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Criminology, Crime and Criminal Justice in Hungary

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ABSTRACT

Criminology as a discipline began in Hungary at the end of the 19th century. Its development has been enormously influenced by the evolution of the country’s political and social systems – sometimes its very existence was denied, sometimes it was hijacked for ideological aims. This article describes the main features of criminology in Hungary and charts developments in crime and criminal justice over the past two decades. From the beginning of the transition period our country has been in a state of perpetual change. These processes have affected the crime problem and crime control policy. The rate of recorded crime reached a peak in the early 1990s. However, the effects of the systemic change already seemed to be fading away at the beginning of the new century. The increase in the recorded number of crimes has slowed down, and crime rates now appear to have stabilized. The article describes Hungary’s recorded and ‘dark’ figures of crime, as well as the academic and research institutions in the field of criminology. Since regime change, three major criminal law reforms have taken place in Hungary. The paper discusses the driving forces behind these reforms and their outcomes.

KEY WORDS


Introduction

Hungary’s history in the 20th century – just like that of other East European countries – was characterized by constant change, which often meant fundamental transformations in the political, social and economic system of...
the country. The free parliamentary elections in the spring of 1990 ended 40 years of socialist rule in Hungary. This former regime was politically and culturally closed, based as it was upon a one-party system with a hegemonic Marxist–Leninist ideological framework. This change moved a country that had previously been a member of the Council for Mutual Economic Assistance (COMECON) and the Warsaw Pact towards a capitalist society based upon parliamentary democracy, a market economy, social, cultural and political pluralism, the protection of human rights, and membership in the political, economic and military organizations of the ‘Western’ countries. Hungary joined the Council of Europe on 6 November 1990, the North Atlantic Treaty Organization on 12 March 1999 and the European Union on 1 May 2004. This transformation had an enormous impact on all aspects of the social, political and economical life of the country, and thus on crime, criminology and crime control policy.

After providing some background information on the social and political situation of the country and the criminal justice system, we will discuss the following issues:

- the development and main features of Hungarian criminology;
- trends in crime and punishment;
- the evaluation of crime control policy over the past 15 years.

The Hungarian legal system

The Hungarian legal system is a civil law system. Criminal justice is based on the inquisitorial model of criminal procedure, the principle of legality and a rule of mandatory prosecution. The most important laws shaping the criminal justice system are the following: the Constitution (Act No. 20 of 1949 – fundamentally modified and restructured in 1988/9); the Criminal Code (Act No. 4 of 1978 – also substantially modified during the regime change); Criminal Procedure (Act No. 19 of 1998); the Police Act (Act No. 34 of 1994); the Law on Prison Service (Statutory Rule No. 11 of 1979); and the Act on Victim Support and Victim Compensation of Crimes (Act No. 135 of 2005). The age of criminal responsibility is 14 years. 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.

Terms of imprisonment can be for a finite period or for life. Life imprisonment may be imposed only upon persons who are 21 or older. Since 1999, a court may impose life imprisonment without parole. In the absence of such a ruling, the offender may be released on parole if s/he has served at least 20 years of a life sentence; or, if the punishment is not specified, after
having served at least 30 years. Imprisonment for terms not exceeding two years and fines may be suspended. There are also community-based sanctions (e.g. supervision by probation).

Development and main features of Hungarian criminology

In order to understand the development and features of Hungarian criminology it is useful to point out some general characteristics: (1) it has emerged from the discipline of criminal law through a growing acknowledgement of the social dimension of crime; (2) its development has been enormously influenced by the evolution of the political and social systems – sometimes its very existence was denied, sometimes it was hijacked for ideological aims; and (3) it is receptive in terms of adapting theories and methods mainly from ‘abroad’.

