Polish Political Science Yearbook vol. 46 (1) (2017), pp. 315–327
DOI: 10.15804/ppsy2017120 PL ISSN 0208-7375

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Challenges of Fight Against Terrorism
with Reference to the Last Amendment of the New Hungarian Criminal Code

Abstract: During the codification of the new Hungarian Criminal Code, the Hungarian Legislator passed amendment of several criminal offences. Among other criminal offences, this rethinking concerned the regulation of acts of terrorism. The number of terrorist offences relating to illegal migration has increased in the past few years in the territory of the European Union, therefore the attitude of the Member States – including Hungary, as well – has changed with reference to the statutory definition of the acts of terrorism. The connection between irregular border crossings and terrorism was recognized by the European Union. Terrorist offences have proved the vulnerability of the European Union and the democratic, rule-of-law States. Furthermore, the last few years have also clearly proved that Europe cannot cope with the influx of refugees set out for the Western Europe from various parts of the world. In this respect, illegal migration cannot be only a tool, but also a catalyst for terrorist offences. It means that case conflicts and violent affairs are caused by the migration, and the illegal entry and the integration of terrorists are supported by migratory networks at the same time. In 2015 and 2016, the European Union experienced a massive number of casualties caused by terrorist attacks. The most affected Member State was France. It had to cope with attacks which caused 148 citizens' death and more than 350 people injured only in January and November 2015 (TE-SAT 2016, p. 5.). For the abovementioned recognition, many regulations (included but not limited to the Fundamental Law of Hungary, the Hungarian Criminal Code and the Act on Criminal Procedure) were passed in 2016 by the Hungarian legislator in order to stop illegal migration and to strengthen the fight against the new forms of terrorism. In the context of the present paper, the Act LXIX of 2016, which came into force on 17 July 2016, is of importance. Not only the General Part, but also

the Special Part of the Hungarian Criminal Code was amended by the above Act. However, many new rules may be challenged from the perspective of the rule of law and the European commitments of Hungary. The aim of the paper is to describe the new regulations regarding the Hungarian statutory definition of acts of terrorism, and to analyse them within the Hungarian criminal legal frame and the abovementioned European requirements. Therefore, the characteristic of the paper will be the analytical method with the aim of creating *de lege ferenda* proposals for the Hungarian legislator, as well. In our paper, we are going to deal with the new European directive, as well, which will replace the Council Framework Decision 2002/475/JHA and will amend the Council Decision 2005/671/JHA from 20 April 2017.

Keywords: *illegal migration; acts of terrorism; Hungarian Criminal Code; Hungarian statutory definition*

Introduction

After the events in 2001, the European Union defined the common aim of the Member States to harmonize their internal criminal laws making fight against terrorism more effective (Nagy, 2014, p. 41). Regarding to this, two legal documents had been adopted at EU level: the Council Framework Decision 2002/475/JHA of 13 June 2002 on combating terrorism[1] and the Council Framework Decision 2008/919/JHA of 28 November 2008 amending Framework Decision 2002/475/JHA on combating terrorism[2]. Furthermore, due to the recognition of a connection between illegal migration and escalation of terrorism, such regulations have followed each other in Hungary, as well; they introduced relevant changes in fight against terrorism and tried to comply with the European requirements defined in the abovementioned decisions. Terrorist attacks committed in the territory of the European Union have led to changes in the EU criminal-political viewpoint about combating terrorism. The European Union declared that terrorist threat has grown and has rapidly evolved in recent years. Individuals travel abroad for the aim of terrorism, and when they return, these foreign terrorist fighters pose a heightened security threat to all Member States. Therefore, on 16 February 2017 a new directive (hereinafter: 'Directive') has been adopted by the European Parliament as a new legal frame which was published in the Official Journal of the European Union on 31 March 2017. According to Article 30 of the Directive[3], it shall enter into force on the twentieth day after its publication in the Official Journal.

