and Customs Administration (NTCA), which treats them as budget fraud or money laundering offences. Due to the nature of cigarette smuggling, these investigations often target large, organized criminal groups.

Hungary's geographical location has made it a dumping ground for illegal cigarettes, with growing quantities uncovered during individual proceedings. In the first three quarters of 2024, the NTCA seized nearly HUF 22 billion worth of illicit tobacco products, representing more than 17,000 cases, approximately 100 million cigarettes, and 100,000 kilograms of smoking tobacco.

According to the 2024 *empty cigarette pack* survey, the share of untaxed tobacco products in Hungary increased from 13.2% to 17.3%, while the share of counterfeit products rose from 5.2% to 12.7%. Research conducted by MDKSZ, based on 7,212 anonymous questionnaires, found no significant correlation between black market participation and demographic characteristics. Notably, 30% (!) of respondents reported purchasing tobacco products exclusively via online orders, through acquaintances, or from other informal sources.

Many former legal-market customers have turned to the black market not necessarily due to price increases, but because they cannot find their preferred tobacco products in licensed shops, have established reliable suppliers, and are satisfied with the quality of black-market goods. Most consumers of illicit tobacco do not feel guilty about their behavior. They believe that demand drives supply; some even sell foreign cigarettes themselves or simply disregard the origin of the tobacco they consume.

The illicit tobacco trade is expected to grow even more widespread, and combating it will remain a key priority for Hungarian law enforcement authorities and the State in the coming years.