

MATERIJALNO KRIVIČNO PRAVO

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PROVISIONS ON JUVENILES IN HUNGARIAN CRIMINAL
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Abstract: *In our study, we present the basic lines of the special Hungarian criminal substantive law and criminal procedural law institutions related to juveniles. The current Hungarian criminal law distinguishes three sui generis age categories on the subjective side: childhood, youth and adulthood. Juveniles appear in the currently prevailing criminal law thinking as members of a group in a transitional situation, who are more developed than children in a biological, psychological and moral sense, but less developed than adults.¹ Hungarian academic András Szabó correctly pointed out that the realization of the social purpose of criminal responsibility is served by the penal system, punishments and the execution of punishments.²*

Key words: *juveniles, criminal law, criminal procedure law, Hungary*

1. INTRODUCTION

“The relevant international documents, conventions and recommendations, adopted primarily under the auspices of the UN and the Council of Europe, provide an excellent basis for characterizing the prevailing paradigm of the treatment of juvenile offenders. These documents contain the main guidelines that characterize one of the main models of juvenile criminal law. The UN Convention on the Rights of the Child does not primarily deal with the rights of children subject to criminal proceedings, but rather provides comprehensively for the rights of children that ensure healthy development. However, it clearly identifies the main requirements that must be met in criminal proceedings against juveniles. The Convention defines the main criteria of “child-centered justice”. These include the development of the child’s personality in the right direction, the establishment of separate rules for juvenile offenders and special bodies dealing with their cases, and the use of all possible

¹ Lévay Miklós: A fiatalkorúak büntetőjoga. In: Horváth-Lévay: Magyar Büntetőjog Általános Rész. Wolters Kluwer Kiadó, Budapest, 2014, 521.

² Szabó András: A fiatalkorúak és a büntetőjog KJK Budapest, 1961. 268.

means of traditional justice – the judicial route. in cases of neglect. The spirit of these provisions is followed by the UN regulations on the treatment of child and juvenile offenders, which are fundamentally based on four pillars: the Beijing, Havana, Riyadh and Tokyo Rules. The Beijing Rules are a summary of the United Nations' efforts to prevent juvenile crime, which summarizes the minimum requirements for criminal justice. In the action model advocated by the resolution, criminal law instruments are relegated to the background, and primary prevention is the focus - that is, the screening of criminogenic factors by creating an appropriate social environment. The Riyadh Principles draw attention to the harmful effects of the use of traditional criminal law instruments, emphasizing that norm-violation is a natural part of youth, which must be treated with this in mind. The Beijing Minimum Rules are complemented by the Havana Requirements, which emphasize the ultima ratio nature of sanctions involving deprivation of liberty and consider their application acceptable only as a last resort and for the shortest possible period. The Tokyo Rules provide for alternatives to deprivation of liberty, which advocate the application of sanctions involving deprivation of liberty in accordance with the principle of minimal intervention. In addition, the Tokyo Recommendations state that a break with punishment-focused criminal policy should be made, or at least community-based sanctions should be reduced and strengthened. The Council of Europe Recommendations reflect a similar theoretical and theoretical background, and their fundamental goal is the same as the UN strategy. Recommendation No. R(2003) 20 states the need for comprehensive action, in which juvenile delinquency is only a part of the justice system, child protection, social institutions, schools, families and the place of residence must also be involved, and in the spirit of prevention, intervention is recommended at the first detection of criminogenic, deviant behavior. The recommendation aims to reconcile the interests of the juvenile, the public and the victim, and action against juvenile offenders must not ignore the objective gravity of the crime, but it must be reconciled with the special treatment resulting from the age of the offender.³

2. CRIMINAL LIABILITY OF JUVENILES

One of the conditions for holding a person criminally liable is the intellectual, cognitive and volitional capacity that enables the perpetrator to be aware of the social and moral assessment of his or her actions.⁴ According to general opinion, the existence of this ability can only be assumed after the age of fourteen. It is natural, however, that even after the age of fourteen, a fully developed intellectual and volitional ability is not typical, but there are several transitional forms from a state

³ Kőhalmi Máté: A fiatalkorúakra vonatkozó büntető anyagi jogi szabályozás története In: Büntetőjogi Szemle 2/2019. 50-51.