Criminology as a discipline began in Hungary at the end of the 19th century. It stemmed from three points of departure: (1) a steady increase in recorded crime in the 1870s and 1880s; (2) the beginning of the collection of crime data by the state statistical office (1872); and (3) the influence of theories of contemporary social scientists, in particular Durkheim, Tarde, Lombroso and von Liszt. These developments led some of the leading scholars in criminal law (Rusztém Vámbéry, Jenő—Balogh, Albert Irk) to promote a new approach to crime and criminals. Opposed to the then dominant legalistic approach, they advanced a more complex view of crime: the acknowledgement of crime as a social phenomenon and a human act. Crime control, they suggested, should not be confined to legal means; for an effective crime control policy one has to address the causes of crime. Nevertheless, their rather programmatic works were not followed by an institutionalization of criminological knowledge into a discipline until 1965–70. One important additional characteristic of Hungarian criminology is its close ongoing connection with jurisprudence and especially the discipline of criminal law. As a result, the majority of scholars in Hungarian criminological research are law school graduates.

Both Hungarian and international criminological research (the approach, the methods applied, etc.) clearly show the influence of the scholar’s background on his/her attitude to the function, aim and practical use of criminological knowledge. When criminology is perceived as a ‘specialized sociology’ it is the understanding, the construction and analysis of the phenomenon that are usually emphasized. A criminology research programme that is closer to jurisprudence, while not ignoring the analysis of crime as a social phenomenon, tends to be more policy oriented and more
practical. Its findings usually result in policy recommendations rather than abstract, theoretical conclusions. This has been a characteristic feature of Hungarian criminology since the works of Jenő—Balogh (Balogh 1909).

These differences clearly come to light when we compare the reception of the works of certain criminologists (e.g. Cesare Lombroso) in the fields of ‘sociological’ and ‘jurisprudential’ criminology. In the former, he is considered to be the founding father of modern criminology, since he was the first to form a theory of crime based on empirical research by distinguishing between ‘criminals’ and ‘non-criminals’ (Wolfgang 1960: 168). This achievement is overshadowed in the eyes of Hungarian criminologists by his unacceptable views concerning ‘born criminals’ and other issues.

The leading paradigm within Hungarian criminology has been social determinism; that is, that crime as a human act is determined by various factors (e.g. biological, social, psychological). During the second half of the socialist regime, crime was perceived as a social phenomenon related to social conflicts. Thus, since crime was viewed as a somewhat unavoidable consequence of the social transformation into a ‘socialist society’, criminals were not regarded simply as the ‘enemies of socialism’ or as human beings with a mental disorder (Vigh 1964; Vermes 1971). Other deterministic theories (e.g. biological, anthropological) have not significantly altered Hungarian criminological thinking. This accounts for the fact that most Hungarian textbooks consider Quetelet and Guerry to be the founding fathers of criminology and not Lombroso (Vigh 1992). Among the positivist schools at the turn of the 19th century, the so-called ‘French school’ – especially Gabriel Tarde – influenced Hungarian criminological thinking.

As a consequence of the dominance of positivism, the etiological approach was the established research framework until the 1980s. However, from the end of the 1970s, especially in the works of László Viski and András Szabó, an interactionist, labelling theory appeared as a conflicting paradigm, even if it failed to gain momentum (Viski 1973; Szabó 1980).

Among the etiological theories, the classic Durkheimian and Mertonian anomie theory and early theories on juvenile subculture have proved to be the most influential. In recent years, the focal point of theoretical interest has shifted towards control theories, with environmental criminology serving as the theoretical background to social and situational crime prevention. Meanwhile, radical criminology (critical criminology, feminism, peacemaking criminology) has remained confined to textbooks (e.g. Gönczöl et al. 2006; Korinek 2006) and has not been applied in research (with some exceptions, e.g. Sajó 1986). Theoretical works after 1990 have concentrated on crime control. They address the problem of the application of findings of criminology in criminal policy; a proper reaction to the unprecedented rise in crime that is compatible with human rights
standards; and crime prevention beyond the criminal justice system (Szabó 1993; Gönczöl 1996; Kerezsi 2006). Meanwhile, theoretical speculation about the nature and scope of criminological knowledge became somewhat unattractive to Hungarian criminologists and is now dealt with only in the introductory chapters of textbooks.

