RESEARCH RESULTS – 2022
(Summaries of completed research)

CONTENT

RESEARCH COMMISSIONED BY THE INSTITUTE

Eszter Sárik – Orsolya Bolyky:

Characteristics of juvenile crime today

Juvenile crime has fallen significantly over the last decade and the pattern of crimes committed by juvenile perpetrators has changed. The last comprehensive research on this topic was conducted in our Institute in 2006 (ISRD-2), followed by case file research on the criminological characteristics of juvenile and young adult homicide perpetrators in 2013. The socio-economic changes of recent years, the increasing prevalence of online interaction and the desire to examine the criminality of young people periodically have prompted this research. The research sample included 250 final closed criminal case files where the perpetrator was a juvenile or, in the case of multiple perpetrators, at least one of the perpetrators was a juvenile and the perpetrator was violent under the terms of criminology. The crimes included in the sample: homicide, assault, criminal defamation, sexual assault and other sexual offences and violent crimes against property. The files came from all counties of the country, except Győr-Moson-Sopron county.

The key results of the research project are as follows:

The majority of juveniles who committed violent crimes were aged 14-15, with only a few cases involving juveniles younger than that. A finding that we know from our previous research has now been confirmed, namely that the vast majority of perpetrators are extremely disadvantaged young people, socialised by criminal, under-educated, abusive, neglectful, alcoholic parents and, in many cases, deliberately traumatised during childhood. In this research, too, we often see an ever-changing place of residence and environment, which makes young people's living conditions uncertain and unstable. In addition to domestic abuse, it is important to mention the permissive parenting style without any control or consequences, which leads to the disruption of the young person. In the cases examined, a strikingly high proportion of the perpetrators were living in children's homes, residential care or foster care. This was particularly common in the case of sexual offences, where sexual abuse was perpetrated on a continuous basis against weaker, younger, more vulnerable victims. A significant number of the perpetrators in state care were psychiatric patients, on medication, but in many cases the medication was not taken or not taken as prescribed, or the prescribed medication did not have the expected effect. Most of the perpetrators had a Special Educational Needs classification due to their mental and behavioural disorders and were attending special schools and living in special children's homes, which were more closed than the general ones. In terms of offences, *child pornography* deserves to be highlighted, as it is very common in this age group, given that receiving a pornographic (or even nude) image of a person under the age of 18, even a photo of oneself, on a digital device constitutes a criminal offence. Changing this provision should be considered, so that it should not fall in this category when such photos/videos are sent/received by minors only between each other, since the legislator did not intend to punish this type of offence. The other relatively new crime among young people is *violence against public officials*, which is also prevalent in children's homes and residential homes, where the victims are typically teachers and educators. Violent crimes against property are still most often committed in groups against elderly, sick, infirm and vulnerable victims. The most striking change compared to our previous research is the predominance of violent crimes committed in children's homes among the state care population, the causes and circumstances of which is worth investigating in more detail in the future.

Gabriella Kármán:

Using the lessons from criminal proceedings in the strategy against counterfeit medicines

The research on *"Criminal law tools to combat counterfeiting medicines"* was launched in 2022 with the intention of contributing to the strategy against counterfeiting by using the results of empirical research conducted in the past year. As the next phase of the research, the aim of the activity in 2022 was disseminating the research, presenting and discussing the results, consulting with professional organisations on their practical usefulness, and possibly conducting a second analysis in the light of feedback.

The anti-counterfeiting strategy is based on the coordinated action of a number of authorities, involving all professional and law enforcement bodies, including the professional medicines authority (OGYÉI), law enforcement agencies, pharmaceutical manufacturers and the coordinating bodies (HENT). The aim of the cooperation is to prevent such crimes, increase the number of successful prosecutions, in particular the seizure and withdrawal of counterfeit goods, and to compensate for damages.

During the two-year research period 2020-2021, we studied the factors justifying the criminalisation of the problem, the international framework and the aspects, data and activities published by the relevant international bodies. Following the analysis of the Hungarian criminal law, the second year of the research was devoted to the analysis of statistical data and empirical research based on processing criminal records. The aim of the research was to measure the effectiveness of criminal law instruments, based on the detection and evidentiary characteristics of criminal proceedings. The empirical research carried out over the past year has revealed the characteristics of cases of counterfeiting of medicines and health products, the objects of the offences, the offence behaviour, good practices and difficulties in detecting and proving the offences, and the methods of completing criminal proceedings.

In this year's research on the counterfeiting of medicines, we discussed the detection and evidence problems encountered in focus group discussions and formulated the legislative and enforcement challenges. In addition to the evaluation of the criminal proceedings regarding counterfeiting medicines, conceptual anomalies in the application of the law and expert questions affecting the assessment of the offence have been identified, and their resolution calls for further consultation, with the cooperation of several professions. As a targeted future output of this exercise, the participating experts envisaged the preparation of a guide to assist law enforcement.

Petronella Deres:

Characteristics of cyberspace-related criminal offences in Hungary

The reason for conducting the research was that the number of certain crimes involving IT systems has also increased significantly in Hungary in recent years, with the number of crimes registered in connection with information system or data breaches rising tenfold (from 52 to 580).

The first section of the research outlines the current international and European developments in cybersecurity and cybercrime, because the domestic situation can only be examined in a broader perspective. The report first discusses the EU's adopted priorities for law enforcement for the period 2022-2025. They clearly support the finding that cybercrime permeates almost all the agents of crime. Then, after a conceptual outline, it discusses the latest orientations defined by the European Commission on the basis of its new strategy for the Security Union, reviews the main milestones of the pandemic period in the fight against

cybercrime; and presents the provisions of the Second Additional Protocol to the Budapest Convention, touching upon the Octopus 2021 conference and some of the findings of the Internet Organised Crime Threat Assessment (IOCTA) for 2021.

The empirical phase of the research evaluates and analyses a slice of domestic cybercrime, the characteristics of the facts classified in Chapter XLIII of the Criminal Code in the legal practice, based on nearly 500 criminal documents (cases initiated and concluded by final and binding judgments or orders between the entry into force of the new Criminal Code and 31 December 2021). The conclusion of the national survey is that there are several, basically well-defined types of offences.

With regard to the illicit acquisition of data under Section 422 of the Criminal Code, the majority of offences are reported for offences committed against relatives or former relatives. The most common offence is the use of a technical device to monitor what is happening in someone else's home or other premises; there have also been cases of spyware installation. In several counties, the perpetrator remains unknown in a large number of cases, so criminal proceedings are suspended by the investigating authorities and then terminated after the statute of limitations has expired.