⁴ The substantive criminal law provisions are presented on the basis of Földvári József – Gál István László: Magyar büntetőjog Általános rész Osiris Kiadó Budapest, 2024. pp.388-393.

excluding the ability to be held accountable to a state of fully developed ability to be held accountable.

In the process of becoming an adult, young age also represents such a transitional state. The personality of those at a young age is maturing and developing, their intellectual-emotional-volitional image is only now being formed. The motivational mechanism of their actions also works differently than that of those whose personality has developed, their intellectual-volitional ability, and their emotional life have matured. It is therefore natural that the objectives, methods, and tools of criminal law intervention applied to juveniles also differ somewhat from those used against adults.

According to Section 105 of the Act:

(1) A juvenile is a person who has reached the age of twelve but not the age of eighteen at the time of committing a criminal offence.

(2) The provisions of this Act shall apply to juveniles with the exceptions set out in this Chapter.

In the event of committing a criminal offence, either a punishment or a measure shall be applied to a juvenile. However, unlike adults, the application of a measure is desirable here, and a punishment may only be imposed if the application of the measure is “inexpedient”.

This is stated in Section 106:

“(1) The primary purpose of the punishment or measure imposed on a juvenile is to ensure that the juvenile develops in the right direction and becomes a useful member of society; in view of this, the education and protection of the juvenile shall be taken into account when choosing the measure or punishment. (2) A penalty shall be imposed on a juvenile if the application of a measure is not expedient. Only a measure may be applied to a person who was not fourteen years of age at the time of the commission of the criminal offence.

(3) A measure involving deprivation of liberty may be applied to a juvenile or a penalty involving deprivation of liberty may be imposed only if the purpose of the measure or penalty cannot be achieved in any other way.”

This provision is most closely related to the purpose of the penalties and measures applied to juveniles. Section 79 of the Criminal Code is also applicable to juveniles, but with the reservation that here special prevention is clearly emphasized. The purpose of the application of penalties and measures is to ensure the correct upbringing of the juvenile and thereby to achieve that the juvenile becomes a useful member of society.

All measures that can be applied to adults can also be applied to juveniles. However, there is an additional measure: this is correctional institution education.

According to Sections 120 and 121 of the Act:

“Section 120 (1) Correctional institution education shall be ordered by the court if institutional placement of the juvenile is necessary for the effective upbringing of the juvenile. Correctional institution education may not be ordered against a person who has reached the age of twenty at the time of the decision on the case. has served.

(2) The duration of correctional institution education may range from one to four years.

Section 121 (1) In the event of ordering correctional institution education, the court shall determine that the juvenile may be temporarily released from the institution after completing half of the correctional institution education, if

- a) he has spent at least one year in the institution, and
- b) it can be reasonably assumed that the purpose of the measure can be achieved without further correctional institution education.

(2) The duration of temporary release shall be the same as the remaining part of the correctional institution education, but shall be at least one year.

(3) The court shall terminate the temporary release if the juvenile is sentenced to imprisonment or ordered to undergo correctional institution education during the temporary release – except for the case specified in Section 122. If the court imposes another punishment on the juvenile or applies another measure, the court may terminate the temporary release.

(4) In the event of termination of temporary release, the time spent on temporary release shall not be counted towards the period of correctional education.

122. Section If a juvenile is sentenced to imprisonment to be served during correctional education or temporary release due to a crime committed after being sentenced to correctional education, the imprisonment sentence shall be served. In this case, the remaining part of the correctional education shall be converted into imprisonment, so that two days of correctional education shall be replaced by one day of imprisonment.”

We have already familiarized ourselves with the general rules of probation supervision. This measure can be applied to juveniles with the following exception regulated in Section 119 (1):

“(1) A juvenile shall be under probation supervision for

- a) the duration of conditional release,
- b) the probationary period of probation,
- c) the probationary period of suspension of imprisonment,
- d) the duration of temporary release from a correctional institution,
- e) the duration of conditional prosecutorial suspension.”

According to Section 112: “Community service may be imposed on a juvenile if he or she has reached the age of sixteen at the time of the final decision.”

The following differences in the application of imprisonment are worth highlighting. According to Section 106 (2), only measures may be applied to a juvenile who has not reached the age of fourteen at the time of the commission of the crime.

The shortest term of imprisonment that can be imposed on juveniles who have reached the age of fourteen at the time of the commission of the crime is one month for any crime.

