

Criminology and Crime in Hungary

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1. Introduction

In the following paper, I will briefly summarize the important facts in the past and present of criminology in Hungary, as well as the country's previous and current crime situation. The first part of the paper concentrates on the development of criminological thinking and criminology as a science from the beginning of the 20th century until the change of political regime, which was a colorful period not just in terms of politics but also in the terms of legal regulation, science and education. From 1989, general changes could be detected both in the criminal situation and in the opportunities of criminological research. It is crucially important to analyze the structure and quality of crime tendencies in the past 25 years because we can learn a lot from the criminal data and the related legal changes. In the last paragraph of my paper, current changes are shown in criminal legislation, education and research. In the constructive and detailed publication of *Miklós Lévy* and *Klára Kerezsi*¹, more information is available on the topic.

2. History

Criminology as a scientific branch has a long and unique history in Hungary. Both legal regulation and scientific development rapidly followed mainstream tendencies in Western Europe in terms of criminal law at the beginning of the 20th century. Regarding the question of criminological education and research, it can be stated that Hungarian criminology had always been strongly linked with the relevant legal basis. The discipline was taught at the law faculties, and most of the scholars were qualified lawyers as well. Criminology was a science which was not particularly defined as such but was applied by criminal lawyers as background knowledge, both in enforcement and legal practice.

The very first legal product of criminological thinking was the so-called Csemege-Act, which was enacted in 1878. It contained special laws for juveniles and established a four-level prison system. Offenders between the age of 12 and 16 were

¹ *Kerezsi & Lévy 2009.*

examined for whether they had the maturity upon which their criminal liability could be based. This Criminal Act – born more than a hundred years ago – already emphasized the importance of education as the aim of the punishment of youngsters, though the sanctions were sometimes even more serious than those applied against adults.²

This fruitful tendency in legal regulation had its peak in 1908 when the acting Hungarian Parliament adopted a modern Criminal Code. It was the time when the criminological schools started to dynamically influence criminal regulation, and classical criminological attitude was replaced with a positivist mentality. Within the positivist school, the sociologist attitude became the most popular in Hungary: *A. Quételet*, *A. M. Guerry* and *Tarde* were the most often quoted authors. This radical change in criminological thinking paved the way for the 1908 Criminal Novel.³ The Act's novelty lied in the treatment of juvenile offenders who, from that time on, were treated as a separate criminal category, with lighter punishment possibilities and unique measures. The Novel created the legal basis for the separation of juveniles from adults within the prison-system as well, and extended the upper age limit of juveniles to the age of 18. In 1913, a special court system was established for offenders between the age of 12 and 18, and this was the period when the institutions for reformatory education were founded as well.⁴

After the World War II, the undiminished evolution of criminal sciences, education and legal regulation was broken by the economic and social crisis. This was partly due to the social and moral tragedies caused by the war, and partly as a consequence of the social and political trajectories of the communist regime.

The political dictatorship was suspicious about the so-called “bourgeois” sciences – such as psychology and sociology – and especially about criminology, which was a consequence on the one hand, and a root on the other hand. The dominant philosophy of socialism was that criminality as a whole would fall into the dark grave of history, as the ideal type of socialist man would be able to step over the vestigial memories of deviances, and the lack of criminality would make criminology useless. This theory led to the total dismissal of criminal sciences – especially criminology – from universities but also caused a radical, negative switch in criminal practice and regulation: the strict and unjust punishing system became the only valid answer of ruling governments to social problems in the 50s.

So the darkness of the 50s was a radical step back from the earlier virulent periods of development – even from the late 40s, when at least two major criminological

² http://193.224.191.196:8080/phd/Dr.KapaCzenczerOrsolya_PhD_dolgozat.pdf [16.07.2014].

³ *Orsolya* 2008.

⁴ *Vigh* 1998.

works were published by *István Schäfer*, about drugs (!) and white-collar criminality.⁵ The radical communist regime is only worth mentioning in order to highlight the difficulties of the following generation, who had to revive the scientific branch and thinking from a deep freeze.⁶

From the mid-60s, an intensive and continuous development took place in the science of criminology: both in research and at the universities. The fate of the Institute – currently also the only independent institute specially devoted to criminological research in Hungary –hallmarks the history of criminology in our country.

The National Institute of Criminology (OKRI), as the scientific research office of the Prosecution Office in Hungary, was established in 1960. At its “birth”, the institute was founded as the National Institute of Criminalistics (Okri), because the prevailing ideological and political system had chosen a Janus-faced mentality towards criminology. It had given birth and legal credit to the Institute, on the one hand, and had disguised its function by placing criminalistics into the name of the Institute, on the other hand. Under the cover of legitimate research, legal ground was provided to camouflage real criminology: research efforts into explaining causes and tendencies within the framework of the ruling social and political system thus started.

The radical turn manifested itself in two major symbolic acts: from 1965, criminology became “a mandatory subject” at Hungarian universities and in 1971, the Institute took the name of National Institute of Criminology and Criminalistics (OK-Kri), by which it was clarified that the political ideology had become more tolerant and accepting with the science previously labeled as “bourgeois pseudo-science”.⁷ Besides education and research, practical steps could also be mentioned in terms of criminological development: in 1964, legal data collection was launched by the legal association of Police and Prosecution (the Integrated Criminal Statistics of Law Enforcement and Public Prosecution), so from that time on, crime data was available for the police, prosecutors and of course the researchers.

