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THEORETICAL PROBLEMS OF CRIMES AGAINST JUSTICE IN TERMS OF DOCTRINE AND JUDICAL PRACTICE

- False accusation and false testimony –

Theses for doctoral dissertation

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I. Main aims and summary of the research

The truth and detection of occurring events is one of the most important aim in criminal proceedings due to false accusation and perjury. The central element of both crime is the truth examined on the basis of falsehood. In the case of false accusation and false testimony the existence of objective falsehood appears as a basic condition, and the subject of both crimes is falsified. Some of the crimes against the justice system are also significant because most of these crime, specially the false accusation and false testimony or perjury coincide with the birth of criminal law as a field of law, and most of them have already been sanctioned by the Romans. False accusation and false testimony were also ordered to be punished in the first place among the crimes against justice in the Hungarian Criminal Code, before the subornation in perjury, unjustified refusal of giving testimony, suppressing exculpatory evidence or harboring a Criminal. Furthermore, the crime is never examined in ourselve, but in a relationship with another crime. The protected legal subject is resulting from the outstanding weight of the offenses in legal theory and judical practice.

The person who falsely accuses another person before an authority of the perpetration of a crime or hands over to the authority any forged evidence against another person connection to a crime, commits the false accusation. The witness who gives false testimony or coceals before the authority concerning the essential or significant circumstance of the case, commits perjury. The truth has main importance in criminal proceedings in connection with false accusation and false testimony.

In case of false accusation and perjury, the existence of objective falsehood is a basic condition, the falsification of truth is the legal protected object of both crimes in the dissertation. Furthermore, crimes should never be examined in isolation or independently, but in each case in relation to another basic crime, which shold be another crimes againts the justice system or another crime in the Criminal Code. In perspective the case of the protected legal subject, the questions are doubbled, because there are several dogmatic question that come into forward when someone is falsly accused with a basic crime. The false accusation and false testimony raise problems of qualification in relation to other legal subjects, specially in connection with crimes againts human right and dignity, criminal offenses againts public confidence, crimes of corruption. The choice of the topic of doctoral dissertation is justified by the number of dogmatic questions which characterize the basic crime. Therefore, I would like to present the

results of the doctoral research, beyond the general basics in relation to the relevant crimes againts the justice system and administration, which have recently entered into the Criminal Code. In both factual situation or fact of the case on false accusation and false testimony I have developped my own standpoint on all the issues examined, specifically in stubtantive criminal law. I also compare the false accusation with much of crimes againts the judical administrative system, the perjury and false testimony, forgery, crimes againts the human rights with the aim of developping the judicial practice.

Both crime in the doctoral research involve false statements that cause damage someone's reputation in protected legal subject. These crimes have doubbled legal subject, furthermore with the commit of false accusation there is always a legal subjet who is a person. I also intended to determine the methode of the limitation in the subject of false testiomy which also pose questions concernant bribery and the new statement of fact which is the unjustified refusal of giving testimony crime in the hungarian Criminal Code. I also compare and evaluate the available results of the branch of science and developments in judicial practice. The de lege ferenda suggestions presented in the section on perjury are appeared in each examined question. In addition to the relevant judicial practice, I considered the hungarian and foreign sources of law and the dogmatical views of prominent representatives of the legal literature in criminal law, as a normative point.

The most extensive monography is Crimes Againts Justice, written almost 60 years ago by József Földvári, which is a starting point in the doctoral dissertation. I based my doctoral research on the changes in legislation that have taken place since the writing of the monography, mainly concerning criminal material and related criminal procedural provisions. Finally, it is necessary to reconsider the legal literature on current Hungarian judical practice.

The aim of the doctoral dissertation is to examine the most serious crimes from the point of view of these protected doubbled subjects and on the basis of the dogmatic aspects also designated by József Földvári, - as far as possible - to support and complete the judical practice. Therefore, I would like to raise thoughts beyond the general basics related to the scope of relevant crimes in the Criminal Code and expand the philosophy related recent criminal changes with dogmatic explanation of the results of practice.