1 OJ L 164. 6.22.2002. pp. 3–7.

2 OJ L 330. 9.12.2008. pp. 21–23.

3 OJ L88/6 31.3.2017. pp. 6–22. Directive (EU) 2017/541 of the European Parliament and

The codification of the new Hungarian Criminal Code took time from 2011 to 2013. Statutory definitions of many criminal offences had also been amended. This redefining concerned, inter alia, acts of terrorism[4]. However, the Hungarian legislator (hereinafter: 'Legislator') was in no easy situation, when it had to follow not only the national scientific basis and criminal legal tradition, but also had to comply with the European requirements. Defining terrorism at statutory level is very difficult. Creating a perfect definition is very problematical in this changing European legal and policy environment. Many scientific theories – with the aim to respond to the current events – have been recently created by different experts which tried to summarize all essential elements of terrorism (Tóth, 2013, p. 30). The new Hungarian Criminal Code came into force on 1 July 2013. Due to the difficulties of defining, the rule regarding acts of terrorism in the Code had to be amended after this date. This amendment is based on three legal reasons: (a) the perpetrators, who have reached the age of 12 at the time the acts of terrorism was committed, may be punished pursuant to the criminal law; (b) also the foreign terrorist travellers may be punished under the Code, and (c) the Legislator's recognition of the connection between illegal migration and terrorism may be reflected in the Code.

As "terrorism attacks undermine the main values of democracy" (Kaponyi, 2006, p. 49), democratic states – and also the Legislator – shall have the aim to protect their status in which individuals' life, communities' existence and the operation of the state is not threatened by terrorist attacks. In order to grant and to reach public safety on the highest level, and due to the recent migration flows and terrorist attacks, security conceptions have basically changed in many states threatened by terrorist attacks (Nagy, 2007, p. 66). However, exclusion of a part of the criminal law from the constitutional order would result in legal system without conventional guarantees (Korinek, 2008, p. 41).

According to the topic of the paper, we have to highlight the main characteristics of the Act LXIX of 2016 (hereinafter: 'Act') came into force on 17 July 2016, which amended many legal regulations concerning fight against terrorism, included but not limited to the General and the Special Part of the Criminal Code. The aim of this paper is to describe the amended criminal legal regulations and to analyse them within the Hungarian criminal legal frame and under the European requirements based on the abovementioned framework decisions and the Directive. It shall be emphasized

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the Council of 15 March 2017 on combating terrorism and replacing Council Framework Deicison 2002/475/JHA and amending the Council Decision 2005/671/JHA.

[4] Financing terrorism which is declared by the Legislator as a new crime is one of the results of this re-thinking. For the statutory definition see: Sec. 318(1)-(2) of Act C of 2012

as a thesis that the amendments were entered into force by the Act, and they comply neither with the Hungarian legal tradition, nor the European commitments, moreover they can be challenged based on the principle of rule of law. Therefore, where it is justifiable, we are going to try making *de lege ferenda* proposals in favour of the Hungarian legislation. Where it is necessary, we are going to deal with the new rules of the Directive, as well, as its rules shall be implemented into national laws till 8 September 2018 by the Member States.

Recognition of the connection between illegal migration and terrorism

The national criminal-political thinking treats terrorism not only as a simple common-legal criminal offence, but also as a 'super-delict' which has countless dimensions. Fight against terrorism has many components, and its nature shows similarities to ordinary warfare (Fletcher, 2006, p. 894). Since 2015, the attitude of the Legislator and the European Member States relating to terrorism is influenced by migratory pressure on the Member States and also on Hungary. Illegal migration cannot be only a tool, but also a catalyst for terrorist offences (Hautzinger, 2016, pp. 35–36). It means that case conflicts and violent affairs are caused by migration; as well as illegal entry and integration of terrorists is supported by migratory networks at the same time.

