

# Summary of the 2nd Hungarian - Sino International Forum

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On 12-14 October 2015, following the first successful international forum in Nanjing, China in 2014, the 2<sup>nd</sup> Hungarian-Sino International Forum took place in Pécs, Hungary. The title of the event was „*Globalization, National Auditing, National Governance and Economic Crimes*” and was organized by two faculties of the University of Pécs – the Faculty of Business and Economics and the Faculty of Law – in cooperation with the Faculty of Law of the Josip Juraj Strossmayer University in Osijek. The Chinese counterparts which were invited were the Nanjing Audit University (NAU), the Shanghai Academy of Social Sciences (SASS) and the East China University of Political Science and Law (ECUPL).

At the Opening Ceremony, *József Bódis* (rector, University of Pécs), *Yan Weilong* (president, NAU), *Ye Qing* (president, ECUPL; president, Law Institute of the SASS), *István Tarrósy* (director, Centre for International Relations, University of Pécs) and *Barna Miskolczi* (Ministry of Justice, Hungary) welcomed Chinese, Romanian and Hungarian attendees and the forum itself. Each speaker agreed on the fact that the organization of the 2<sup>nd</sup> forum pushed the relationship of the universities up to a higher level.

In the Plenary Session, *Gyula Zeller* (professor, Faculty of Business and Economics, University of Pécs) pointed out the importance of explaining and comprehending theoretical influences relating to the understanding of the economy, and analysing practice which may or may not confirm theoretical and scholarly assumptions. As an example, he used economic crises and the related presumptions. He stated that the adequate use of business conception during Subprime Crisis management was essential. *Antal Ádám* (professor emeritus, Faculty of Law, University of Pécs) focused in his presentation on the similarities and differences in Chinese and European philosophies and religious beliefs. He expressed that all issues (such as cultural ones), even interdisciplinary conflicts (between different disciplines of sciences), may be solved if parties are open-minded and if they conciliate their values to reach a mutually prosperous consensus.

The conference continued in two parallel sessions: a Law Panel and an Economics Panel. What follows below is a brief summary of the most relevant presentations in the Law Panel. An edited volume collecting all of the conference papers would be very much welcomed in the future, as all presentations discussed relevant issues of international significance.

*Tímea Drinóczi* held an ‘*umbrella presentation*’ concerning the correlation of corruption and the rule of law. Her topic was based on two research papers prepared by the Organization for Security and Co-operation in Europe and by the Group of States against Corruption (GRECO). She mentioned several possible instruments for fighting against corruption – for example, more emphasis should be placed on the gender dimension. It would mean, according to studies, that where more female representation exists, less corruption is detected, provided that the framework is a liberal democracy context. She concluded that combatting corruption is a must in order to maintain old democracies and foster new ones; a successful

fight against corruption shall contain political will and awareness of the functioning of corruption. Besides, proper and quality law making, implementation and compliance, ethical public servants at any level and field of public administration and in the judiciary and in any other state organ are also necessary. Finally, researching gender perspective and dimensions of corruption may be another tool with which we can combat corruption.

*Sun Wanhuai* gave a presentation about the development of economic crimes, especially the crime of misappropriation of public funds in the Chinese Criminal Code. After a historic overview he set out the role of the Supreme People's Court which is a good example of how the theory can benefit from practice, since the judicial practice affected the progress of criminalisation of different types of economic crimes – like embezzlement, for example. He also explained the differences between the judicial interpretation of law and that of the Peoples' Congress. The latter is authorized to give binding interpretation of criminal acts of the Criminal Code also during the period when the Criminal Code is applied. Regarding the misappropriation of public funds, this body gave an interpretation which was based on the case law of the courts. The presumed effect is that this activity brings uniformity to the application of law.

*Csongor Herke* presented an overview and provided detailed information about different systems of prosecution in Europe. He portrayed the status, tasks and organisational structure of the prosecutor in common law and civil law systems, the differences and similarities in subordination, rights and responsibilities of prosecutors in some states. Structures of the prosecution services always align to the court system; the subordination connected to the constitutional status of the prosecutor service itself or that of the chief prosecutor (e.g. subordination to the ministry in Germany, independence from executive power in Hungary). There might be specialised prosecutor units, mainly due to the special threats a state may face (e.g. Italy and its anti-mafia unit). His presentation triggered a discussion about surprising similarities of the Chinese and the Hungarian prosecution system, such as the hierarchy in the prosecution system and the way in which the independency of prosecutors is guaranteed.