II. Research methodology and sources

In my research methodology in chapter two of doctoral dissertation, I analyzed the false accusation and false testimony in virtue of hungarian Criminal Code and background codes. Additionally the change of factual elements, with special regard to the Criminal Code, through the analysis of the amendement adopted in the last years. It is contain an extensive comparison with the provisions amendements, and major relevant clauses of false accusation and false testimony, as well as a historical and european analysis related to a crime against justice. The doctoral essay focus on international clauses, beacause the problems of the hungarian regulation are not require in a listing way in the fench Code Penal, in the german Criminal Code and the false accusation and testimony in Austria, so I followed the rules of classical legal research and material collection.

In the topic of the crimes of false accusation and false testimony I examined several foreign sources of criminal. The dissertation is not a comparative legal work, but it's international part is an integral part of the dissertation, which uniquely examines the solutions used by several european countries. I have used them to create de lege ferenda proposals. Refer to the translation of the Austrian, German and French criminal Codes, during the research, I made a special compare between the foreign criminal codes and the Hungarian Criminal Code, which present the similarities and differences in the relevant provisions.

The major point of the individual creative proposals came from the austrian Criminal Code which use the basic crime in the statement of facts. Long-last research has been made to resolve the delimitation problems between individual crimes against the judiciary by drawing up proposals for amendments to the facts. The de lege ferenda proposal in the case of false accusation clearly seek to effect the material weight of the basic crime in the text of Criminal Code. The legislative provisions regarding perjury and false testimony is connected the special subjective of the crime, the witness. Regarding perjury, I do not use a conceptual, but a number of creative remarks in the doctoral dissertation in each subsection, which deal with passive subjectivity, perpetrator, importance of warnings or admonitions about false accusation, refusal of giving testimony and suppressing exculpatory evidence.

Furthermore the docotoral dissertation contatin de lege ferenda remarks correlate the explicit silence of perpetrator of false accusation and clarify the relationship between unjustified refusal of testify and bribery in criminal code and the Act XC. of 2017 on Criminal Proceedings, civil proceedings and in other accessoring subsections.

III. Structure of the dissertation

The doctoral dissertation comprises for two divisions. Part One, entitled „False accusation" contains a historical overview from the starts to the current Hungarian Criminal Code. Secondly, the assay contains an international presentation concerned with Strafgesetzbuch in Germany and in Austria and the french Code Pénal. Thirdly a docmatical presentation and analysis of the fact pattern. Chapter two contains the regulation of perjury and false accusation with the structure of the first chapter, equally with false accusation. Each part presents the judicial practice of the crimes amphasize the dogmatical sequels. To sum up the structure of the doctoral dissertation it follows the division of historical overview, presentation of international, specially european developments and dogmatic analysis.

During the creation of de lege ferenda proposals presented in several places at the end of the chapter on false accusation and in the part on false testimony, I focused on the judical practice and aspects of criminal and civil sectence practices. In both chapter on perjury and false testimony I conceived my own position on all the issues examined, specially to the question of the victim and the types of conducts. In analyzing dogmatic issues I also compare and evaluate the available legal literature positions and developments in judicial practice. I examined decisions available in the dogmatical part as well. The creative suggestions presented in section two are described in each detail questions.

In the case of subject of both chapters I have encountered new delimitation and qualification problems in almost all aspects of dogmatic analysis. It follows that the whole of doctoral dissertation consists of delimitation issues. In view of the above, the first aim of the dissertation is to resolve the delimitation difficulties between the crimes against justice.

IV. Summery of the dissertation

A.) False accusation

The doctoral research was set out to find the answears for the following docmatical questions connecting to the factual situation of false accusation.