In the case of the most frequently committed offences, of violation of an information system or data under Section 423, it should be emphasised that the question of classification and delimitation also arises in relation to the assessment of the acts capable of defamation "coexisting" with the facts under investigation, and the question of the assessment of so-called "ethical hacking" also arises. Personally motivated offences, especially those committed on social networking sites, are particularly psychologically distressing for victims. Offensive/malicious posts and content can not only affect their private lives, but also their social status – most notably their employment relations – especially in smaller settlements. In some cases, the offences are linked to other crimes: a relatively high number are linked to offences against property or harassment.

Circumvention of information system technical security measures under Section 424 is the least frequent criminal offence in the practice of prosecutors' offices (15 cases registered in 2021).

In conclusion, the domestic regulatory environment adequately covers a wide range of cyber-attacks, but it can be challenging for law enforcement to keep track of new offences, and in practice it can be problematic to classify certain types of offences. In particular, it is important that law enforcement officers are also provided with specialised training on the legal challenges of cybercrime, so that they can learn about the latest IT trends, offences and ways of committing them, and gain up-to-date knowledge and skills. In Hungary, the Prosecution Office has set up the National Cybercrime Prosecution Network, which is modelled on the National Judicial Office's decision to set up a cybercrime court network.

An outstanding innovation is the establishment of cyber contact points at the Budapest Prosecutor General's Office, the second in Europe, which can be considered as the cyber crime unit of the Budapest Prosecutor General's Office, and the experience gained from it led the Prosecutor General's Office to order the establishment of cyber contact points for the entire prosecution organisation.

Judit Szabó:

The situation of the reintegration of perpetrators in Hungary since the entry into force of the new Penitentiary Code

Act CCXL of 2013 on the enforcement of sentences, measures, certain coercive measures and the detention of perpetrators, which entered into force on 1 January 2015, not only added new legal instruments to the practice of reintegration, but also brought about a fundamental change

of approach in this area. In recent years, there have been changes in the operation of the Prison Service beyond the normative amendment, and it seemed appropriate to examine the modern reintegration efforts reflected in the provisions of the new law and the factors other than the legislative environment that have shaped the practice of the Prison Service.

The backbone of the research is a review and evaluation of the normative background, as well as the literature and other available sources, such as research reports and press releases. In describing the reintegration practices of the Prison Service, we have also drawn on the analysis of statistical data published by the BVOP and information in its publications and on its website. We reviewed and evaluated the provisions of the Prison Act on reintegration in the light of previous legislation and practice, and summarised the practice of recent years in the reintegration of prisoners into society. In this context, the restrictive measures taken in response to the COVID19 pandemic and their impact were also discussed.

The qualitative empirical research planned for the second year of the research was cancelled due to difficulties encountered (possible new restrictions due to COVID-19, more expensive travel due to the energy crisis) and the different focus of the Institute's future research, and the research terminated this year. According to the findings of the research, the new Criminal Code provides a modern framework for the reintegration activities of the penitentiary system, in line with international trends, and the increase in the range of reintegration programmes is also a step forward. Efforts to reduce overcrowding and other infrastructure and IT improvements in the organisation have also made a positive difference. The Organisation has also been successful in combating the coronavirus epidemic, and the majority of the experience with Skype chat, which has been made widely available to compensate for the ban, is positive according to the information available. However, the restriction of personal contact over a long period of time raises questions about its justification and, in the light of other developments that have had a negative impact on the openness principle and contact, it seems appropriate to investigate the reintegration practices of the domestic prison system using empirical methods in the future, if the opportunity arises.

György Virág – Judit Szabó:

Questions of social and criminal law evaluation of frozen immobility as a possible behavioural response to sexual violence

A significant proportion of victims of sexual violence experience frozen immobility, in other words paralysis and an inability to react to the assault. Although the phenomenon known as *tonic immobility* is well known, its legal assessment raises a number of questions and dilemmas, mainly around the problem of provability. The aim of the research is to present the phenomenon, to describe the positions found in the international literature and the relevant legislation of some European states, and to examine how the phenomenon can be assessed in the light of domestic legislation.

The research is mainly based on the analysis of national and international literature and legislation. During the research, we were helped by Zsolt Szomora's useful oral and written suggestions and questions worthy of further consideration, which contributed both to a more precise presentation of the Hungarian legal doctrinal background and to the delimitation of the issues arising in connection with the criminal law assessment of the phenomenon of tonal immobility. Due to the complexity of the problem under review, it was not possible to apply a justified empirical methodology this year, but we plan to explore the psychological and criminal law issues of tonal immobility through interviews with forensic experts and law enforcement officials and with focus group discussions, as epidemiological and energy crisis situations allow.

In this research report, we collected the relevant national and international literature on the topic, systematically reviewing the neurobiological and psychological aspects of immobility and its relationship with sexual violence. We also examined the issues of the criminal law assessment of the phenomenon, including the domestic situation, the international context and the relevant legislation of some European states. In the context of Hungarian criminal law, we primarily examined the doctrinal and legal issues of victim resistance, attempting to outline the framework for the criminal law assessment of the frozen immobility of the victim. The research report raises questions worthy of further reflection and lays the foundations for future empirical research, which will, it is hoped, answer the remaining questions by exploring the expert and criminal law aspects in more detail and in a more complex way.

László Korinek:

The impact of education on crime

The influence of family and schools can play a crucial role in shaping personality and thus behaviour. The research examines the value-mediating function of the process, keeping criminological considerations in mind.

Education is a fundamental tool for shaping the personality. What needs to be decided is which values the process is aimed at acquiring. If the transmission of existing patterns of thinking in society takes place, then we can talk about essentially conservative content. And if shaping the future, development, is the desired direction, then character-building influences prevail. In both cases, the conflict between values and the benefits that can actually be achieved arises – more acutely in the second case. Organisations have the strongest impact on individuals, sometimes challenging their acquired values. From a criminological point of view, it is important to go beyond internal human behaviour to the transfer of actual crime prevention knowledge, which is fortunately combined with the reinforcement of values. It is therefore important to address the most important issues of crime and public safety in school education and training. The National Basic Curriculum (Nat) (II.3.4.2.) underlines the need to understand the importance and role of national defence. The justification for this cannot be disputed, but the issue of internal security is obviously closer to the students' hearts, which is not included in the same discipline.

In conclusion, education plays an invaluable role in the implementation of Article O of the Fundamental Law, and thus in the basis for action against crime. Accordingly: *"Everyone shall be responsible for him- or herself, and shall be obliged to contribute to the performance of state and community tasks according to his or her abilities and possibilities."* However, it can only fulfil its function well if the values it has acquired are not eroded by external factors which, relying on those very values, would have a chance of protecting public security effectively.