Research efforts focused on the factual side both in practical and theoretical issues. The hot topics were the so-called casual examinations, concentrating on certain types of crimes and criminals, with the presumption that the phenomenon of criminality is so complex and heterogeneous that only individual reports and focused examinations could bring research closer to the solid facts of criminology. The official theoretical background was criminal sociology and the social determination of criminality. There were separate research programs in the field of recidivism⁸, on ju-

⁵ *Schäfer* 1948; *Schäfer* 1946.

⁶ *Lévay* 1996.

⁷ www.okri.hu [16.07.2014].

⁸ *Gönczöl* 1980; *Antal & Tibor* 1986.

veniles⁹, on female offenders¹⁰ and on crimes committed by the Roma.¹¹ Meanwhile criminology was enriched by some grand summary publications: within the topic of criminal geography¹² and an international comparison written by *András Szabó* using new research methods just like factor analysis. The classical criminological handbook was published in 1971 under the title “The Basic Questions of Criminology” (*A. Vermes*)^{13, 14}

In the 1970s and 1980s, intensive developments in criminology occurred; the discipline stepped on the pathway of independence and started to return to the international mainstream and was on its way to reach the level of Western countries. *László Viski*¹⁵, *József Gödöny*¹⁶, *József Vigh*¹⁷ and *András Szabó*¹⁸ have hallmarked a very fruitful scientific period, with criminological handbooks, complex theories and heterogeneous research topics. The eighties was also the decade when the National Institute of Criminology opened its doors for international relationships.¹⁹

In the last years of the decade, the crisis of the socialist regime started to influence the discipline of criminology. New tendencies in society shaped both crime and criminological thinking. The relative freedom of our country gave fuel to deviancies as well, and deviant behavior in general became part of criminological examinations. The so-called Complex Examination of Social Conformity Problems (TBZ) was a heterogeneous research program, which was conducted based on a governmental “order” and was partly fulfilled by the National Institute of Criminalistics and Criminology. Crime and deviancy prevention such as examinations based on the theory of anomie became an important part of criminological thinking, represented by the works of *Iván Münnich*²⁰, *András Szabó* and *Katalin Gönczöl*²¹. This is the time when a brand new criminological topic emerged as well, namely hidden criminality (or latent criminology) examined and interpreted by *László Korinek*²², negligent

⁹ *Szabó* 1972; *Molnár* 1971.

¹⁰ *Raskó* 1978.

¹¹ *Tauber* 1984.

¹² *Vavró* 1976.

¹³ *Vermes* 1971.

¹⁴ *Miklós* 1996, 9-39.

¹⁵ *Viski* 1974.

¹⁶ *Gödöny* 1976.

¹⁷ *Vigh* 1980.

¹⁸ *Szabó* 1979.

¹⁹ *Lévay* 1996, 9-39.

²⁰ *Münnich* 1977.

²¹ *Gönczöl* 1991a.

²² *Korinek* 1995.

crimes by *Ferenc Irk*²³, victimology (*Lenke Fehér*²⁴, *Klára Kerezi*²⁵). The newest novelty of the late 1980s was the analysis of the criminal justice system within the scientific terms and framework of criminology and legal sociology.

And it should also be mentioned that “[t]he most significant professional society acting in the field of criminal sciences was established on 26 May 1983, named the Hungarian Society for Criminology.”²⁶ The Society still plays an active role in Hungarian criminology with experts from all areas of criminology, victimology and all other scientific and practical fields dealing with the problems of criminality, crime prevention and criminal policy. The society currently has nearly 500 members, including university lecturers and researchers, police officers, correctional officers, judges, prosecutors, attorneys, sociologists and social workers. “Besides the organization of regular professional debates on criminal justice bills, criminal policy plans and crime prevention programs, the society reviews applications for financial assistance in criminological research. It also organizes bi-annual seminars.”²⁷

2.1 Text books of criminology

- *Kriminológia I-II (Criminology I-II.)* (2010). Magyar Közlöny Lap- és Könyvkiadó, 1437 pages;
- *Gönczöl, K., Kerezi, K., Korinek, L. & Lévay, M.* *Kriminológia – Szakkriminológia*, Tankönyv, Szerkesztő(k):, 708 pages, ISBN: 9789632248929 (Criminology and Special Fields of Criminology);
- *Adler, F., Mueller, G. & Laufer, W.* (2002). *Kriminológia (Criminology)*. Osiris Publisher, Budapest. ISBN: 963-379-525-9;
- *Vigh, J.* (1998). *Kriminológiai Alapismertek*, Nemzeti Tankönyvkiadó (Basic Concepts of Criminology). 232 pages.

2.2 Main journals of criminology

- *Kriminológiai Tanulmányok (Essays in Criminology)*, Series. Published by: The National Institute of Criminology;
- *Belügyi Szemle (Law Enforcement Review)*. Published by: the Ministry of Interior;
- *Kriminológiai Közlemények (Proceedings of Criminology)*, official journal of the Hungarian Society of Criminology.²⁸

²³ *Irk* 1990.