Results that can be used for legal theory and judical practice:

- Presentation of the historical overview.
- Analysis of international instruments.
- Analysis of current judical practice related to the dogmatic questions.
- Categorisation of the structure of fact pattern, analysis of the substantive in the extraditable offense and the legal subject of the crime.
- Resolve the promblem of substitute private accuser in investigation.
- Analysis of perpetrator and the limitation of falsehood.
- Comparaison of falsely accusation and application the forged evidence against another person relating to a crime.
- Assay on qualified and certified cases of false accusation, attempt, preparation.
- Investigation of false accusation and the proceeding of substantive private accuser.
- De lege ferenda recommandation for the legislation in connection with 268.§ Act C. of 2012 on the Criminal Code.

a) Historical overview and international outline

The international view focused on German, Austrian and French criminal law provisions. The Austrian StGB. differentiates on the basic crime where the accusation is committed and the legal consequences of the act are significant. Consequently, the false offense is characterized by explicitly the wight of basis crime. The structure adapted to the subject matter of the false accusation can give an adequate answear to the additional crime. The disposal of the Austrian Criminal Code in my view is the essence of the whole factual structure of false accusation. The French Code Penal also contains provisions in the context of this crime which have been used as a basis for formulating individual proposals. Based on the analysis of the french legislation, I also pointed out that the legal subject differentiated on the basis of several aspects in an

unfamilar way in the hungarian criminal law. The french criminal law provides a remarkable guarantee of the coherence of substantive and procedural criminal law between individual offenses against the judiciary and the associated procedural sanctions.

b) The legal subject and the passive subjective of false accusation

The european codes examined in the dissertation with the exception of the French Code Pénal, provide for the punishment of false accusation as a crime against justice and administration. However, the protected legal subject of the false accusation is not clear in the legal theory and still raises current issues in the judical practice. The protected legal object is closely related to the placement of the crime in the Criminal Code, but it also be examined independently. In certified cases of false accusation, the complexity of the protected legal subject is uncontroversial. I also aimed to clarify the definition of the protected legal subject to create a legally satisfactory arrangement, which can be availabled in the topic of substitute private accuser. The crime necessarily affects the accused person, which can be deduced from the accessory nature of the crime. In the case of a false accusation, the basic case determines the realization of the false accusation from the outset. In the examination of harmful legal consequences caused by a falsehood before an authority, the emphasis is placed on the circumstances assessed in certain certified cases of false accusation (see criminal proceedings have been initiated, the accused has been convicted, false accusation of life imprisonment). It follows from the above that there may be several passive subjects of a false accusation, provided that all the legal factual criteria in relation to them, such as in particular, individual identification, existing person clause, and the difference from the perpetrator are realized.

c) The perpetrator and the limitation of falsehood, difficulties of delimination

The perpetrator of false accusation is not ruled out either, as the facts of the false accusation contain the expressions, “other”, “relating to another”. The perpetrator of false accusation can be anyone, even a defendant in a criminal case, but the defendant’s defense cannot be unlimited. In connection with the legal subject of the crime the accuser in the criminal case cannot be permanently excluded from the potential perpetrators, but the only limitation of this is that the accused cannot commit a crime while practicing it, not falsely accuse anyone of committing a crime. In the doctoral dissertation, I consistently assert the view that the accusation of a factual person with a crime or other act is necessary for the commit of a false accusation, because as

long as there is no suspect in the case, in some of the following cases, the principal commit false accusation. I reviewed the background of the questioning of the suspect in the Criminal Proceedings, beacuse from this the question be raised of examination false testimomy instead of false accusation.

d) Comparaison of false accusation and application the forged evidence against another person relating to a crime

With regard to the false accusation, I paid special attendence to the issue of the factual nature of accusation, because in this connection I have terminated from each other the misuse of personal data and false accusation, this emphasis not only based ont he french solution in the french Code Pénal and Code Pénal Procedure. In addition to comparing the relevant statement of facts, the case-law and the practice of the courts was also essential in this question. I examined separately the false accusation and application the forged evidence against another person relating to a crime, as the disclosure of false evidence of a criminal offense to the authority. The separation was appropriate in matters where the dogmatic issues that are concerned only and exclusively one of the offending behaviors. Unequivocally, the demarcation of the two offenses seems to be without any promlem due to the principle of specialty, but recent law-practice has pointed out that the two crime are still to be examined in terms of passive subjectivity. I examined in addition the relationship between the false accusation and the grounds for total or partial exemption from criminal responsibility. In this regard the perpetrator totally exempted from criminal responsibility for false accusation.