József Kó:

Trend analysis of criminal offences against life

In the framework of the research, long-term data series (1968-2021) on offences covered by Chapter XV of *Act C of 2012* were collected. The data were used to describe and analyse the trends in the statistics for each crime. Criminal offences under review:

1) Homicide
2) Homicide in the heat of passion
3) Participating in suicide
4) Illegal abortion

5) Causing bodily harm
6) Endangering by professional misconduct
7) Failure to render assistance
8) Failure to provide care

Of these, the number of cases is under 10 per year for homicide in the heat of passion, assisted suicide, illegal abortion and failure to provide care. Statistical analysis of these is not possible.

The annual data for endangering by professional misconduct and causing bodily harm showed essentially linear trends over the period. The beginning of the cycle is characterised by a period of equilibrium. After the change of regime, the figures reached a higher level, and a downward trend can be seen after the turn of the millennium.

According to the analysis, the annual frequency of criminal offences under Chapter XV shows different characteristics to other offences. This is an important feature, especially for homicide, as this crime is often used in international comparisons to describe the crime situation in different countries. However, this may lead to erroneous conclusions, because the trend in the number of homicides does not reflect the actual crime situation and its evolution.

In the second part of the research, we looked at the factors that influence changes in homicide rates. Regression models were constructed for the analysis. The regression analysis showed a relationship between homicides and offences under Chapter XV of the Criminal Code that caused death. The frequency of deadly crimes shows a correlation, indicating that these crimes have the same underlying effects.

In another regression model, we examined the effect of social characteristics on homicide. The factors examined included in the model are births and deaths as demographic indicators, inflation and per capita GDP as indicators of economic change, and alcohol consumption and suicides per capita as indicators of social deviance.

The model showed a strong connection between the inflation data used to characterise economic change and the annual incidence of homicide. In addition to the economic impact, data on deaths and alcohol consumption were found to be associated with changes in homicide rates. The results show that the characteristics in the model can be used to predict the trend in homicide.

Gabriella Kármán – József Kó:

Characteristics and implications for the criminal justice system of the appointment of forensic experts and the evaluation of their opinions

In 2022, the results of the empirical research conducted in previous years under the title *"Expert Evidence in the Light of the Application of the Law"* were subjected to a second analysis and a statistical analysis of the correlations. On the basis of the results, we formulated our findings on the practice of expert evidence and made recommendations, in particular on the appointment of experts and the evaluation of expert opinions.

The aim of the research, which started at the Institute in 2019, was to build on our previous theoretical studies on the subject and to examine the experience of forensic expert evidence in the application of the law, with a special focus on the implementation of the objectives of Act XXIX of 2016 on Judicial Experts (Szaktv.) and with particular attention to the anomalies previously encountered by the application of the law. Within the application of the law, the analysis focused on criminal jurisprudence, which is framed by Act XC of 2017 on Code of Criminal Procedure (Be.) and the evidentiary characteristics of criminal procedure. A comprehensive, multidisciplinary examination of expert evidence to assess the situation and to assist both experts and practitioners has become timely in the light of the new legislation. The research focused on the role of expert opinion in evidence, its credibility, its potential, its factors

and its implementation. In our view, this is the concept that most comprehensively covers all those conditions that are indispensable to the lawful and effective taking of evidence.

The main element of the investigation was a comprehensive questionnaire survey of investigating authorities (police and NAV), prosecutors and judges, involving all departments across the country. The questionnaire covered the entire process from the appointment of a forensic expert to the evaluation of the expert opinion, with nearly a hundred questions. The design and implementation of the survey, the recording and primary processing of a total of 667 questionnaires took place in 2020-2021. In the light of these findings, it became necessary to examine the correlations in the results further. As part of the research conducted in 2022, a second analysis was carried out using an analytical and statistical method. Data were processed using the SPSS software package.

The answers to the questionnaire mostly indicate that the representatives of the various authorities are satisfied with the expert opinions. Cooperation with the majority of experts is good. The overwhelming majority of prosecutors and judges consider that expert opinions contribute to the establishment of the facts and the decision adopted based on them. The representatives of the authorities accept the experts' findings, the method chosen and the results obtained. If a problem or omission arises, it can usually be corrected by asking for clarification or supplementation. However, respondents are not always familiar with the test or method used by the expert, and sometimes the description of the test or method is not included in the expert opinion. All this suggests that more detailed information on the procedures and methods applicable in the various fields of expertise and their possibilities, validity and reliability would be needed in order to provide a sound basis for the evaluation of expert opinions. According to the responses, the evaluation of expert opinions could be greatly supported by methodology letters and, besides that, the specialist literature, training programmes and information requested from experts are all useful sources.

Responses on the methodology for the evaluation of expert opinions show that a significant proportion of respondents use a set of criteria based on their own experience, knowledge acquired in training and the literature. The responses also indicated that it would be helpful for the members of the authorities if a protocol for the evaluation of opinions were available. As a result of our research, we have developed a proposal that we intend to use as a starting point for the official evaluation of the advice.

Tünde A. Barabás:

Victimisation in the online space

In the 21st century, social interactions in the online space play an increasingly important role in our lives, and the amount of time spent online is constantly increasing. With the Covid19 2020 event, this process has intensified, with personal and professional life increasingly moving into the virtual space. At the same time, online crime and victimisation are on the rise; moreover, scams and data theft in virtual spaces are becoming increasingly diverse.

The study of cybercrime has also gained ground in the last three decades from a criminological perspective. In the present research, we investigated the explanatory power of some criminological theories relevant to cybercrime on offending using an international comparative questionnaire survey on online and offline victimisation and the commission of certain cybercrimes. Our aim was to compare participants in three countries (Hungary, Finland, United States) along victimisation and offending trends and to examine the explanatory power of different sociological theories of offending. Our hypothesis is that if the motivations of cybercriminals and the factors that shape their deviant behaviour become better understood, the upward trend in the number of crimes committed in the online space can be reversed.

The questionnaire on victimisation and offending in the online space was distributed and collected in April 2020 in the three countries using the *Qualtrics* questionnaire system. After the incomplete cases were eliminated, 4212 people were included in the sample. Data were analysed with the SPSS software package. *Chi-square* tests were used to analyse frequencies and *Mann-Whitney tests* (violation of normality) to compare means. Finally, the explanatory power of each criminological theory on offending was examined using multiple linear regression.

The results of the research showed similar trends in terms of crime and victimisation in the online space as studies focusing on the offline space. What we found was that men were more likely to be victims of online crime and to commit more crimes online. More frequent virtual victimisation of men was associated with significantly higher levels of online activity compared to women (associated only with more frequent use of certain security precautions – identity theft monitoring solutions, use of antivirus, etc.), but no significant differences were found for other measures.

