



The Prevalence of Armed Kidnapping in Hungary

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Abstract

Aim: The aim of the article is to review and understand how the crime of armed kidnapping was present in the latest 30 years in Hungary, including various types of statistics and their comparison.

Methodology: Different types of statistical methods were used during the examination which were based on data requested from the Ministry of Interior, from the National Office of the Judiciary and from the Prosecution Service of Hungary. Furthermore, the legal background was reviewed and compared to the results of the statistical research.

Findings: Results show that even though armed kidnapping is a rare crime in Hungary, there are several similarities between the perpetrators in socioeconomic statuses and their crimes. Armed kidnapping was mostly committed in Budapest by two perpetrators at the same time who finished the crimes. These perpetrators were mostly Hungarian citizens, adults, males and singles without any children with a clean criminal record.

Value: The results may help to reduce occurrences of armed kidnapping and, in cases of armed kidnapping being committed, help the investigative authorities to understand and register these cases better – furthermore to provide help to the courts when deciding upon these cases to create a coherent and consistent judicial practice.

Keywords: armed kidnapping, committed with arms, criminal statistics, judicial statistics

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Introduction

The crime of kidnapping is a rather new crime in Hungarian criminal law as being present since 1993 in the Criminal Code of 1978. This newly introduced crime was also included in the effective Criminal Code of 2012 and ‘suffered’ only minor changes through the last years. Even though being the most serious crime against personal freedom (earlier: crime against personal freedom and human dignity), there is no extensive legal or literature-based background (Balla, 1991; Zsigmond, 2014) connected to it, only the different criminal codes, short descriptions in a few commentaries (Czine, 2016) and only a couple of judicial decisions which – in most cases – provides further interpretations to the law. Empirical approach towards the crime of kidnapping is still missing in Hungary, especially when the approach is based on a more precise practice of the judicial system.

Even though the number of crimes against freedom and human dignity¹ and crimes against personal freedom² has a rather varying trend in Hungary in the last 30 years (URL1), which is also true for the crime of kidnapping. This varying trend is also present when it comes to the crime of armed kidnapping and kidnapping committed with a deadly weapon as a specific type of kidnapping where the perpetrator used an arm or a deadly weapon. Judicial practice and data collected by investigative authorities (police and prosecution service) show that armed kidnapping and kidnapping committed with a deadly weapon has no permanent trend: almost all of these crimes were adjudicated between 2009–2017 and only a few cases were decided before or after that period. Reviewing and understanding these trends with these crimes are definitely difficult as research in this area has never been performed in Hungary, especially when the perpetrator was armed or carried a deadly weapon. As a result, no study has ever been conducted in Hungary in connection with the empirical background of armed kidnapping and kidnapping committed with a deadly weapon at all.

The present study aims to explore the crime of armed kidnapping and kidnapping committed with a deadly weapon based on the results of the judicial practice and data collected by investigative authorities, compare them with each other and with the content of the different criminal codes of Hungary while focusing

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- 1 The Criminal Code of 1978 contained the following crimes against freedom and human dignity: coercion, violation of freedom of conscience and religion, violence against a member of a community, violation of the freedom of association and assembly and participation in electoral rallies, violation of personal freedom, kidnapping, human trafficking, breach of domicile, harassment, violation of personal privacy, abuse of personal data, abuse of public data, violation of mail privacy, illicit access of personal privacy, defamation, slander, humiliation of defenceless person, desecration.
 - 2 The Criminal Code of 2012 contains the following crimes against personal freedom: kidnapping, default of reporting kidnapping, human trafficking and forced labour, violation of personal freedom, coercion.

on the sociodemographic factors of the perpetrators. The results may provide a guidance to different investigative, decisive and law enforcing authorities on providing a safer environment and helping preventing these crimes better.