With reference to the fact that another form of false accusation the forged evidence against another person relating to a crime, it is necessarily raises the dogmatic question fabrication of personal evidence. If the case of persuasion can be established in the fabrication of personal evidence, when the witness give false testimony, or if the witness does not make a false confession, the covert offender, a perpetrator of false accusation is a correct dogmatic idea. The perpetrator who instigates the commission of an intentional offense by using a witness who cannot be prosecuted for reason of under misconception.

Personal evidence cannot be definitively excluded from the subject of a false accusation made on the basis of false suspicion, because if the confession resulting from the perpetrator's actions is false based on testimony, it is a personal evidence. The witness brings false evidence to the

authority because of the misconception, and if the perpetrator commits with the aim of false accusation, indirectly liable for the first form of false accusation.

e) Assay on qualified and certified cases of false accusation, attempt, preparation

The theoretical starting point is that dogmatic remarks in the above titles were always accompanied by an evaluation of practice of the courts. I examined the actual implementation of the principles developed by the legal literature and the legal practice. I have analyzed the privileged cases that can be committed with both offenses before the competent and not competent authorities. In the privileged cases any person who falsely accuses another person before an authority of a misdemeanor, an infraction or a disciplinary infraction commit the first case of the privileged case of false accusation. The system is the same in case of a person who conveys any forged evidence against another person falsly to an authority or a party exercising disciplinary authority relating to the within named categories. The dissertation notes that I analyzed the modes of intentional and negligent offense based on the perpetrator's consciousness for both offending behavior.

f) Investigation of false accusation and the proceeding of substantive private accuser

The essay examines judgement 3384/2018. (XII.14.) by the Constitutional Court and the 2301/2011. by the Supreme Court. The dissertation draws attention to the question of exercice of substantive private accuser correlate to false accusation in criminal proceedings. I monitored the latest judical practice in the light of the results of the judicial practice of recent years and legal literature. The own standpoint expressed in the doctoral dissertation connection to false accusation, that the crime of section 268.§ in Criminal Code is a crime with a result came out in the factual situation. I can't agree with the statement of 2301/2011. that the false accusation contains a passive subject, is the condition that the crime in question fundamentally violates or threatens the state, social or economic order and an infringement affecting a legal person occurs only indirectly. Beyond question that we can't allow the initiative for substantive private accusers in all cases. We cannot forget to mention that the proposal of the dissertation is to create the correct statement of false accusation in the Criminal Code. Qualified cases of false accusation are exeptions.

g) De lege ferenda recommandation for the legislation in connection with 268.§ Act C. of 2012 on Criminal Code

Based on my doctoral research, I came to the conclusions about my hypotheses. The result of research presented in the chapter one on false accusation beside the factual situation, specifically the certified cases. The solution contains by the dissertation based on the Strafgesetzbuch in Austria. The austrian StGB. has an essential feature of false accusation, because it gives priority to the underlying offense to the basic crime. The specificity of crimes against justice is clearly related in some way to a criminal case in the hungarain criminal Code that has already been initiated in the substantial fact wich contain the "other". The absence of a basic crime can also be an obstacle to a proportionated penalty. The observe ensure that the punishments of the basic offense and the false accusation entail similarly comparable legal sanction. It is absolutely necessary to examine the false accusation and the additional crime simultaneously. Refference to the austrian legislation, I will make an individual proposal for a more differentiated regulation of the statement with a focus on the protected legal subject. The proportionality of the amendments will make an appearance in the certified statements. I do not want to break down the basic structure of the facts, at the same time with the introduction of additional subcategories, the statement can be complete.

In view of the above written the legislative solution of the doctoral dissertation which contain both substantive and procedural aspects of criminal law is the following:

Act C. of 2012. Criminal Code 268.§ (1)
a) Any person who falsely accuses another person before an authority with a crime,
b) conveys to the authority a forged evidence against another person relating to a crime,
commit false accusation.

(2) The penalty shall be imprisonment to two years, if the false accusation is refer to a misdemeanor, which punishable under this Act by imprisonment to two years.