²⁴ *Fehér* 1999.

²⁵ *Kerezi* 1995.

²⁶ *Kerezi & Lévay* 2009.

²⁷ *Kerezi & Lévay* 2009.

²⁸ *Kerezi & Lévay* 2009.

2.3 Other journals in which criminological publications occur:

- Acta Humana (1997-2009);
- Beszélő (1996-2010);
- Család, Gyermek, Ifjúság, Esély: társadalom- és szociálpolitikai folyóirat (1989-2010);
- Fórum: társadalomtudományi szemle (1999-2010);
- Fundamentum: az emberi jogok folyóirata (1997-2010) Háló;
- Ifjúságügyi Szemle;
- Információs társadalom: társadalomtudományi folyóirat (2001-2010);
- Kisebbségkutatás (1991-2010);
- Kritika: Társadalomelméleti és kulturális lap (1998-2010);
- Mozgó világ (1971-2010);
- Replika: szociológiai viták és kritikák: társadalomtudományi folyóirat (1990-2009);
- Szociális munka: a Szociális Munka Alapítvány folyóirata (1989-2006);
- Szociális Szemle (2008-2010);
- Szociológiai Szemle (1990-2010);
- Társadalmi szemle (1946-1998);
- Társadalom és gazdaság (1995-2005);
- Társadalomkutatás (1983-2010);
- Tér és társadalom (1987-2010);
- Világosság (1960-2009).

3. Regime Change

In Hungary – as elsewhere in Central-Eastern Europe – the fall of the Berlin Wall caused so many changes in the political system and in the society that everything from the sciences, legal regulation and education had as to be redesigned and re-considered. But these were just the consequences; the routes may be found in the lower and hidden parts of society. The influence of the revolutionary change could be seen in the economy, in society, in the way of life and in criminality as well. So when analyzing criminology and criminal legal regulation in Hungary from 1989 onwards, it is inevitable to describe the enormous changes in quality and quantity of criminality. Here it should be added that all numbers cited in the publication refer to the crimes registered by the police, as the most important data source in Hungary regarding criminality is still the Integrated Criminal Statistics of Law Enforcement and Public Prosecution.

The crisis of socialism totally rearranged criminality in our country. In the socialist regime, unemployment was an unknown phenomenon: industry and agriculture operated on a state basis in 5-year plans, and though the economy was not sufficient and effective at all, social security was guaranteed. But with the political change, the pampering and safe backgrounds disappeared from the lives of many people. Tho-

se whose educational and professional qualities were not sufficient were exposed to criminality both in the form of victimization and as offenders. Uneducated and unemployed masses were affected by poverty, which automatically led to a definite growth in crime.

The most significant symptom was the radical growth in the number of crimes but the above-mentioned tendency was older than what was brought about by the 1989 change: it actually began in the late 70s. Between 1966 and 1975 the average number of crimes committed in Hungary was 120 thousand per year. In the next ten years (1976-1985), it reached 140 thousand, which was only the beginning of the explosion because the shock caused by criminality only reached our country from 1985, by which time the amount of crimes grew by 100 thousand within 5 years.²⁹

In 1990, the number of registered criminal acts was 341 thousand, which was twice as many as five years earlier. But the problems and crisis caused by criminality were not just manifested in pure numbers but also in the quality of criminal deviancies and the proportion of the different types of crimes.

As evident from *Table 1*, there was only one category of crime in which a fall could

Table 1 The Structure of Criminality in the Main Crime Categories (1980 = 100 %)

Main crime categories	1985	1990
Crimes against the state and humanity	36.4 %	3.0 %
Crimes against the person	124.9 %	139.9 %
Violent crimes	143.7 %	154.5 %
Crimes against public order	163.5 %	157.5 %
Crimes against the safety of traffic	109.9 %	153.9 %
Economic crimes	84.8 %	162.9 %
Crimes against property	129.4 %	338.2 %

Source: Gönczöl, K. 1991b; Original data source: The Integrated Criminal Statistics of Law Enforcement and Public Prosecution.

be seen, which was the group of crimes against the state and humanity. This trajectory was logical in a gradually softening dictatorship, where the state became more and more lenient towards the offences and misdemeanors committed against it.

The other obvious thing which can be read from the table is that most of the crimes were 1.5 times higher in number than in the base year of 1980, and that the proportion of crimes against property tripled in 10 years, which was an enormous increase.

²⁹ Source: Gönczöl, K. 1991b, 646-652; The State of Criminality in Hungary, Gondola, www.gondola.hu [16.07.014].

We also have to add that in 1980, crimes against property totaled up to only a bit more than a half of all crimes in Hungary but in 1990 this proportion was 78%, which means that not only the amount of property-related crimes increased dramatically but also the proportion of material offences became a very important factor in the totality of criminality.