Another unique characteristic of Hungarian criminology is its intermittent development. Criminology deals with problems that could sometimes be described as ‘uncomfortable’ for the public and political elites. It is concerned with law-breaking, disorganized communities, social breakdown, deprived social classes, social tensions and the shortcomings of criminal justice and criminal policy. Not every government is ready to face these problems; dictatorial, authoritarian regimes are especially disinclined to do so. And the latter usually have the means to ‘break the mirror’. Thus it is much easier for them to limit or even ban scientific research that aims to address these very problems.

In Hungary as elsewhere, criminology has progressed through different phases, which have been shaped by the politics of the time. First, at the turn of the 20th century, German and French thinking dominated the direction of the discipline, and continued to do so until the suppression of the subject by the socialist regime. Under this regime, criminology and sociology became some of the first victims of the simplistic social determinism of ‘vulgar Marxism’ being propounded at the time. Schafer’s work on drugs and white-collar crime during the immediate postwar years (1946, 1948) marked a rather premature rekindling of interest in the subject. During the consolidation that followed the revolution in 1956, there was a revivalist period during the 1960s. Although criminological research began to regain some legitimacy, scholars were being ‘advised’ to embrace the writings of contemporary Soviet and socialist academics. This coercion did not recede until the late 1970s/early 1980s, by which time American and British criminology had gained more and more influence amongst Hungarian criminologists. Empirical research in Hungary started in the late 1960s, followed by the biggest state-funded research project on deviance in the 1980s (Research Project on Social Maladjustments; see Szabó 1984). From the beginning of the 1990s applied researchers launched investigations into different types of crime and offenders and new forms of crime control. The characteristics of victimization were explored by the first nationwide victimization survey \((N = 10,020)\) in 2003, conducted by the National Institute of Criminology (see Irk 2004).

It should be noted that international support for criminology in Hungary was an important part of its revival and eventual re-establishment. Debts are owed mainly to the Max Planck Institute in Freiburg and to the Canadian-Hungarian criminologist Denis Szabo; their roles in this respect
cannot be understated. Finally, although having a distinct style of its own, the openness of Hungarian criminology to influence should also be emphasized as one of its distinctive features.

Criminology in higher education

There are no separate undergraduate degree programmes 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 ELTE University Faculty of Law) has a separate Department of Criminology. Preparations for an MA Programme in Criminology are currently under way. The programme is planned as 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, and comparative drug policy. The department also offers a PhD programme in 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. Most of the staff participate, or have participated, in research both in criminology and criminal law. The main research subjects of the department are: victims of violent crime; restorative justice; juvenile delinquency; regional crime surveys; and crime prevention in the European Union and the EU member states. The Institute of Criminal Sciences also offers a PhD programme.

At the Faculty of Law of the University of Pécs, staff members of the Department of Criminology and Correctional Law are charged with teaching criminology. The research in the department concentrates on crime prevention through environmental design (CPTED), victim surveys and unreported crime. As far as the other law faculties are concerned, criminology is offered by their respective criminal law departments.

National Institute of Criminology

Hungary has one institute expressly devoted to criminological research, the National Institute of Criminology (NIC), which was established in 1960 (see http://en.okri.hu/). The NIC is affiliated with the Chief Prosecutor’s Office. This not only means that its functional expenses are borne by the Chief Prosecutor’s Office, but also that both the directorate and research staff are appointed by the Prosecutor General. Although a focal point of research at the NIC is the state prosecution service, much of the research conducted at the NIC concentrates on other issues. The staff includes 25
researchers from various backgrounds such as law, sociology, psychology, history and economy. There are two units within the Institute: the Crime Research Department and the Criminal Law Department. The Institute also publishes working papers in the *Kriminológiai Tanulmányok* (*Essays in Criminology*) series, which currently stands at 43 volumes.

