RESEARCH RESULTS – 2016
(Summaries of completed research)

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I. RESEARCH PROJECTS IN THE MAIN FIELDS OF RESEARCH

THE FIRST MAIN FIELD OF RESEARCH: VIOLENT CRIME

Eszter Sárik

ISRD-3 International Latency Research

The research examined deviant behaviours remained latent to the authorities among students in grades 7-9 (aged 12-15), which is a sensitive age group in terms of crime prevention. The questionnaire included questions on the alcohol and drug consumption habits of young people and minor crimes committed by them but which remained latent to the authorities (vandalism, graffiti, shoplifting, etc.). The aim of the research was to identify correlations between the ties to traditional socialisation factors (family, school, friends, residential environment) and potentially exhibited deviant behaviours. The research results provided an overview of Hungarian young people's leisure time structure and alcohol consumption habits, based on which targeted programmes may be developed for the relevant age groups within the framework of and relying on the professional and legal basis of the effective National Crime Prevention Strategy. The survey was not limited to perpetrators, but also gave an insight into

the risks of becoming a victim, and an opportunity to identify the risks to which young age groups are exposed.
Considering that the survey was conducted among school age children and college students, the study made it possible to review youth age groups and the full range of their potential criminality. The school latency surveys provide a general overview of the behaviour of students and, as they do not primarily concentrate on young criminals, they can analyse the behaviour of "average" children and identify the events that may cause problems among young people who have a sound background. In our survey we specifically questioned students living in good financial conditions and in a sound family environment, who were eager to attend school and had good study results.
Most young people spend their free time with friends, but most of their activities are society conformant: sport, theatre, artistic activities, etc. Students rarely wander aimlessly and do not take part in picking on others for self-serving purposes or in any other destructive conduct. Aggressive behaviour was not typical among the respondents and neither were crimes against property or drug use. The results suggest that, in this age group, the occasional excessive alcohol consumption known as binge drinking could cause problems.
This study was a good opportunity to support Hirschi's social control theory. It was proved that when family, school and community control was in place, children felt emotionally safe; they were able to rely on their children emotionally, progression through school and decent friends were available to them and they had a much lower chance of going off the rails or committing crimes.

Eszter Sárik

Measuring Religiousness in Postmodern Times. Criminology Theories on Religiousness

The study analysed the correlations between criminology and religion and criminology and religiousness, based on international literature. The question was where to place religion and religiousness in a special field such as criminology. Would there be any point of connection between criminology and postmodernism? Can the tendencies that generally prevail in social sciences be detected? Is there any point in Christian (in this case primarily Catholic) beliefs that strengthens convergence?
Criminology is in a special situation due to its interdisciplinary nature, as it exerts a criminal political pressure and impact but, in its understanding and expert knowledge, it (also) relies on the social sciences. It must therefore simultaneously keep pace with partner studies such as psychology and sociology and pay attention to the philosophical trends of the particular period, the maxims of human rights and the relationship between the state and an individual; all in all, the constitutional framework of criminal law.
In addition, within this scientific discipline, the approach that connected religiousness with low intellect and low school qualifications for decades or, ad absurdum, centuries, was a special challenge and therefore it seemed obvious that the incidence of disadvantaged and consequently deviant individuals and criminal perpetrators was also higher among religious people. The impact of religiousness, i.e., protection against and prevention of deviation, has never been mentioned: a "special battle" had to be fought in this scientific discipline for a positive view on religiousness.

I decided on three a priori segments in approaching the issue:

1. In theory, can crime prevention, i.e., the criminal policy aspect of science, and the church, displaying religion on the stage of society (primarily the Catholic Church in my study) co-exist in the context of human rights?.
2. What is the correlation between *religion* and the criminological approach in terms of philosophy? What is the place of the terms of crime and law in religion and criminology?
3. How can religiousness and criminology, the study of the reasons for and background to becoming a criminal, be interconnected? Does the analysis of religion have a place in the aetiological branch of criminology?

These issues are organically interconnected, especially because crime prevention is both a political and scientific issue. Crime prevention and its political dimension may not find any connection with the quasi-political face of religion, i.e., the church, if there are no philosophical points of connection. At the same time, religion and religiousness can only have an effective and well-founded role in crime prevention if religiousness and, immanently, the ethical profile of religiousness can have a place in the science of criminology. In postmodernity, religion and criminology have again found a point of connection. They became closer based on the (old) new recognitions of science and the (old) new thesis of Christianity, more specifically, the Catholic Church: the humanities allowed it to return to its ethnical roots and the church looked back to the basic tenets of Christianity. In my analysis, I studied these points of connection, focusing mostly on the scientific relationship between religiousness and criminology and interpreting religiousness as a protective factor.

THE SECOND MAIN FIELD OF RESEARCH: SECURITY, PUBLIC SECURITY

Szilveszter Póczik:

Foreign Fighters in Islamic Terrorist Organisations in a European Overview

The *purpose* of the research was to outline the social profile of foreign fighters taking part in Islamic terrorist organisations, especially Hungarian volunteer fighters in Syria.
Research *method*: identification of sources and comparison and analysis of research results.
Research *result*: the conclusions expressed in the closing study.

The number of fighters who joined Syrian terrorist organisations from various countries is a good reflection of the intensity of European Islamic radicalism. Extreme Islam is spreading in Western Europe and in the Balkans. Two-thirds of the 3.5 million population of Albania are Muslim. More than two million Albanian Muslims live in the neighbouring countries (1,600,000 in Serbia and Kosovo and 500,000 in Macedonia). Many of them are hard-core nationalists, separatists and radical Islamists. The Albanian fighters are especially valuable for ISIS due to their military experience. ISIS promises EUR 20,000-30,000 in one-off support to each Albanian youngster who joins the fighters of Daesh. Between 2012 and 2015, a total of 211 Albanian men travelled or tried to travel to Syria or Iraq. Within the 3.7 million population of Bosnia and Herzegovina, 44% are Muslim. During the South Slav civil war, approximately 3,000 foreign jihadists arrived in Bosnia from the Muslim world, accompanied by abundant technical supplies and weapons. Approximately 200 foreign fighters eventually settled down and stayed in Bosnia. The new centre of jihadism in the Balkans is Sandjak, situated in the border triangle between Serbia, Kosovo and Montenegro. There are no signs of

extremist activity in Bulgaria; only one Bulgarian volunteer has been identified since the start of the Syrian conflict. There are no signs of Islamic radicalism in Hungary or in other Eastern and Central European countries, either. The majority of Muslims in Central and Eastern Europe arrived prior to the change in the system to study in these countries. During the years they spent in the host states, many settled down and started a family. With the help of the families of their wives and as a result of integration into official and business life, they went through a form of secondary socialisation, and their ties with their home country became looser at the same time. The one-time students and their children reached high positions; their radicalisation on a mass scale is highly unlikely. Nonetheless, a small Syrian group also left from Hungary to fight against the Assad government.