As *Katalin Gönczöl* stated, “the overrepresentation of the crimes against property clearly testifies the radical change in the value structure of the Hungarian society, as the material values, consumption and money became more important than anything else, after the social and political change in 1989. It is also remarkable that even among homicides those acts which were committed upon material grounds became more popular after 1989 than those which were based on passionate grounds.”³⁰ It should be mentioned as a relevant factor too that juvenile delinquency was also peaking after the Berlin Wall had come down: the number of juveniles involved in criminality increased by 88%, as opposed to adults, whose growth was only 54%, which is a significant and symbolic rise, also indicating the moral vacuum and anomie described by *Katalin Gönczöl*.³¹

All in all, these criminal tendencies led to a serious fear of deviancies and criminality in the Hungarian society, which was reflected in the rapid and sometimes unsubstantiated twists in criminal legal regulation.

Considering these turns from 1989 until today, an interesting and colorful pattern can be drawn. The revolutionary change in the political system led to liberalization in the first decades of our newly built democracy, and it seemed at that time that the new political system, legislation, and ruling governments would mainly focus on human rights and would use a liberal, European attitude when touching upon the issue of criminality. Criminal enactment has tended to lean on the outcomes of criminology and criminal-sociology, and was to “tranquelize” people via modern prevention programs instead of pure threats.

The theoretical and moral peak in this modern endeavor to cancel some laws was the abolition of the death penalty. Heated scientific and moral debates took place among criminal lawyers, criminologist, practitioners and academics but the final decision was made by the Constitutional Court in 1990. The decision that concluded in the abolition was partly a declaration to the European Union – by the manifestation of European values – and a “good-bye wave” and a turnover from the previous, communist regime – by declaring the dismissal of all the reasons for taking anyone’s life upon any criminal causes.³²

³⁰ *Gönczöl, K.* 1991b; Original data source: The Integrated Criminal Statistics of Law Enforcement and Public Prosecution.

³¹ Source: The Integrated Criminal Statistics of Law Enforcement and Public Prosecution.

³² *Gönczöl, K.* 2010.

The other significant legal product regarding crimes and criminality was the National Strategy for Social Crime Prevention adopted in 2003.³³ Though the Strategy was enacted 14 years after the change of the regime, it clearly represented the attitude favored by the democratic, regime-changing governments.

The Strategy was based on international patterns, and on the theoretical knowledge gathered by criminology. Its primary task was to examine and interpret the actual problems of criminality in Hungary with a broad-minded scope: by analyzing the heterogeneous phenomena of criminality and deviances, such as crimes against property, violent crimes, criminality linked to alcohol misuse and drug abuse. Within the framework of a three-level crime prevention system, problems were discussed from the constitutional level through the criminal justice system to the micro-level of towns and villages, and from theoretical issues to minor practical issues. Crime prevention was defined by 5 major focal points: juvenile delinquency, urban crime, victimization, recidivism and domestic violence.³⁴

Regarding criminal enactment, we have been discussing questions outside the Criminal Code and Criminal Procedure Code. Without going into detail, I would just mention those modifications here which were put into force upon “liberal” grounds, with a theoretical background rooted in modern, international criminological knowledge.

The two modifications – which are expressly worth mentioning in the scope of liberalization and within the area of broadening diversion opportunities – are postponing the indictment and the legal opportunity for voluntary restitution, regulated by the Criminal Code in 2006.³⁵

The new procedural institution gave the opportunity for prosecution to divert the procedure in an early phase, by suspending not just sentencing, but even the post-investigation, indictment-procedure. In case the indictment was postponed, the person under the criminal procedure is given another chance to avoid court, and in fact he/she does not even become an accused person. This institution was originally created

³³ The National Strategy for Social Crime Prevention, decree No. 115/2003 of the Hungarian National Assembly, see in: BMK Sheets, Special Edition, Budapest, 2003/4.

³⁴ Based upon the Text of the National Strategy for Social Crime Prevention, 2003.

³⁵ § (1) Any person who has committed a misdemeanor offense or a crime against another person (Chapter II, Titles I and III), a traffic offense (Chapter XIII) or any crime against property (Chapter XVIII) punishable by imprisonment of up to three years, shall not be liable for prosecution if he has admitted his guilt before being prosecuted, and has provided restitution by way of the means and to the extent accepted by the injured party within the framework of a mediation process. (2) The punishment may be reduced without limitation if the perpetrator has admitted his guilt of having committed either of the crimes specified in Subsection (1), punishable by imprisonment of up to five years, before being prosecuted, and has provided restitution by way of the means and to the extent accepted by the injured party within the framework of a mediation process. (The Penal Code, 2012. C.)

for drug-related cases but it has come to be used and has become rather popular in juvenile cases too.³⁶

Voluntary restitution was an inorganic texture in the body of the Criminal Code when it came into effect. By this legal institution, another opportunity was given to both prosecutors and judges to use strict and severe punishments. Voluntary restitution is special in the terms that the justice system waives the state's right to punish, and the situation generated by the criminal act returns into the hands and responsibility of the accused and the victim. They are to decide about their own cases, and if both parties are satisfied with the restitution by which the accused may compensate the damage he/she have caused, than the whole procedure can be terminated. This legal opportunity has widened the scope of diversion, and has stressed the importance of the victim in the criminal procedure.

