REGULATORY CONCEPT FOR THE CRIMINAL LAW PROTECTION OF FAMILIES IN HUNGARY, WITH SPECIAL REGARD TO THE PROTECTION OF MINORS

Statements of doctoral dissertation[1]

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NEMZETI KUTATÁSI, FEJLESZTÉSI ÉS INNOVÁCIÓS HIVATAL

I. Structure of dissertation, brief summary of research objective

My PhD dissertation focuses on one of the perhaps most vulnerable strata of society, i.e. children as the "components of the family". I have basically approached these questions from a criminal law aspect, and I also touch upon some relevant legal sources outside penal law.

The relevance of my research and the necessity of the detailed discussion of this topic are well shown by the fact that the Fundamental Law of Hungary, which constitutes the basis of Hungary's legal system, also mentions the social interest in creating an increased level of protection for families and children several times, and families are defined as the basis for the survival of the nation.

The National Avowal, which is regarded as the preambles of the Fundamental Law of Hungary, stipulates that "the family and the nation constitute the principal framework of our coexistence, and that our fundamental cohesive values are loyalty, faith and love."[2] This is nothing else but a clear declaration of values, a framework which links the past, the present and the future, and at the same time, holds serious normative significance with integrative and cohesive force and guidance.[3]

My doctoral dissertation focuses on the crimes that violate the interests of children, which delinquencies were declared in Chapter XX of the Criminal Code (Btk) ("Offenses against Children and against Family Law"). In this respect, it should be highlighted that the effective Criminal Code essentially broke with the regulatory scheme in the Criminal Code of 1978, which discussed the provisions aimed at the protection of children and families in the same chapter as the delinquencies against sexual morality, as now it deals with these in a separate chapter (Chapter XX). In my view, all this very well illustrates that the legislator recognized the increased need for criminal law protection for both the families and the children, as compared to the previous practice.

Chapzter XX of the Criminal Code first discusses the delinquencies violating the interests of children, then it goes on to present the crimes against the family. This is explained

[2] The Fundamental Law of Hungary (April 25, 2011)

[3] Attila Barna: Az Alaptörvényről másképp 2. Bene ambula! Bevezető rendelkezések [The Fundamental Law of Hungary from a Different Perspective. 2. Bene ambula! Introductory Provisions], the journal Közszolgálat, year I, issue 2, July 2011, p. 17

by that the structural setup of Chapter XX of the Criminal Code, i.e. the order of the individual crimes is defined by the gravity of criminal behavior.[4] The law first enlists the delinquencies that violate the interests of children, thus it can be concluded that on the one hand, the legislator attaches a higher level of significance to these, while on the other hand, it regards the danger of the crimes committed against this stratum of society as one of a higher volume, as compared to the crimes related to the family.

The following is meant by delinquencies that violate the interests of children: the endangering of minors, child labor, preventing the exercise of visitation rights with a minor, changing a minor's custody; while the following statutory definitions will qualify as crimes against the family: failure to observe the maintenance obligation, domestic violence, violation of family legal status, bigamy.

In my PhD dissertation, I have investigated into the delinquencies that violate children's interests from a theoretical and practical aspect alike, with regard to the fact that in the major part of my PhD training course, I worked at the National Institute of Criminology, where I had the opportunity to conduct case-file analyses based on complete national samples on the topics of preventing the exercise of visitation rights with a minor, and changing the custody of children. Besides all these, I have also examined the statutory definitions of the endangering of minors in the Criminal Code, both from a theoretical and a practical perspective. I would like to stress that I have also conducted research on child labor, however, this phenomenon can only be approached from a theoretical aspect, with regard to the fact that this crime does not have a well-established legal practice in Hungary as yet. The situation is that since the new Criminal Code took effect, only one such delinquency has been registered, which ended in diversion.

In my dissertation, I will first of all describe the evolution of the legal rules of substantive criminal law from the Csemegi Code to the earlier Criminal Code with regard to the family, more precisely, the protection of minors, exploring the changes resulting from the process of legal development.