Research methods

Data Sources

The present study was based on data collected from two publicly available databases operated by different authorities in Hungary and completed with two data requests towards two different authorities. One database is operated by the National Office of the Judiciary which contains anonymous judicial decisions (hereinafter referred to as ‘judicial data’) ([URL2](#)). The research regarding judicial data was conducted with the keywords ‘armed kidnapping’ and ‘kidnapping committed with a deadly weapon’ within the area of criminal law and concluded on 31 May 2023. The other publicly available database ([URL3](#)) is operated by the Ministry of the Interior and contains data collected by the investigative authorities. This database is publicly available and covers all data collected during the investigation procedure, however, does not contain specific conditions connected to criminal law, such as qualifying conditions, sociodemographic conditions, etc. As a result, a data request was sent to the Ministry of the Interior on 29 April 2023 and amended on 11 May 2023. The answer was provided on 25 May 2023 without any special case or identification number. The provided ministry data (hereinafter referred to as ‘ministry data’) was extensive and contained almost all relevant information connected to armed kidnapping cases and kidnapping cases committed with a deadly weapon. Apart from the publicly available databases, a data request was sent to the Prosecution Service of Hungary on 29 April 2023 and amended on 10 May 2023. The answer was provided on 31 May 2023 with case number LFIIGA//346-4/2023 (hereinafter referred to as ‘prosecution data’).

Since three different data sources was used for the present study, there were some overlaps between the different cases, but also many differences, since the cases considered and analysed by the Ministry of the Interior and by the Prosecution Service of Hungary are cases still before indictment by the prosecution. Judicial data, however, only contained cases that were closed with a verdict on the first or second or third instance.

Results based on three different sources were narrowed down to those cases where the perpetrator committed kidnapping with carrying an arm or a deadly

weapon and those judicial decisions from the judicial data were not involved where the exact case did not include armed kidnapping or kidnapping committed with a deadly weapon, just mentioned that the perpetrator was convicted for such a crime earlier as having a criminal record already. The collected judicial decisions were divided into cases which contained at least one judicial decision depending on the adjudicating instance. No narrowing was necessary for ministry data and prosecution data as data requests already narrowed down the requested cases.

After narrowing down the cases, a matching procedure was concluded in order to pair the cases from the different databases to each other in order to find and understand connections between sociodemographic conditions and armed kidnapping and kidnapping committed with a deadly weapon. Contrasting was made based on gender, age, citizenship, marital status, highest education level, employment status, number of underage children, criminal record and recidivism.

Methods

Altogether 38 criminal decisions were reviewed from the judicial data which resulted in 18 cases which included first-, second and third-instance decisions as well. In the judicial data 53 perpetrators committed armed kidnapping or kidnapping with a deadly weapon. Ministry data contained 18 cases in which 51 perpetrators committed armed kidnapping and kidnapping with a deadly weapon. Prosecution data could not be calculated together and distributed into any specific groups as the provided data followed a different methodology which did not make it possible to analyse them properly along with the judicial data and ministry data.

All cases were placed next to each other in order to find matches based on specific conditions present in all cases (for example nationality of the perpetrators, higher or lower numbers of perpetrators or the qualifications or employment of the perpetrators) which made these cases easier to match with each other.³ After this procedure, matching cases were examined separately with a focus of sociodemographic characteristics of the perpetrators and non-matching cases were examined based on their specific characteristics (for example judicial procedures, prevalence within Hungary, etc.).

3 Even though several cases clearly matched, there were some conditions which did not match completely (such as the gender of the perpetrators or the tools used, or additional committed crimes), however, since other conditions (date of committing the crime, place of committing the crime, stages, number of perpetrators, their nationality, etc. matched perfectly, these cases were regarded as matches.

During the present study cross-tabs analysis was used with which the relationship among different measurement level variables as the main characteristics of the perpetrators could be described. The results were separated and examined in accordance with the legal background of armed kidnapping and kidnapping committed with a deadly weapon.

Setting

Hungary is a small Central European country with the population of approximately 9.6 million people with the density of 103.2 people/km². Budapest as the capital city of Hungary is the most populated county and city in Hungary with the population of approximately 1.68 million people, covering 17.5% of the population of Hungary ([URL4](#)).