The current favourable situation in Hungary and in the other Central and Eastern European countries is however only temporary. Terrorist threats are also gradually increasing in these countries, too. Hungary is included in the list of areas to be conquered by the Islamic State. It seems that Western Europe is saturated with immigrants and is less and less able to take in new ones and therefore it is inevitable that Eastern and Central Europe, also including Hungary, will sooner or later become the target of legal and illegal migration. The number of unfiltered and relatively young Muslim immigrants is likely to rise, even if only slowly, and the number of those switching to Islam (mainly women) is also likely to grow. It is likely that, similarly to what happened in large Western European cities in the past, a young Muslim generation with double ties or without any roots at all and with increasing openness to radicalism is likely to emerge in the forthcoming decades.

THE THIRD MAIN FIELD OF RESEARCH: CRIME CONTROL

Gabriella Kármán:

Organisational, Administrative and Legal Pillars of the Foundation of an Expert Opinion

"*Even though the correlation between scientific and technical progress and the increasing role of expert evidence, as well as reference to the difficulties in the assessment of the activities of heavily specialised experts, seem commonplaces, they are facts that cannot be disregarded. The more significant expert evidence becomes and the more difficult it is to give a professional assessment of an expert opinion, the more the law must try to surround that mode of evidence with security satisfying procedural needs.*"[1]

The statements made by Árpád Erdei in 1987 in relation to expert evidence are increasingly relevant in 2016.

In 2013, the Commissioner for Fundamental Rights and in 2014 the Curia Jurisprudence Analysis Group both studied the issues of forensic expert activities, and the new Act XXIX of 2016 on forensic experts entered into force on 15 June 2016. One of the main reasons for drafting the Act was that legal problems more frequently involve solutions for technical issues that require special expertise, and therefore the use of experts and, with their mediation, advanced natural scientific methods are increasingly becoming common practice in evidentiary procedures.

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[1] Árpád Erdei: *Fact and Law in Expert Opinion* Közgazdasági és Jogi Könyvkiadó (Economic and Legal Publishers), Budapest, 1987, p. 264

As the final step in a research project discussing the fundamentals of expert opinions and lasting several years, this study part is dedicated to the organisational and legal factors; it primarily examines the role and tasks of an expert, the conditions for obtaining specialist expertise, the tools for checking competence and quality assurance of activities and the legislative conditions of the professional basis for expert activities and an expert opinion in the framework of the changed public administration regulations and the changing legislation on criminal procedures. The research "*Scientific Foundation of an Expert Opinion in the Activities of Criminal Experts*" formed the background to this year's study part, where the topic is emphasised from the aspect of these special scientific fields.

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

Klára Kerezsi:

"Offender supervision in Europe" COST Action (No IS1106)

Within the framework of the EU COST *"Offender Supervision in Europe"* programme, between 2012 and 2016 60 lead researchers from 23 countries studied "mass supervision" in the European criminal justice systems. They have concluded that mass supervision was not the consequence of a search for less costly and more effective criminal justice solutions but the fact that, in the majority of the countries, supervision evolved in parallel with an increase in the number of prison sentences. The process led to an expansive and rather expensive penal system, which intervenes more deeply and on an increasing number of occasions into the lives of people subject to supervision. Criminal control is expanding and affects more and more people.

The Project Management Committee created the following group structure:

1. working group no. Supply of supervision
2. working group no. Decision making and supervision
3. working group no. Subject to supervision

In the first year, the teams began a review and analysis of the available research studies and the essential conditions contained therein and began to outline the most important methodological issues. The results of the work were summarised in the book *Offender Supervision in Europe* (McNeill and Beyens, 2013). This collection contains overviews and analyses written by the leaders of the teams and, in addition to that, a "meta chapter", also contains a number of individual country specific studies (many of which have been published in our blog). The results not only involved an authoritative review of the existing research studies, but also "encouraged us to act," because we were able to identify clearly the methodological and content limitation factors that had to be analysed further.

In the second and third years, we focused our attention on the complex challenges of developing the conceptual and methodological issues. The teams examined how to prepare the most comprehensive comparative research into the supervision of offenders. (We wish to refer to our earlier remark, in which we stated that the lack of comparative studies was a critical issue related to the technical literature on supervision and a major methodological problem.) Our work then continued in two directions.

a) One direction is marked by the book published by us under the title of *Community Punishment: European Perspectives* (Robinson and McNeill, 2015). In that book, we

finalised the concepts used during the recognition process through case studies, and that is how we studied the development of the supervisory institutions and implementation practices of the 12 countries taking part in the COST Action. With the help of the book, we initiated professional discussions on the potential best models of comparative research and also returned to the challenge of integrating the supervision of offenders into the historic, social, cultural and political framework.

b) The other direction involved the development of methodologies, within the context of which six experimental research projects were conducted.

Working group 1 developed two experimental programmes.

- The participants in the *"Eurobarometer"* project developed a research tool for the comparative assessment of supervisory experience in various legal systems through precise and meticulous work. The research tool has been translated and tested in eight countries and two further countries also plan to follow our example.
- In our "*Supervisible*" project, we used innovative visual methods (photos) to present and illustrate the practice of implementing the supervision of offenders and to make it visible to the general public as well.

Working group 2 functioned as a single experimental project.

- The team applied an innovative approach to develop a comparative labelling methodology (a carefully structured and interchangeable storyboard for individual cases). These labels were used during the analysis of the decision-making processes related to the violation of supervisory rules and the appropriateness of the responses to it. Twelve countries were represented in this team and each took part in testing the analytical method.

Working group 3 worked on three independent experimental projects.

- The "*Visualising practice*" project presented the effectiveness of visual methods (photos) in the presentation and comparison of the implementation/practice of the supervision of offenders in five countries, with the involvement of 14 practical experts.
- In the "*Observing practice*" project, we used different observational methods to compare the behaviour of supervisors and the supervised individuals in the first supervisory meetings, in five countries.
- In the "*Practice diaries*" project, we used the supervisory work logbooks to compare the practice of supervision of offenders in six countries.