4. Crimes and Criminality: Criminal Tendencies in the Past 25 Years

Before following up the current modifications in criminal law – namely, before examining the new Criminal Code which came into effect last year – the criminal tendencies in the past 25 years should be analyzed, just to make the contradiction in legal regulation visible.

From 1990 until today, there are two criminological periods to be separated. Until 1997-98, there was a continuous and radical rise in the number of crimes: from 1990, with 341,000 officially reported crimes, the numbers climbed up to 597,000 until 1998. The problem became more severe by the fact that the number of unsolved crimes was generally very high, in the year of 1998, 268, 258 of the criminals (45 %) could not be found by the police.³⁷

The next period can be labeled as the time of slow and continuous decline: from 1998 to 2011, the number of crimes decreased to the average of 420-450,000.³⁸

³⁶ Postponing the indictment was the used 6,095 times in 2007, 6,715 in 2008, in 6,974 cases in 2009, 8,168 in 2009, for 8,666 times in 2011 and for 9,103 in 2012, so a continuous development could be detected (Source: Statistical Report of Prosecution, 2012).

³⁷ The State of Criminality in Hungary, Gondola, www.gondola.hu [16.07.2014], Original data source: The Integrated Criminal Statistics of Law Enforcement and Public Prosecution.

³⁸ The State of Criminality in Hungary, Gondola, www.gondola.hu [16.07.2014].

Table 2 Registered crimes committed between 2003-2013

	2003	2005	2007	2009	2011	2013
Total crimes per year	413,343	436,522	426,914	426,914	451,371	377,829

Source: *Criminality and Criminal Justice, 2005-2013.*

5. Current Situation concerning Crime, Criminal Regulation and Criminology³⁹

As is shown in *Table 2*, in 2011 the number of total recorded crimes was 451,371, which makes an average 4,513 per 100,000 inhabitants. It is inevitable to see that in 2013 there was a radical turn again: the numbers of criminal acts have declined to such a low level, which was last detected in 1990. As mentioned before, these numbers always stand for the registered crimes. If we have a look at the number of accused and convicted persons (*see Table 3*), there is a huge difference in between the outcome, and the discrepancy stems from two factors. On the one hand the number of persons involved in criminality is always less than the volume of crimes committed by them and, on the other hand, as the criminal procedure advances the criminality numbers tend to decrease.

Table 3 Accused persons and convicted persons

Year	2005	2007	2009	2011	2013
Accused persons	104,739	93,961	91,263	93,592	79,186
- per 100.000 inhabitants	1037.3	931.3	909.9	941.8	799.15
Convicted persons	98,628	87,595	86,128	88,403	74,393
- per 100.000 inhabitants	976.8	870.7	858.7	889.6	750.83

Source: *Criminality and Criminal Justice, 2005-2013.*

It is remarkable that – as it was mentioned previously – from the change of the regime until the past few years among all crimes, crimes against property have played the most important role. Thefts and burglaries have threatened Hungarian inhabitants most of all, and robberies also represented an important share in the totality of criminality, especially among juveniles.

But all these tendencies have seemed to change in the last years, especially from 2011: from all crimes, only 256,175 were committed against property, which takes up only 56.75 % of the totality. On the other hand it could have been only a curve in the traditional criminal tendencies, as in 2013 only 240,368 crimes were counted

³⁹ Source: *Criminality and Criminal Justice, 2005-2013.*

in the examined category, which was closer to the regular proportion (63.1%) than the one measured in 2011. We should also add that theft has still remained the most common offence with 182,073 cases in 2011, and 167,657 in 2013, which meant 1,834 thefts in 2011 per 100,000 inhabitants and 1,692 in 2013.⁴⁰

The remarkable change in criminal tendencies appears in the second level of the criminal pyramid, in the group of crimes against public security, with a proportion of 23.9%. In this type of delinquency, a standard increase is visible, and surprisingly it is not drug-abuse that could be qualified as alarmingly high on average, though its rate has definitely increased over the last 10 years.

While summing up the problem of crimes against property, it should be mentioned that the numbers available considering property crimes are always just the tip of the iceberg. It is an essential criminological axiom that the more serious the crime is, the more it is reported and more it is investigated, therefore probably a vast majority of petty offences are hidden from our official knowledge. It is also beyond doubt that by regulation and changing criminal categories, statistics can be radically changed. But still these numbers are sufficient to rely on and refer to, as tendencies usually run parallel with the crimes reported.

Just the opposite can be stated about serious, violent crimes, especially regarding homicides considering statistics. It is nearly impossible that serious crimes are not reported to police.

Table 4 Crimes against the person – registered crimes

	2005	2007	2009	2011	2013
Crimes against the person of which	17,772	17,100	23,901	27,184	28,442
Homicide (including attempts)	347	332	304	328	264
Serious bodily harm	12,674	11,454	12,828	14,241	13,398
Total	436,522	426,294	394,034	451,371	377,829

Source: *Criminality and Criminal Justice, 2003-2013.*

If one checks the numbers for 100,000 inhabitants per year, the process in crimes against the person is even more visible (see Table 5).