Hungary has a three-level judicial system, including 113 district courts serving as first-instance courts situated in cities and in the different districts of Budapest. Additionally, there are 20 regional courts, functioning both as first and second-instance courts, located in major urban centres. The country also has five regional courts of appeal in Debrecen, Miskolc, Győr, Szeged, and Budapest adjudicating in second and third instance cases. The highest court in Hungary is the Curia which decides cases on third instance. The jurisdiction of these courts is primarily territorial, focusing on the cities where they reside and their surrounding areas. Regional courts of appeal operate within specific counties, while the Curia holds authority across Hungary. With the exception of Budapest-based courts, caseloads are generally distributed mostly evenly based on population size.

Legal background

Kidnapping was included only in two modern criminal codes in Hungary: the Criminal Code of 1978 and the Criminal Code of 2012. The Criminal Code of 1978 did not cover the crime of kidnapping, it was only introduced in 1993 with an amending act⁴ which only included ‘armed’ as a qualifying condition. According to its regulation the court could impose a punishment of imprisonment of between 5-15 years in case of committing kidnapping while being armed.⁵ Kidnapping could not be committed with a deadly weapon during the effect of the Criminal Code of 1978. The Criminal Code of 1978 was effective from

4 Art 38 of Act XVII of 1993 on the Amendment of Criminal Regulations

5 Art 175/A(2) point b) of Act IV of 1978 on the Criminal)

15/05/1993 until 30/06/2013 so for a little over 20 years, which means that several judicial decisions should be available. However, based on the rarity of the crime, only a few decisions were made. One of these decisions stated in case of a crime of kidnapping the victim eliminates the immediate life-threatening danger by killing the perpetrator, then the victim may be acquitted based on self-defence.⁶ In another decision, the Curia declared that armed kidnapping does not constitute a particularly adverse infringement in cases where the perpetrator holds the victim captive only for a few hours and during which time no physical abuse or severe threat or torture takes place.⁷ Another decision stated that any perpetrator is an accessory to the crime of armed kidnapping even if the other accessories remain unknown during the criminal procedure.⁸

The Criminal Code of 2012 entered into force on 01/07/2013 and has been in effect since then; however, it has not affected the regulation of kidnapping at all.⁹ Comparing it to the regulation in the Criminal Code of 1978 it can be seen that this crime can be committed ‘with arms’ and/or ‘with deadly weapons’ as well which is the only difference between the two criminal codes in this area; the punishment, however, remains the same. Since 01/07/2013 only one binding decision has been made declaring that in cases of perpetrators committing armed kidnapping where the perpetrators at the same time bear a firearm and also other tools which may be regarded as deadly weapons, the qualifying condition of ‘armed’ now incorporates the qualifying condition of ‘with a deadly weapon’, otherwise these would doubly be qualified without a sufficient justification.¹⁰ Apart from this decision, only a few other decisions are available, but these are not binding, and as a result no new rules were made for the lower courts to apply during subsequent criminal procedures.

The Criminal Code of 1978 contained originally the definition of ‘armed’. When the crime of kidnapping was introduced, the definition included only two parts: carrying a firearm or an explosive which was effective until 31/03/2002.¹¹ After 01/04/2002 the definition was broadened to include threatening with the use of replicas of arms and explosives.¹² Currently a crime is armed when the perpetrator was carrying a functioning firearm, explosive, detonator or equipment

6 Legf Bir Bf III 1970/1996.

7 Legf Bir Bf V 89/2001.

8 Legf Bir Bf I 3444/2001.

9 Art 190(2) points c)-d) of Act C of 2012

10 Bfv 1346/2015/5.

11 Art 137 point 4 of Act IV of 1978

12 Art 137 point 4a of Act IV of 1978, 19(3) of the Act CXXI of 2001 on the Amendment of the Criminal Code

for explosives or detonators or was threatening with the replica of these.¹³ The definition of ‘committed with a deadly weapon’ was also included in the Criminal Code of 1978 and since being accepted no change has ever occurred, the definition is still the same. Currently a crime is committed with a deadly weapon when the perpetrator carries a tool suitable for causing death to overcome or prevent resistance.¹⁴