Criminological research is also conducted at the Institute of Legal Sciences of the Hungarian Academy of Sciences, at the Law Enforcement Research Institute, an institution affiliated with the Ministry of the Justice and Law Enforcement. Most of the articles in the field of criminology appear in the periodical *Belügyi Szemle* (*Law Enforcement Review*), published by the Ministry of the Justice and Law Enforcement. The most interesting and important articles are collected into a ‘Best of . . .’ volume, which is published in English on an annual basis. As yet, no Hungarian journals are devoted solely to criminology as a discipline. Despite the fact that a relatively large number of scholars concentrate on criminological research and – at least by east European standards – criminology is a well-established discipline, there are no different ‘schools’ or articulated and distinct approaches within Hungarian criminology.

**Hungarian Society for Criminology**

The most significant professional society acting in the field of criminal sciences was established on 26 May 1983. The members of the Hungarian Society for Criminology are experts in criminology, victimology and all other areas dealing with the problems of criminality, crime prevention and criminal policy (see also www.kriminologia.hu). The society currently has nearly 400 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 programmes, the society reviews applications for financial assistance in criminological research. It also organizes bi-annual seminars. Generally, the papers presented at these diverse events are published in the series *Kriminológiai Közlemények* (*Proceedings of Criminology*).

**Trends in crime and punishment**

The number of recorded crimes in Hungary has increased greatly since the end of the 1980s. This is widely attributed to the shift away from socialism,

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1 For more information on this or copies of these volumes, email bszemle@bm.gov.hu
which, although ending the 40-year isolation of Hungary, also rendered it relatively unprepared for the social consequences of rapid transitions in the cultural, political and economic systems (see Tauber 2003). Within a short period of time, entirely new forms of crime appeared; organized crime groups and networks seemed to emerge from nowhere. The rapid rise in white-collar crime appeared to be closely linked to the introduction of rather vague laws and ambiguous corporate practices relating to the privatization and consolidation of the banking sector, political lobbying and the provision of local government subsidies (Kránitz 2001).

Statistical analysis of crime in Hungary relies on the data provided by the Integrated Criminal Statistics of the Police and the Public Prosecution (Egységes Rendőrségi és Ügyészségi Bunügyi Statisztika, ERÜBS), which has existed since 1964. Besides this, the courts and the prison service also record crime data for their respective databases (with a slightly different methodology and structure; see Vavró 2006). The absence of an integrated criminal statistics database covering all stages of the criminal justice system unfortunately leads to various statistical shortcomings.

The dark figure of crime

In 2005, a nationally representative survey conducted by the Gallup Research Institute showed a relatively low propensity to report crimes in Hungarian society: 33 percent of those interviewed reported that they, or their close relatives, had been the victim of a crime during the five years preceding the survey, but only 42 percent of those affected reported the crime to the authorities (ORFK 2006). These results correspond with the findings of a survey on hidden crime conducted by the National Institute of Criminology in 2003 on a sample of 10,000 respondents. The respondents reported 2276 crimes, of which only 739 were reported to the police. In 43 percent of the cases ‘distrust the police’ was indicated as a primary cause for non-reporting. This was followed by ‘dissatisfaction with police efficiency’ (2nd), ‘only a small amount of damage was caused by the crime’ (3rd) and ‘no damage was caused by the crime’ (4th) (Barabás 2004).

Number of recorded crimes

The number of recorded crimes was 1.7 times higher in 1989 than in 1980, and 1.5 times higher again in 1999 than in 1990 (Kó 2002). This means that the number of recorded crimes quadrupled in less than two decades (see Figure 1).

This trend shocked the Hungarian public, which faced a rapid increase in crime over the very short period from 1989 to 1992, whereas the
public in west European jurisdictions had almost two decades to adapt to similar changes. Other post-socialist societies experienced similar developments. Property crimes, violent crime and street crime had been particularly affected by the rapid increase. The increase slowed down in the second half of the decade and stopped in 1999; crime rates have been stable ever since. The number of recorded crimes per 100,000 inhabitants was 4323 in 2005. This puts Hungary in the middle of the European ranking.