The rate of crimes involving direct attacks against a person was 4 % in 2005 and 2007, it was 6 % in 2009 and 2011, and it was 7.5 % last year. So it can be declared that the crimes against the person have shown a slow but continuous increase in the totality of criminal acts. Though the most violent and serious crime, i.e. homicide,

⁴⁰ Source: *Criminality and Criminal Justice, 2005-2013.*

Table 5 Crimes against the person per 100,000 inhabitants – registered crimes

	2005	2007	2009	2011	2013
Crimes against the person of which	176.00	169.90	238.30	273.60	287.00
Homicide (including attempts)	3.44	3.29	3.030	3.30	2.64
Serious bodily harm	125.50	113.85	127.90	143.30	135.20
Total	4,092	4,326	4,236	4,542	3,818

Source: *Criminality and Criminal Justice, 2003-2013.*

including attempts, has decreased since 2003. So when threatening with the increase of violent acts, homicides should be excluded from the list of frightening criminal acts.

We should also mention the proportion of robberies for two main reasons. Robbery was always unique in criminology because it is a phenomenon belonging to the category of crimes against property in the official police statistics (and in the Criminal Code) but having a violent feature when examining it from the criminological point of view. In the past few years, the number of robberies has rapidly increased: in 2003 the total number of registered robberies was 3,606, in 2005: 3,383, in 2007: 3,536, in 2009: 3,316, but in 2011 it topped at 4,687. These numbers mean 35.5 robberies per 100,000 inhabitants in 2003, 33.5 in 2005, 35.1 in 2007, 33 in 2009 and 47.16 in 2011. This rise in the number of robberies was clearly a symptom of the value change: both in the manifestation of violence and in the importance of material values, which can also be underpinned with data on violent and aggressive crimes (2003: 31,476, 2005: 32,760, 2007: 29,645, 2009: 32,046, 2011: 37,201).⁴¹ But what really makes robbery exciting is the fact that the crime is extremely popular among youngsters, who are treated by the criminal code as children and juveniles.⁴²

The age limit of criminal liability. When getting to the question of juvenile delinquency, we can clearly declare that it is one of those phenomena in criminology that could be labeled as ever-interesting, always remaining under the top five research themes. The reason why this issue is something that cannot be evaded is at least double and has a practical and a theoretical, partly symbolic aspect.

It is beyond doubt that that the treatment of juveniles within the justice system is essentially important regarding the question of crime prevention too. It is not at all

⁴¹ This means 301,35 violent crimes in 2003 per 100,000 inhabitants, 324,4 in 2005, 294,5 in 2007, 319,46 in 2009 and 372,75 in 2011. Source: *Criminality and Criminal Justice, 2003-2011.*

⁴² Source: *Criminality and Criminal Justice, 2003-2011.*

are the figures under 'Total' ok?

indifferent whether a juvenile is imprisoned or is just sent on probation because this simple act can totally influence his/her whole life.

The issue of criminal liability is inevitable to analyze because of the symbolic importance of the question. As it was discussed before, the treatment of juveniles has always clearly represented the ruling government's attitude towards criminality and criminals. When legislation is tolerant and forgiving with youngsters, it demonstrates the message that criminality – especially at a young age – is not necessarily something to be retaliated against; it can be prevented as well.

Considering the aim of the punishment or sanctions among juveniles, we can say that the Hungarian Criminal Code declares that priority shall be in the special prevention and not at all in threatening the others with deviant behavior:

(1) The most important objective of any punishment or sanction imposed upon a juvenile is to positively influence the juvenile's development to become a useful member of society. (The Penal Code, 2012. C.)

The Code also emphasizes the importance of proportionality and individualization:

106. § (1) A punishment shall be imposed when the application of a sanction appears to be impractical. (2) A sanction or punishment involving any length of incarceration may only be applied if the aim of the sanction or punishment cannot otherwise be achieved. (The Penal Code, 2012.C.)

But something crucially important was changed in the new Criminal Code, which was the age of criminal liability. The age of criminal responsibility was 14 years from 1978 to 2013. "Defendants aged between 14 and 18 are subject to the juvenile justice system, which, with its predominantly educational approach, differs from the adult criminal justice system."⁴³ – as Klára Kerecsi and Miklós Lévy stated in their publication.

But in the new Criminal Code (2012.C.), which came into effect on the 1 July 2013, the age limit of criminal liability was partially changed. From the Ministerial Preamble of the Act's relevant paragraph:

"The lower age limit for punishability was not changed under the general rule, and will remain 14. In the event of committing exceptionally grave crimes, the law permits the reduction of the minimum age of punishability from 14 to 12 years in highly limited circumstances. These exceptionally grave cases include *murder* committed by minors, when it is, under any circumstances, necessary to examine the perpetrator's sanity and to ensure the availability of professional treatment. It is important to stress that, in these cases, perpetrators over the age of 12 years will not receive a punitive sentence but will be subjected to measures, and only in cases involving gravely violent offences (e.g. *homicide, grievous bodily harm or bodily harm resulting in death*),

⁴³ Kerecsi & Lévy 2009.

and it is a further condition that sanity and accountability must be provable. Also in the future, these measures will not represent imprisonment but the court may order *the perpetrator's education in a correctional facility*. Education in a correctional facility will continue to remain the most serious sanction that may be imposed on perpetrators younger than 14 years."⁴⁴

From *Table 6*, it is shown that among children, the 12-13 year old generation is mostly exposed to criminality, which can be a valuable argument for lowering the age limit of criminal liability.