By examining the explanatory power of the different criminological theories, we were able to identify some differences between the participants in the three countries studied. The US sample had the highest rates of both offending and victimisation. In the Hungarian and US samples, personal stressors and negative experiences *(general stress theory, GST)* played a significant role in the commission of cybercrime, while ower levels of *self-control* were more likely to be a factor in the Finnish sample. For the whole sample, however, the role of criminal behaviour patterns acquired through social learning processes and interactions was the strongest *(social learning theory)*. Why the effect of the institutional anomie theory was not significant in any of the samples examined could be a subject of further research.

Renáta Garai:

Criminal offences against national tobacco shops

In order to reduce under-age smoking and to achieve other objectives, from 1 July 2013, the retail sale of tobacco products in Hungary is an activity exclusively under the competence of the state, and national tobacco shops have been opened for a limited period of 20 years based on concession contracts. Tobacco products can now be sold in only 5,800 controlled outlets, compared to 40,000 retail premises previously, which is a change that has also attracted the attention of criminals due to the specific design of the outlets. The research findings present a number of aspects of the tobacco sector, the crimes committed against them and their statistics, suggestions for crime prevention and victim protection options, and the perceptions of stakeholders through face-to-face interviews and a representative anonymous online questionnaire (n=1412).

Between 2013 and 2021, a total of 1,825 offences were registered in the ENYÜBS at national tobacco shop sites, including 1,296 thefts, 187 cases of criminal damage, 175 (!) robberies and 80 cases of damage. The survey showed that some workers have a lack of knowledge of their own safety and feel that their workplace is dangerous, wherein they also face a number of atrocities and attacks. Good procedures need to be a priority, and it is recommended that all criminal offences are reported; that security procedures are communicated to both existing and new staff; the panic button is tested regularly and kept in a suitable place; the quality of camera footage is checked and properly backed up; day shift changes and daily closures should only take place behind closed doors; money is kept in a safe place during the day and safely removed; cooperation with neighbouring businesses is sought; and that 112 is the first emergency number to be called in the event of an emergency. In view of the primacy of human life and physical safety, the law needs to be amended as soon as possible with regard to the issue of the visibility of the premises from the outside.

Orsolya Bolyky:

Risks of victimisation of disabled and elderly people in residential care and other closed institutions

Generally speaking, people with disabilities and older people are at increased risk of becoming victims of crime because of their physical and mental condition. Many of them live in residential institutions and homes designed for them. Although these institutions are designed to provide care and protection for vulnerable people with no or limited capacity to care for themselves, the confinement and the condition of the residents increases the chances of abuse and ill-treatment occurring within the walls, and of these acts remaining latent.

The aim of the research was to gain a picture of the specificities of abuse in Hungarian institutions by reviewing the literature, studying reports based on ombudsman investigations and the findings of other rights organisations.

Abuse can occur, both from staff working there and from other residents. The most common form of caregiver abuse is neglect, where the basic needs of a cared-for person who is incapacitated or lacking certain partial abilities are not met or are met with a significant delay (e.g. feeding, hydration, hygiene). This type of abuse is less likely to be detected and harder to prove. There is also active abuse in institutions, which can be, for example, "punishment" of the disabled person, and also self-serving, explicitly cruel behaviour. The strict restrictions (no-visit policy) during the Covid19 outbreak further isolated these institutions, so the latency of abuse during this period is likely to be even higher.

People living in closed institutions and social care homes do not report or seek help when they are victims of harm for several reasons: they often do not recognise that they are victims of crime because of their intellectual disability; they are often afraid of making a report because of their existential dependency on the perpetrator; they accept the offending situation as the only possible life situation they know; they lack self-esteem and self-confidence; shame, fear; and they lack information about their rights. All of these reasons have a lot in common with the attitudes and situations of victims of domestic violence, the common feature being the vulnerability of the victims.

Abuse and ill-treatment are usually reported by relatives, and ombudsman inquiries are mainly triggered by such reports. Research has shown that abuse of people in closed institutions who are vulnerable due to their physical and/or mental condition is relatively common, and is mostly manifested in the form of neglect, and presumably a large proportion of them remain latent. Violent acts by residents against each other (even causing seriously dangerous situations, such as arson) can be attributed to staff shortages and the resulting lack of supervision. In addition to regular checks, the solution to abuse would be smaller care centres, careful selection and training of the professionals working there, financial recognition for their work, and making internal operations more humane and open.

Szilveszter Póczik – Orsolya Bolyky – Eszter Sárik:

Some links between the Covid19 pandemic and crime

During the year under review, part of the research conducted by Orsolya Bolyky and Eszter Sárik entitled "*Characteristics of juvenile delinquency in the period of COVID19 restrictions*" was completed. Its main question was whether there had been any change in the characteristics of juvenile offending during the period of restrictions introduced because of the Covid19 pandemic. According to the hypothesis, the pattern of juvenile criminal offences has been

significantly affected by the severe restrictive measures imposed as a result of the epidemic, in particular school closures. In our research, we examined criminal files of criminologically violent crimes committed by juveniles in 2020-2021, during a period of severe restrictions on social contacts, mainly during the period of online education. (The files examined were part of the criminal files of the research in section I.T.III/A/1 of this report.) It was assumed that the lack of personal social contact, isolation and few opportunities for exercise and recreation also had an impact on teenage offending. The research method was based on file studies, statistical data analysis and the analysis of literature and relevant press reports. We also paid attention to the use of legal measures to speed up and simplify criminal proceedings in juvenile cases.

Our main findings are as follows: in the cases we have examined, there are few cases where there is a clear link between the crime committed and the pandemic lockdown. Historical records show that perpetrators typically behaved aggressively and violently towards both teachers and peers in the years before the pandemic as well. Most of them have serious psychiatric problems, mainly due to socialisation. The restrictions imposed due to the pandemic have not changed the long-established fact that the majority of juvenile perpetrators come from disadvantaged families, though it should be stressed that the loss of control of school or other educational institutions and the existential insecurity of families has further exacerbated their educational disadvantage. In the case of the people in state care, it can be concluded that the curfew and the restriction of contact through personal presence did not affect their already typical behaviour, and the same regularity of escapes and drop-outs was observed. This permanent defiance of the rules was no different in terms of epidemiological rules (e.g. wearing masks), which were also frequently broken. Although objective data are not available, we concluded from the testimonies that the confinement and the requirement of online learning placed a heavy burden on the caregivers working in children's homes, which led to a strained relationship between children and caregivers in those institutions. The pedagogical analyses revealed that, for the majority of young people living in very poor existential circumstances, participation in online education was almost non-existent, with no level of compliance, and therefore high levels of repetition of years and, if the young person was no longer of compulsory school age, dropping out could be observed. Oversight of child protection for families living in the segregated areas of smaller settlements was severely reduced, and the already difficult structured time schedule almost completely disappeared, which certainly encouraged deviant behaviour among young people. However, in statistical terms, we do not yet see major changes because, on the one hand, most of the prosecutions that were initiated in this period are still ongoing and, on the other hand, it can be assumed that a significant proportion of crimes in segregated communities remain latent due to the reduction or lack of control mentioned above.