Nevertheless, it should be emphasized that the phenomenon of illegal migration is favourable to terrorist organizations. However, the difficulties which hinder terrorists to enter a European state are not dominant in the new situation caused by mass migration. According to the Hungarian Counter Terrorism Centre, the difficulties are the following: (a) the Member States allocate most of their budget to their intelligence services, and they have mutual cooperation with those countries where terrorists arrive from; (b) the danger of conspiracy is very high in target countries, (c) the cost of entering the EU is very high; (d) and finally, illegal border crossing is very dangerous (Böröcz, 2014, p. 16.). It is easier to prove identity with false documents and to evade the vigilance of frontier-guards. For example, many procedures of frontier-guards and the usefulness of false passports are checked by agents delegated by the Islamic State, and this experience is forwarded to terrorist organizations by these agents, aiming at increasing their effectiveness in the near future. Since migrants place too much of a burden on frontier-guards in a short time, it is very easy to enter a European state using the third or the forth identity. Among other things in County of Csongrad, in Hungary, the migrants committed a crime against closing of border were identified by the authorities with an armband contented sequence to be able to continuously ensure the identification of the defendants during the criminal procedure (Criminal Questions of the Migration, 2016, p. 50.). The distribution of terrorist attacks and arrests

for terrorism-related offences is very interesting, as well. According to the statistics of the Europol, it shall be emphasized that the destinations of irregular migrants are the most affected by terrorist attacks and arrests. This data is much more significant, if we pay attention only to the number of arrests and attacks related to jihadist terrorism. It is very important to emphasize that the source countries of irregular migration fall under the scope of Islam jurisdiction. It shall be underlined that these attacks have been committed decisively by the Islamic State. This data clearly shows that the number of assassins related to jihadist terrorism is very high in the countries which are the most popular destination of illegal migration. It is summarized in the following table based on the TE-SAT 2016:

Member State	Number of terrorist attacks (2015)	Arrests for terrorism-related offences (2015)	Arrests related to jihadist terrorism (2015)
Spain	25	187	75
France	73	424	377
Italy	4	40	40
Great-Britain	103	134	0
Belgium	0	61	60
Netherlands	0	20	20
Germany	0	40	21
Austria	0	49	48

Disputable legal solutions in the new Hungarian Criminal Code

I. Changes in the Field of Punishability

The new Hungarian Criminal Code (Act C of 2012) reduced the minimum age of criminal liability. Thus also the person who has reached the age of 12 at the time the crime was committed may be criminally liable, if both the objective and subjective legal conditions set out in the Code are met[5]. From 17 July 2016, the Legislator extended the list of criminal offences described in the footnote 4 by the statutory definition of

[5] According to Sec. 16 of the Code, these legal conditions were the followings before the amendment: (a) the perpetrator had to have proper mental state to appreciate the consequences of the conduct, and (b) crimes defined under Sec. 16 of the Code were committed by the perpe-

the acts of terrorism (see in Sec. 314[6] of the Code). According to the preamble of the Act, the reason of the amendment is that more and more juveniles join to terrorist organizations. Although this statement may be true, but is not enough to amend the rule of infancy, in our opinion.

Besides the above facts, two serious doubts came up in the context of the amended regulation. If it is really justifiable to ensure the possibility of punishing perpetrators who reached the age of 12 at the time they committed acts of terrorism, then the following question arises: why did the amendment concentrate only on Sec. 314 of the Code? If the abovementioned reason set out in the preamble of the Act is correct, why the Legislator does not unify all punishable acts of the Code in connection with terrorist organizations under Sec. 16. Namely, the group of these perpetrators does not only take part in committing terrorist attacks, but they also commit other criminal offences in favour of a terrorist organization. If we adopt the above viewpoint of the Legislator, it would be justified to widen the age limit of criminal liability for all conducts ruled in the Code regarding to acts of terrorism. However, we do not agree with this regulation, and at this point we reached the other serious doubt in the context of the amendment of the Act. When the Legislator drafted the Sec. 16 of the Code regarding acts of terrorism (see above Sec. 314), the Legislator did not take into consideration the specifications of the criminal offence. Namely, acts of terrorism are *complex-crime*[7]. It is fact that the resource-actions of the acts of terrorism are also criminal offences (Bartkó, 2011, p. 50), which are defined in the explanatory

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trator (homicide, voluntary manslaughter, battery causing life endangerment or death, robbery, all qualified cases of plundering).

