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## Supplements for a research of corruption related attitudes<sup>1</sup>

### 1.

There are several types of indexes to measure the extension of a specific country, region or even a society's corruption. The state power can examine corruption with the help of criminal statistics, while the civil sector considers the **Corruption Perceptions Index** as a standard, which has been published by an international non-governmental organization, the **Transparency International**.

According to the criminal statistics, the conclusion should be drawn, corruption is rare like a white raven in Hungary.<sup>2</sup> This conclusion is obviously a mistake, due to latency, since the unlawful benefits provider and receiver are considered to have an interest unity and this unity leads to undiscovered corruption acts and the absence of initiating criminal proceedings.

This phenomenon can be explained by that the most of the criminal proceedings<sup>3</sup> are started by the accusations of citizens – László KORINEK has established during his latency research<sup>4</sup>: „the eyes of the law are the citizens” – and the willingness of citizens to report these criminal corruption acts is extremely low.<sup>5</sup>

The Transparency International releases its Corruption Perceptions Index<sup>6</sup> annually, which shows a better view of reality than the criminal statistics.

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<sup>2</sup> KRÁNTZ Mariann: *A korrupció utolsó 25 éve Magyarországon.* [The last 25 years of corruption in Hungary.] *Ügyészek Lapja* 2006/5. p. 28.

<sup>3</sup> GÁL István László: *A korrupciós bűncelekmények.* [Corruption Crimes.] In: POLT Péter (szerk.) *Új Btk. kommentár: 5. kötet: Különös rész.* Nemzeti Közszerkeleti és Tankönyv Kiadó Zrt. Budapest, 2013. pp. 183–210.

<sup>4</sup> KORINEK László: *A bűnözés misztifikációjáról. Latens bűnözés, bűnözésábrázolás, félelem a bűnözéstől.* [The reflection of crime. The latent crime, the portrayal of crime, the fear of crime.] In: (Szerk.) GÖNCZÖL Katalin – KEREZSI Klára – KORINEK László – LÉVAY Miklós: *Kriminológia – Szakkriminológia.* Complex Kiadó Jogi és Üzleti Tartalomsszerkeletadó Kft. Budapest, 2006. pp. 249–257.

<sup>5</sup> GÁL István László: *Gazdasági büntetőjog közgazdászoknak.* [Economic criminal law for economists.] Akadémiai Kiadó. Budapest, 2007. p. 78.

<sup>6</sup> TAKÁCS István – CSAPODI Pál – TAKÁCS-GYÖRGY Katalin: *A korrupció, mint*

The Perception Index is subjective and because of its nature it serves only as a guide for the corruption of the countries. This subjective gauge is used to measure an objective, economy, bureaucracy and power fragment connected phenomenon such as corruption.

The CPI also triggers “a labelling effect”, which means it gives a positive or negative label for the specific country. At the same time, – as Mariann Kránitz has established – the labelling works as a corruption

gene factor. This is how the less infected countries by corruption become cleaner and the more infected ones become more endangered.

The CPI is an acknowledged standard, but it leads to strongly questionable results and consequences about judging a specific country's corruption situation.<sup>7</sup>

Our position on corruption can be shaded and become more accurate since we have different, specific life situations, age and status.

The criminal law lawyers and criminologists, who examine different criminal acts, often tend to dismiss investigations after their own members of profession<sup>8</sup>.

In the recent past, László Korinek carried on a research about the law student's sexual victimization.

While I carried on a similar research in a different topic, which aim is to examine the law students' opinion regarding corruption.

The research represents only a small cross-section, since it shows only how the law students' opinion on corruption.

I made an anonymous questionnaire and asked 100 people to participate. The students could fill out these forms at the university or take it home and finally throw into the collector box at the department.

The questionnaire contained 20 questions. The respondents were under 30 years old. At the beginning of the research I originally planned that the non-scholars should participate in the research too, but because of technical problems it couldn't be accomplished so only the scholars could take part. Subsequently I realized it would have been more

*deviáns társadalmi attitűd.* [Corruption as a deviant social attitude.] *Pénzügyi Szemle* 2011/1. p. 28.