Ildikó Ritter:

Abuse of performance-enhancing drugs

The aim of the research was to examine the lawfulness of the legislation, to find out whether the application of the legislation is able to achieve the legislative objective and whether it is capable of helping to discourage performance enhancement in sporting activities. We also examined patterns of detection by the authorities, offending and the characteristics of the perpetrators.

The research was conducted at two-year intervals. In the first year (2021), we prepared the quantitative research, processed the literature and analysed the statistical data. In the second year (2022), a full national sample of case files from the criminal proceedings for abuse of a performance enhancing substance between 2013 and 2021 was analysed using a document analysis method.

The online trade in illicit products has accelerated and expanded in the wake of the COVID19 pandemic, reshaping not only the drug market, but also the illicit market for psychoactive drugs, pharmaceuticals and performance enhancers. Three marked changes can be detected:

- on the one hand, the online marketplace has gained a strong foothold in trade in the illegal substances concerned,
- on the other hand, supply, at both the retail and wholesale level, has become much more diversified,
- third, in this context, the market for drugs, illegal medicines and performance enhancers has converged, and even touches on the market for counterfeit and stolen data and weapons in illegal online stores (the dark web).

Since doping today typically involves the targeted consumption or use of substances that both enhance performance and address the unwanted side effects of these performance-enhancing substances, in practice this subculture is characterised by the combined use of performance-enhancing substances and pharmaceuticals in the legal sense. The supply market is fundamentally based on serving the demand market, and as the perpetrators of these crimes are typically commercially active in the supply of several types of medicines for performance enhancement or compensation for the side effects of certain performance-enhancing drugs, many of which are not authorised for sale in Hungary, the crimes of performance-enhancing drug abuse and counterfeiting medicines (formerly known as counterfeiting a medicinal product) are often committed together.

The criminal law related to the doping phenomenon, primarily bodybuilding and the bodybuilding subculture, is not coherent. The legislator has sought to meet international obligations by ratifying international conventions “thrown on top of each other”, ignoring how their provisions can be applied in practice and whether the rules are practical. So a kind of hybrid regulation was born.

Even when the offence of counterfeiting medicinal products was introduced on 1 January 2019, the offences (abuse of performance-enhancing substances – Section 185 of the Criminal Code and counterfeiting medicinal products – Section 185/A of the Criminal Code) and the punishment scales were not harmonised. All this, combined with the problem of similar and in many cases identical offences, makes it very difficult for law enforcement officers to both distinguish and prove.

Impunity for the consumption and possession of any quantity of performance-enhancing drugs reduces the risk of detection by supply-side operators, who are braver in entering the market with an ever-widening spectrum of supply. Investments that pay off quickly generate extra profit. The lower risk allows a more open supply market to operate, so it is no coincidence that, unlike drugs, doping substances are also offered on the open internet, easily and quickly available to anyone.

The players in the demand market are clearly recreational or competitive athletes, especially those belonging to the bodybuilding subculture (personal trainers, competitors, hobbyists), and some members of the professional armed forces (police, prison services) (most of them also hobbyists; there is a close link between their bodybuilding activities and their legal work).

Domestic detection concerns the gym bodybuilding subculture linked to recreational sports, as well as performance-enhancing substances ordered in bulk from abroad for commercial purposes and medicines not authorised in Hungary. In the latter cases, the identity of the perpetrators was typically not revealed.

Since the introduction of the national legislation, the field of elite sport has avoided criminal prosecution, and even if doping offences have occurred, they have been settled by HUNADO in cooperation with WADA, under its own authority, and there have been no investigations aimed at detecting supply-side perpetrators.

Ágnes Solt:

Domestic violence and the response of the system. Child abuse

In 2015, we analysed the criminal records of all final judgments in Hungary concerning jeopardising minors.

At that time, we prepared a research report on the comparison of county-level data, sentencing practices and their consequences, and the separation and frequency distribution of typical cases. The criminal files sent to OKRI in 2015 covered 759 out of 961 cases in the criminal statistics system (ENYÜBS), while for the 2020 convictions we analysed the files (investigation, prosecution and court files) of 398 out of 440 cases sent to us. The 961 cases already indicated an extremely high latency rate for this type of crime, particularly in cases of domestic child abuse, but five years later, in 2020, the figures show an even less clear picture of the situation in this area.

The 46% decrease in convictions for jeopardising a minor is driven by a decrease in wood theft and occasional offences that can be described as subsistence crimes (down from 2015 to 7.1% in 2020) and a decrease in the collective offences against young people's property (down from 2015 to 19% in 2020).

A striking positive change is that while in 2015, only 12% of cases were classified as proven relationship violence, this rose to 66% in 2020. Case law has not developed accordingly. The number of criminal convictions also increased by a large proportion – 51%. This has certainly contributed to a further softening of penalties.

86% of all child abuse cases go on for years without any noticeable intervention by child protection. Although in most cases children were taken into protection, in a good number of cases, due to the lack of professionals, the protection was practically empty; enforcing the rules of behaviour towards the family and monitoring the family's behaviour could not be achieved.

In many cases, foster care is not provided, or is provided only very late, because there are no professional foster parents, children's homes or residential homes to take the minors. Characteristic features of children in specialised care from an early age are their persistent runaway behaviour and anti-community activities.

Nationally, the functioning of the child protection reporting system and the willingness to report (which is an obligation) varies widely. In settlements with a good infrastructure, where the standard of living is also higher, there is a reporting system in place and regular reports of child abuse and endangerment are made. In municipalities with a generally low standard of living and inadequate infrastructure, child abuse cases that go on for years without intervention are mainly due to no reports being made to any of the child protection services for years.

During the procedures, children are sometimes heard unduly often and inappropriately. In order for a victim witness to provide valuable information in their testimony, it is necessary for them to feel emotionally safe and surrounded by supportive persons. In its absence, neither child nor adult victims can be expected to give an informative, consistent and detailed statement in any case where abuse is involved.

All in all, the penalties imposed in cases of child abuse are very light in relation to the danger the phenomenon poses to society. The offence of jeopardising a minor is a breeding ground for their becoming an offender, which sickens and/or criminalises. However, in 2015, 24% of all the perpetrators we studied were sentenced to non-suspended imprisonment, while in 2020, punishment eased further: only 18% of them had to go to prison.

When imposing the sentence, we also found that neither the regularity nor the cumulative nature aggravate the penalty imposed.