4 Zoltán Márki: A gyermekek érdekét sértő és a család elleni bűncselekmények [Crimes Violating the Interests of Children, Crimes against the Family]. In: István Kónya (ed.): the journal Magyar Büntetőjog. Kommentár a gyakorlat számára [Commentaries for Legal Practice], Budapest, HVG-ORAC Lap-és Könyvkiadó Kft, 2018, p. 763

Then I wish to approach this question from the aspect of international law, emphasizing that the protection of families and children cannot be disregarded globally either, by taking the relevant documents of the Council of Europe, the UN and the EU into account.

After exploring the international aspects, I have concentrated on Chapter XX of the effective Criminal Code, more specifically and primarily, on the delinquencies that violate the rights of children. My study provides a rather detailed dogmatic analysis of these crimes, where I have highlighted the key points and characteristic features of the individual statutory definitions, also discussing the emerging theoretical questions.

In the context of crimes committed against children, I would like to stress that, with one exception, the passive subject of these crimes is the minor, the consequence of which is that in the background of constituting the statutory definition in question, one can find the legislator's endeavor to create an increased criminal law protection of minors. The prevention of the exercise of visitation rights with a minor means the only exception from this, with regard to the fact that the passive subject of this crime, in addition to the minor, is the party entitled to keep contact with the minor.

I find it important to highlight that the endeavors to protect minors and to serve the best interests of children are present in some of the civil law proceedings (such as divorce cases, cases about the settlement of parental supervision), as well as the public guardianship cases as administrative procedures, with which I do not want to deal specifically, as my research is basically one of the criminal law direction. However, the key points of the background laws that are closely related to the individual crimes are presented, as they constitute an integral part of the dogmatic analysis, furthermore, they contribute to the understanding of the statutory definitions that are penalized by the Criminal Code.

In parallel to the explanation of the theoretical side of the individually defined crimes against children, I attach key significance to the practical aspects as well. As has already been mentioned, in my capacity as the assistant research fellow of the National Institute of Criminology, I had the opportunity to conduct some case-file analyses of the crimes under review, this is why these analyses essentially constitute the basis of the practical part. The necessary files were put at my disposal by the County Public Prosecutor's Offices and the Budapest Chief Prosecutor's Office, I was in continuous contact with the individual

prosecutor's offices while carrying out the research projects, I cooperated with them, I collected their observations on the delinquencies that were the subject of the research projects. The case-file analyses in question were primarily focused on the sentencing practice and the factors that affect the latter, by taking the binding court decisions into account.

It should be underlined that the statutory definition of the prevention of the exercise of visitation rights with a minor as provided in the Criminal Code also declares another reason for the suspension of criminal culpability, thus the case-file analyses conducted in this scope also extend to the examination of the orders that terminate the procedures with reference to such reasons.

In addition to all these, the practical part of my PhD dissertation also sheds light on the problems of legal practice related to the crimes under review, primarily taking the perspective of the prosecutor's office into account, as I also work in a prosecutor's organization, so this is what I have a primary insight into.

In my view, the novelty of my dissertation lies in that in Hungary, no one has investigated into crimes against children from such a broad perspective before, as only a smaller part of these crimes is dealt with in one context or another. During my research, I have come to the conclusion that publications of a criminal law nature are mostly issued in relation to endangering minors (e.g. the assessment of the outcome of abuse[5], difficulties of providing evidence[6]), while any conduct related to preventing the exercise of visitation rights with a minor, or that related to the custody of children are primarily not approached from a criminal law perspective. The situation is that the studies written on these subjects are mainly focused on the civil law / procedural law or the public guardianship authority as administrative procedural law aspects, more precisely, on divorce cases, as well as cases launched for the settlement of the exercising of parental supervision. Thus, it is not hard to understand that the criminal proceedings related to such types of cases are usually not investigated into.

[5] E.g. Viktor BÉRCES: A veszély büntetőjogi formáinak megjelenési formáiról [On the Forms of Manifestation of the Criminal Law Forms of Danger]. Budapest, the journal Glossa Iuridica, issue 2017/1-2, pp. 15-37; Ágnes Balogh: Az egészség védelme a büntetőjogban [The Protection of Health in Criminal Law]. PhD dissertation, Pécs, Pécs University of Sciences, Faculty of Law, Doctoral School, 2006, p. 112

6 E.g. Mrs. Ildikó KOMLÓSI-Sógor: A kiskorú veszélyeztetése bűntett bizonyíthatóságának problémái [Problems of Provability of the Crime of the Abuse of Minors], Budapest, the journal Eljárásjogi Szemle, issue 2017/3, pp. 11-18