[6] See, Sec. 314(1): „Any person who commits a violent crime against on of the persons referred to in Subsection (4) or commits a crime that endangers the public or involves the use of a firearm in order to: (a) coerce a government agency, another state or an international body into doing, not doing or countenancing something; (b) intimidate the general public; (c) conspire to change or disrupt the constitutional, economic, or social order of another state, or to disrupt the operation of an international organization, is guilty a felony punishable by imprisonment between ten to twenty years or life imprisonment. Sec. 314. Par. (2): „Any person (a) who sizes considerable assets or property for the purpose defined in Paragraph (1) a) and makes demands to government agencies or non-governmental organizations in exchange for refraining from harming or injuring said assets and property or for returning them; (b) who organizes a terroris group shall be punishable according to Subsection (1).

[7] According to the doctrine in Hungary, a crime is qualified as a „*complex-crime*" if a criminal offence (the resource-action) is committed by the perpetrator, with the aim to be able to commit an other criminal offence (the goal-action). Namely, a „complex-crime" is composed of the other crimes. Regarding to the acts of terrorism, a resource-action is for example homicide, and goal-action is for example the coercion against an international organization or against a state.

note of the Legislator attached to the statutory definition (Sec. 314(4) of the Code). Namely, regarding to acts of terrorism, there may be other criminal offence which forms the statutory definition of the acts of terrorism. Therefore, from criminal legal aspect, the abovementioned presumption of the Legislator has no reason, namely a resource-action may be committed by a perpetrator between the age of 12 and 14, without being considered this crime as an act of terrorism. In this case, there is no legal reason to punish perpetrators between the age of 12 and 14 for acts of terrorism and to fail to punish them if they commit the same resource-action without terrorist intent. Therefore, according to our opinion, the abovementioned distinction is not justified[8]. We do not agree with the Legislator in this question. This amendment does not have any doctrinal foundations. Therefore it shall be underlined that this rule should be repealed in the near future by the Legislator.

II. Changes in the Field of Punishable Acts
(A) Organizing of a terrorist group

Sec. 62 of the Act completed the statutory definition of the acts of terrorism with a new punishable conduct. Any person who organizes a terrorist group in order to coerce a government agency, another state or an international body to do, not to do or to countenance something is punishable by imprisonment between ten to twenty years or life imprisonment. The organization is not a brand new form of perpetration in the Code, because it is already known from the statutory definition of the assault against public officials.

The organizer is the person who is actively involved in the creation of a new group (Mészár, 2013, p. 1185), which has not exist before, or who creates the group, in this case the terrorist group itself (Belovics et. al., 2012, p. 465). So the basis of criminalization is not the commission of an act of terrorism within a terrorist group, but the creation of a group with the aim to commit an act of terrorism in the near future. The rule's legal-political aim is reasonable and justifiable, especially where we use the goals of the framework decisions and the Directive of the European Union as a basis. However, the implementation in the statutory definition cannot be regarded as a success.

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[8] It shall be emphasized that – for instance - a perpetrator who committed an international crime (e.g. war crime or crime against humanity) may be punished by the International Criminal Court, if the perpetrator has reached the age of 18 at the time the act was committed.

The reasoning of the Legislator provided to the statutory definition defining terrorist groups under Sec. 319[9] causes the first problem. On a literal interpretation, the definition is applicable only in the context of Sec. 315 and 318 of the Code. Because of this unlucky solution, it shall be emphasized that this legal definition which is found in Sec. 319 does not govern all form of acts of terrorism. Therefore, it is necessary to modify the Sec. 319 of the Code.