**Property crimes and fraud**

In 2005, 25 criminal offences accounted for 90 percent of all recorded crimes. The most common crime in Hungary is theft, which accounts on average for approximately one-third of the total number of crimes recorded in a year. The ratio of property crimes to the total number of recorded crimes decreased from 78.4 percent in 1996 to 62 percent in 2005 (ERÜBS 1996, 2005; see Figure 2). Meanwhile, fraud numbers rose to 20 percent (in 2005) from the 3–4 percent measured at the beginning of the decade. The proportion of those convicted of fraud (in relation to the total number of convicted) rose from 1.5 percent to 5.4 percent in the period between 1990 and 2003.

**Violent crimes**

Between 1996 and 2005 the number of recorded violent crimes rose by 33 percent. Assault accounted for 30 percent of all recorded violent crimes, while the number of robberies also rose during the same period (by 10 percent). The
number of recorded violent crimes was 32,760 in 2005 (see Figure 3 for a distribution by type of crime). Historically, the number of recorded homicides (and suicides) was always high in Hungary compared with other European countries. The leading causes of homicides remain: (1) family quarrels; (2) jealousy; and (3) homicides where the attacker is drunk. However, another alarming trend indicates that the number of homicides committed for financial gain, committed as a result of conspiracy and/or committed against more than one person also has begun to rise (Kacziba 2003).

**Drug crimes**

The ‘drug problem’ reached Hungary only at the beginning of the 1970s in the form of combinations of medicines such as sedatives with alcohol and, in more rural areas, solvent abuse. Despite the burgeoning market elsewhere, drugs such as heroin and cocaine were not accessible at this time. However, it is difficult to know whether this was the case because there was an official ban on drug-related research until the mid-1980s, when the epidemiological concerns of the time prompted a shift in policy towards such research (Lévay 1992).

The annual reports of the Coordination Committee of Drug Policy (which consists of the representatives of relevant ministries and law enforcement agencies) and the statistics and countrywide reports issued by the National Drug Focus Project provide an overview of the current epidemiological situation. These reports indicate that the basic characteristics of the drug problem are the same as those of other European countries. Regular consumers of illegal drugs amount to 20,000 to 30,000 individuals. The
younger age groups account for the largest proportion of this population. The choice of drugs is wide: almost all known drugs can be purchased in the country and the most popular drug remains marijuana, followed by amphetamine derivates (predominantly ecstasy) and heroin (Coordination Committee of Drug Policy 2005). The drug market is an established structure that connects networks of consumers, distributors and dealers. Owing to growing demand, Hungary has become increasingly a country of destination instead of simply a transit point.

In the Hungarian Criminal Code, all illegal drug-related activities are placed together under the heading ‘Drug abuse’. So the figures presented in Table 1 contain offences ranging from drug use, through trafficking and drug production. These data clearly indicate a rapid increase in recorded ‘drug abuses’. However, the total number is still relatively small compared with the total number of recorded crimes (2000–5: 0.7–1.6 percent) and this dramatic rise can probably be attributed to the increasing criminalization of drug consumption/production. In 2004, acts related to the demand side (that is, drug consumption, ‘obtaining drugs’, ‘keeping drugs’) amounted to 91.7 percent (n = 6667) of all recorded ‘drug abuses’. Meanwhile, other acts linked to the supply of drugs (e.g. ‘offering drugs’, ‘trafficking’) remained under 10 percent of all recorded drug-related crimes. Among the perpetrators of drug abuse, 93 percent are younger than 31 and their educational level is above the average (Coordination Committee of Drug Policy 2005: 177). In general, despite sharp increases, drug-related crime still accounts for a small proportion (2.3 percent) of all recorded crimes.
Costs of crime

Lacking a sophisticated recording system and analytical tools, the single best indicator of the cost of crime in Hungary is the aggregated amount of damage from criminal acts recognized by the investigating authority. Damage caused by property crimes totalled approximately €590 million in 2003, which is almost three times higher than a decade ago. No other data are available regarding other costs related to crime, such as household spending on crime prevention. Generally, both the costs of the damage caused by property crimes and the costs of prevention are borne by victims and citizens respectively.