Research and Results

Kidnapping in Hungary is a crime with a rare occurrence as between 2007 and 2022: only approximately 150 cases took place based on judicial data and 115 kidnapping cases based on prosecution data; armed kidnapping and kidnapping committed with a deadly weapon is even more rare. There were only a small number of cases available or provided by the different sources between 2007 and 2023 when the perpetrator was armed or committed kidnapping with a deadly weapon. Altogether 18 cases were available in the judicial database and also 18 cases provided by the Ministry of the Interior. Additionally, the Prosecution Service of Hungary used a different presentation method which could not be matched to the other provided or available data.

From the mentioned 18+18 cases, only eight were fully in compliance with each other, the other 20 (10 from each source) cases were too diverse in nature to allow analytical comparison. As a result, the matching eight cases from the one source and eight from the other were analysed together and the other 20 were examined separately.

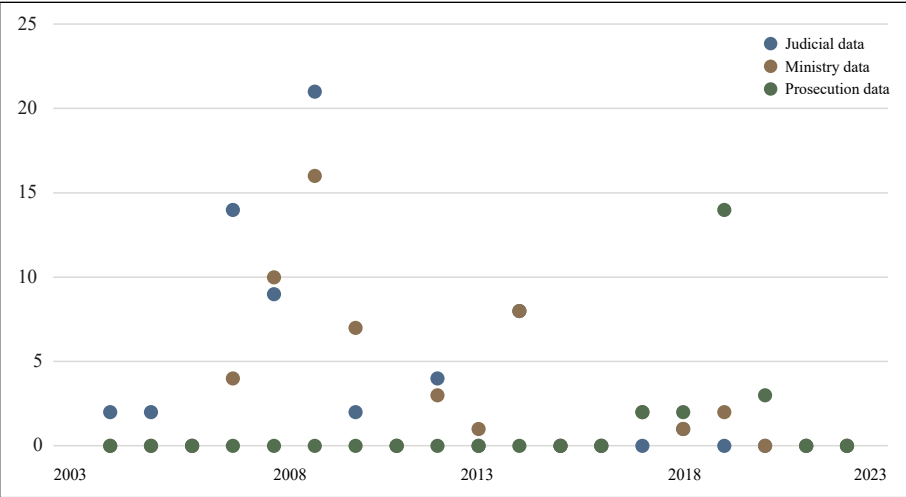
Judicial data vs ministry data vs prosecution data: special characteristics

Since all data sources contain several characteristics that can be compared to each other apart from the results in the matching cases, it is important to see the comparable data together in order to make some conclusions which can be used when dealing with the crime of armed kidnapping and kidnapping committed with a deadly weapon.

¹³ Art 459(1) point 5 of Act C of 2012

¹⁴ Art 459(1) point 6 of Act C of 2012

Figure 1
Timeline and number of perpetrators committing armed kidnapping and kidnapping with a deadly weapon based on different data sources



Note. Figure is made by the author.

Figure 1 shows how the different data sources cover the number of perpetrators in the light of different years when kidnapping and when armed kidnapping and kidnapping with a deadly weapon were committed. It is to be noted that prosecution data was only provided between 2017–2020 and before 2017 and after 2020 no data was provided at all. Based on Figure 1 it can be seen that armed kidnapping and kidnapping committed with a deadly weapon is rather rare. Figure 1 also shows how different can be the same data regarding the different sources: only in 2015–2016 were the case numbers the same. This difference is rather interesting as both databases used the same data: when the cases were committed. The difference probably comes from the different data recording methods: the courts in the judicial data used data collected by the investigative authorities and the confessions of the perpetrators; while the ministry data and the prosecution data were based on their own data collection.

Table 1

The number of perpetrators and victims in light of all data sources between 2017–2020

	Perpetrators	Victims	Perpetrators/victims
Judicial data ¹⁵	1	5	0.2
Ministry data ¹⁶	5	4	1.25
Prosecution data ¹⁷	36	Not provided	N/A

Note. Table is made by the author.