<sup>7</sup> KRÁNTZ M. Op. cit. p. 29.

<sup>8</sup> GÁL ISTVÁN LÁSZLÓ: *The Techniques of Money Laundering* In: GÁL István László, KÓHALMI László (szerk.)

*Emlékkönyv Losonczy István professzor halálának 25. évfordulójára.* Pécs, Pécsi Tudományegyetem, Állam- és Jogtudományi Kar, 2005. 129–138. oldal

expedient to create age groups in the under 30 age category (for example 18–20, 21–22 age etc.).

There were 65 women and 35 men. It can be explained by that women represent a higher number at the Faculty of Law, since more women get accepted to the University than men, and they also tend to participate in lectures more actively.

92 people attended grammar school and 8 people finished in a technical school. They represent the following occupation categories: students (80 people), employment relationship (3 people), agency contract (16 people) and one entrepreneur. There are 8 people

from the capital city, 20 from country state and 20 from villages.

## 2.

The respondents were asked to grade the severity of corruption from 1 to 5, where 1 is the most corrupt and 5 is the least corrupt. 37 participants graded Hungary with 1, 52 – with 2, 9 – with 3, and only one respondent gave it 4. Grade 5 was not given by any participant, meaning none of them thought its corruption level to be insignificant.

Table 1. The opinion of university students (n = 100) on the severity of corruption in Hungary

The severity of corruption (1 = the most corrupt; 5 = the least corrupt)	1	2	3	4	5
The number of votes	37	52	3	1	0

The participants' view of their direct environment's corruption is similar to the former latency research's result. On the one hand, they find their direct environment less corrupt, on the other hand, they think the more distant is the environment the more corrupt and threatening it is.

Regarding to the research, 12 people gave grade 1 (the worst grade), 23 people gave 2, 51 chose 3 and only one participant gave 5.

The Hungarian political corruption is considered as highly corrupt by 29 people (=1), 62 graded with 2, while 8 – with 3 and only one respondent gave 4. It must be emphasised none of the respondents considered the politicians free of corruption<sup>9</sup>, meaning the youth's perception of them is rather critical. Although my aim is not to engage in political discussion, but this might explain the youth's apathy towards politics.<sup>10</sup> The answers differed when I asked about different corruption formations. I expected the political corruption will be the absolute leading one. My assumption was verified, at the same time the respondents considered the other formations problematic too.

23 respondents thought economic corruption, 45 participants considered political corruption, according to 20 people the administrative corruption, 20 people chose public procurement related corruption<sup>11</sup> and 2 people thought business corruption is the major problem in Hungary.

We made an order of rank of the countries' cor-

ruption level and it showed the same result as we expected. The students considered Austria as the least corrupt country among Hungary-Croatia-Slovakia-Romania-Austria and it happened only a few times when Hungary didn't finish last. This result must be taken seriously since it shows the youth's negative opinion on corruption.

I asked few questions about the declaration of wealth related duty's effect on the prevention of corruption. 11 respondents thought it has reduced, 19 gave mark 2, 32 chose 3, 17 gave 4, 21 people thought it hasn't reduced corruption.

The citizens' unfavourable view of police corruption has significantly improved. 11 people thought police officers are greatly corrupt, 12 gave 2, 33 gave 3, 29 chose 4, and finally 15 people's opinion was they are not corrupt at all.

They could choose two answers from the following given categories about this question: "In your opinion, what measures could possible help to reduce corruption?". According to 14 people "raising the salaries of politicians"; 20 people thought "raising the salaries of bureaucracy (office workers)"; 30 people considered "raising the salaries of the police officers"; 21 people chose "raising the salaries of judges"; 9 people found that "the declaration of wealth" could help more; 39 people thought "fight against favouritism"; 18 people chose "creating the actual relations of the market economy"; 40 people considered "increasing the severity of the punishments of corruption crimes"; 6 people chose the "else" category for example introduction of the death penalty, freezing bank accounts etc. (3 people didn't choose two answers).