After a very detailed review of crimes against children, my paper concentrates on delinquencies against the family. I would like to stress that I have approached the crimes in question from a theoretical aspect, with special regard to the fact that the core of my research, as I have already mentioned and as it also turns out from the title of my paper, is made up by crimes against children. As regards crimes against the family, it should be stressed that although the passive subject of e.g. the criminal law statutory definitions of failure to meet the maintenance obligation, or the violation of the family legal status is typically the minor in practice, the scope of the passive subjects of these crimes is approached from a much broader perspective by the relevant legal literature, on the other hand, the protected legal objects of these crimes also clearly point beyond the legislator's endeavor to ensure the protection of minors.

The last structural unit of my PhD thesis is the presentation of means serving the protection of injured parties under legal age, paying special attention to the options available in the Hungarian criminal justice.

Hungary, in order to meet its international and EU obligations, has attempted to make the judicial procedure / system affecting minors more child-friendly. In order to achieve this goal, in 2011, the Ministry of Public Administration and Justice, in joint efforts with the Ministry of the Interior and the Ministry of Human Capacities, established the Child-Friendly Justice Working Group, with a view to preparing the necessary amendments of the law. Also, in 2012, the Government announced the Year of Child-Friendly Justice. The first specific step towards the realization of child-friendly justice was taken by KIM (Ministry of Public Administration and Justice) decree No. 32/2011. (XI. 18.) on the establishment of child interview rooms. The enforcement of the principles of child-friendly justice was basically managed in several steps, in the course of which Act LXII of 2012 on the amendment of certain laws related to the implementation of child-friendly justice (I. Child-Friendly Justice Package) was a milestone. Besides all these, one should attach critical significance to Act CCXLV of 2013 on the amendment of certain acts in the interests of the protection of children (Second Child-Friendly Justice Package), as well as the promulgation of the Lanzarote Convention (by Act XCII of 2015).

During the criminal proceedings affecting injured parties under legal age, one can state, in general, that in assessing both the criminal substantive law and the criminal procedural law

perspectives, the legal practitioners should act with utmost caution, taking the vulnerable position of minors into account. From a criminal procedural law aspect, it is primarily the legal institution of special treatment that has key significance here but for example, the anticipatory principle is also a very important guarantee rule.

II. Research methods

The theoretical part of my research focuses on dogmatic questions. In this phase, I have analyzed all the details of all the crimes under review, furthermore, in my paper, I have also explored the governing provisions of the background laws.

The basis of the theoretical part is constituted by the relevant legal literature (commentaries, textbooks), as well as articles from journals.

As I have mentioned before, the basis of the practical part is made up by case-file analyses, for which the necessary documents were put at my disposal by the individual prosecutor's offices.

In the empirical research part presenting the legal practice, you can see the findings of two case-file analyses that extended to the whole country and one that extended to the jurisdiction of Budapest. I had three years for conducting the case-file analyses.

As regards the crimes of preventing the exercise of visitation rights, as well as changing a child’s custody, I have examined all the binding decisions from the effect of the new Criminal Code (Btk) until the year of the research, by relying on a complete national sample. What is meant here is the period between July 01, 2013 and December 31, 2017 for the crime of preventing contact with a minor, while for the crime of changing a child’s custody, the period between July 01, 2013 and December 31, 2019. As I have mentioned before, during the examination of the crime of preventing the exercise of visitation rights, I have also reviewed orders that terminated proceedings because of reasons for the suspension of criminal culpability. As regards the crime of child endangerment, I have conducted an analysis of the decisions that took binding effect in 2019, specifically in the capital.

The comments from the prosecutors on the individual research questions, which are also an important part of my doctoral thesis, have key significance in the exploration of the practical aspects, and these also greatly contribute to the effectiveness of the work of the National Institute of Criminology.

The main objective of the case-file analyses was to explore the Hungarian sentencing practices and the factors that affect these with regard to crimes against children.

III. Summary of research findings

The crime of the abuse of minors consists of two independent statutory definitions, section (2) of the relevant law as the second basic statutory definition qualifies as a subsidiary type. The specific features of the norm text were taken into account by the case-file analysis conducted on this subject as well, as a result of which the main tendencies of the binding decisions are discussed individually, based on the individual basic cases.