Our *de lege ferenda* proposal is the following: *using the Sec. 314–316 and the Sec. 318, the terrorist group is an organized-working group which has three or more members, and it is organized for a longer term, and its aim is to commit acts of terrorism.*

This definition of the terrorist group would comply with the provisions of the Directive, as well. Namely according to Article 2(3) of the Directive, "terrorist group means a structured group of more than two persons, established for a period of time and acting in concert to commit terrorist offences." The fact that organization of a terrorist group is punishable regarding to every form of the acts of terrorism would be unambiguous in the context of the abovementioned rule.

The other doctrinal issue – which is much more relevant than the former one – is the following. Till the last amendment, a person who committed an act in connection with the organization of a terrorist group found guilty for a *sui generis* crime under Sec. 315(2) or – depending on the nature of the conduct – under Sec. 318(2) of the Code, if the organizational activity was not connected to any committed or attempted acts of terrorism. So the main point of the previous legal-political opinion was that the organization of a terrorist group is a specific criminal offence or an activity related to the quasi work of the group (Report from the Commission to the Parliament and the Council, Brussels, 5.9.2014. COM/2014/ 554 final.). At the same time, this approach covered all the aims of terrorism which are defined in Sec. 314(1) of the Code. However, the present amendment causes that organizing a terrorist group is going to be punishable in two ways: on the one hand, if the aim of the organizer is only to coerce a government agency, another state or an international body to do, not to do or to countenance something, according to the statutory definition set out in b) point of Sec. 314.(2) of the Code, and on the other hand, if it has other aims, according to point b)-c) of Sec. 314(1) of the Code.

This situation is totally unjustifiable, because the same conduct is punishable as an individual crime and also as a *sui generis* preparatory or abettor conduct. Due to

[9] According to Sec. 319. of the Code being in force: for the purpose the Sec. 315 and 318 terrorist group is a coordinatedgroup which has three or more members and is organized for a longer term and its aim is to commit acts of terrorism.

this, the same act is punishable by two totally different penalties. It is not comply with the principle of rule of law and the European requirements. According to our viewpoint, the current regulation cannot be justified by criminal legal aspects, and it goes against the European requirements. Thus the functioning thereof is unjustified in the future.

This new regulation makes the organization of terrorist groups a double intentional crime which results in further doctrinal problem. There is a relevant contradiction in the statutory definition in connection with the organization of a terrorist group with specific goals. According to Sec. 319 of the Code, the goal of the members of the terrorist group is to commit an act of terrorism. Furthermore, the goal of the perpetrators cannot be only to violently influence a state apparatus or other state, international organization, but also to intimidate the general public or to destabilize another state or international organization /see b)-c) points of Sec. 314(1)/. If the goals of assassins can be so various and incomprehensible, why the Legislator implements only the aim set out in a) point of Sec. 314(1) with respect of the organizer. The goals of the organizers and the members of the group usually cover each other. It should be prevailed in the statutory definition, as well.

Due to the abovementioned facts, we agree with the individual criminalization of the organizer, but not in this form. We would take out this phrase from the current paragraph (2) and in our opinion, it should be ruled in a new paragraph (3) as follows: *„(3) The person who organizes a terrorist group shall be punished according to paragraph (1)."* The *de lege ferenda* proposal would comply with the provision set out in Article 2(3) of the Directive, as well.

(B) Early punishability of the terrorist intention

The difference between war and law enforcement starts to disappear. This fact shows that fight against terrorism is becoming total (Albrecht, 2005, p. 4). The Legislator made it clear that its aim is to create statutory definitions which help to filter out suspected-terrorist elements from the society within a short term, thus the opportunity of punishability is brought forward. According to some viewpoints regarding the national regulation in the Hungarian literature, it is an early criminal liability when the person threatening of commit a terrorist act may be punished under the Code. The Act is a part of the criminal policy of the Legislator, inasmuch as it completed the Sec. 316 of the Code with a new statutory definition. According to the amendment, the conduct of the perpetrator is punishable by imprisonment between two to eight years, if someone leaves Hungary, or passes through the territory thereof in order to join a terrorist group. Seeing that the preamble of the Act related to this new

criminal offense does not include justification, the interpretation is going to be the task of the legal practice.