In his speech *Gábor Molnár* gave an informative overview on the problem of life imprisonment, which is a recently a disputed question in Hungary. He touched upon some constitutional law related aspects of life imprisonment and showed the findings of the European Court of Human Rights in general and in connection with Hungary. In his opinion the earliest time of release on parole shall be determined in years. The European Court of Human Rights should determine the form of act (executive or judicial) that the review of conditional release should take.

*Xia Fei* surveyed the improvement of the Comprehensive Administration of Public Security (CAPS). After a summary of both the historic development and the multilevel organization system, the speaker showed the problems and necessary future improvements of the CAPS system and drew attention to new challenges, such as the threat of terrorism. In her view, improvements may include self-discipline of individuals and self-running of social orders. She stated that it was “time to make a change”, socialization and marketization of public security is necessary and the government should put more effort on informal control.

The presentation by *Zoltán Nagy* covered the Hungarian Penal System. He conducted a review of the different penalties and measures – especially those penalties which were introduced by the new Criminal Code in 2012 – and correctional and other institutes, where the sentence of imprisonment is executed. He outlined the effectiveness of the penal system and the possible methods for improving it. He recommended that legislation should embrace the indisputable opinion of Beccaria from 1764, that penalty for all crimes is the real way if curbing crime. In his opinion nowadays this was just an unrealistic expectation which made criminal law shoreless.

*István László Gál* presented a paper on the criminal law protection of the stock market in Hungary. He gave detailed information about the new regulation in the Hungarian Criminal Code and drew attention to the unsolved problems of insider trading, like missing definitions of benefit and insider information and the difficulty of proving intent in a criminal trial.

In his presentation Professor *Wei Chang Dong* showed how a criminal strategy is chosen in a transition country, from a legal history perspective. Since Hungary may be considered a transition country as well (mainly in the period between 1990 and 2004), he made a comparison of the regulation of bribery and other economic crimes vis-à-vis China and Hungary. He demonstrated how the fall of communism in Eastern Europe modernized corruption, and presented how the Hungarian practice improved Chinese legislation: Hungary's experience introduced governmental activism, established an 'offensive' legislation strategy which may be used to improve China's criminal legislation system on the crime of bribery.

*Dániel Tran* gave a practice-orientated lecture about loan-sharking in Eastern Europe. He set a definition of loan-sharking according to sociological research papers, anecdotal evidences, journalism and his own research. He also analysed the commission of the crime from the point of view of perpetrators, victims and even from the perspective of authorities. He showed different possible solutions to reduce the number of perpetrations, mentioning the Romanian example of police raids on loan sharks. In his conclusion he stated that there is a need for more academic research in this topic.

*Mihály Tóth* expressed that the number of violent crimes and crimes against property have stagnated while the number of economic crimes has seen a reduction during the last couple of years. However, perpetrators of economic crimes are more 'intelligent' and capable of causing more damage to society. He mentioned some tools of criminal law; in his opinion these instruments often react to criminal situations late and in an inappropriate manner. Later he shared some data with the audience on the criminality of Chinese people in Hungary, which is not considerable at all. To decide which law shall be applied in the prosecution, cooperation between the Chinese and Hungarian authorities is indispensable, in his view.

In her lecture, *Wang Pheifen* invited us into the world of crimes of possession in Chinese law. She mentioned that the legislation is derived from the Qing dynasty when hiding forbidden books and weapons was a crime. Today the crime of possession can be classified due to the extent of how an act harms the society. She also listed and classified possession-crimes. Accordingly, possession of drugs and weapons could cause severe bodily harm or could jeopardize personal security, while possession of forged currency is harmful in a social or economic context. She drew attention to the fact that the intention of the perpetrator is the most important element of finding someone guilty in committing the crime of possession.

*Du Wenjun* explained the three theories of legal interest protection regarding crimes against property in China. According to the general theory, ownership should be protected, but based on his research on 128 cases of Supreme Peoples' Court, he concluded that the judicial practice does not support the general theory. This phenomenon is closely related to the local criminal culture, which usually takes the place of criminal law by applying customs and usages. The lecturer invited courts to use different theories in different cases to reach fair decisions.

An international forum, especially if it invites researchers from two states, is always a great occasion for all participants to present the results of their academic work and to learn from others and see best practices and reveal similarities and differences between their respective legal systems. Similarities and differences of Chinese and Hungarian criminal legislation, its organisational aspects as well as legal culture often lead to vivid discussions. It can be concluded that the examination and discussion of how practice can evolve into theory or may be taken into consideration by theory, and vice versa –one of the main focus points of the international forum – can lead to new legislative and judicial solutions.

After the sessions all participants, especially the heads of the universities and research institutes agreed that the professional relationship between them was worth deepening and that a lot of current problems and issues of international relevance in which could be discussed further in the near future.