The upper limit of imprisonment also differs in the case of juveniles who have reached the age of fourteen at the time of the commission of the crime; here, however, a distinction must be made between two cases: the most severe penalty that can be

applied depends on whether the juvenile has reached the age of 16 at the time of the commission of the crime or not.

For a juvenile who has reached the age of 16,

- a) fifteen years in the case of a crime punishable by life imprisonment,
- b) ten years in the case of a crime punishable by imprisonment exceeding ten years,
- c) five years in the case of a crime punishable by imprisonment exceeding five years,
- d) in other cases, the punishment specified in the law may be applied.

The maximum punishment that can be imposed on a juvenile who has not yet reached the age of 16 is

- a) ten years in the case of a crime punishable by life imprisonment,
- b) five years in the case of a crime punishable by imprisonment exceeding five years,
- c) in other cases, the punishment specified in the law.

The imposed punishment of imprisonment must in all cases be served in a juvenile prison or detention center. Imprisonment must be carried out in prison if

- a) the juvenile is sentenced to imprisonment for a term of two years or more for a crime,
- b) the juvenile sentenced to imprisonment for a term of one year or more is a repeat offender or has already been sentenced to correctional education for an intentional crime prior to his current intentional crime.

In all other cases, imprisonment must be carried out in a juvenile detention center.

We find differences in relation to other types of punishment as well:

- the condition for applying a fine is that the juvenile has independent earnings, income or adequate assets; fines and additional fines must be converted into imprisonment if they are uncollectible;
- a juvenile may only be banned from public affairs if a prison sentence of more than one year is imposed;
- a juvenile may not be banned from the locality in which his family lives, provided that his family environment is “adequate”;
- probation may be granted to a minor for any crime.

The maximum duration of the cumulative sentence is twenty, fifteen, seven and a half years, taking into account the maximums of fifteen, ten and five years referred to above.

Imprisonment must be included in the total sentence, including correctional education; the total sentence will be imprisonment, the duration of which – taking into account the sentence for correctional education – may be extended by a maximum of one year.

There are also some special provisions regarding the release of minors. The rules for release applicable to adults naturally apply to minors as well, unless there is a special provision for them. According to such a special provision, statutory release occurs:

- on the day the judgment becomes final, if the execution of the imposed imprisonment is suspended;
- on the day the sentence is completed or its enforceability ceases, if a sentence of imprisonment not exceeding one year was imposed for an intentional crime;
- after three years from the date of completion of the sentence or the date of termination of its enforceability, if the sentence was sentenced to a term of imprisonment exceeding one year but not exceeding five years for an intentional crime.

The law does not prescribe a waiting period for judicial release. According to Section 126 (2): “After completing a term of imprisonment exceeding one year imposed for an intentional crime, the court may grant the juvenile a release upon request, if it is worthy of it.” We note that the juvenile may therefore request the court to release him immediately after serving a prison sentence exceeding one year; the examination of “merit” in this case is of course his behavior during the execution of the prison sentence. In the case of a later application, the importance of his behavior after the execution of the sentence also increases.

Since, as we have seen, longer prison sentences can also be imposed on juveniles, it often happens that the release takes place as an adult. Otherwise, a person sentenced to imprisonment as a juvenile may remain in a juvenile prison or jail until he reaches the age of 21. In terms of the rules of release, of course, the time of the commission of the crime and not the application of the rules of release is relevant. Therefore, the special rules of release applicable to juveniles apply to all those who were juveniles at the time of the commission of the crime. It may happen that you are over 30 years old when you serve your prison sentence, but you can still immediately ask the court to exempt you from the disadvantages associated with your criminal record. However, it is also natural that after serving a longer prison sentence, it is advisable to proceed with increased caution regarding the issue of exemption.