Szilveszter Póczik:

A criminological analysis of jihadists and terrorists in Europe

The aim of the research was to take stock of the factors influencing radicalism and terrorism in Europe, with a particular focus on the violent extremist Islamist movement in Europe. An attempt has been made to identify the process, main characteristics and catalysts of radicalisation, and to describe measures to counter radicalisation. In particular, the research was motivated by the fact that, in Hungary, too, we have to count on the gradual expansion of the Islamic community and the emergence of Islamist radicalism. Drawing on the schema used in the sociology of migration, a dichotomous socio-psychological model of Islamist radicalisation is outlined, based on the *push* and *pull* factors.

We contrasted the social and existential shortcomings that drive individuals to emigrate/expatriate with the idealised Islamic vocabulary and expectations associated with the destination area of emigration/immigration. Those first- or second-generation descendants of Muslim immigrants who are only seemingly integrated into Western society face a multi-layered identity crisis. They are oppressed by the double bind of belonging to the Muslim world and the Western values that oppose it. In the second and third generations, the metaphysics of the mundane and the otherworldly come to the fore: thus the defining elements of social and political, as well as religious, identity and identification. The idealised concept of the Islamic State, which claims to be the realisation of "true Islam", offers the possibility of full identification, a kind of virtual homecoming or return. The soldier who joins – according to his self-understanding – Islam, fighting against a West seemingly opposed to the Islamic world as a whole, moves from the rigidity of the Western existence that lacks community, to the service of a higher community, the Muslim world community (umma). This change of front resolves the tensions between Western birthplace, modest status in education and the labour market, and low self-esteem and high status aspirations. One of the roots of higher self-esteem, contrasted with fragmented European private values, is the stable and unquestionable system of Muslim private values such as the concept of man and woman, the sense of tribal, national and family identity and belonging, gender roles and prohibitions, and the overall structure of private morality presented as solid. Exclusion from Western society also implies a kind of conscious anti-capitalism that helps to identify with Islam, which prohibits exploitation by banning interest and requires giving to the poor. Last but not least, we should mention the aspiration for the "flow" experience. The flow theory, at least as far as political and social behaviour is concerned, needs to be complemented by an indispensable element, namely the desire to participate in the main events of the world. This is a common constitutive feature of the behaviour of radicals with various political aims. The liberating experience of being part of the social mainstream is coupled with a sense of enlightened happiness, in stark contrast to the component mechanics and monotony of being trapped in the conditions of modernity.

We have concluded that the identification with radicalism is based on three basic motives: a mindset that is sensitive to social injustices and prefers radical solutions, a moral panic over the negative experiences of Muslims in the Euro-Atlantic world, and a political attitude towards the foreign policy of the West.

The optimal strategy to combat radicalisation is to prevent young people from becoming radicalised. Social measures, integration policies and the fight against Islamophobia in society are of primary importance. There is a need to develop ideologies that are contrary to radical ideologies (Euro-Islam). The role of local communities and their dialogue with local institutions and authorities is crucial. The Euro-Atlantic countries all have detailed integration policies, yet it is in countries known for their multicultural policies where the problem of Islamic extremism is most acute. It must be recognised that, at our current stage of social development, the Christian-based constitution and legal order is in irreconcilable conflict with the radical interpretation of society and law, imported from the Islamic world. It is therefore expected that the segregation of Muslim communities will persist for a long time and continue to be a source of social conflict.

Szandra Windt:

Law enforcement models to increase the effectiveness of the fight against trafficking in human beings

Although there is a long history of investigating the activities of law enforcement, especially police and prosecutors, in relation to trafficking in human beings abroad, little attention has been paid to this issue in Hungary. The research conducted over the last two years has explored the experiences of police and prosecutors, and the difficulties and the opportunities they have encountered. Successful investigations, inquiries and prosecutions depend on a good understanding of the complexity of this phenomenon. The judiciary is in a difficult situation: on the one hand, there is pressure from international organisations (e.g. the European Commission, the Council of Europe through the GRETA Expert Group) to act against this phenomenon and, on the other hand, it is difficult to prove, as there is (usually) a community of interest between the perpetrator and the victim.

It is an international expectation to increase proactivity in trafficking cases. We wanted to help: what can contribute to the effectiveness and efficiency of the action beyond the human factor? Increasing the victim-centredness of law enforcers, police officers and prosecutors, and raising their awareness is an important aspect of anti-human trafficking efforts, but in this research we tried to explore how available data and information can be processed and used to help make these crimes visible and prevent them (e.g. through problem-oriented or predictive policing methods).

The research was conducted in 2021-2022. In the first year, statistical data and literature were processed, and in the second year, in addition to this, document analysis and interviews with members of the investigating authority and the prosecution service were carried out.

One of the objectives of the 2022 study was to review human trafficking cases, focusing in particular on the pre-charging phase: police-prosecutor cooperation, effectiveness and efficiency. The main research question was how the work of the prosecution service and the police are interconnected in the fight against human trafficking, and what difficulties and challenges are encountered in the work of both professions in the light of this phenomenon. The cooperation of victims is extremely important because of their role in the proceedings, but often difficult for law enforcement officers to work with, also because of the traumatic nature of the victim. In addition, issues of delimitation and the perception of exploitative purpose were also outlined in the research.

Anna Kiss:

The emergence of solidarity with victims in criminal proceedings and its impact on decision-making

The insignificant role previously given to victims of crime in criminal proceedings has now changed, and there has been a significant expansion of victims' rights. The *aim of the research* was to investigate whether the increase in victims' rights, most notably the possibility for a crime victim to share their pain at trial, has a cathartic effect on the decision-maker and, if so, whether this might influence their decision.

The *hypothesis of* the *research* is, on the one hand, that emotions can infiltrate the procedure and, on the other hand, that this can also affect the decision of law enforcement.

The research falls within the scope of the examination of the new Code of Criminal Procedure. For a long time, the rights of the victim of a crime as a victim in criminal proceedings have not been sufficiently taken into account, and the victim has been "drowned" in

the role of witness. The manifestos of the civil movements of the last third of the twentieth century infiltrated the world of scientific research, on the one hand, and influenced international documents and, through them, national legislation, on the other. The continental legal system has seen a succession of amendments to criminal procedural law, which have steadily expanded victims' rights.

With the creation of *the special treatment category* – by the authorisation of the legislator himself – the effective implementation of individualisation was ensured and, as a consequence, the research into the two hypotheses formulated in the research became topical.