(3) The penalty shall be imprisonment to three years,
a) if criminal proceedings are instituted on the basis of false allegations based on false accusation refer to a misdemeanor.
b) The penalty shall be imprisonment to three years, if the false accusation is refer to a felony, which punishable under this Act by imprisonment to three years.

(4) The penalty shall be imprisonment between one to five years,
a) the accused is sentenced on the basis of false allegations refer to a misdemeanor,
b) if criminal proceedings are instituted on the basis of false allegations based on false accusation refer to a felony which punishable under this Act by imprisonment to three years,
c) if the false accusation is refer to a felony, which punishable under this Act by imprisonment from three years.

(4) The penalty shall be imprisonment between two to eight years,
a) the accused is sentenced on the basis of false allegations refer to a felony,
b) false allegations are taken relating to a crime which carries a sentence of life imprisonment.
(4) The penalty shall be imprisonment between five to ten years if false allegations are taken relating to a crime which carries a sentence of life imprisonment and the accused is sentenced about due to the false allegations.

With the de lege ferenda proposal for legislation the material weight of the basic crime and the maximum amount of punishment of false allegation can be equalized.

B.) False testimony

The doctoral research was set out to find the answears for the following dogmatics questions connecting to the factual situation of perjury and false testimony.

Research questions and hypotheses:
- Presentation of historical overview.
- Analysis of international instruments.
- Analysis of law-practice related to the dogmatics of false testimony.
-Analysis of protected legal subject of false testimony.
- Resolve the problem of the passive subjectivity.
- Exploration of relation between the obstacles to testifying as a witness and the grounds for total or partial exemption from criminal responsability.
- Comparaison of giving false testimony before the authority and concealing or suppressing the evidence in criminal proceedings.

- Assay on comparing the false testinomy on surpressing the evidence and unlawful refusal of giving testimony, suppressing exculpatory evidence. De lege ferenda recommandation for the legislation in connection with 277.§ Act C. of 2012 on the Criminal Code.
-Remarks on giving false documents or physical evidence and passive corruption before Court or Regulatory Proceeding used for judical practice.
- The dogmatics of continuity and false testinomy.

a) Presentation of the historical overview and international instruments

In chapter two the results of domestic historical elements and some european developments are characterized by the fact that false testimony must be examined together with perjury. The aim of this part to determine the nature of perjury, which has long defined in hungarian criminal law, and as I have shown below, perjury is still an integral part of the european penal codes examined. Furthermore, there are several religious elements I have set out in the dissertation has a blackground connecting to the studies at the former Catholic University. In the doctoral dissertation I made a distinction between two types of countries regarding false testimony, one hand, there are several countries with a Code Criminal which contain the perjury, and some with the aim of integrate the perjury and false testimony together. The author has established that the system of german criminal law first penalizes false testimony separately, and then deals with perjury in a separate factual situation, unlike in the Hungarian criminal law tradition. During the research I analysed the austrian Criminal Code distinguishes between false testimony before court and false testimony before administrative authorities. The doctoral dissertation contains a circumstantial explanation of the factual situation of perjury contained in these statement of facts. Eventually, I extended the doctoral research to the provisions of the french Code penal regarding the delimitation questions between unlawful refusal of giving testimony and false testimony.

b) Analysis of protected legal subject of false testimony

In order to distinguish false testimony and false accusation from other offenses against the justice and administration is that the falsehood required in all the facts. The risk of an unjust judgment as a result of the offenses has grown. In connection to false testimony, the difference with regard to the protected legal subject is in relation to the bad reputation and the elements of misuse of personal data. Then I introduce that beside the purity of the judiciary the crime of

giving fasle testimony have an influence on person, but this is always a relationship collateral. In addition, the examination of the protected legal subject matter is also important in some cases. However, in all cases where the testimony of a person is detrimental to someone, be the defendant in a criminal or other case or the determination of the passive subject, in my view this is a conflict with an obstacle. The personal injury have an other side accompanying with notion of passive subjectivity.