Table 1 shows that according to prosecution data most perpetrators committing armed kidnapping and kidnapping with a deadly weapon performed the crime between 2017–2020. Judicial data and ministry data, however, show different results: according to these data sources most perpetrators committed these crimes between 2007–2010 and also several perpetrators committed them between 2014–2014 in accordance with the results of Figure 1.

Table 2

The nationality of the perpetrators and the victims in light of the judicial and ministry data

	Hungarian		Romanian		Serbian		Chinese		Austrian		Other		N/A	
	Perp.	Vict.	Perp.	Vict.	Perp.	Vict.	Perp.	Vict.	Perp.	Vict.	Perp.	Vict.	Perp.	Vict.
Judicial data	37	19	1	0	2	0	9	1	0	0	0	1	0	0
Ministry data	42	20	1	0	0	0	6	1	0	2	0	1	3	0

Note. Table is made by the author.

Regarding the nationalities of the perpetrators and of the victims presented in Table 2, several differences can be found between the judicial data and the ministry data. These differences mostly appear across the Hungarian perpetrators, but is also seen for the Chinese perpetrators and for those where the ministry data did not detail the nationality data of the perpetrators. According to Table 2, vast majority of perpetrators and victims are Hungarians, no significant connection could be detected between citizenship and perpetrator-victim connection at all.

15 Judicial data was calculated with the basis of armed kidnapping and kidnapping committed with a deadly weapon between 2004–2022, however the numbers were amended in such a way that only the period between 2017–2020 was taken into account to be able to compare the data with the prosecution data.

16 Ministry data was calculated with the basis of armed kidnapping and kidnapping committed with a deadly weapon between 2007–2022, however the numbers were amended in such a way that only the period between 2017–2020 was taken into account to be able to compare the data with the prosecution data.

17 Prosecution data was calculated with the basis of armed kidnapping and kidnapping committed with a deadly weapon between 2017–2020.

Table 3*Age groups and genders of perpetrators regarding different data sources*

	Youths (between 14–17)		Adults (between 18–59)	
	Male	Female	Male	Female
Judicial data	0	1	41	5
Ministry data	0	1	47	3

Note. Table is made by the author.

According to Table 3 it can be seen that no male perpetrator committed armed kidnapping or kidnapping with a deadly weapon under the age of 18 and only one female perpetrator being between 14–17 years old committed these crimes. This female perpetrator was a student and finished only 11 classes in high school and she had no criminal record at all. Table 3 also shows that adult males dominate these crimes and female perpetrators are not common, their prevalence is around 12% in both databases. This result is in accordance with the results of the prosecution data in which no youth female committed these crimes and the ratio of female perpetrators is 13.8%.

Table 4*Criminal records of the perpetrators regarding different data sources (recidivists)*

	Has a criminal record		Has no criminal record		Not provided
	Has a criminal record	Has a criminal record and has an ongoing criminal procedure ¹⁸	Has no criminal record	Does not have a criminal record but has an ongoing criminal procedure	
Judicial data	19 (1)	6	22	2	0
Ministry data	17 (4)	Not provided	32	Not provided	3

Note. Table is made by the author.

Table 4 shows that approximately half of the perpetrators had no criminal record at all. The other half of the perpetrators had a criminal record and some of them had even an ongoing criminal procedure initiated against them for any other crime(s). Those perpetrators who had a criminal record were recidivists in smaller numbers which means that committing the crime of armed kidnapping

¹⁸ The ministry data did not contain the conditions of 'has a criminal record and has an ongoing criminal procedure' and 'ongoing' for the mentioned categories, the data recording did not include these options and these conditions were categorized as 'has a criminal record' and 'has no criminal record'. The same applies for the prosecution data in connection with (not) having a criminal record.

and kidnapping with a deadly weapon does not occur together with terrorist acts, financing terrorist acts and violent crimes against persons which would constitute recidivism. The results are almost the same in prosecution data: a little bit more than half of the perpetrators have no criminal record and the number of recidivists is also very small.