Suspects

The characteristics of defendants in Hungary correspond with those in most other countries: most crimes are committed by males aged 15–25 (see Figure 4).

Youth crime

The number of recorded crimes committed by juveniles was 12,197 in 2005. The ratio of juvenile perpetrators to 100,000 juveniles increased by 10 percent.
from 2001 to 2005 (to 2451). The majority of offences committed by juveniles involved property and 30 percent of the total number of robberies were committed by juveniles. Unfortunately, few data exist regarding the volume of crime committed by children (i.e. those aged under 14).

**Convicted persons**

Younger males are overrepresented among convicted persons, although there has been a rise in the percentage of female offenders (13 percent in 2005). The proportion of convicted offenders from younger age groups (15–24 years) within the total number of convicted persons is three to four times higher than in the total population. The total number of persons sentenced by the criminal courts has also experienced a steep rise: whereas their number was 41,000 in 1990, by 2003 this indicator was already at 87,000 (see Figure 5).

According to court statistics, approximately 80 percent of all convicted persons were found guilty of one of the 20 most common crimes. The social background and educational level of convicted persons are relatively homogeneous, with the exception of the perpetrators of traffic offences and financial fraud, who are usually more educated and mostly first offenders (KSH 2005). Recidivism rates among convicts aged 14–25 have constantly been around at 25 percent since the beginning of the 1980s (Patera and Tavassy 1986).

**Prisons and the prison population**

At the beginning of the 1990s the general trend in Hungary was towards a steady decrease in the prison population (see Figure 6). This was partly owing to amnesties, partly to decriminalization and partly to the abolition of certain sanctions (e.g. ‘closed confinement’). However, this trend slowed
and eventually reversed itself during the mid-1990s, and now prison populations are almost at the same levels as those of the pre-transition era (Kerezsi 2003; Krajewski 2004). However, since 1 January 2005 arrested persons can be held only in prisons – rather than in police custody – because facilities at most police stations are inadequate for long-term detainees. This is despite a prison overcrowding situation that regularly sees prisons in Hungary operating with twice the number of inmates they were originally designed for and an average operating capacity 40 percent higher than the official capacity of the system (BVOP 2005).

In 2005, 46 percent of prison inmates (excluding those under arrest) had no previous criminal record; 31 percent had one conviction; and 23 percent had been convicted more than once. A small fraction of prison
inmates (356 in total in 2005) had initially been sentenced to a fine but were subsequently imprisoned for non-payment.

As with other European countries (such as the UK), there is an over-representation of ethnic minorities within the prison system. Huszár (1999: 131) suggests that, even bearing in mind the methodological problems that this issue raises, ‘it is clear that the total number of Romany inmates is approximately three times higher than that of inmates from other ethnicities’.

**Victims**

The official criminal statistics agency began to collect data on victims of recorded crimes (gender, age, relationship to the perpetrator) relatively late (ERÜBS 1993). The total number of victims was 224,065 in 2005 (see Figure 7). Predominately owing to a decrease in property crimes, the total number of victims dropped by 27 percent in the period between 1996 and 2005. Meanwhile, the number of victims of violent crimes and ‘rowdyism’ rose by 36 percent during the same period (ERÜBS 2005). There is some disparity between official government data and that collected independently about the extent of victimization within the population of Hungary. For instance, government statistics indicated that only 3 percent of the population had been affected by crime in 2003 (ERÜBS 2003). However, a study based on a representative survey conducted by the National Institute of Criminology concluded that altogether 12 percent of the adult population had been a victim of crime in the same year (Irk 2004).

The age-group distribution of victims is relatively stable. The probability of becoming the victim of a crime is two times higher for the 25–59 age group than for the 60+ age group. The constant rise in the number of

![Figure 7](http://euc.sagepub.com)  
**Figure 7** Number of victims of crime, 1996–2005.
child victims is striking. More than half of all recorded sexual offences committed are against children; however, the total number of these offences is relatively small. The number of violent crimes against juveniles has also increased, with the 14–17 age group being the most affected.