In the course of the research, we also reviewed the relevant research results. The research results also show that, during the development of the justice systems in the European countries, the following two basic principles are indispensable:

1. All decisions on the application and termination of supervision must be **proportionate to the acts** (similarly to decisions on imprisonment). Nobody may be submitted to requirements under stricter conditions or to supervision intruding more into the lives of the offenders than they would deserve on the basis of the legal violation committed by them.
2. Supervision must be implemented by actively trying **to minimise any undesirable or unnecessary consequences,** either in relation to the individual subject to supervision or any other party concerned (e.g., family members).

In the countries participating in the programme, members of certain groups of society (e.g., individuals struggling with mental problems, foreign citizens, etc.) are in general excluded from the application of supervisory-type sanctions or measures and therefore they enter the formal system of criminal justice faster and they are more easily punished by imprisonment or any other punitive sanction. According to the researchers, criminal supervision must be made

more easily accessible for offenders belonging to marginalised and exposed social groups in those cases suitable for it.
The results of the experimental programmes implemented within the framework of the project indicate that the efforts to encourage individuals subject to supervision to comply with the law and to assist in the implementation of the objectives of the supervision must be aligned mainly to the spirit of the law and the intentions of the sanction or the measure applied and should not only focus on compliance with the formal requirements. All efforts intending to improve the actual supervision of offenders must be based on ***fairness*** and ***helpfulness***. The results of the project provided convincing evidence that these two content elements of supervision strengthen the commitment of the individual under supervision, minimise the pains involved in supervision and contributed to positive results in citizen integration and inclusion; furthermore, they also assist in the reducing the number of repeat offenders.
Within the framework of this project, we are still working on a third book. This last volume is *The Enforcement of Offender Supervision in Europe: Understanding Breach Processes*. It is aimed at a better understanding of the offences during the implementation of the supervision of offenders, namely parole, supervision by a probation officer and other work sentences in European countries operating various legal systems. The collection is edited by Miranda Boone, Niamh Maguire and Gill McIvor and will be published by Routledge Publishers in spring 2017.

László Tibor Nagy:

Empirical Study of Robbery through Inebriation or Intimidation As a Crime

Research was conducted on robbery through inebriation or intimidation as a crime, partly because no detailed empirical study had been performed yet on this offence and partly because the number of such cases has lately been increasing significantly. While in 2004 only 298 robbery through inebriation or intimidation cases were revealed, the number increased to 1,935 in 2014. Identifying the underlying factors of the phenomenon and analysing the morphological, aetiological and prophylactic features of the criminal offence and assessing the data of perpetrators and victims were identified as the objectives of the research.
Robbery through inebriation or intimidation as a separate crime was introduced in the Criminal Code of 1978, which defined it between theft and robbery according to the weight of its threat to society. Originally it could be committed in two ways, by taking away a thing from another person by inebriating him for this purpose or from a person who has been intimidated by force. An essential change was introduced in Act LXXX of 2009, which also penalised the appropriation of a thing from an individual unable to defend themselves as robbery through inebriation or intimidation. The Criminal Code of 2012 currently in effect essentially maintained the same facts when it defined robbery through inebriation or intimidation as one of the four violent crimes against property. This crime may be committed by inebriating or drugging others in order to steal from them, by taking things from people under the effect of some other violent crime committed by the perpetrator or taking things from those who are incapable of self-defence or whose ability to recognise or prevent a criminal act is diminished due to their old age or disability.
During our empirical study, we analysed 380 criminal documents registered in 2014 with the help of structured questionnaires (forms on criminal offences, perpetrators and victims) and we also used the available ENYÜBS data. As a result of our research, we concluded that robbery through inebriation or intimidation was in a special position among the violent crimes

against property. As a result of the altered regulations, almost 90% of such acts involve theft from victims, most of whom are asleep and often intoxicated, i.e., unable to defend themselves. Contrary to other violent crimes, the effectiveness of the investigations ordered is extremely bad: 80% had to be suspended because the perpetrator could not be identified. That is mainly due to the fact that the victims often do not even remember what happened, as they were unconscious. Robbery through inebriation or intimidation is a typical crime typically committed in the capital city: approximately 70% of such crimes are committed in Budapest. In most cases the amount involved is not higher than HUF 50,000, although it is not really significant because robbery through inebriation or intimidation is not one of the specified forms of offences. Classified cases occur extremely rarely (crimes committed involving a significant amount, in groups or with accomplices, etc.).
The research results indicate that the main reason behind the increase in the statistical data is the change in legislation. We may conclude that, at the moment, robbery through inebriation or intimidation is still a rather isolated act that does not fit in the system of violent crimes against property. The issue arises to what extent it would be appropriate to define and manage an offence, only a fraction of which is committed using actual violent conduct, as a violent crime against property in the regulations.

Petronella Deres:

Various Forms of Cyber Crime in Hungary and Internationally, Regulatory Attempts

Crimes committed in cyber pace (internet crime, cybercrime or computer technology crime) cover a number of types of crime committed with the use of infocommunications technology (ICT). The category includes, for example, attacks against the secrecy, integrity and accessibility of “computer” information and services, traditional crimes (e.g., fraud) committed in cyberspace and, according to certain views, any crime, the commitment of which is supported by electronic evidence.
In Hungary, *Péter Polt* first drew attention to the new crimes related to the development of computer technology, when he very rightly pointed out that a computer could also be an object of and instrument in a crime.
These days and in future, the interconnection of devices will generate more and more challenges to the security of operation of the systems as a result of new prospects in information processing and data transmission, triggering new regulatory and law interpretation issues.
Following the review of the main international documents, the research tries to classify the crimes falling in the category of cybercrime and then examines and presents the latest international developments in cybercrime.
The research results show that criminal prosecution at EU level should focus on a number of priorities so, in addition to “classic” cyber attacks, it should also focus on crimes related to the online sexual exploitation of children (e.g., sexual blackmail), actions against the Darknet, identifying and saving victims and other crimes related to Bitcoin and other virtual currencies as well as payment frauds (e.g. ATM malware, CEO fraud and data phishing). On 28 April 2015, the European Commission published the European Security Strategy for 2015-2020, according to which the three most urgent tasks are the prevention of terrorism and reducing radicalism, combatting organised crime and the fight against cybercrime. The research also addresses the FIDUCIA research project (Work Package 9. Cybercrimes), which presents the legal, criminological and sociological aspects of cybercrime.