“The juvenile criminal court established by Article VII of Act 1913 was abolished by the legislator with an amendment to the Criminal Procedure Act that came into force on 1 September 2011. There is no organizationally independent juvenile court in Hungary, and there is no exclusive jurisdiction rule either; instead, courts with general jurisdiction but with a special composition act in juvenile cases. Until 1 September 2011, the local court at the seat of the county court had exclusive jurisdiction in cases falling within the jurisdiction of the local court, and the Pest Central District Court in the territory of the Metropolitan Court. However, the proposal on the amendment of certain laws serving the efficient operation of courts and the acceleration of court proceedings abolished the exclusive jurisdiction rule, citing that the special requirements, based on which the previous regulation established exclusive jurisdiction in cases of juvenile defendants, were not met by all can be secured before a local court.”⁵

⁵ Herman Szilárd: Fiatalkorú a büntetőjog bírói gyakorlatában A fiatalok bírósága In:

3. INTERNATIONAL CONVENTIONS ON JUVENILES

After about 10 years of preparatory work, the UN General Assembly adopted the UN Convention on the Rights of the Child (UN CRC) on 20 November 1989. This has since been World Children's Rights Day. The Convention sets out the minimum rights that all states must ensure to children, including the rights to survival, development, protection and participation in society.

According to Article 1 of this Convention, a "child" is any person under the age of 18. Juvenile justice is a set of standards that recognise children in conflict with the law as persons entitled to a fair trial and recognise that their special situation requires special treatment.

A number of international standards have been issued on juveniles. Among these, the Council of Europe standards should be mentioned, which, although they do not have legally binding force, have an impact on the case-law of the European Court of Human Rights. Among the Council of Europe standards, the following can be highlighted: the Recommendation of the Committee of Ministers of the Council of Europe to member states on new methods of dealing with juvenile delinquency and the role of juvenile justice of 24 September 2003, the Recommendation of the Committee of Ministers of the Council of Europe to member states on sanctions or measures against juvenile offenders of 5 November 2008, and the Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice of 17 November 2010.

In addition, it is worth mentioning the guidelines issued on detailed issues, such as Directive 2010/64/EU of the European Parliament and of the Council on the right to interpretation and translation in criminal proceedings, Directive 2012/13/EU of the European Parliament and of the Council on the right to information in criminal proceedings, Directive 2012/29/EU of the European Parliament and of the Council establishing minimum standards on the rights, support and protection of victims of crime and replacing Council Framework Decision 2001/220/JHA, Directive 2013/48/EU of the European Parliament and of the Council on the right of access to a lawyer in criminal proceedings and in European arrest warrant proceedings, and on the right to have a third party informed upon deprivation of liberty and to communicate with third parties and consular authorities while deprived of liberty, and Directive 2013/48/EU of the European Parliament and of the Council on the right to a lawyer in criminal proceedings and in European arrest warrant proceedings. Directive 2016/800/EU on the procedural rights of children suspected or accused in criminal proceedings. Finally, the case law of the European Court of Human Rights is also of principle.

According to the CRC, child-friendly justice is needed in the case of juveniles, which should be accessible, age-appropriate, prompt and careful, and should be responsive and focused on the needs and rights of the child.

The basic principle of proceedings against juveniles is the best (overriding) interests of the child, which must always be determined on a case-by-case basis. In doing so, the child's own views must be heard and a comprehensive assessment of the child's circumstances must be carried out, taking into account the child's physical, mental, spiritual, moral, psychological and social situation, and a comprehensive picture of the child's development must be formed (based on the opinions of social workers, the child's school, parents and other stakeholders). It may also be useful to gain knowledge about the functioning of the child's brain, development, poverty, mental illness, abuse, alcoholism, family dysfunctions, etc. Another important principle enshrined in the CRC is the effective participation of the child. This principle states that the child must be heard in the proceedings and cannot be "decided over his head". The authorities must ensure that the child is fundamentally aware of the nature of the proceedings and what is at stake for him. However, the two fundamental rights that constitute the effective participation of the child (the right to be heard and the right to information) can only be enforced if they are truly effective. Accordingly, the CRC sets out the basic requirements for these:

The first is the right to be heard, according to which every child has the right to appear in person and participate in his or her own trial (this also applies to pre-trial proceedings), the language, formalities and atmosphere of the proceedings must be made understandable to the child, special support and atmosphere must be provided to children, proceedings must generally be conducted in a child-friendly manner, the child must not be denied the opportunity to express his or her views solely on the basis of his or her age, and finally the right to be heard also applies to the duration of the measures and penalties.

The next is the right to information, according to which the child's rights must be explained to him or her in simple and understandable language. This does not mean that the child must understand every detail of the trial, the child must be informed about the entire juvenile justice process and the possible sanctions, and has the right to know "immediately and directly" what he/she is accused of (suspected of), and it is not enough that the child's parent or other adult exercising parental care receives the information. This also includes information essential for the child's reintegration (for example, contact details of support services).