<sup>9</sup> SZÁNTÓ Zoltán: *Kontraszlekeció és erkölcsi kockázat a politikában.* [Contra selection and ethical risk in politics.] *Közgazdasági Szemle* 2009/6. p. 568.

<sup>10</sup> TÖRÖCSIK Mária: *Tudománykommunikáció a Z. generációnak – A fiatalok közéleti véleményformálásának új formái az online térben.* [The science of communication for Z generation – The new forms of expression of the youth's opinion on public life in the cyber space.] TÁMOP-4.2.3-12/1/KONV-2012-0016. Pécsi Tudományegyetem, Pécs, 2013, p. 4.

<sup>11</sup> Regarding the public procurement related corruption see the following: INZELT Éva: *Korrupció: fehérgallérral vagy anélkül. A fehérgalléros bűnözés változó tartalma és formái* [Corruption – with or without a white collar. The changing meaning and

forms of the white collar crime]. PhD-disszertáció. ELTE Állam- és Jogtudományi Doktori Iskola, Budapest, 2015. p. 109. (Témavezető: Prof. Dr. Lévay Miklós)

Table 2.

„In your opinion, what measures could possible help to reduce corruption?”	The number of votes for the given categories
1. raising the salaries of politicians	14
2. raising the salaries of bureaucracy (office workers)	20
3. raising the salaries of the police officers	30
4. raising the salaries of judges	21
5. the declaration of wealth	9
6. fighting against favouritism	39
7. creating the actual relations of the market economy	18
8. increasing the severity of the punishments of corruption crimes	40
9. else (for example introduction of the death penalty, freezing bank accounts etc.)	6
10. no answer	3

In the mass media the influence of voters by the politicians is perceptible. The Hungarian public's demand for punishment is verified. It requires such politics which keeps repeating the necessity of increasing the severity of a penalty.

Although it is disappointing that the youth are well acquainted with favouritism and it is accepted by them, which is against the respect of the success achieved by hard work. It gives a false message that everything can be handled by favouritism.

The responses about the corruption differed when it was asked before or after the transition. Most of the respondents didn't have any experience of the socialist regime's corruption (Most of them were born after the transition).

Comparing the two eras, 39 respondents deemed that corruption was worse after the transition (grade 5 meant this). 54 participants graded with 4, 38 people gave 3. 32 people chose 2 and 37 people considered that corruption was worse before the transition in Hungary.

The result – regarding to the entrance into the European Union in 2004 – isn't flattering to the after transition era.<sup>12</sup> In my opinion, the students don't have adequate knowledge of the before transition era and probably those stated an opinion who had knowledge of this era or at least they thought they have. „Is it contemptible or acceptable to use favouritism for someone's own – by the way rightful – interests?” The given answers were auspicious for this question. According to 86 people it is fully unacceptable (grade 1), 12 graded with 2, 37 – with 3, 16 –with 4 and 50 – with 5, meaning they fully accept it.

<sup>12</sup> BALOGH Péter: *A társadalom fogaskerekei is rozsdásodnak? Adatok és észlelések a korrupcióról. [Are the cogwheels of the society getting rusty? Data's and observations about corruption.]* Pro Publico Bono Online Támpo Speciaal 2011. p. 16.

As far as favouritism is concerned, the questionnaire gave a disappointing result since the quarter of the respondents thought favouritism is fully acceptable.<sup>13</sup> The reason for this might be that the former socialist countries have a serious, deep social-cultural past<sup>14</sup> of corruption and since the transition the two and half decades were not enough to achieve a radical change in this field.

For the following question: “how would you fight against corruption if you were a minister?” the responds didn't provide anything new. Relatively a lot of people (81) didn't fill in this rubric which might be explained by the lack of creativity. Most of the respondents suggested the solutions which they could hear about in the mass media such as increasing the severity of punishments, building more prisons, community service etc.

In the last point only 17 respondents expressed their opinion (“Else, which you want to tell about related to corruption”). The responds included mostly a wish for example “If it is worth to work, there wouldn't be corruption.”, “Anything is possible with connections”.