RESEARCH OUTSIDE THE MAIN DIRECTIONS

Ádám Mészáros:

The Foundations of Criminology in Hungarian Criminal Law II. Terminology-Based Categories of Crimes

Last year's research report concluded that the crimes are no longer classified separately in the criminal law currently in effect. Of course, it does not mean that the law does not refer to or is not aware of the various types of crime in relation to various criminological categories, including the formal and material crime in relation to the outcome, or ordinary and special crimes related to the factors required for a crime to be committed (conditions of becoming a subject). On this basis, the establishment of categories where different crime categories are defined and the problems related to them are defined by concentrating closely on the criteria of separation, does not seem to be useless.

In the 2016 research year, the classification of crimes by criminal conduct was on the agenda. According to the research report, this central category of a criminal act should be defined as follows: *criminal conduct is a human conduct referred to in the provisions of the law in the special part (or in the provisions of the general part) which creates or maintains or is capable of creating (actually or potentially) a change in the external world and which objectively implemented activity or default is linked to the perpetrator through the subjective factor of deliberateness.*

There are two basic forms of criminal conduct: an active conduct (an activity) and a passive conduct (failure to act). On the basis of the above definition, by conduct, crimes can only be committed either through action or only through inaction, yet crimes may also exist that may be committed both by action and inaction or which preserve a certain condition.

In the case of each default-based crime, the source of the obligation which someone omitted to fulfil, always needs to be analysed. However, the textbooks on this general part written over the past years or decades do not always cover this issue or fail to provide sufficient detail. Consequently, it was worth taking a look at crimes to see *on what the failed obligation to act is based* and *who was obliged to act*.

In the criminal law science there is a distinction between and recognition of momentary and durable crimes. Both reflect an unlawful status. The violation of personal freedom and holding a firearm in a fraudulent manner are typical examples. Following a thorough analysis, the definition of these two types of crime turned out to be a problem and therefore crimes perpetrated through maintaining an unlawful situation deserve to be discussed in a separate chapter.

Katalin Tilki:

Protection of Animals in Criminal Law

Animal protection is a practical activity that stems from the responsibility and obligations of man and is aimed at animals kept by people. The purpose of animal protection is to prevent their torture or destruction of animals, to ensure their appropriate care and to safeguard them and to maintain their general wellbeing. Animal protection is a wide concept, which includes animal welfare regulation, keeping domestic animals, animal transportation and operating animal shelters, boarding kennels for animals, zoos and circuses; as well as experiments on

animals. The purpose of the research is to present international and EU regulations on animal protection and to review the Hungarian legislative framework and the forms and content of criminal law protection.
The study also presents the major international treaties on animal protection, the regulations of the European Union and the provisions included in the fundamental laws and criminal codes of the individual countries. Within the framework of the presentation of animal protection in Hungary, the respective provisions of the Fundamental Law and acts on environmental, nature and forest protection, and on game and fish management, as well as the most important provisions of the Act on Animal Protection are described. In terms of Hungarian legislation, there are two important stages. The Act on Animal Protection (Act XXVIII of 1998), which entered into force on 1 January 1999, and the amendment of the Criminal Code (Act IV of 1978) in 2004, as a result of which animal torture was defined in law and therefore ill treatment of animals also became sanctionable under the Criminal Code.
In the past few years, significant changes occurred in animal protection. First, the Act on Animal Protection and certain decrees on animal protection were amended, among which the most important steps were as follows: the Constitutional Court terminated the definition of dangerous dogs as of 30 September 2010. Then, from 1 January 2012, the Act on Animal Protection introduced more advanced provisions on dog controls, dog keeping and dangerous dogs. Government Decree 41/2010 of 26 February on keeping and trading pets was also amended on 1 August 2012 and 1 January 2013, introducing stricter rules on keeping animals and mainly affecting dog owners. On 1 January 2016, a number of legal regulations on animal protection also changed in order to comply with EU requirements and to contribute to responsible animal keeping. The prohibition of keeping dogs on chain also took effect then. On 1 July 2013, the animal protection provisions of the new Criminal Code (Act C of 2012) took effect; these were provisions prohibiting animal torture, poaching and pirate fishing, as well as organising prohibited animal fights. The study also analyses in detail the facts and provides information on the background to regulation.
All in all, it may be concluded that professionalism and cooperation are missing from animal protection in Hungary. That is why there would be a need for along-term comprehensive strategy and for an organisation that could coordinate cooperation between the authorities and various animal protection organisations. There is no contact between the legislators and practical animal protection. In order to establish that, research would be needed that discloses and comprehensively presents the actual jurisprudence. Civil animal protection organisations constitute the country’s strongest and best organised community. If their practical knowledge were relied upon, they could play a significantly greater role. Stress must be put on the development of the right animal protection approach, which includes fair treatment and a culture of high-quality animal keeping. However, it cannot be achieved without effective dissemination of information or education and training on animal protection.

József Kó:

Self-Assessment-Based Questioning Techniques in Criminological Research

There are three potential sources of data in criminological analyses and theories. The first and most obvious source is official criminal statistics, which provides information on detected crimes. The second source of data are the victimisation analyses. The data of the most generally used victimology analyses conducted among the population are nowadays analysed and processed together with official criminal data. The two data sources, which are considered

to be equivalent, are increasingly supplemented with data collected using the third data collection method. This data collection technique, which demands increasing attention and is gradually catching up, is the self-reported data collection method.
The research analysed the special features of that method. The first phase reviewed the potential ways of counting crimes (self-reported assessments have also been included in that category since the end of the 20th century). Learning about and detecting latent crimes is a challenge for criminology, one which has not been conquered yet. Self-assessment-based questioning techniques may help in that. The second part summarises the criticisms expressed about self-assessment studies and the responses to it, also presenting the history of applying this questioning technique.