A crucial element of the right to a fair trial is the child's right to legal assistance, which is particularly important for the child, since his/her age and inexperience may jeopardise his/her effective participation in criminal proceedings.⁶

The CRC contains specific provisions on the deprivation of liberty of children. Deprivation of liberty can have a number of harmful effects, particularly for children. Deprivation of liberty can undermine a child's mental and physical well-being, stigmatise them and jeopardise their intellectual development (children deprived of their liberty are at increased risk of depression and anxiety, often exhibit symptoms consistent with post-traumatic stress disorder, and have higher rates of suicide, self-harm, mental disorders and developmental problems). In the case of detention,

⁶ Bartkó Róbert – Elek Balázs – Fantoly Zsanett – Herke Csongor: A büntető eljárásjog tankönyve. Orac Kiadó, Budapest, 2024. p. 423

research has shown that there is a high rate of violence between children and between staff and children. The above statements apply not only to deprivation of liberty, but are particularly true for the detention of children. The basic principle regarding detention is that it should only be used as a last resort and for the shortest possible period. In the case of children, the “last resort” presupposes that the juvenile’s liberty may only be deprived of if alternatives are not available or are proven to be inadequate to achieve the purpose of the deprivation of liberty. The CRC also states that children should not, as a general rule, be detained together with adults.

4. HUNGARIAN PROVISIONS ON JUVENILES

The rules of criminal procedure against juveniles in our country are determined by the Criminal Code, the Act on Criminal Procedure and the child protection legislation.⁷ However, there are no specific criminal procedural provisions for young adults in Hungary (unlike, for example, the German legal system).

The conditions for proceedings against a minor and their borderline cases are illustrated in the table below:

A child is still a child on his 14th birthday and a minor on his 18th birthday. Therefore, the term “has reached the age of 18” means the day after the child’s 18th birthday.

During the proceedings, the authority is continuously obliged to examine whether any circumstances arise in relation to the minor that establish the reporting obligation specified in the Act on the Protection of Children and Guardianship Administration or the obligation to initiate official proceedings.⁸

The different rules applicable in criminal proceedings against juveniles concern the court of first instance, the scope of evidence, coercive measures, and certain special rules of procedure.

In criminal proceedings against juveniles, the court of first instance acts in a panel in all cases where the law prescribes a prison sentence of up to 8 years or more for the crime.

The composition of the panel is unique, as the panel of the court of first instance does not consist of 3 professional judges, but rather consists of 1 professional judge and 2 lay judges. The professional judge is a judge appointed by the President of the National Judicial Office. In criminal proceedings against a juvenile, a teacher, psychologist or a person who works or has worked in a position requiring a university or college degree and who directly serves the treatment, care, employment, development, provision, upbringing, care or social assistance of beneficiaries within the framework of family, child and youth protection services or guardianship administration, and who is directly involved in the settlement of the child’s fate, may act as a lay judge.

⁷ Nagy Alexandra – Nagyné Dr. Gál Mónika: A fiataikorúak elleni büntetőeljárás sajátosságai. *Büntetőjogi Szemle*, 2018/1. p. 55-68.

⁸ Farkas Ákos – Róth Erika: *A büntetőeljárás*. Complex Könyvkiadó, Budapest, 2012. p. 424.

5. CONCLUSION REMARK

In criminal proceedings against a juvenile, only a prosecutor may represent the prosecution (there is no place for private prosecution or substitute private prosecution, and the prosecutor may only be a prosecutor appointed by the superior prosecutor's office).

It is also in the interests of the accused that the participation of a defense attorney in proceedings against a juvenile is mandatory.

A specific subject of criminal proceedings against a juvenile is the legal representative of the juvenile. The legal representative has very broad powers, and in most respects is governed by the legal status of the defense attorney. However, it should be noted that while the legal status of the defender lasts for the duration of his/her assignment (assignment), the legal status of the legal representative lasts until the minor reaches the age of majority. That is, if the minor becomes an adult (turns 18 or becomes an adult by marriage after turning 16), he/she no longer has a legal representative, and thus his/her rights and obligations also cease. The legal status of the legal representative may also be restricted during the minor's minority by other circumstances specified in the Act (conflict of interest, joint commission of a crime, etc.).