When reviewing the tools used during committing these crimes, it can be seen data sources differ from each other in a significant level. According to judicial data, gas- and alarmpistols were the most common tools; firearms were the most prevalent tools; prosecution data resulted in rubber bullet guns¹⁹ having the greatest occurrence. Another surprising issue was that according to the ministry data the crime was regarded as ‘armed’ when perpetrators used ‘body, body part’ and a ‘car’ which could constitute the crime committed with a deadly weapon but definitely not constitute committed ‘armed’ based on its legal definition. Furthermore, no kidnapping was committed with a *functioning* firearm which was the newest addition to the legal definition of ‘armed’.²⁰

Matching cases

Matching cases from judicial data and ministry data – altogether eight cases – had 30 perpetrators with 37 ordinations of armed kidnapping and kidnapping committed with a deadly weapon. The degree of involvement is seemed to be accessory in vast majority of these matching cases and only a few perpetrators were acting as a principal or as an aider. These crimes were executed to completion, no attempt or uncompleted preparations appear. When reviewing the used tools in the matching cases, it can be stated that the perpetrators mostly used replicas of firearms and in a few cases real firearms to commit the crime of armed kidnapping against mostly Hungarian citizens – only in 1 case was the victim a non-Hungarian.

The personal characteristics of the perpetrators regarding the crime of armed kidnapping is also relevant as this might provide a more detailed insight into the motivations of the perpetrators, furthermore it would also make it easier to prepare the police and the judicial authorities regarding what to expect when someone commits such crimes.

19 Rubber bullet guns and gas- and alarmpistols are the same, their difference comes only from the ammunition placed into the gun/alarmpistol. For the definitions of different types of arms and guns see Art 2 of Act XXIV of 2004 on Firearms and Ammunitions

20 459(1) point 5 subpoint a) of the Criminal Code of 2012

Table 5*Sociodemographic characteristics of the perpetrators regarding the matching cases*

Sociodemographic characteristics	Judicial data ²¹	Ministry data
Citizenship		
Hungarian	22	23
Chinese	6	6
Romanian	1	1
Gender		
Male	24	27
Female	5	3
Age		
Minor	1	1
Adult	28	29
Relationship status		
Single	15	Not provided
In a relationship	8	Not provided
Married	6	Not provided
Number of underage children		
0	14	Not provided
1	8	Not provided
2	2	Not provided
3	4	Not provided
4	0	Not provided
5	1	Not provided
Education level		
Elementary school	4	10
High school	22	15
University	3	2
Not provided	0	3
Employment status		
Student	1	0
Unemployed	5	3
Blue-collar work	13	12
White-collar work	7	6
Other	3	2
Not provided	0	7
Criminal record		
Has a criminal record	12	8
+ recidivist	+ 0	+ 4
Has no criminal record	17	22

Note. Table is made by the author.

21 Sociodemographic characteristics of the perpetrators regarding judicial data was based on first instance decisions.

Table 5 shows SES characteristics of perpetrators comparing the judicial data and the ministry data. It can be seen that even though these cases were matches between different data sets, there were several differences between them. First of all, the number of perpetrators is different which probably comes from the different data recording methods. Furthermore, in the judicial data the data is collected on hearings during the different criminal procedures which means that the data is mostly based on the confessions of the perpetrators. It is also visible that data collected to parentage and relationship status is missing from the ministry data: it was not provided in the investigative procedure at all. Comparing the two datasets, it can be seen that most perpetrators were Hungarian or Chinese, other citizens barely committed armed kidnapping or kidnapping with a deadly weapon. The gender of the perpetrators is dominated by male perpetrators and no transsexuals committed these crimes at all. Minor perpetrators are also rather rare and their frequency is definitely low. Based on both data sets, at least half of the perpetrators finished high school and the work as blue-collar employees with no criminal record at all.