II. RESEARCH COMMISSIONED BY THE PROSECUTOR'S OFFICES

1. Research initiated by the Chief Prosecutor's Office

Orsolya Bolyky:

Issues of Application of the Law and the Criminological Characteristics of Murder

The research analyses the criminal acts of murder, closed with a final and absolute decision in 2013-2014 according to the legal and criminological aspects. The research sample was built on a pro rata basis reflecting the number of basic and classified murder cases in all counties of the country. The sample comprised 147 offenders in 133 cases.
There were 169 murder victims. 81% of the offenders were men and 19% were women. Most offenders belonged to the 25-40 and 41-60 age groups (39.5 and 36.1%). The average age of the offenders was 39, much higher than the most active age of offenders in general, especially in cases of violent crime. This suggests that. in most cases, homicide does not fit within the ordinary criminal cycle. Another fact supporting that theory is that, compared to the total sample of offenders, 55.1% of all offenders examined in the research had a clean criminal record.
Of the offenders, 87.8% knew their victims. The majority of the offenders lived with a partner (54.4%), and 45% of them killed their partner. Most partner murders stemmed from long-term conflicts between the offender and the victim, over the offender's drinking lifestyle and unemployment (23.8% had a permanent employment contract) and the consequential severe financial problems (47.6%). 17.7% of the offenders committed their acts out of jealousy. All homicide cases with female perpetrators were driven by emotions and aggression. Most of them killed their children or partners.
In general, the offenders have no school qualifications; only 15% had a leaving certificate and 5 people (3.4%) had diplomas. Many had lost their jobs not long before the homicide. The job loss drove them to crime, as they began to drink alcohol and, simultaneously or as a consequence, exhibit violent conduct in their family environment. Monetary gain motivated 12.5% of the offenders. 50.3% of the offenders had average property and income conditions. Of all homicide cases, 60.6% were committed in *small settlements, villages and towns*.
Most offenders committed their acts alone (86.4%) and predominantly in their own homes.
86.5% of the offenders had full legal capacity to act, but 10 people were acquitted by the court due to insanity. 46% of the defendants had psychiatric problems even before the homicide.

50.4% of the offenders made a full confession including their culpability and 10.1% confessed to the facts.
Judicial practice is generally consistent in relation to the analysed cases: the categorisation changed in the final and absolute judgment in only 18.8% of the cases transferred to second instance procedures. In view of that, the research also covered the difficulties in jurisprudence in homicide cases, primarily in relation to certain aggravating conditions: the courts of first and second instance and the prosecution had different views primarily in relation to the conclusion of premeditated criminal acts and special cruelty.

Ildikó Ritter:

New Challenges of the Drugs Market with Special Regard to the Proliferation of New Psychoactive Substances II. (follow-up research)

The appearance of new psychoactive substances on the drug market presented new challenges to the societies concerned. The traditional approach used in drug policy and, in particular, traditional criminal policy instruments, are no longer capable of managing the situation. The new regulations on psychoactive substances are not based on social consensus and do not fit seamlessly into the Hungarian legal order. Nevertheless or, as a consequence of that, the legislation is complicated, changes continuously and is full anomalies. In this legal and social environment, according to the results of the research conducted in 2015 on the Hungarian regulations on abuse of new psychoactive substances and their enforcement, the judiciary is compelled to perpetuate the contradictions in the legal regulations. Within the framework of a longitudinal research project, this year we continued to examine how jurisprudence tries to cope with the anomalies in the law. During the impact study of this year, the focus was put on quantitative issues in relation to the drug crime procedures involving new psychoactive substances [Section 461 (1) (2) and (4) of the Criminal Code]. We tried to conclude whether a consistent interpretation and application of law is feasible or not in the regulations on new psychoactive substances (primarily in relation to the regulation of quantitative issues).
It is a critical point in terms of legal certainty that, just as earlier in relation to classic drugs, these days for the NPS or for numerous designer drugs legally reclassified as a drug or psychotropic substance from the NPS, no specific quantities are assigned to the terms of insignificant, significant and especially significant quantities, and therefore even on the basis of paragraph II/4/c) of the 1/2007 BJE decision (criminal uniformity decision), the establishment of quantity cannot be an evidential (legal) issue but becomes a task for an expert; with the basic problem that when natural science has not examined and/or proved the impact of the consumption of certain substances on the human body, whether they actually or potentially damage health or the degree thereof, how can experts be expected to provide an authoritative opinion?
The study results indicate that although by 2015 in the actual jurisprudence the respective provisions on the abuse of new psychoactive substance available could be applied reassuringly in terms of the uniformity of the law, the fact that, in the majority of the compounds seized by the authorities, the active agent content could not be established beyond any doubt, although it is a major factor in classification, imposes a threat to legal certainty.
In the cases included in the sample, the experts and legal practitioners had to apply Section 461 (4) to 51 substances in order to give a legal interpretation of the quantities. The quantitative issue could be clarified reassuringly, beyond any doubt and absolutely clearly in terms of legal certainty in relation to only 10 compounds, i.e., in one out of five cases.

Ildikó Ritter:

The Role of Drugs in Committing Crimes (Analysis of Statistics)

The purpose of this research was to examine the classic cause and effect relationship between drugs and crime. We examined the cause and effect patterns between drugs, intoxication and crime and the spread and characteristics of victims intoxicated with drugs on criminal cases detected by the authority and entered into the criminal statistics between 2005 and 2015. The analysis was aimed at the indirect network of relations and therefore it did not include the review of direct drug crimes.
Foreign literature, data and results of empirical research indicate a significant relationship between drug use and crime. However, the nature of that relationship has not been clarified. A number of theories and ideas emerged in that respect.
As a result of the dynamic drug market and diffuse judicial system, the relationship and patterns of drug consumption and crime also change. The relationship between drugs and crime consists of patterns and not one pattern, and therefore should be interpreted as a multi-factorial phenomenon. It should be considered as a phenomenon where the causes and effects occasionally swap and where the network of relations is significantly affected by the external environment, whether it is a drug market or the "justice market".

Criminal statistics data on their own are not suitable for analysing the relationship between drug consumption and crime. However, they can reveal the detection matrix of justice in terms of that relationship. It shows what the authorities can and cannot detect. On the basis of the detection matrix, the origin and types of data and information needed to assess the scope and characteristics of drug crime can be established and then the methods with which that information can be collected may be assigned to them. As the network of relations between drug consumption and crime is rather complex, multiple target groups therefore need to be analysed and a situational analysis requiring a network-type of interrelated methodology is needed. The purpose of this analysis is to come up with a detection matrix and to "re-define" the network of relations between drug consumption and crime on the basis of the theories described in the research report.

The relational sample can be converging or diverging.
Converting network of relations: various acts, conducts and social and/or individual causes lead to drug consumption or crime.

1. Consequence: Crime
   Drug consumption, present under certain external and/or internal impacts and conditions, precedes crime and then contributes to the development of criminal conduct.
2. Consequence: Drug consumption
   Crime, present under certain external and/or internal impacts and conditions, precedes drug consumption and then contributes to the development of the use of substances.

Diverging network of relations: drug consumption or criminal conduct lead to other deviance and/or social and/or individual problems.

1. Origin: Criminal behaviour
   Ingrained criminal behaviour leads to crime and/or other social and/or individual problems.
2. Origin: Drug consumption
   Drug consumption leads to crime and/or other social and/or individual problems.
   The complexity of the relationship between crime and drug consumption may be interpreted according to cause and effect and according to consequences.