It is a clear fact that the radicalization and the sympathy to the ideology of the terrorism is a harmful effect of the globalization in certain societies. Moreover, it is hard to argue with the statement that the mass migration promotes the movement of members of terrorist groups. It can be emphasized that although "there is no concrete evidence to date that terrorist travellers systematically use the flow of refugees, however, some incidents have been identified involving terrorists who have made use of migratory flows to enter the EU" (TE-SAT 2016, p. 7.). At the same time in our opinion, the Legislator created a statutory definition by the implementation of b) point of Sec. 316 which is difficult to use in practice, as it is defined insufficiently. The Act defines the exit from the territory of Hungary and the transit over it with the specific purpose as a crime. It is inexplicable why the Legislator does not count with the possibility that a group may be organized in Hungary, or it can operate in Hungary, as well. Furthermore, the intended purpose of joining a terrorist group may be connected to entering Hungary, as well. It shall be emphasized that at the time of the commission the perpetrator does not realize *sui generis* preparation. Namely, the perpetrator has not yet acted in the way[10] which would express the perpetrator's belonging to any terrorist group or its intent of belonging thereto. Thus the new statutory definition is an „*anti-preparatory*" act. The moment shall be punished by law when the intent to joining a terrorist group has been developed in the perpetrator's mind, but at this time, the perpetrator has not let the leaders or the members of the terrorist group know about its intent, so the perpetrator cannot be called as a terrorist yet. According to our opinion, if the intention of joining became expressed, the conduct of the perpetrator's act would be considered under Sec. 315(2)[11] of the Code; this criminalization is totally justified and reasonable. The new statutory definition criminalises the intention and thought defined which, in our opinion, is not compatible with the principle of rule of law in the criminal law. Furthermore, this is going to be a serious evidentiary challenge for the law enforcement authorities. In our opinion, it is causeless to advance the criminalization of this act. This is the reason why we do not agree with this statutory

[10] According to the Code, the forms of the conduct of the preparation are: „any person who provides the conditions required therefor or facilitating the perpetration of a criminal offence, or invites, offers for or undertakes its perpetration, or agress on join perpetration". (See, Sec. 11. Par. /1/ of the Code)

[11] According to the above-mentioned regulation, any person who commits any conducts qualified as sui generis preparation in a terrorist group for the intention declared under Sec. 314(1)-(2) is punishable by imprisonment between five to ten years.

definition in the Code. However, it shall be emphasized that travelling for the purpose of terrorism is a terrorism-related offence also according to Article 9 of the Directive. Therefore the Legislator shall take the necessary measures to ensure the punishability of this criminal offence in the near future, but not later than 8 September 2018, and shall amend the challenged regulation for this purpose.

(C) Public provocation to commit a terrorist offence

Over the abovementioned statutory definitions, the Chapter of the Crimes against Public Peace in the Code was completed with a new crime by the Legislator. The Council Framework Decision 2008/919/JHA obliges all Member States to take the necessary measures to criminalise the public provocation to commit a terrorist offence. „Less than half of Member States have adopted specific provisions explicitly criminalising the dissemination of messages to the public with a view to inciting terrorist offences, closely aligned to the wording of Framework Decision mentioned. The remaining Member States chose to rely on provisions criminalising in more general terms provocation, incitement or the facilitation or support of terrorist offences"[12]. The abovementioned obligation is repeated in the Directive, as well[13]. This approach was changed by the Legislator, because the abovementioned provocation committed through broad publicity is punishable within the new statutory definition. It shall be underlined that this amendment was justified. Namely, many offences have been recently committed by perpetrators who were not the members of a terrorist organization; however, they committed their attacks under the effect of the abovementioned provocation known from several electronic communications networks. It shall be emphasized that this public provocation is not in connection with a specific terrorist attack or organization; however, there is a danger of radicalisation. Therefore, according to our opinion, the abovementioned criminal offence primarily damages public security and only secondarily public peace. Therefore, this statutory definition shall be regulated in the framework of the statutory definition of the acts of terrorism in the Chapter of Crimes against Public Security of the Code. The reason thereof is that

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[12] See, Report from the Commission to the European Parliament and the Council on the implementation of Council Framework Decision 2008/919/JHA of 28 November 2008 amending Framework Decision 2002/475/JHA on combating terrorism / COM/2014/0554 final / p. 6.