In 2019, a total of 108 binding decisions were adopted in the capital city, after reviewing which I have concluded that it is the type of crime running counter to Section 208 (1) of the Criminal Code that has validity in practice, as the defendants were called to account in as many as 87 cases, while in the remaining 21 cases, this happened because of conduct running counter to the provision set out in Section (2). There were no acquittals in the period under review.

As regards the number of perpetrators, 95 persons were found guilty in conduct running counter to Section 208 (1) of the Criminal Code, while 22 persons were found guilty in a crime running counter to Section 208 (2) of the Criminal Code, the total number of perpetrators was 117.

Those who committed the crime defined in Section 208 (1) of the Criminal Code were mostly independent perpetrators, complicity was established in as many as 5 binding decisions. As regards the type of complicity, I would like to stress that there is no uniform approach in legal literature as to whether complicity can be established at all if this turn of phrase of the statutory definition is like a disposition, or each perpetrator should be an independent subject

of the crime. Furthermore, not even a single binding decision provided on this form of perpetration with regard to Section 208 (2) of the Criminal Code.

The sentencing practice with regard to the crime of abuse of a minor evolved as follows.

Frequency of the occurrence of the individual sentences [Section 208 (1) of the Criminal Code, projected to 87 cases and 95 perpetrators]:

- executable detention, with disqualification from public affairs: 11 persons
- suspended sentence: 67 persons
- incarceration: 1 person
- fine: 9 persons
- community service: 7 persons
- prohibition on exercising profession: 1 person – with the sentence of deprivation of liberty

Frequency of the occurrence of applied measures [Section 208 (1) of the Criminal Code]: -

Frequency of the occurrence of the individual sentences [Section 208 (2) of the Criminal Code, projected to 21 cases and 22 perpetrators]:

- executable detention, with disqualification from public affairs: 1 person
- suspended sentence: 16 persons
- fine: 3 persons
- community service: 2 persons

Frequency of the occurrence of applied measures [Section 208 (2) of the Criminal Code]:-

What turns out from the above-listed statistical data, besides the fact that in all the cases, sentences were imposed, is that there was only one case where the perpetrator was prohibited from exercising his profession, which is a very low number and which can be deemed a "mistake of legal practice". The "motion" section of the indictment of the acting prosecutor's offices, as well as the enacting parts of the court judgments always disregarded the provisions set out in Section 52 (4) of the Criminal Code, which stipulate that the person committing the crime of endangering a minor should be banned from practicing any such professions or performing any such activities as part of which he educates, supervises, cares for or administers

medical treatment to a person under the age of eighteen, or is in another relationship involving power or influence with a minor. In exceptional circumstances, the mandatory application of the sentence of prohibition on exercising profession can be omitted.

The Office of the Prosecutor General first issued a policy statement under number BF.124/2019/12, then in August 2020, a national guideline under serial number 28, the point of which is that the provisions set out in Section 52 (4) of the Criminal Code should be treated independently from the group of cases regulated by Paragraph (1). This idea was not put into practice, which is also well proven by the fact that on November 10, 2021, the Prosecutor General of the Capital also issued its guidelines on this subject, in order to avoid incorrect prosecutor's practices in the future.

Pursuant to Section 208 (1) of the Criminal Code, the courts quoted the following aggravating and mitigating circumstances in their judgments establishing culpability in child endangerment, in imposing the sentences:

- aggravating circumstances: permanent perpetration, criminal conduct demonstrated for a longer period of time, cumulation of more than two crimes, several records in the offense registry, criminal record, has already stood before court, position of an accomplice, protraction of the criminal proceedings due to the defendant's action, the defendant committed the crime during the effect of the criminal proceedings, the crime was committed during the probation period of the suspended sentence, the criminal action was committed through the perpetrator's profession

- mitigating circumstances: clean criminal record, pleading guilty, taking care of the maintenance of a minor, lapse of time, repentance, the offended party did not want the defendant to be punished any more, the defendant wishes to settle his relationship with his child under legal age and his family, a favorable change has taken place in his approach to his child, participation in psychotherapy for anger management, deteriorated health condition, protraction of the criminal proceedings not due to the defendant's action

Pursuant to Section 208 (2) of the Criminal Code, the courts quoted the following aggravating and mitigating circumstances in their judgments establishing culpability in child endangerment, in imposing the sentences:

- mitigating circumstances: lapse of time, being a young adult, partially pleading guilty, repentance
- aggravating circumstances: action as accomplice

Section 208 (1) of the Criminal Code was a cumulative offense with the offense/crime of vandalism, the offense of harassment, the crime of sexual assault, the crime of abuse of new psychoactive substances, the offense of the possession of drugs, the offense of misleading of the authority that conducts the criminal proceedings, the crime of violence against a person performing a public task, the crime of forging deeds, the crime of abusing child prostitution, the crime of fraud by using the information system, the offense/ crime of theft, the crime of sexual abuse, as well as the crime of domestic violence.

When examining the delinquencies that are cumulative offences with Section 208 (1) of the Criminal Code, I also noticed a problem of legal practice, i.e. the first basic case of abusing a minor and the crime/offense of battery were often erroneously established jointly. Pursuant to Sections 164 (2)-(4) of the Criminal Code, in the case of battery, when the criteria of the statutory definition of domestic violence exist as well, it makes sense to establish the crime of endangering minors in cumulation with domestic violence, i.e. in such a case, the cumulative offence is not to be established by one of the designated turns of phrases of battery. In relation to this, I would like to emphasize that the statutory definition of domestic violence and the crime of abusing minors cannot only be in cumulation with each other when the injured party is the same, i.e. all the disposition-like conduct is demonstrated against a minor but also, when the injured parties are different, more specifically, for instance, in the group of cases when the perpetrator physically abuses the mother of minor, in front of the child, at least twice within a short interval, thus causing bodily harm that suits the norm text of domestic violence.

Out of the 87 binding decisions, there were only 4 in which the abuse of minors as per Section 208 (1) of the Criminal Code were in cumulation with domestic violence, which is an extraordinarily low number. However, Section 208 (1) of the Criminal Code was in cumulation with battery on many more occasions, namely in as many as 19 binding decisions, of which, in

my opinion, in 15 cases, the existence of the statutory conditions for the crime of domestic violence would have been obvious.

Those cases can be listed as problems of legal practice in which parental responsibility was only established as the crime of abuse of minors in cases where minors are physically abused, simply disregarding the fact of abuse. The situation is that the latter should be kept in mind, as the statutory definition in Section 208 (1) of the Criminal Code is a materially endangering delinquency, which means that in this case, the occurrence of bodily injury is not a condition to the existence of the disposition-like form, the only criterion is the endangerment of the physical development of the minor. This means that any conduct that points beyond endangerment should be the subject of a specific assessment.

The crime of the abuse of minors as per Section 208 (2) of the Criminal Code was mainly in cumulation with the offense/crime of theft.

Otherwise, when reviewing the case-files, I also noticed a rather grave mistake in legal practice with regard to Section 208 (2) of the Criminal Code, it seems like the conditions of becoming a subject are not clarified regarding this turn of phrase of the statutory definition. The situation is that, in a high number of cases, judicial practice disregarded the line of thought in legal literature according to which the subject of the crime defined in Section (2) can only be a person over the age of eighteen who is not obliged to raise, supervise or care for a minor, as in the contrary case, calling to account according to Section (1) will become necessary.

The basis for the case-file analysis related to the ***Criminal Code statutory definition of preventing the exercise of visitation rights*** was made up by 30 binding decisions, I am not aware of any acquittals. Basically, I have investigated into all those binding decisions that were adopted in Hungary in the period between July 01, 2013 and December 31, 2017. In addition to all these, I have also reviewed orders terminating proceedings with reference to reasons for the suspension of criminal culpability defined by the norm text of the crime in question, which meant a total of 5 cases.

In such cases, the main problem lies in the irreconcilable conflict between the minor's father and mother. What I have found was that all the binding decisions (without any

exceptions!) suggested that the mother hindered the keeping of contact, mainly between the separated parent and the minor, which was manifested in setting the child against the father.

90 percent of the perpetrators, i.e. as many as 27 persons committed the crime against their ex-partners/spouses, 2 persons did so against the child's paternal grandparent, while 1 person did so against her own mother, i.e. the maternal grandparent. Furthermore, it was concluded that all the perpetrators committed the crime in the case-file analysis independently.