Cases based on judicial data²²

Based on judicial data (including all data, not only the matching cases): 10 of the 18 cases were tried at the Budapest-Capital Regional Court and the other eight cases were heard at different regional courts in Hungary, which is not surprising as the area of Budapest itself has the highest population density in Hungary ([URL5](#)). All these cases reached second instance ([URL6](#)); 11 cases were decided at the Budapest Court of Appeal, but only three cases landed at the Debrecen Court of Appeal and two cases each were decided at the Szeged and Győr Court of Appeal. Surprisingly, no case was heard at the Pécs Court of Appeal. Only a really few cases got to the third instance, to the Curia: two cases were handled there.

The timeline of these cases was also interesting as one third of the cases were committed either in 2009 or later on, a few were committed in 2012 and even fewer each in 2008 and in 2014, but no case was committed before 2004 or after 2018 according to the judicial data. Between the year of committing the crimes and the year of those charged getting the first instance decision, the average time was four years which is slow compared to the general procedural durations in

22 In this part, only the relevant conditions will be presented, i.e. which cannot be found in the matching cases. These conditions are mostly connected to the judicial procedure, such as procedural timelines, different courts, judicial decisions, etc.

other criminal cases ([URL7](#)). However, after the first instance, it only took on average 1.22 years for the second instance court decision upon the case, and on average 12 months on the third instance to close the procedures.

The second instance amended the decision of the first instance in most cases: the courts were seen to make some minor changes, for example reduced the sentence, reduced the sentence and chose a different qualification or even made the sentence duration more severe. Sentencing of the third instance, however, always matched that of the second instance – no changes at all.

The judicial data also contains and refers to the other types of crimes the perpetrators committed alongside the crimes of armed kidnapping: the 30 perpetrators committed 17 other various crimes. Most of these crimes were violent crimes against property (robbery, robbery through inebriation or intimidation, blackmail, private justice) but there were also a few crimes against the public confidence (forgery of documents, criminal offence with authentic documents) or crimes against property (theft, fraud). Since the main crime of the perpetrators was armed kidnapping which is a violent crime, it was not surprising to see these results, especially the violent crimes against property which may have been in connection with the crime of armed kidnapping during the execution of the crime.

Cases based on ministry data²³

The ministry data also covered 18 cases of which the Ministry of the Interior operated with fewer conditions from which several were different from the judicial data.

First of all, the ministry data operates and records cases based on the year of committing the crime of armed kidnapping and the year of registering the crime of armed kidnapping: the difference comes from the procedure, as the year of committing the crime is often different from the year when the authority performing the criminal investigation registers the crime. When reviewing the timelines, it can be declared that in general it takes less than a year for the authorities to register the crime, including the investigation procedure, which also shows the efficiency of these authorities.

Uniquely, the ministry data also covers the place where the crime was committed, which was not included in the judicial data. Reviewing the place where

23 In this part only those relevant conditions will be presented, which cannot be found in the matching cases or in the judicial data. These conditions are mostly connected to the investigation procedure, such as the year of registration of the crime, the exact place of the crime and the exact ages of the perpetrators.

armed kidnapping or kidnapping with a deadly weapon was committed, all these cases were committed in 21 different locations, of which one third were performed in the capital city, Budapest and there was one case where the perpetrator committed the crime of armed kidnapping in a foreign country (South Africa) in which case no exact city or municipality was provided.²⁴

Another condition the ministry data records contained is the exact age groups of the perpetrators and their victims, although the data does not differentiate in terms of adults or youths.²⁵ According to the ministry data, those 18 cases were performed by 54 perpetrators from which none was regarded as underaged (under the age of 14), 2 perpetrators were youths (between 14–17), 10 were young adults (between 18–24) and 39 were adults (between 24–59) and no perpetrator was regarded as elderly (above 59) and for 3 perpetrators no age was provided. Comparing these numbers to the numbers of the victims, there were only 24 victims from which none were underaged or youths, only 4 were young adults, many of them – exactly 15 – were adults and only two were technically elderly. Comparing these two conditions, it can be stated that mostly adults commit the crime of armed kidnapping, also against adults (39 perpetrators vs 18 victims) and young adults are also rather common in both categories (10 perpetrators vs 5 victims); the other age groups are not represented with high numbers in either group.