[13] Accoring to Article 5 of the Directive, the Member States shall take the necessary measures to ensure the punishability of the public provocation to commit a terrorist offence, and to define its criminal conduct.

the public provocation to commit a terrorist offence is qualified as a terrorism-related act by the abovementioned Framework Decisions and the Directive, as well.

Final Remarks

In our paper we tried to challenge the rules of the Act and to make some *de lege ferenda* proposals related both to the Act and the statutory definition of the acts of terrorism, as well. The necessity of the amendment is indisputable, but the implementation was not perfect. We hope that the abovementioned problems and anomalies will be solved in the near future by the Legislator, and the challenged regulations will be repealed or amended in conformity with our criminal legal tradition and the European requirements. Hungary is a rule-of-law State and aims to meet the requirements of the European Union, and we are sure that the Hungarian Government and Parliament will take the necessary measures therefore. We hope that we could give help the Legislator in this way.

References:

Act C of 2012 on the Hungarian Criminal Code

Albrecht, P.-A. (2005). *Kriminologie 3.* Munich: Auflag Beck.

Bartkó, R. (2011). *The Criminal-political Questions of Fight against Terrorism.* Győr: UNIVERSITAS-GYŐR Nonprofit Kft.

Belovics, E., Molnár, G., & Sinku, P. (2012). *Criminal Law II.* Budapest: HVG ORAC Lap-és Könyvkiadó Kft.

Böröcz, M. (2014). The Relationship between the Illegal Migration and Terrorism. *(T)error* és *elhárítás – Journal of the Hungarian Counter Terrorism Center*, Hungary. vol. II, pp. 1–20.

Criminal Questions of the Migration (2016). "Round-table Conference, Kecsekemét-Hungary", Ügyészségi *Szemle*, pp. 46–71.

Directive (EU) 2017/541 of the European Parliament and the Council of 15 March 2017 on combating terrorism and replacing Council Framework Deicison 2002/475/JHA and amending the Council Decision 2005/671/JHA.

European Commission (2014). *Report from the Commission to the European Parliament and the Council on the implementation of Council Framework Decision 2008/919/JHA of 28 November 2008 amending Framework Decision 2002/475/JHA on combating terrorism* (Publication No. COM/2014/ 554 final).

European Union Terrorism Situation and Trend Report 2016 (TE-SAT 2016.), Hague, European Police Office 2016.

Fletcher, G.P. (2006). "The indefinable concept of Terrorism". *Journal of International Criminal Justice,* 4, p. 894.

Hautzinger, Z. (2016). *Stranger in the Criminal Law.* Pécs: AndAnn Kft, pp. 35–36.

Kaponyi, E. (2006). “Fight against Terrorism and the Protection of the Human Rights”. *Acta Humana,* 17, 3–4, pp. 47–72.

Korinek, L. (2008). “The constitutional Grounds of the Delinquency”. *Közjogi Szemle,* 1, pp. 37–44.

Mészár, R. (2013). *The Crimes against Public Officials* (In. Hungarian Criminal Law – Commentary for the Practice. Third Edition) Budapest: HVG Lap-és Könyvkiadó Kft

Nagy, F. (2007). About the “Enemy-Criminal Law” as the Erosion of the Criminal Law of Law and Order. *Magyar Jog* 2, pp. 65–75.

Nagy, K. (2014). *Data processing for crime prevention in the European Union*. Budapest-Pécs: *Dialóg Campus*.

Tóth, M. (2013). “Changes in the practice and criminal regulation on the acts of terrorism”. *Hadtudomány,* 1–2, pp. 30–40.

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