**Summary: crime trends in Hungary**

The total number of recorded crimes began to rise in 1985, and then increased substantially during the three years around the political transition. After a small decline during the mid-1990s, the crime rate continued to rise rapidly until the end of the century and appears to have stabilized at a level four times higher than that obtaining prior to 1985. However, these statistics should be treated with caution because some indicators may be distorted owing to factors that are dependent on the crime itself. Among these factors were changes in the financial and commercial law and the price index, along with shifting social circumstances for large numbers of the population. Penal policy also plays a role in determining the ‘amount’ of crime. A key issue with the use of official criminal statistics regarding theft within Hungary is the constant decriminalization of petty property crime via the raising of the threshold of minimum loss that qualifies a criminal act under law.\(^2\) In Hungary, as in most civil law systems, some minor offences are considered not as ‘criminal acts’ but only as minor ‘breaches of law’; these offences are administered not by the courts but by local authorities and the police and are not recorded as criminal acts. As a result of inflation on the one hand and the rapid rise in crime rates on the other, the required minimum damage to property required for criminal acts has constantly changed during the past decade. Thus, it seems that criminal statistics based solely on what is regarded as a criminal act at the time not only blur the line between criminal and non-criminal acts but also affect the reliability of statistical data for criminological research by exaggerating certain trends while obscuring and underestimating others (Kó 2002).

**Development of crime control policy during the past 15 years**

After the change of regime, and just like in other post-communist countries of Eastern Europe, Hungarian policy makers faced a dual challenge: first, rising crime and, second, the requirements for the democratic transformation of

\(^2\) Thus the theft of an object that costs £50 might be recorded as a criminal offence one week but not the next.
the criminal justice system led by the needs of an increasingly open society. This dilemma was clearly articulated by Imre Kertész: ‘For the present, it seems that the state governed by the rule of law faces an apparently insolvable dual task: it must strengthen public order and must provide a secure life for its citizens, and, at the same time, it must tie the hands of the police officers in order to prevent them from violating citizens’ rights’ (Kertész 2000: 38). In the first period of the transition, emphasis was placed on the limits of crime control and human rights guarantees. As a result, the increase in crime had practically no influence on crime control policy during the early years of the transition.

Table 2 shows the main contextual features of the four most significant amendments of the Penal Code. The table indicates whether the particular provision is inclusive or exclusive (Young 1999; Jareborg 1995). The classification is based partly on the content of the new provision and partly

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<td>More power to judges when sentencing</td>
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on the evaluation of the consequences of the reforms. Of the immediate consequences, the prison population rate and the situation of drug users in the criminal justice in Hungary are examined below.

The reforms of 1993, among others, decriminalized prostitution, lowered the minimum term of imprisonment from three months to one day, widened the framework of application for alternative sanctions to imprisonment, increased the power of the judges at sentencing, and for the first time in the Hungarian criminal law introduced treatment instead of punishment for petty drug offenders. It is interesting to note from a political point of view that the basically liberal reforms of 1993, which aimed at the assimilation of certain deviancies and the reintegration of offenders, were further ratified by a conservative, centre–right government.

The reform of 1998 assumed the opposite approach. This reform was preceded by a general election. This was the first general election campaign in which public safety and crime control were considered as salient issues of party politics. In most of the election manifestos, the emphasis shifted from the limits of criminal policy to the issue of efficiency. The general election was won by the opposition party FIDESZ – the Hungarian Civic Party – with a ‘law and order’ programme that included, among other things, a proposal to introduce a mandatory life sentence without parole, tougher punishments and the concept of the ‘visible police’ in order to deter street crime offenders.

The new government of 1998, another conservative, centre–right one, promised a tough response to crime and regarded as its main instrument the deterrence-oriented modification of the Penal Code. The new provisions were explained by the necessity of the fight against organized crime. The sentencing system became more severe. The life sentence without the possibility of parole was introduced in Hungarian criminal law in 1998. The minimum period of imprisonment was raised to two months, and the judge was deprived of some discretion in the sentencing decision. The modification increased the role of criminal law in the social control of drug abuse.