Table 6 Registered offenders among minors

Age group	Number of offenders	Percentage
0-10	600	22.11
11	424	15.62
12	663	24.34
13	1,027	37.84

Source: *Criminality and Criminal Justice, 2003-2011*.

But, considering all the facts examined above in the preambles of the Act, there is a remarkable contradiction we have to refer to. It is beyond doubt that the ruling government intended to convey a moral message, i.e. that extreme violent cannot be accepted even when the offender is a minor. We can say that this message in the field of criminality among youngsters does not represent a tolerant attitude, though it is not expressively repressive either. But from the criminological point of view, punishing robbery in-between the age of 12 and 14 is something hard to explain. On the one hand robbery is a kind of crime whose danger is not automatically obvious for most people. When someone threatens another person with a relatively cheap object, then he/she probably would not be aware of the fact that it is an act of robbery. On the other hand, statistics among young offender do not justify this amendment.

If we have a look at the number of minor offenders, we can easily identify a definite decline from 2007 (see *Table 7*).

But what we should consider as an even more telling argument is that the number of robberies among minors has also been radically declining since 2008. In 2008 this number was 193 and 2012 a bit more than half of it, only 95.

So all in all we can say that some changes in the past few years of criminal regulation – such as lowering the age limit, three strikes⁴⁵, medial punishment or the wider

⁴⁴ Parliament has passed the New Criminal Code, Ministry of Public Administration and Justice, Tibor Navracsics, Dr. Deputy Prime Minister, Minister of Public Administration and Justice.

⁴⁵ "The new Penal Code adopts the 3 strikes law introduced in the summer of 2010 for the

Table 7 Registered minor offenders in absolute numbers and their proportion among inhabitants

Year	Number of minor offenders (under the age of 14)	Total proportion among the minors (in %)
2003	3,553	0.24
2004	3,963	0.27
2005	3,697	0.25
2006	3,565	0.25
2007	3,387	0.24
2008	3,433	0.25
2009	2,573	0.19
2010	2,607	0.19
2011	2,714	0.20
2012	2,604	0.19

Source: *Criminality and Criminal Justice, 2003-2012*.

scope of lawful self-defence – can be more easily underpinned with the inhabitants' needs and wants, rather than with criminal data and with criminological, scientific outcomes.

As a symbolic remark, we can refer simply to the following paragraph: “As part of the discussion of the new Criminal Code, the issue of the *death penalty* was also raised in the course of the debate in Parliament; however, the application of the death penalty will continue to remain excluded in Hungary in observance of Hungary's Fundamental Law, the Charter of Fundamental Rights of the European Union, the UN's International Covenant on Civil and Political Rights and other international commitments.”⁴⁶

It seems that the enthusiasm which was evident at the time when the Berlin Wall came down has lost momentum. The legislation is now not so optimistic, and considers liberal acts as something compulsory, rather than as a sign of freedom.

But to tell the truth, it should be added that it is not a specific phenomenon for Hungary, as most European countries and the USA are also struggling with problems like this. These countries also try to solve their economic problems generated by

punishment of those committing violent crimes, thanks to which the number of apprehensions has increased by 30 per cent. The statutory rule passed in 2010 which made the denial of the crimes of the communist regime punishable the same way as the denial of the Holocaust will remain in force.” (*Tibor Navracsics*, Dr. Deputy Prime Minister, Minister of Public Administration and Justice Parliament have passed the New Penal Code, Ministry of Public Administration and Justice).

⁴⁶ Parliament has passed the New Criminal Code, Ministry of Public Administration and Justice, *Tibor Navracsics*, Dr. Deputy Prime Minister, Minister of Public Administration and Justice.

globalized markets through criminal policy, which makes people feel that social disintegration can be labeled as a sin rather than a social issue to be solved by democratic measures.⁴⁷

6. Education and Research

If we make a short return to the topic of research and education, Hungary can still be proud of its opportunities, knowledge and of its professionals in criminology.

After the change of the regime, criminology became very important in the education of law enforcement officials, and within the framework of special courses, criminology also became part of the psychological and social sciences. At the Faculty of Humanities – mainly at the Department of Psychology – criminology courses tend to focus on child and family protection issues and the Department also runs a special course for criminal psychologists as well, but all in all it can be declared that the science of criminology is not missing from psychologists' education, though it is taught upon voluntary will and not as a mandatory course.