Within the analysis of the new role of the victim, one of the biggest changes is that the victim of a crime can now not only give evidence at trial concerning the impact of the crime on them, but also about whether he or she wants the accused punished, and can do so before the end of the evidentiary procedure. By comparing the Anglo-Saxon and continental justice systems, it can be seen that the domestic law (Be.) mixes the *Victim Impact Statement* or *Victim Personal Statement* right of declaration with the *Victim Statement of Opinion* right. The extension of victims' rights, most notably the possibility for the victim of a crime to share their pain at the trial, could in theory have an impact on the decision-maker and influence their decision. Theoretical evidence for this is plausible from the literature and other research, but the research hypothesis, that emotions infiltrate the process and that this affects decision-making, has only been partially confirmed. Emotions were indeed present in the drama of criminal proceedings, but their impact on the verdict is not empirically measurable and thus cannot be justified. Further research cannot prove this methodologically.

RESEARCH COMMISSIONED BY THE PROSECUTOR'S OFFICES

Katalin Tilki:

Criminal law protection of animals

No studies have been carried out and no studies are currently underway to describe and analyse poisoning cases and the related case law involving wild protected and endangered animals. This is why the Prosecutor General's Office has initiated this investigation.

The research was based on prosecution files from 2014-2020 in which criminal proceedings for damage to nature or animal cruelty were ongoing. The county prosecution offices sent a total of 310 cases for investigation, of which 59 relevant cases were found and formed the basis of the investigation.

Criminal investigations were closed in 31 cases and suspended in 24 cases, and final court judgments had been handed down in 4 cases. In most cases, the investigation was closed because of the statute of limitations; there were also cases where the act committed did not constitute a crime and/or there was no evidence that a crime had been committed.

The cases show that bird and other animal carcasses, which are presumed to have died as a result of poisoning, were found in Hajdú-Bihar, Tolna, Pest, Bács-Kiskun and Jász-Nagykun-Szolnok counties, as well as in Csongrád-Csanád and Szabolcs-Szatmár-Bereg counties. Most carcasses were found in 2015, 2017 and 2020, in March and April. The authority usually learns about the acts from police reports, reports from national park directorates and reports from nature guards.

From the few cases that were closed with final judgments, it can be seen that, before the amendment of the Criminal Code on 1 January 2022, poisoning acts involving protected and endangered animals were generally classified by the prosecution and the court as a crime of damage to nature and as a crime of cruelty to animals causing particular suffering.

Investigations are hampered by the difficulty of identifying the specific place where the crime was committed and the inaccessibility and difficulty of moving around the crime scene, which often leads to a lack of data collection, the absence of witnesses, and the cost and time involved in laboratory tests. The passage of time and the identification of the perpetrator are often problematic.

In these cases, notifying the police immediately and conducting an on-site inspection, regular checks by the nature protection patrol service and increased controls on pesticides entering the country at border crossings are crucial.

From a crime prevention point of view, there is a need for more effective awareness-raising and training for hunters and farmers, as well as for raising public awareness of the dangers of poisoning.

Tünde A. Barabás – Szandra Windt – Eszter Sárik:

Corruption risks? Risks of Corruption? (Hercule III application) (1 January 2021 – 30 April 2022)

The CRITCOR project was implemented under the European Union's HERCULE III programme between 1 January 2021 and 30 April 2022. The project, led by the National Institute of Criminology, brought together experts from Portugal, Germany, Italy, the Netherlands, the UK, Poland, the Czech Republic and Romania to support and facilitate the successful implementation of the fifteen-month collaboration. Our aim was to gather and share knowledge on corruption issues in such a way that both theoretical and practical experts can use the information effectively, and to make the knowledge and integrated analysis of domestic and foreign "good practices" available to professionals, who can provide meaningful assistance in the effective prosecution, detection and identification of the appropriate criminal law tools for corruption offences.

In order to implement the project successfully, a four-pillar programme was set up, in which workshops, training sessions and conferences took place; a project website was created, a case study booklet was compiled in English with the involvement of the participating countries, and a training booklet based on the international exchange of experience and a toolkit (*Guidebook*) were published in Hungarian and English.

The final conference, which took place in 2022 with the participation of more than a hundred national and international theoreticians and practitioners, summarised the results of the project, presented different international perspectives on corruption and tools to protect EU financial interests, and discussed the legal and criminological perspectives of corruption. The participants noted that the issue of corruption is very complex, and although in some respects it varies from country to country, the main characteristics of the phenomenon have many common features, and therefore it is worth analysing it at international level. The indicators and distinctions between lower and higher levels of corruption are far from clear. As the legislation varies from country to country, it is extremely difficult to find completely common ground, because the language of law and criminology is not identical. While law thinks in terms of specific points of law and predefined sanctions, criminology as a science always defines problems as "phenomena".

Our publications cover the theoretical aspects of corruption from a domestic and international perspective. The training material focuses on potential problems and dilemmas in the area of corruption and its investigation and prosecution. The toolkit can be useful for the police and prosecutors in Hungary – and abroad – to improve the effectiveness of their corruption investigations. This systematic overview gives professionals a sound knowledge of the correct sequence of investigative steps.

Both the oral programmes and the written material were widely publicised, reaching around 380 people directly and many more indirectly.

Renáta Garai:

Effective techniques for proving the absence of the occurrence of economic events in the field of budgetary fraud

The purpose of the research, directed at the criminal offence of budgetary fraud, was to identify effective techniques for proving the absence of the occurrence of economic events in the field of budgetary fraud. The research did not focus only on the domestic situation, but also on the protection of the financial interests of the European Union and its support system, with the aim of analysing statistical data and the theoretical and practical aspects of economic crime, in addition to the prosecutors' comments. As a result of the research, the doctrinal background of the new criminal offence, the typical difficulties of detection and proof, the investigative and procedural acts that assist proof, and the effective probative techniques (good practices) that led to the absence of the occurrence of economic events were recorded.

In cases of fiscal fraud involving the use of fictitious invoices, direct evidence of the absence of economic events indicated on the supporting documents can be provided by the persons involved in issuing, transmitting and receiving the invoice (witness or suspect interviews; employees of the companies concerned, accountants, contractors, liquidator, lawyer, carriers, property users, etc.).

In the absence of confessions – typically the confession of the accused – or information obtained by covert means, circumstantial evidence is obtained from other sources, such as company registers, tax authority records; the invoice's path before it was issued, counter-invoices, accounting records, etc.; the location, establishment, operation and management of the organisations issuing the documents, the business rationality of the transaction and the appointment of an expert. The authorities receive multi-directional enquiries on these matters: from financial institutions, pension and health insurance bodies, telephone and internet service providers, and also from systems such as VÉDA (Intelligent Road Camera Network), EKÁER (Electronic Roadside Customs Enquiry System), NÚSZ (National Toll Payment Service) and VIES (VAT Information Exchange). In many cases, the facts are clarified with the help of the associated authorities and in the context of legal aid, so there is very complex and varied work by the judicial authorities to prove these acts beyond reasonable doubt.