c) Resolve the problem of the passive subjectivity

Doctoral research was conducted to determine the passive subjectivity in case of false testimony. The prejudice, infringements of rights or interests are not as direct as in the case of false accusation or in occasion of classical criminal offenses. Examination of the circumstances of the testimony of witness and in view of the consequences of false testimony, exeptionally it has a passive subjective. I examined the warnings in the criminal proceedings, beacuse the witness shall be warned about the obligation to tell the real truth to his best conscience and warned of the consequences of giving false evidence and unlawful refusal of giving testimony. The 90. BKv also formulates this, as the current judical practice using the notions of indirect rights or damage to interests. We have seen an example of this in case of a false accusation, accordingly the case-law provides examples of the categorical exclusion the countenance of substitute private accusator. I have come to the conclusion that I do not consider passive subjectivity to be excluded from the subject of false testimony. Summarizing the above, the judicial decisions examined were forward-looking on the subject of passive subjectivity and substantive private accuser, when the prosecutor or the investigating authority rejected the report or terminated the investigation.

d) Exploration of relation between the obstacles to testifying as a witness and the grounds for total or partial exemption from criminal responsability

We must first get to know that the Criminal proceedings regarding the obstacles to testifying and the Code Crminal both examinate the witness monitoring the grounds for total or partial exemption from criminal responsability. The account for the collateral conventions is the folllowing. The problem of differentiating in this chapter outlines in detail that the witness shall

not be punishable for prosecution of false testimony when the witness incriminate himself or the member of the family whit a crime, or may decline the testify for any other reason, but the warnings was not according to the criminal proceedings, or the wintess cannot be interrogated in accordance with the law. In this connection, in view of the privileged case of perjury, the doctoral dissertation alalysed the question of prohibition of self-accusation, the unlawful and lawful refusal to giving a testify. In this part I also wanted to formulate remarks for the current judical practice and legal theory about other perpetrators.

e) Comparaison of giving false testimony before the authority and concealing or suppressing the evidence

Therefore the essay lists and compares the conduct of the crimes as recited in in the statement of false testimony in 272-273§ Act C. of 2012. on the Crminal Code. I have investigated the notion of relevant circumstance in the light of the results in judical practice. The examination of substance is not carried out mechanically from the regulations, and there is no generally accepted definition on relevant circumstance can be used in the judgements. In this section of the doctoral dissertation I present a summary on the potential circumstances applied. We must admit whether a circumstance is relevant in the case, it is examining the specific characteristics of the crime, the legal subject and purpose of the proceedings in the conduct of crime.

f) Assay on comparing the false testinomy on surpressing the evidence and unlawful refusal of giving testimony, suppressing exculpatory evidence. De lege ferenda recommandation for the legislation in connection with 277.§. Act C. of 2012 on the Criminal Code.

The dissertation also contains a dogmatic analysis of delimination, the suppressing and the perpetrator's behavior raises a number of dogmatic issues. The Act C. of 2012 also penalizes the unjustified or unlawful refusal to giving a testify and the suppressing exculpatory evidence. If a witness is giving a testify but does not mention certain material circumstances or refuses to answer a question to that effect, the act may constitute several crimes. It is important to score that false testimony can be distinguished from an unjustified refusal to testify criminalized in 277.§ in C. Act of 2012. It follows that the witness who unjustified refuses giving evidence before the court after being advised of the consequences in criminal proceedings commit this

relatively new misdemeanor punishable by custodial arrest. The demarcation of the two offensive crime is still justified. From the demarcation of the above crimes due to the above, I was led to the conlusion that false testimony and unjustified refusal are not regulated in the same way. The supressing exculpatory evidence and the false testimony contains the surpressing of the evidence, in addition the 281.§ C. Act of 2012. brings up questions in connection with resusal of giving testimony because these crimes can be commited without a testimony. I consider the regulation of unjustified refusal of giving a testimony is halfly appropriate for the objectives of the legislative, because the harmonization of the related rules of criminal procedure has not been done well-proportionated.