In criminal proceedings against a minor, the evidence also extends to the examination of circumstances relevant to understanding the minor's specific needs and environment (individual assessment of the minor). The tools for the individual assessment of the juvenile are, in particular, the environmental study, the probation officer's opinion (summary probation officer's opinion), the expert opinion (an expert examination of the maturity or mental development of a juvenile who was under the age of 14 at the time of the commission of the crime must be ordered, but this may also be ordered in the case of a juvenile who is over the age of 14), the testimony of the probation officer, the testimony of the juvenile's legal representative or another person caring for the juvenile.

If preventive guardianship has been ordered for a minor in the context of his/her admission to protection, the prosecutor's office, and then the court, shall order the acquisition of a summary guardianship opinion before the indictment is filed. The summary guardianship opinion shall also contain summary findings regarding the results of the implementation of the preventive guardianship ordered by the guardianship authority for the minor.

Among the coercive measures, the Be. contains different rules regarding arrest and the ordering of judicially authorized coercive measures affecting personal liberty in relation to minors.

The adult person caring for the minor, if not the same as the legal representative, shall be notified of the meeting held in the proceedings related to any judicially authorized coercive measure affecting personal liberty. The legal representative and the adult person caring for the minor may also speak at the meeting. The decision on a judicially authorized coercive measure affecting personal liberty must also be communicated to the adult caring for the minor.

Even if the general conditions and grounds for arrest are met, the arrest of a minor is only permissible if it is necessary due to the particular objective gravity of the crime. This rule expands the scope of the general conditions (i.e. it must be examined in every case of arrest) and must be interpreted narrowly, i.e. arrest is only permissible in cases of particular objective (and not personal) gravity.

The final duration of arrest for minors before the announcement of the first-instance final decision is also shorter than for adults (1 year for minors who were not 14 years old at the time of the crime, and 2 years for minors who were 14 years old at the time of the crime).

Literature

- Lévay Miklós: A fiatalkorúak büntetőjoga. In: Horváth-Lévay: Magyar Büntetőjog Általános Rész. Wolters Kluwer Kiadó, Budapest, 2014, 521.
- Szabó András: A fiatalkorúak és a büntetőjog KJK Budapest, 1961. 268.
- Kőhalmi Máté: A fiatalkorúakra vonatkozó büntető anyagi jogi szabályozás története In: Büntetőjogi Szemle 2/2019. 50-51.
- Földvári József – Gál István László: Magyar büntetőjog Általános rész Osiris Kiadó Budapest, 2024. pp.388-393.
- Herman Szilárd: Fiatalkorú a büntetőjog bírói gyakorlatában A fiatalkorúak bírósága In: Belügyi Szemle, 2020/10. 12.
- Bartók Róbert – Elek Balázs – Fantoly Zsanett – Herke Csongor: A büntető eljárásjog tankönyve. Orac Kiadó, Budapest, 2024. p. 423
- Nagy Alexandra – Nagyné Dr. Gál Mónika: A fiatalkorúak elleni büntetőeljárás sajátosságai. Büntetőjogi Szemle, 2018/1. p. 55-68.
- Farkas Ákos – Róth Erika: A büntetőeljárás. Complex Könyvkiadó, Budapest, 2012. p. 424.

ОДРЕДБЕ О МАЛОЉЕТНИЦИМА У МАЂАРСКОМ КРИВИЧНОМ ПРАВУ И КРИВИЧНОМ ПРОЦЕСНОМ ПРАВУ

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Апстракт: У нашем раду указујемо на основне линије посебног мађарског кривичног материјалног права и институција кривичног процесног права које се односе на малољетнике. Садашњи мађарски кривични закон разликује три *sui generis* старосне категорије на субјективној страни: дјетињство, младост и одрасло доба. Малољетници се у тренутно преовлађујућем кривичноправном размишљању појављују као чланови групе у транзиционој ситуацији, који су у биолошком, психолошком и моралном смислу развијенији од дјеце, али су мање развијени од одраслих. Мађарски академик Андраш Сабо исправно је истакао да за остваривање друштвене сврхе кривичне одговорности управо служи казни систем, казне и извршење казни.

Кључне речи: малољетници, кривично право, кривично процесно право, Мађарска