The next comprehensive reform of the Penal Code was carried out in 2003. The draft was introduced to parliament by the social–liberal coalition elected in 2002. The new government regarded dealing with crime as a significant duty, as well as the guaranteeing of public safety. However, the criminal law was regarded as merely one of the means. A much greater emphasis was placed on crime prevention. With the developing and the enforcing of the National Strategy on Social Crime Prevention of 2003, two of the pillars of crime control were established in Hungary: the criminal justice policy and the system of crime prevention.

In the National Strategy one of the constitutional requirements of crime prevention is avoiding exclusion. In this context the Strategy
Combating crime is a socially accepted objective. However, measures taken to pursue this objective, and the fear of crime, have the possible side-effects of excluding certain groups and raising prejudices against juvenile delinquents, ex-prisoners, drug addicts, homeless people, poor people and Gypsies. The social crime prevention system is based on the principle of social justice. It must therefore endeavour both to avoid social exclusion and prejudice and to uphold rights of security’ (point 5.1 of the National Strategy).

The political aspect of criminal justice policy was also altered through the modification, as former provisions focusing on a more rigorous Penal Code were annulled. The new government did not agree with the approach that led to the strict regulations of the 1998 modification, which expected the mechanical imposition of severe punishment to produce an effective decrease in crime. The regulations regarding drug abuse have become more differentiated and humane with the modification of 2003 assigned a lesser role to criminal law compared with that of 1998. Parts of the provisions within the 2003 reforms, which are still in force today, are aimed at decreasing the rate of imprisonment and the prison population overall. In spite of a significant rise in crime rates, the Hungarian prison population had decreased and this decrease continued following the reform of 1993. After the amendment of 1998, the prison population rate started to increase, but it stopped increasing after the reform of 2003.

As can be noted from the numerous changes listed here, trends in punishment, including imprisonment, result much more from social problems, party politics and criminal justice policy than from the current crime situation within a given country. Regarding the modification of the Penal Code in 2003, it is worthy of note that in the very same year the probation services for both young and adult offenders merged into a unified structure. By establishing a uniform national probation service, the government aimed at creating a more favourable structural and professional environment in relation to the needs of special prevention and the rehabilitation of offenders.

The new developments in criminal justice policy led to a proliferation of restorative justice measures and attempts to strengthen the inclusive features of crime control. These new developments were in part induced to satisfy the demands of the European Union. Although it is true that Hungarian scholars of criminal law have long encouraged the introduction of mediation into the Hungarian criminal justice system based on research data (Görgényi 2001), it is unlikely this would have been achieved as early as 1 January 2007 without the relevant framework decision of the European Union.3

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Conclusions and the future of criminal justice in Hungary

The development of Hungarian criminal justice policy after the change of regime has some noteworthy features. In the first period of the transition, criminal justice legislation mirrored the liberal criminal justice policy concept of the Western democracies. These trends were underpinned by the proposals of Hungarian criminal justice experts. In the second half of the 1990s, Hungarian criminal policy turned again towards Western countries. However, the increasing crime rates and public anxiety about criminality have meant that attempts were made to politicize crime control policy, with the now-familiar ‘zero tolerance’ and ‘tough on crime’ being adopted. However, the overly punitive model of criminal justice did not find significant support in surveys of the Hungarian population or within academic publications. Eventually, in 2003, party politics and (partly) the arguments of criminal justice experts resulted in a new turn in policy. The new policy sees the protection of individuals and communities, the punishment and the rehabilitation of offenders, and victim support as equally important issues (Gönczöl and Kerezsi 2004). In order to prevent the susceptibility of crime control policy to party political interests, it is vital that more empirical and analytical research is undertaken in Hungary. To fulfil this requirement it is necessary to ensure satisfactory university funding, not only for academic training in criminology via the proposed postgraduate degree programmes but for departmental research as well.

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