All in all, effective proof that economic events did not take place is essentially based on two types of evidence: on the one hand, personal and material means of proof and, on the other hand, direct and indirect evidence, which, by means of the factual conclusions drawn from them, support the fictitious nature of the evidence used and the perpetrators' knowledge of it.

Szandra Windt:

Exploring the sociological background and the criminological dimension of what is called 'child trafficking' by international and EU standards

In 2022, *child trafficking* was a hot topic. *Child victims of human trafficking* is a more apt term to describe the phenomenon, but it is considerably longer and less attention-grabbing. The protection of victims of human trafficking under 18, their privileged situation and their increasing number have been the subject of several conventions over the last century, which

have increased in number since 2000: many international bodies have expressed their ideas and expectations in various documents, resolutions and strategies, but their results are not visible.

The research reviewed the often seemingly random use of the term child trafficking in international documents, without content, as a mere call-sign, undefined and often imprecisely used. The main research questions are: Does child trafficking exist? What is meant by this? How far can it be defined on the basis of international documents? Is there even a single definition of child trafficking?

Following the review of international documents, statistical data and research on other areas of trafficking, the research has moved beyond the framework of international documents *(desk research)*: in the spring of 2022, we spent nearly three hours talking to the managers of the Rákospalota Correctional Institute and Central Special Children's Home about this phenomenon, the solutions, prevention and success. We also had the opportunity to interview the former director of the Kornis Klára Children's Home, who now runs the Baptist Aid Service's Sheltered House. In addition, we had a semi-structured in-depth interview with a person at the Rákospalota Correctional Institution, who was himself a victim and a perpetrator of human trafficking in another case, for which he is serving a final sentence. Her story is particularly interesting, both in terms of the phenomenon and the attitudes of law enforcement, as well as from the perspective of the child trafficking victim-survivor. The story has also been used as a case study in training courses for law enforcement officers. These interviews and conversations have clarified the wording of the international documents and provided an insight into the Hungarian situation, pointing out how much still needs to be done in this area in Hungary.

Anna Kiss – Anna Bőczné Neparáczki:

The impact of epidemiological rules on the rights of participants in criminal proceedings (The impact of transitional rules facilitating the avoidance of personal appearance and the decision on the basis of documents on the fundamental procedural rights of participants in criminal proceedings)

During the pandemic, in order to combat the coronavirus pandemic effectively, it became necessary to amend the Be., which made it possible to avoid personal appearances as much as possible and, in connection with this, the decision – mainly based on documents – should not violate absolute rights (named rights).

One of the hypotheses of the research was therefore that the legislator, when introducing special provisions for emergencies during the pandemic, took into account the named human rights which, according to the EctHR's fundamental doctrine, cannot be restricted under any circumstances.

Another hypothesis of the research is that the epidemiological rules facilitating the avoidance of personal appearances and the decision on the basis of documents have contributed to preventing lengthy criminal proceedings without violating the fundamental procedural rights of the participants in the proceedings.

Research methodology: analysis of the relevant legislation and literature; analysis of the case law of the European Court of Human Rights; in-depth interviews with prosecutors along the guiding principles developed on the basis of the legislation and literature, followed by their processing and analysis.

The *first part of the research* reviews the case law of the ECtHR on the limitation of human rights. The ECtHR recognises the limitability of the implied rights of due process but, on the basis of the cases examined, processed and analysed, it can be concluded that not only implied

but also explicit rights can be limited. Restrictions on the right of defence are also allowed, provided that they are proportionate. To summarise this section, the answer to the question of the limitation of rights depends on when and where it occurs, and whether it is a rule of fair procedure or a norm designed to protect substantive value.

The *second part of the research* consists of an analysis of in-depth interviews with prosecutors. The empirical research showed that telecommunication devices were used most frequently under the epidemiological rules, and that the wider rules on the adjudication of criminal cases by the courts and the modified procedural time limits were also used more widely. However, the practice of certain epidemiological rules was not uniform across the country: the research presents the divergences and experiences of the application of the law, grouped by the relevant provisions of the legislation.

In summary, the majority of the prosecutors who participated in the survey (62%) felt that the epidemic rules had helped to prevent delays in criminal proceedings: they facilitated the application of the law and speeded up criminal proceedings during the pandemic. According to the prosecutors interviewed, the majority of the participants in the proceedings did not claim any violation of their procedural rights in the application of the epidemiological rules.

Eszter Sárik – Orsolya Bolyky – Anna Bőczné Neparáczki:

The regulation and application of juvenile detention in Hungary and other Member States of the European Union (comparative study)

Criminal justice's response to juvenile crime can also be crucial for the development of adult crime. Although the Hungarian Criminal Code contains a number of diversionary options for sanctioning juveniles, practice shows that the application of the law often insists on the imposition of already known, and thus traditional, punishments and measures.

The aim of the research was to identify the existing legal obstacles and practices in other EU countries in the field of juvenile justice, which effectively serve the purpose of the punishment of juveniles, and to carry out a comparative study, partly with the intention of rethinking the system of juvenile sanctions in the light of existing good practices.

The *hypothesis of the research* was, that in other EU Member States, the resocialisation objective, which is underpinned by a highly individualised system of sanctions, plays a major role in the regulation and application of legal disadvantages against juveniles.

Method of the research: after processing the relevant legal materials and literature, we compiled a questionnaire in which we formulated our questions based on the domestic sanction system and the various criminal procedural diversion options in order to map the EU legislation. The questionnaire was sent to prosecutors' offices in other EU Member States. The questionnaire consisted of three major sections: our research covered substantive and procedural criminal law issues (theoretical section); the practice of applying sanctions against juvenile perpetrators (practical section); and the literature on sanctions against juvenile perpetrators (resources section). In order to gain a better understanding of the Hungarian enforcement practice, we also looked at the Hungarian statistics.

The results of the research show that the criminal justice response to juvenile crime in other EU Member States differs in many respects from that of the home country, in particular in terms of the age of criminal responsibility and the differentiation of certain disqualifications, and that the sanction systems are geographically distinct entities. While in the Nordic countries the criminal law regulations concerning juvenile perpetrators differ from the Hungarian legislation to such an extent that it was not at all or only with difficulty reflected in the categories of the questionnaire on which the Hungarian legislation was based, in other countries of Central and Eastern Europe the legal disadvantages against juveniles and the diversion possibilities are in fact comparable to the Hungarian legislation. It is worth pointing out that, both in the Western

European states (e.g. Germany) and in the Nordic models, great emphasis is placed on the practical application of the scientific results of criminology and psychology, namely the emphasis on a therapeutic approach, even when implementing custodial sentences. The research report outlined the similarities and differences in the regulatory systems of different countries.