The detection matrix: The detection matrix includes acts related to indirect drug crime, i.e., acts committed under the effect of drugs detected or revealed by the authorities, or the acts committed in order to raise enough funds to obtain and/or purchase drugs and also partially includes visible crimes, as they are referred to in the Anglo-Saxon terminology. It also partly includes traffic crimes of high social risk and therefore requiring targeted detection techniques. Visible crimes can be detected by the community and the authorities relatively easily. Three main types may be distinguished, violent crime, crime against property and acts against public order. Most offenders come from lower social groups.
Traffic crimes are included in the detection matrix because when a traffic accident occurs the authority must check whether the respective party is under the influence of drugs or alcohol and in those cases the detection rate is high. The latency of driving under the influence of drugs is not likely to be low, but the degree of latency could only be measured in a targeted study.

2. Research commissioned by the County Prosecutors' Offices

Eszter Sárik – Anna Kiss:

The Role and Tasks of Education in Crime Prevention

The purpose of the analysis was to have an overview of Hungary's schools in the context of crime prevention. According to international and Hungarian studies, school has a key role in the life of children. For children living under typical conditions, the primary functions of a school are training and talent support, and education is only of secondary importance. However, in the life of disadvantaged children, school is not only the place of secondary education but it is also forced to make up for family socialisation deficits.
The main questions of the survey focused on the problems faced by schools and on the areas in which they would need assistance and support. Most of the questions concentrated on the institutional support teachers would require for crime prevention: what are critical topics in terms of criminology, which institutions could take part in the training and in the supply of information to students and how the police can contribute to prevention. We have looked at the results by county and also studied religious schools separately.
The questionnaire-based survey revealed that educational work at schools would be in greatest demand primarily in relation to the criminal legislation pertaining to young people and to issues of online abuse. The data also revealed that, although the crime prevention activities of the police can by no means be considered comprehensive, when the policeman assigned to the school or a policeman responsible for crime prevention visits the school, most of them are satisfied with the police work and rely most of all on the activities of the police in crime prevention.

Anna Kiss:

The Role of Complaint in Criminal Law and Criminal Procedure; the Consequences of the Absence of a Complaint

The research analyses the roots of crimes to be prosecuted based on a private complaint according to the history of law and, based on the effective legal documents, also collects and analyses the criminal acts in relation to which a procedure can only be launched based on a

private complaint. Furthermore, the study also looks at the consequences of the absence of a private complaint and, third also briefly covers the future rules that are included in the new draft Criminal Procedure.

The research analyses the declaration itself that the law refers to as a complaint and its content and formal requirements.

The research also covers the role of the party submitting a complaint in the criminal procedure (the role of the victim or, when the victim dies, the victim's relative or, in the case of limited capacity of action, the legal representative of the victim or the role of the guardianship authority).

The research extended to jurisprudence in everyday life and we looked at the contradictions between the legal concept of a complaint in theory and in practice.

An international overview formed a separate part of the research, based on which we looked at the role of a complaint in the EU Member States. Within the international overview, we relied on the questionnaires distributed with the help of the Ministry of Justice and the responses received to them and the international documents received from the Hungarian representative of Eurojust to take a glimpse into the criminal law and criminal procedure systems of the various Member States.

We tried to come up with an answer to the following three main questions: the legitimacy of the complaint, the revocability of a complaint and the indivisibility of complaints.

On the basis of the responses received, we concluded that different rules existed in the various Member States.

The Irish and English-Welsh legal systems, for example, do not refer to a complaint. Although this legal concept does not exist in the Czech and Slovak justice systems either, in relation to certain crimes the victim's consent is still required to launch a criminal procedure. Another solution is also interesting; if, when on the basis of all circumstances of the case, it may be concluded that the victim does not give their consent because they are forced to do so, or because they were afraid of granting consent to the launch of the criminal procedure due to being in a subordinated position, the authority may waive the need for the victim's consent and launch the procedure without it.

In the Member States where the concept of a complaint is known (Austria, Latvia, Lithuania, Malta, Germany, Portugal, Finland, France, Croatia, Poland, Spain, Slovenia and Sweden), it is used generally or with regard to crimes of low importance, as well as in certain sexual crimes.

Action against crimes committed against property by a relative depends on the declaration of the victim in most Member States.

Although the concept of a complaint exists in Latvia, the criminal procedure can also be conducted without it when the victim is unable to exercise their rights due to their physical or mental condition. In Germany and in Finland, when a procedure is important for the public interest, the principle of officiality is applied irrespective of the complaint, i.e., the criminal procedure may be launched *ex officio,* too. In Spain, complaints may be made in two cases: slander and defamation. In France, procedures may be launched depending on a complaint regarding specific tax and military crimes, although the complaint may be submitted by the tax authority or some other competent authority. In the Portuguese criminal procedure, relatives may submit a complaint on behalf of victims aged less than 16 with regard to specific crimes.

As opposed to Hungarian law, in most Member States the complaint can be withdrawn.

While a Hungarian complaint is indivisible, there are some Member States where proceedings may only be conducted against the individuals specified in the complaint (e.g., Austria and Sweden).

Ádám Mészáros – Gabriella Kármán – Anna Kiss:

Evidence and Levels of Evidence in Criminal Procedures

The research initiated by the Pest County General Prosecutor's Office provides a theoretical basis for the practical research initiated by the Scientific Council and is closely related to it. This part of the research assignment analyses the criminal procedure on the basis of the possibilities of defining truth–justice through the principle of legal certainty from the aspect of the extent to which a criminal procedure surrounded by guarantees is an obstacle course in terms of recognition, i.e., what legal practitioners can and cannot do in order to be able to establish the truth at the end of the procedure. The research reviews the catalogue of human rights which cannot be touched in criminal procedures and the practice of the European Court of Human Rights. It deals with the issues of doubt-certainty in criminal material and procedural law (*in dubio mitius* and *in dubio pro reo* principles). It covers in detail the issue of whether different level of certainty may be required from the investigation authority, the prosecution and the court in a criminal procedure. It pays special attention to the issue whether a prosecutor may submit an indictment when they are not convinced that the facts occurred in the same way as they were revealed in the investigation. The research also presents the essence of recognition theory in criminology, the recognition and truth detecting activity of the prosecutor and it provides an assessment of indirect evidence as a technique.