The coherence of the material and procedural rules of the criminal law is still not ensured. It is unfair for a witness who refuse unlawfully to give an evidence before the court, at the same time commit before, even though he or she is not entitled to it, it would immediately constitute a criminal offense. In view of the above written, the legislative standard solution of the doctoral dissertation, which is connected to te 182.§ (2) in XL. Act of 2017 on Criminal Proceedings is the following:

182.§ (2) Witnesses illegitimately refusing to testify or co-operate in giving testimony in front of the investigating authory or prosecutor despite being warned about the consequences, must be avenge to the imposition of a disciplinary penalty and obliged to pay the costs caused by the deportment.

g) Remarks on giving false documents or physical evidence and passive corruption before Court or Regulatory Proceeding used for judical practice

Giving false physical evidence before the authority should be clarified in correlation with passive corruption before Court or regulatory proceedings. I have distinguished the perpetrating conduct from the crime of corruption analyzing this criminal behavior. When the false testimony in this way is accompanied by the promise or giving an advantage, I was led to the conclusion in court or official proceedings that we must determinate the specific crime of corruption. If a witness gives false testimony before the investigating authority or in court because the accused therefore gave or promised the corruption, the special fact compared the false testimony and it is necessary to establish this crime. The active side of the crime compete with subornation of perjury. In this case the conduct is to attempt to persuade the witness to

give false testimony abortively. It is inevitable to determinate the other criminal regulations, when the abettor intentionally persuades another the wintess to give a false testimony.

h) The dogmatics of continuity and false testimony

The doctoral dissertation contains most of the ambiguities in this chapter, so this topic is very timely in the legal theory as well. Regarding the classification of false acts of witness committed during different proceedings or at different stages of criminal proceedings, raise the question of continuity. The legal literature and judical practice adopted a different policy. Remarkable that the number of legal positions available on the issues examined are considerable. The aim of this topic is to resolve the dogmatical problems in line with multiple counts of offenses and cumulative offenses committed by perpetrators of false testimony. The qualification determined by the subject of the testimony in the criminal, civil and in other proceedings. According to the doctoral dissertation false testimony in court and before the investigation authority cannot be evaluated independently.

The specific aim of the doctoral dissertation is to create a synthetic dissection of crimes againts justice, individuallay focused on false accusation and false testinomy, beacause the crimes compete with all of the crimes in this chapter Act C. of 2012 on the Criminal Code. To sum up the research gave a special regard to the dogmatic solutions applied by german, austrian, and french criminal codes, the dissertation improve the legal theory of false accusation and false testimony. The doctoral dissertation contains a circumstantial dogmatic analysis of all the issues of crimes and focused on problematic points in the light of the changes in legislation and judical practice. The emphasis on analysis is essential in the subject of qualification, therefore the problem is far from fundamental.

V. The author's publications related to the topic of the dissertation

Elhatárolási kérdések az akcesszórius bűncselekmények köréből. Dogmatika a fautorátustól az orgazdaságig. Varietas Delectat. (szerk: Pogácsás Anett - Szilágyi Pál – Ádány Tamás) Pázmány Press, Budapest, 2013.

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A Büntetőtörvénykönyvről szóló 2012. évi C. törvény jogpolitikai megközelítése az igazságszolgáltatás elleni bűncselekmények tükrében. „Hagyomány és megújulás a büntetőjogban" című konferenciakötet. ELTE Bibó István Szakkollégium, Budapest, 2013.

SIMON Nikolett: Hamisság és büntetőjog -a hamis vád tényállás változásainak tükrében. In: POGÁCSÁS Anett- SZILÁGYI Pál- LÁNCOS Petra Lea- ÁDÁNY Tamás: Értékek mentén rendet teremteni. Válogatott tanulmányok joghallgatók tollából. TehetségPONT, Pázmány Press, 2014.

Vesztegetés elfogadása vagy hamis tanúzás? Magyar Rendészet, 2016. (16. évf.) 1. szám.

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Az igazságszolgáltatás elleni bűncselekmények újrakodifikált és módosított rendelkezéseinek magyarázata. Belügyi szemle (megjelenés alatt)