As *Klára Kerezsi* and *Miklós Lévy* state, “There are no separate undergraduate degree programs dedicated to criminology in Hungarian universities. Nevertheless, criminology is offered as a mandatory course at all law faculties and at the Police College. Among the eight law faculties in the country, only one (the ELATE University Faculty of Law) has a separate Department of Criminology. At the Faculty of Law of the University of Miskolc, it is the Department of Criminal Law and Criminology that is responsible for the courses in criminology, under the umbrella of the Institute of Criminal Sciences. The Institute of Criminal Sciences also offers a Ph. D. program. At the Faculty of Law of the University of Pecks, staff members of the Department of Criminology and Correctional Law are entrusted with teaching criminology. The research in the department concentrates on crime prevention through environmental design (CITED), victim surveys and unreported crime. As far as the other law faculties are concerned, criminology is offered by their respective criminal law departments.”⁴⁸

A M. A. Program in Criminology exists at the Faculty of Law in Budapest. The program is an interdisciplinary course open to graduates in sociology, law, social work and psychology. Research in the department focuses on restorative justice, non-custodial sanctions, crime prevention, minorities and crime, crime and social change, drugs and crime, comparative drug policy. The Faculty of Law also offers a Ph. D. program in criminology.

⁴⁷ *Gönczöl* 2010.

⁴⁸ *Kerezsi & Lévy* 2009.

there is an inconsistency concerning the heading (“... among inhabitants”) and the heading of the third column (“... among the minors”). Probably the column-title should be corrected as follows: “Total proportion of minor offenders among inhabitants”, is that right?

We can also proudly say that from 2012/2013, the Doctoral Research School of the Faculty of Law launched a new program called “Doctorate in Cultural and Global Criminology”.⁴⁹ The program is based on the cooperation of four universities – the University of Kent, Universities Utrecht, Universidad Hamburg and ELATE Budapest. It functions as a part of an international criminological doctoral school, to which the consortium of the four universities has won the Erasmus Mundus doctoral program of the European Union and great financial support from the EU. ELATE has won a part of this unique doctoral program in the field of social sciences.

And last but not least let me mention my own Institute. The National Institute of Criminology is still very active in all types of research, on different topics with various educational backgrounds among researchers, and with a broad-minded attitude in international terms, too. Currently the main subjects are the following: violent crimes, the involvement of children and young people in crime, protection of society and crime control, global crime, risk and prevention, economic crime and crime against property and the structure of the state, public authority – regional issues.⁵⁰

And all the research relies upon the optimistic idea that the punitive tendencies of criminal policies – detected internationally – might be influenced by scientific outcomes and arguments.

⁴⁹ www.elte.hu/en/phd/law [16.07.2014].

⁵⁰ Latest projects run by NIC, www.okri.hu [16.07.2014]:

1. The social costs of penal justice;
2. New directions in ‘court diversion’ and restorative justice;
3. Affirming individualization and deciding on the degree of enforcement of incarceration. An examination of theory and an international perspective;
4. Opportunities for developing prevention-focused treatment programs in penal enforcement;
5. Consequences in criminal law of overstepping the right to freedom of speech. Hate crimes in Hungary and Germany;
6. Forensic methods in prosecuting and investigating crimes of bribery (Penal Code Chapter XV Title VII). Law enforcement tools for prevention;
7. Embedding the study ‘Analysing the mentality of the inhabitants of segregated estates’ in the context of specialist literature;
8. Students of jurisprudence on crime and restorative justice. Empirical investigation;
9. The past and present of criminal psychology in Hungary, with special regard to criminological psychology;
10. GERN – Sexual deviance as signal crime;
11. Complaint mechanisms and control over penal enforcement in Eastern Europe and in the countries of the CIS.

7. Conclusion

Criminology has always played an important role in Hungarian scientific thinking and has usually intended to influence legislation with its – sometimes – restricted tools. Criminology is a science with an interdisciplinary and multidisciplinary attitude, with the perspectives of global thinking, and with the methods of local actions. With my paper, I tried to draw a picture of Hungarian criminology and criminologists, which clearly reflects – now for more than 100 years – the words of Prof. Dr. *Korinek* that “... the criminologist works with an open system. They do not have issues even temporarily closed, because both the human behaviour and the knowledge about it rapidly and continuously changes and grows. The criminologist is an official doubter, who is speculating over problems ...”⁵¹ I am absolutely convinced that these words are real guidelines to criminologists, and upon these our role and task can be drawn up, as criminologists should always be open-minded, flexible and doubtful in order to make things work better.

8. Summary in Hungarian

A tanulmányban a kriminológia magyarországi fejlődését elemzem a 20. század elejétől napjainkig. A munka a tudománytörténeti kitekintésen túl részletesen foglalkozik a bűnözés alakulásával a 70-es, 80-as évektől napjainkig. Egyrészt azért, hogy felvázolja a bűnelkövetésben bekövetkezett rapid és radikális változásokat, amelyeket Magyarország a rendszerváltást követően megtapasztalt, másrészt azért, hogy rávilágítson a törvénykezés ellentmondásosságára. A szerző a tanulmányban hitet tesz amellel, hogy bár a jogalkotás populizmusa időről-időre ellentmondani látszik a tudományos eredményeknek, illetve a statisztikai adatoknak; a tudományos kutatás kitar az emberi jogok melletti elkötelezettségében, és abban a szándékában – hogy a nemzetközi, punitív tendenciák ellenére – a prevenciók szemlélet elsődlegességét hangsúlyozó és az individualizált büntetéseket favorizáló jogalkotói szándékokat támogassa.

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⁵¹ *Korinek* 2002.

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