Regarding the sentences imposed, we can state that 1 person was sentenced to executable detention, which was combined with disqualification from public affairs as an additional sentence. The acting court applied the sentence of incarceration against 1 person, community service against 2 persons, while fines against 4 persons. In addition to all these, the court suspended the execution of the sentence of deprivation of liberty for a probation period in the case of 4 persons.

As regards the measures applied, it can be stated that there were 3 binding decisions in which the persons were reprimanded, there were 15 binding decisions on conditional sentence. In 2 cases, probation officers were also ordered for the duration of the conditional sentence.

It can be concluded from all this that in 60 percent of the binding decisions, only measures were applied.

Aggravating circumstances can be summed up as follows, on the basis of the case-file analysis that I have conducted: the defendant's attitude (they failed to meet their maintenance obligation despite fines that have been imposed serially, of their own fault; failure to fulfill the requirements set out in the decisions adopted in the legal cases on the settlement of parental supervision or the dissolution of marriage), raising antipathy in the common child typically towards the father; criminal record.

On the other hand, mitigating circumstances were specifically as follows: the defendant's pleading guilty; clean criminal record; the defendant takes care of keeping the minor; protraction of the criminal proceedings.

In connection with the statutory definition of preventing the exercise of visitation rights, the Criminal Code also provides on another reason for the suspension of criminal culpability, thus the acting court adopted a decision on the termination of the proceedings in as many as five cases in the period under review.

In this context, the following questions are justified:

- What is meant by making amends for the forms of visitation previously denied?;
- What counts as sufficient for the establishment of another reason for the suspension of criminal culpability as defined in Section 210 (2) of the Criminal Code?

In my view, on the one hand, in these types of cases, it already causes a difficulty, as a start, to decide which omitted visitation at all a new visit with the parent will correspond to, if one talks of several visitations that have been denied, which omitted visitation this will make up for. On the other hand, in order to call a visitation ensured, one needs a longer period of time, i.e. one cannot draw meaningful conclusions from one-time occasions.

It became clear from the case-files that the acting courts, without any exceptions, based their decisions on what had been said at the hearing with regard to the definability of Section 210(2) of the Criminal Code and they did not investigate into the truthfulness of the statements made at the hearings. Not even in one single order of this type have I found any reference to how many occasions may be regarded as sufficient for the establishment of the appropriate ensuring of visitation, furthermore, the "begins to make amends for" turn of phrase of the statutory definition was not specifically dealt with by the courts either.

The basis for the case-file analysis on the subject of ***the Criminal Code statutory definition of changing the custody of a minor,*** which was conducted on a complete national sample, was constituted by all the binding decisions adopted in the period between July 1, 2013 and December 31, 2019. In this period, 66 judgments establishing guilt and 3 acquittals were adopted.

In all the binding decisions, the acting courts found it justified to call the perpetrator into account because of the basic case of the crime.

The binding decisions that established guilt provided on the criminal liability of as many as 78 defendants, in 11 cases, committing a crime as an accomplice, and in 1 case, the level of participation (abettor) were established.

From the frequency of the criminal law sanctions in the binding decisions that established guilt, one could essentially draw the conclusion that in such types of cases, the acting courts did not find it sufficient to apply measures in order to achieve that the sentencing objectives are achieved, with regard to the fact that sentences were imposed against 68 percent of the perpetrators (53 persons).

From among the types of sentences defined in the Criminal Code, in such types of cases, the most common sentences applied were community service (12 persons) and fines (17 persons). Furthermore, the court sentenced 2 persons to incarceration, while 4 persons to executable detention. Although there were only 4 cases where the sentence of executable detention was imposed, there were still 18 binding decisions in which the legal disadvantage to be applied was defined as deprivation of liberty, the execution of the sentence was suspended for a probation period.

From among the measures listed in the Criminal Code, it was clearly conditional sentence that dominated (applied against as many as 23 persons), and 2 persons were reprimanded, which was a low number.

Aggravating circumstances to be assessed in imposing a sentence can be summed up as follows: criminal record, level of acting as an accomplice, setting the child against the mother, long-term violation of the conditions of the binding and executable official decision on custody, multiple such criminal actions, committing a crime during the probation period of a suspended sentence, cumulation of more than two crimes, meeting the return obligation as a result of several official warnings, committing the criminal action during the effect of criminal proceedings.