Results of the prosecution data

The Prosecution Service of Hungary also provided data in connection with the crime of armed kidnapping and kidnapping committed with a deadly weapon using a different scheme with different timelines.²⁶ Prosecution data was not complete for another reason: for the second half of 2018 was the data provided, but for 2019 only the crime of kidnapping with deadly weapons was recognised and for 2020 the data for the crimes of armed kidnapping and kidnapping with a deadly weapon was provided together.

24 According to the Criminal Code of 2012 Hungarian criminal law should also apply to any act by Hungarian citizens committed abroad, which are criminalised in accordance with Hungarian law. Since kidnapping and armed kidnapping is a crime under the Hungarian criminal law, the Hungarian criminal courts have jurisdiction.

25 The Criminal Code of 2012 contains specific rules on crimes committed by youths i.e. people between 12 and 18 years of age who committed the crime after turning 12 and before turning 18. It is to be noted that in the Hungarian legal system no one can be punished under the age of 14 except when committing specific crimes listed in the Criminal Code of 2012. However, kidnapping or armed kidnapping do not belong to this category so the general rules apply in this case.

26 The reason for this data provision was that the new criminal procedural code – Act XC of 2017 on the Criminal Procedure – entered into force on 01 July 2018 and changed the procedure of criminal data collection and recording which resulted in a different data management system.

Discussion and Conclusions

Limitations

Based on the nature of armed kidnapping and kidnapping committed with a deadly weapon and the results from three different data sources, it is relevant to maintain consistency and caution when drawing conclusions.

First of all, the collected cases – based on all different data sources – have a rather small number which made it difficult to examine them in depth, especially to compare them with each other. Comparison was further aggravated as different data sources used different data recording methods which resulted in different datasets, especially in the timeline of the cases. Within the small number of cases, armed kidnapping was dominant: far more armed kidnapping was committed than kidnapping with a deadly weapon took place. As a result, it was not possible to register these cases separately and their examination was only possible with armed kidnapping cases.

Another issue was the judicial data: it is not fully comprehensible as there were several cases where the SES characteristics have changed during the different instances and higher courts have amended these characteristics – among other characteristics of the crimes – in their decisions.

Interpreting the tools used during these crimes were also difficult as in a few prosecution cases and ministry cases, while collecting the data several tools were declared to belong to ‘armed’ but they do not belong there at all. They could have been interpreted as ‘deadly weapons’ however in that case the label ‘armed’ was not correct.

Discussion and conclusions

Even though the crime of armed kidnapping exists in the criminal regulation of Hungary for over 30 years now, no real and in-depth change has ever been made in connection with it. As a result, its interpretation is narrow, especially its judicial practice which does not have any decision on this area that would definitely change the practice or interpretations of the lower courts or would introduce anything new in this area as there were and still are so few cases that the courts have to decide upon.

Reviewing the results of the research, it is still remarkable that in 30 years only 18 cases of armed kidnapping and kidnapping committed with a deadly weapon took place, which means that only 1.67 of these crimes are committed yearly. This small number of cases is reflected the three different data sources, which,

nonetheless, show that the crime of armed kidnapping is rather rare with a few special characteristics as these occurrences of armed kidnapping and kidnapping committed with a deadly weapon usually:

- took place in Budapest between 2009–2014;
- were performed by at least 2 perpetrators acting as accessories;
- occurred with these crimes always being completed successfully;
- were committed by Hungarian citizens who were typically adult, male and single without any children;
- occurred where the perpetrators typically had a clean criminal record;
- occurred with, typically, just one Hungarian victim.

These crimes usually

- were decided at the Budapest Capital Regional Court as a first instance;
- always reached the second instance; furthermore
- had a rather short procedural deadline; and
- mostly did not reach the third instance at the Curia (High Court).

After reviewing the legal background, judicial data, ministry data and prosecution data, it can be declared that the crime of armed kidnapping was never the most common frequent or common crime dealt with by the Hungarian criminal system, however, its significance is beyond dispute and the proper legal and statistical follow-up will still be desirable and necessary for the future.

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Ethics

The data will be made available on request.

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