### 3.

My remarks are the following on my research. It is important to make law students aware of combating

<sup>13</sup> BALOGH Op. cit. p. 24.: Most of the valid respondents condemned corruption (69%).

<sup>14</sup> KEREZSI Klára – INZELT Éva – LÉVAY Miklós: *Korrupciós bűncselekmények a büntető igazságszolgáltatás tükrében – Milyen cselekményeket rejtenek a jogerősen elítéltek aktái. [Corruption as a crime from the viewpoint of the Criminal Justice System – What kind of acts are hidden in the files of the convicts.]* Kriminológiai Tanulmányok 51. (Szerk.: Vókó György) Országos Kriminológiai Intézet. Budapest, 2014. p. 25.

corruption<sup>15</sup> since it is a condemnable and pursuable act.

„The possibilities to change the attitudes and approaches of public in regards to the black market” titled research has shown the importance of informative classes, teaching modules for high school students.<sup>16</sup>

Different forums (pl. with cultural programmes), workshops should be provided for the university students, especially for the law students about the problems of corruption. It matters a lot how the future attorneys relate to corruption.<sup>17</sup>

The institutional confidence researches<sup>18</sup> seems to be verified, according to the researches the public think the political and business sector are most corrupt.<sup>19</sup>

The law students don't have adequate knowledge about corruption. This might be explained by that most of the students has just started their legal studies and didn't have any previous criminal knowledge. It would have led to a different result if we asked them at the beginning and at the end of their studies when they had already criminology knowledge. ■

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<sup>15</sup> Often joins money laundering to corruption in international criminal relations. See GÁL István László: *A pénzmosás és a terrorizmus finanszírozása az új magyar büntetőjogban* Belügyi Szemle 2013/6. 26–56. and GÁL István László: *A pénzmosással és a terrorizmus finanszírozásával kapcsolatos jogszabályok magyarázata* Budapest, HVG-ORAC Kiadó, 2012.

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<sup>18</sup> TÓTH István György: *Bizalomhiány, normazavarok, igazságtalanságérzet és paternalizmus a magyar társadalom értékstruktúrájában. [The lack of trust, norm defects, sense of injustice and paternalism in the Hungarian value structure of the society.]* *A gazdasági felemelkedés társadalmi-kulturális feltételei* című kutatás zárójelentése. TÁRKI. Budapest, 2009. 36–37. o.; BERNÁT Anikó: *Elemzések a gazdasági és társadalompolitikai döntések előkészítéséhez* 39. TÁRKI. Budapest, 2002. p. 25.

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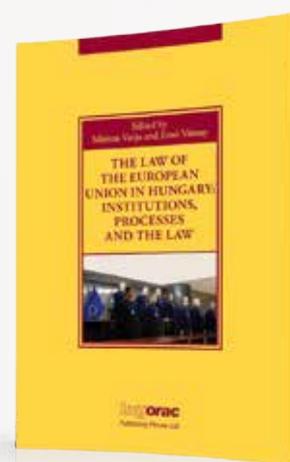
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## THE LAW OF THE EUROPEAN UNION IN HUNGARY: INSTITUTIONS, PROCESSES AND THE LAW

SZERKESZTŐK:

**Varju Márton, Várnay Ernő**

This book examines the impact of European Union law on the state and the law in Hungary. It focuses on the legal and institutional changes and the institutional adaptation processes induced by EU law and it gives an accurate and accessible account of this largely transparent process of legal and institutional transformation. It looks at the institutional responses in government to the direct adaptational pressures following from various areas of EU law and governance, in particular, the mechanisms and practices adopted for the harmonization of national law with EU law, including the external *acquis*, the application and enforcement of EU law in Hungary, and the protection by the Hungarian government of rights and Hungarian interests before EU courts. It also covers substantive legal changes in domestic law based on provisions of EU primary and secondary law and the general principles of the EU legal order. It examines the primary avenues of legal adaptation for the Member States under the EU framework including the modifications in domestic constitutional law required by EU membership, the interpretation and application of EU law by domestic courts and the application of EU (competition and state aid) law by Hungarian authorities.



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