Mitigating circumstances can be defined as follows: clean criminal record, lapse of time, pleading guilty, now proper lifestyle, taking care of the maintenance of one or two children, conflict with the law on the first occasion, repentance, poor health condition (limb injury, deteriorated hearing, disability, etc.), old age or being a young adult, intention to protect the child.

As regards the question of cumulative offences, one can state that the delinquency of changing a child's custody is mostly in cumulation with the statutory definition of the endangerment of a minor, in a total of 18 cases. The crime under review was only jointly established with the misdemeanor of the prevention of the exercise of the right of visitation with a minor in only 1 case. In the latter case, the crime of endangering a minor was also qualified as meeting the statutory definition. In another 2 cases, the crime of violence against a person performing a public task was also committed. In addition to all these, the delinquency that is the subject of my paper was also in cumulation with theft, vigilantism, trespassing, battery, as well as the utilization of falsified private documents.

It should be mentioned that a low number of acquittals were also adopted in the period under review.

The following reasons were underlying the acquittals:

- lack of intent for the establishment of the delinquency;
- existence of the conditions set out in BH (court decision) 1989.264 (According to judicial practice, this crime is not committed if the minor who was placed with one of the parents lawfully visits the other parent, then stays with this parent, and is not willing to return to the parent who has custody even despite parental warning to do so. In such a case, there is no "delivery", the crime cannot be committed through omission);
- lack of "activity" required for the performance of the individual perpetrator's conducts;
- lack of opposition to the official executable decision settling the child's custody.

IV. Possible ways to utilize the research findings

Since the autumn of 2021, I have been teaching an optional subject to full-time students of law at the Criminal Substantive, Procedural and Enforcement Law Department of the Faculty of Law and Political Sciences of Pázmány Péter Catholic University as a temporary professor. The title of my course was "The Child as a Value to be Protected in Criminal Law". This is why I think that the key platform of utilizing my research findings is to be defined in my teaching activity.

In addition to this, I issue regular publications in my field of research and I am also an active participant of conferences, where I "publish" the key conclusions of my PhD treatise as a presenter.

Furthermore, in the context of PhD training, I have won several other scholarships, which also require my permanent presence in academic life, and making my research findings accessible to as wide a public as possible.

Finally, it is also one of my plans to publish my dissertation in a book form.

V. List of publications on the research topic

- Bernadett Csapucha: Családvédelem „nemzetközi vizeken" – különös tekintettel a gyermekek oltalmára [Family Protection from an International Perspective, with Special Regard to the Protection of Children]. Budapest, the journal Iustum Aequum Salutare, PPEK-JÁK (Pázmány Péter Catholic University, Faculty of Law and Political Sciences), issue 2019/4
- Bernadett Csapucha: A „világháló árnyoldala", avagy a gyermekpornográfia térnyerése az Interneten [The Dark Side of the Web, or the Spreading of Child Pornography on the Internet]. Budapest, the journal Ügyészek Lapja, issue 2019/4-5
- Bernadett Csapucha: Büntetőjogi beavatkozás a kiskorúval való kapcsolattartás akadályozása esetén [Criminal Law Intervention in the Prevention of Visitation with a Minor]. Budapest, the journal Iustum Aequum Salutare, issue 2020/2
- Bernadett Csapucha: A gyermekpornográfia hazai büntetőjogi szabályozása, s a jelenség ellen folytatott küzdelem a nemzetközi dokumentumok tükrében [The Regulation of Child Pornography by Hungarian Criminal Law and the Fight against this Phenomenon in view of International Documents]. Budapest, the journal Büntetőjogi Szemle, issue 2020/1
- Bernadett Csapucha: A kiskorúak fokozott büntetőjogi védelmének megteremtése [Creation of Increased Criminal Law Protection of Minors], Doctoral Studies in the 25th Academic Year of Training Lawyers at Pázmány Péter Catholic University. Budapest, Pázmány Press, 2020
- Bernadett Csapucha: A kiskorúval való kapcsolattartás akadályozását büntető törvényi tényállás elméleti és gyakorlati kérdései [Theoretical and Practical Questions of the Criminal Code Statutory Definition of Prevention of Visitation with Minors]. In: Péter Miskolczi-Bodnár: XVII. National Conference of Doctoral Students in Law, 2020,

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