Szilveszter Póczik:

Certain Aspects and Legal Consequences of Migration-Related Crimes in International Literature and in Connection with the 2015 Migration Crisis

The research aimed at identifying certain social and legal aspects of migration-related crimes based on the review of international legal regulations.
The migration-specific threats to public security are the result of the acts of people complying with the norms in the societies issuing migrants and violating the norms in the host societies, as well as from an increase in conduct that also violates the norms in their country of origin due to weaker social control and other infringing conduct that relate to unequal opportunities in society. The infringement of norms can be explained partly as a cultural conflict and partly as a behaviour trying to make up for opportunities. The long-term unstable social status and the disorder in the orientation patterns of the immigrants become the source of identity disorders and violations of norms. Mass immigration results in the emergence of illegal migration and human trafficking networks and new culture-specific forms and methods of crime. They may vary on a large scale, from the use and trafficking of drugs through new types of violent acts to new forms of criminal organisations. Certain segments of crime have also taken on an ethnic colour: criminal activities are organised on the basis of ethnic origin and, as a result of spatial separation and the rivalry of criminal organisations, even victims come from ethnic groups. There are two extreme views in current criminology on the impacts of migration on crime. According to one, the tendency for mass migrants to become offenders is not significantly different from the criminal indicators of the indigenous population. However, according to the opposite views, current migration significantly increases crime overall and its specific versions. Islamist radicalisation brings a new threat to the advanced societies of Western Europe. It continues in jihadism, driving primarily young Muslims to terrorism and/or organised crime, as well as to migrate to the Middle East, which is full of civil wars, or to the Islamic State, and in a number of cases it also exerts a strong impact on

non-Muslim and non-immigrant indigenous youths. Women are not exceptions either. The cause of this phenomenon and its complex motives were summarised in a dichotomic system known from migration research. In addition, previously unknown methods of crime, such as mass sexual harassment, have also occurred, as we witnessed in the events of New Year's Eve in Cologne in 2015. According to the wording included in the position statement of the Bundeskriminalamt, there is a new method of crime: a series of sexual violent crimes, accompanied by acts against property and acts of robbery. Criminal conduct stemming from pre-modern traditions, such as female circumcision, child marriages, forced marriages and honour killings, also need to be mentioned.

III. OTHER RESEARCH ASSIGNMENTS, COMPLETED OUTSIDE THE PLAN

Gabriella Kármán:

Applicability of Graphology As a Field with Doubtful Scientific Foundation in Criminal Procedures

In criminal justice, an expert opinion is a major tool of evidence in terms of authenticity even if the Act on Criminal Procedure does not make any distinction in the value of the tools of evidence. In general, the credibility of an expert opinion is based on the special professional knowledge of the expert, the underlying professional information and the expert methods applied. (Naturally, when judging the credibility of a specific expert opinion, the individual circumstances as the factors for assessment, play the dominant role.)

The general conditions for the credibility of an expert opinion are different in the various special fields. In criminology, the expert fields are distinguished according to whether they are based on natural sciences or were specifically designed for criminological purposes, in general based on practical experience (classic criminology fields). There is always more "trust" in fields that are based on natural sciences. As a result of the negative experience observed in criminal justice and the related scientific research, a number of aspects were developed across the world to review specialist fields, primarily in criminology. Accordingly, there is a fundamental need to review and support with advanced methodologies the knowledge and information used in the specialist fields that are based on experience, reflecting the current status and state of the art, to provide accordingly an up-to-date definition of "expertise" and to analyse the physical conditions and laboratory procedure according to consistent aspects. All this can be achieved using basic and applied research, and then quality may be guaranteed primarily through accreditation.

Among the writing expert methods, this research focuses on graphology (writing psychology), which is a special method of writing analysis. Graphology examinations, in addition to the specific knowledge and specific practical methodology used in this field, systematically fit as a special method into both writing expert analyses as well as the activities of a psychology expert. Public awareness of graphology as a specialist field is not clear. It is also relevant for our topic, because graphology was a forensic expert activity, but a number of doubts have been expressed in terms of its foundation or potential use as evidence. The research looks at the underlying reasons and analyses the current options of this special field, based on an analogy with polygraphy

Petra Bárd:

Intersections: EU Criminal Law and Fundamental Rights

Requesting institution: European Parliament

The study looked at the relationship between the rule of law and mutual recognition and mutual trust as the basic principles of criminal cooperation among the EU Member States. It approached the issue of mutual recognition of court judgments on the basis of their consequences on individuals, human rights and freedoms. As with every imperfect constitutional structure and at the early stage of developing legal systems, courts play a key role in the EU too and therefore the study also touched upon the case law of the European Court of Justice and the national courts, in which the different platforms tried to co-ordinate "the mutual recognition of court judgments", i.e., "the free movement of court judgments within the EU" and fundamental rights. To support her statements, the researcher selected the European arrest warrant, the emblematic concept of the principle of mutual trust and the related case law as the example.

According to the initial point of the research, the principle of mutual recognition has different consequences with regard to economic integration and in the criminal law. In the internal market, this legal principle promotes freedom, i.e., the free movement of goods, but in criminal law it increases "the free movement of court judgments and decisions", the competence and power of the Member States against individuals and the rights of the individuals. Therefore, according to the researcher, it is a concern that potential violation of human rights as a reason for rejecting their implementation is not included in most EU legal regulations adopted on the basis of the principle of mutual trust, also including the European arrest warrant.

In future, both the legislator and legal practitioners will be responsible for ensuring that the EU legal regulations adopted on the basis of the principle of mutual trust conform with the Fundamental Law. As an example, the legislator could integrate a proportionality test in the legal regulations that are based on the principle of mutual trust or could supplement the reasons for rejection with a human rights exception. This could be accompanied by continuous monitoring of human rights, including the existence of a threat of torture or inhumane and humiliating treatment or punishment. In addition to human rights, the rule of law should also be monitored continuously because the independence of courts is of key importance in terms of mutual trust. Petra Bárd, Sergio Carrera, Elspeth Guild and Dimitry Kochenov made a proposal to introduce such a monitoring mechanism in a study commissioned by the European Parliament this year. The recommendations of the study were taken on board by the European Parliament and therefore, in October 2016, it submitted a proposal to the Commission to establish a system for monitoring democracy, the rule of law and fundamental rights based on objective criteria.

Nevertheless, according to the researcher, the significance of the courts and especially the European Court of Justice is unlikely to decrease in the future either, because they determine the exact group of fundamental rights exceptions, the potential for which was already created in the case law with the *Aranyosi and Căldăraru* judgment. Refining this doctrine will be a task for the future, yet it will be difficult to develop tests that respect the principle of co-operation in good faith and mutual trust between the Member States and also comply with EU collective responsibility in the protection of fundamental rights based on the ECHR and the Charter of Fundamental Rights.

Petra Bárd – Károly Bárd:

The European Charter of Human Rights and the Hungarian legal system

Requesting institution: Council of Europe, HELP Programme

The study, commissioned by the Council of Europe, looked at the relationship between Hungarian law and the European Charter of Human Rights (ECHR).
In 2012 Gábor Kardos, a professor committed to the international protection of human rights, looked at the concerns expressed by Western European experts about twenty years ago when the idea of the accession of the post communist East European states was put on the agenda. It used the example of Hungary to analyse whether the concerns then raised were justified or not.[2] Kardos remarks that, in the past, the main concern was that, due to the countries changing their systems, the level of protection of fundamental rights achieved by the beginning of the 1990s may reduce, as a result of which even the old signatory states could alienate themselves from the human rights mechanism. They also expected the Court to face issues primarily of a political nature in relation to petitions submitted from the new Member States, including e.g., the protection of minorities, compensation for property nationalised during the second world war or accountability for crimes committed during the communist regime. According to the sceptics, it would have prevented the Court from further refining its jurisprudence in fundamental rights, which had matured on human rights issues which emerged in the stable democracies of Western Europe. In terms of the Hungarian experience, Kardos concludes that the fears and concerns quoted turned out to be unfounded. The Court successfully avoided the application of “double standards” and the judgements adopted in relation to Hungary did not contribute in any way to the reduction of the level of legal protection.
Naturally, the Court also had to deal with cases where their roots stemmed from the communist past. Among others, the European Court of Human Rights (ECtHR) primarily contributed to the strengthening of democracy in Hungary with its judgements on suffrage, the freedom of opinion and the freedom of information. Its jurisprudence has become an organic part of the Hungarian legal culture. All Hungarian legal faculties launch mandatory, obligatory or optional courses presenting the Strasbourg case law and recently the Eötvös Loránd University, Faculty of Social Sciences, also launched a masters course in human rights. The Hungarian Constitutional Court and NGOs both regularly refer to the Strasbourg case law and more and more lawyers rely on the jurisprudence of the ECtHR in proceedings conducted in Hungarian courts. The Hungarian Academy of Justice has also launched a number of courses dedicated to various aspects of Strasbourg jurisprudence. Occasionally, the courts also refer to the judgements of the ECtHR but it is by no means a general practice. The research results indicate that the Western European courts also needed twenty years before the judges generally began to apply the Strasbourg case law.
In Hungary, the Strasbourg judgements are implemented and legal regulations are amended to conform to the ECHR. The decision was adopted following the judgement in the Fratanolócase, in which Parliament expressed its objection and intention to uphold the provision of the Criminal Code concerned, and this was an exception.
In certain areas, measures were introduced in order to prevent a future series of infringements. Consequently, in order to prevent the infringement of Article 3 in future, the conditions of detention must be improved, and police violence, most victims of which are members of the

[2] Gábor Kardos: The European Court of Human Rights and Hungary: Legal Culture and Effectiveness. In: Criminology Studies Hungarian Criminological Society, Budapest, 2012, pp. 205-207

Roma population, needs to be reduced. All these goals can be achieved with intensive training and effective investigation of police violence.
As it is impossible to eliminate systemic inadequacies from one day to another, the number of applications is expected to increase in the future too. Another reason for that is that, compared to the past, these days the Hungarian Constitutional Court (AB) has only limited competence to annul acts that do not comply with the jurisprudence of the EctHR. This is because the competences of the AB were reduced and also because the legal regulations previously declared by the AB to be contrary to the constitution were integrated into the Fundamental Law. Finally, the acts which are contrary to the jurisprudence of the ECtHR, including (e.g., the provision of the Criminal Code on life imprisonment[3] or the act criminalising homelessness[4]) were passed on the basis of the Fundamental Law. These are just a few examples of the factors that are likely to increase the number of cases to be dealt with by the Strasbourg Court.

Petra Bárd– Zsanett Tóth:

Hate crimes in Hungary

Requesting institution: Council of Europe, HELP Programme

The study commissioned by the Council of Europe forms part of the syllabus of a five-week online prosecutor and judge training course. The material was edited in small blocks to suit the requirements of an interactive online platform but the whole study was also distributed among the prosecutors and judges in the form of electronic notes.
The study focuses primarily on the definition of hate crimes as accepted in the international technical literature. As hate crime is a criminological and not a specific legal term, it was worth examining which facts covered by the special part of the Criminal Code could be classified into the category of hate crime according to the legal literature and identify the international expectations and regulations that apply to Hungary and the facts that match those regulations. The list of international documents began with the presentation of universal norms followed by regional obligations. The potential national regulatory solutions were discussed in a separate chapter, reviewing the codification techniques and the groups that may need enhanced protection.
The overview of the Hungarian laws was divided into three parts. Actions against violent conduct motivated by hatred for a group (violence against a member of the community, nefarious reason), and actions against violent actions(instigation against community, public denial of the sins of national socialist or communist systems, use of totalitarian symbols) were analysed separately and then the contribution of non-criminal law and other rules and legal regulations to the fight against hatred crimes was examined (Civil Code, hate speech in the Hungarian Parliament, data collection and supply).
Our statements were supported by the results of hate crime research conducted by OKRI, using processed anonymised legal cases as illustrations.

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[3] Section 90 (2) of Act C of 2012.
[4] Section 1 of Act CLIII of 2011 on Offences, modifying Act LXIX of 1999.

József Kó:

Risk assessment in probation work

Requesting institution: Office of Justice

Two empirical surveys were conducted as part of the research. Within the framework of the first survey, we looked at 800 pre-sentence investigations and risk assessments. After the data was processed by computer, a summary and evaluation report was prepared on the operational mechanism of formal and informal expectations in risk assessment. The Office of Justice published a study in one of its publications and the results were also presented at a conference.

The most important conclusion of the research was that, while completing the risk assessment form and preparing their assessment, probation officers not only rely on the questions and answers in the forms but also take into account other aspects when establishing the degree of threat.

In the second half of the research we tried to identify those factors and set out how risk assessment functions in practice. In the second phase of the research, 30 interviews were made with probation officers and two focus group interviews were also conducted. Following the processing of the results and their comparison with the outcome of the previous empirical study, we made a proposal to modify the form used in risk assessment. If the proposals are taken on board, risk assessment may become more objective and consistent. The processing and acceptance of the proposals is still in progress.