

CULTURAL RIGHTS WITHIN THE HUNGARIAN PENAL LAW

DIREITOS CULTURAIS NO CONTEXTO DO DIREITO PENAL HÚNGARO

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Resumo:

O Direito da Execução Penal no sistema legal húngaro goza de grande especificidade. A regulamentação essencial do Direito de Execução Penal Húngaro está contida na Ordenação 11 de 1979. Esta norma refere-se à efetivação de punições e de sanções. A importância reside no fato de sua vigência ser iniciada no período socialista. Esta norma pode ser confrontada com o direito penal moderno, pois foi modificada diversas vezes após a queda do regime.

Palavras-chave: Execução Penal. Sistema Legal Húngaro. Penas. Sanções.

Abstract:

The Penal Execution Law in the Hungarian legal system is very special. The basic rule of the Hungarian Penal Execution Law is in the Order 11 of 1979. This order is about the enforcement of the punishments and sanctions. It is special because it came into effect during the time of the socialism. This order can be compared to modern rule of law Penal Codes because it was modified several times after the change of regime.

Keywords: Execution Law. Hungarian legal system. Punishments. Sanctions.

The Order 11 of 1979 was established by the Presidium of the Hungarian People's Republic. This Presidium of the Hungarian People's Republic was the so called collective head of state which was the legislative power¹ of the state by or in place of the Parliament.

The democratic legislation returned back to Hungary but the codification of the Penal Law was not a success. A new Penal Code was not accepted yet.

The cultural rights of the convicts changed rapidly in 20 years after the change of regime. These changes were positive and we can say it was a revolution. In this monograph I will present the *de lege lata* rules.

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¹ The hierarchy of the Hungarian law system: Constitution, Law, Order (by the Presidium of the Hungarian People's Republic), Order by the government, Order by the Ministry, Order by the self-government

First I want to introduce the rights of the convicts, then I would like to tell about the cultural rights and at the end of this monograph as a summary I would like to present my *de lege ferenda* suggestions.

1. The rights of the convicts in the hungarian penal law

The situation of the convicts represents the whole essence of the Penal system and the rule of law – said György Vókó in one of his monograph.²

The right of freedom can be and must be ruled and controlled by State if the common good, the peace or the unity of the society demand it. The citizen rights can be only restricted for execution of punishment. The measure of the restriction depends on the rules of the order. It also depends on the measure of avoidance.

The acknowledgement of the rights of the convicts it is the *sine qua non* precondition every action that wants to achieve the resocialization.³

The changes in the general citizen rights have effect on the rights of the convicts.

The legal situation (rights and obligations) of the inmate is ruled by the rules of the panel institutions. The citizen rights can only predominate if it is not converse with the aim of the penal. The matter of the aim is in the Penal Law.⁴

By the time of the execution the rights and obligations of the citizens and the special rights and obligations of the convicts are also in effect.

There are several conceptions to classify the rights of the convicts.

According to the conception of Irén Gaál and Erzsébet Szepesi Máziné the rights of the convicts can be divided into three groups.

These are the followings:

- the absolute guarantee rights
- rights and obligation of the citizens which are suspended

² Vókó, György: Magyar büntetés-végrehajtási jog 4., javított kiadás [TheHungarian Penal Law. 4th corrected issue]. Dialóg Campus Kiadó. Budapest-Pécs, 2004. p. 167.

³ Ibid p. 168.; Korinek, László: Kriminológia I. [Criminology I.] Magyar Közlöny Lap- és Könyvkiadó, Budapest, 2010 pp. 677-678.: „*It is obvious that we have to take care about the juvenile education in the penal institution and not just because of the resocialization. It is the juvenile's right and obligation to learn and government has to take care of it.*”; Czenczer, Orsolya: Az oktatás mint reszocializációs eszköz a fiatalokúak büntetés-végrehajtási intézeteiben [Education as a tool of resocialization in the juvenile facilities]. Börtönügyi Szemle [Prison Review], 2008/3. p. 1-2.; Szitka, Szabolcs: Új lehetőségek felkutatása a fiatalokúak büntetés-végrehajtásában, reszocializációjuk elősegítése érdekében [Research for new methods in the juveniles justice in order to assist their resocialization]. Börtönügyi Szemle [Prison Review], 2008/3. p. 14.

⁴ Vókó, György op. cit. p. 169.

- the altered rights which are controlled because of the order and safety of the penal execution⁵

Irén Gaál and Erzsébet Szepesi Máziné concluded the effect of several constitutional rights of the convicts in the following chart:⁶

Rights which can not be controlled	Rights which can be controlled or altered	Rights which are suspended
<ul style="list-style-type: none"> • Dignity • Right of life • Right of health • Right of to use the mother language • Right of remedy • Right of legal capacity • Right of religion etc. 	<ul style="list-style-type: none"> • Right of public meeting • Right of work • Right of Privacy of Correspondence • Right of education • Right of opinion 	<ul style="list-style-type: none"> • Rights which are effected by the deprivation of civil rights • Right of free movement • Right of living • Right of assembly • Right of elect • Right of parental supervision • Right of strike

According to the concept of György Vokó - who is the most famous expert in Hungary at this field - the rights of the convicts can be divided into the following groups.

- Rights which are not affected by the penal execution
- Rights which can be controlled or altered for the time of penal execution
- Rights which are suspended
- Rights of the convicts

György Vokó also writes about several convicts' rights which can be suspended in time. He also mentioned the problem of using these rights.

1.1. Rights which are not affected by the penal execution

Rights which are not affected by the penal execution are the following: Right of life, Right of dignity, Right of safety, Right of health and social safety, Right of legal capacity, Right of good repute, Right of religion, Right of Privacy of Correspondence, Right of education, and the prohibition of discrimination.⁷

⁵ Gaál, Irén – Máziné Szepesi, Erzsébet: Bűntetés-végrehajtási jog [Penal Law]. Jogi Szakvizsga Kézikönyvek. Novissima Kiadó, Budapest, 2005 p. 91.

⁶ Ibid. p. 91.

⁷ Vokó, György op. cit. p. 170.

According to the (1) § 1. tvr. Bv (Penal Code) which declares the principle of legitimacy: “Punishment and sanction can only be executed if there is a legal forced decision by the court”.

According to the (2) § 2. tvr. Bv (Penal Code):

the right of the convict is to know his/her rights and obligations in his/her mother language or in any other language which he/she speaks. It can not be a disadvantage if he/she can not speak Hungarian”. The basic of this Right is in the Hungarian Constitution. According to the (2) § 68 and 70/A § of the Constitution: “The national and ethnic minorities are protected by The Hungarian Republic. The Hungarian Republic assures them to use there mother language.

The Hungarian Republic assure to any person who is in Hungary that they have their citizens’ rights. The Hungarian Republic assures as well that there is no discrimination because of the language, or the nationality.

According to the (1) § 59. of the Constitution: “Every person has the Right of good repute, the Right of Domicile and the Right of Privacy of Correspondence in The Hungarian Republic”.

This section is also in the Hungarian Penal Code.⁸

According to the (3) § (2) Penal Code: “The convicts must be treated equally”. The basic of this section is in the Hungarian Constitution: (1)⁹ § 66. and a (1)¹⁰ § 70./A

According to the (4) § 2. Penal Code: “The convicts have the right of remedy by the time of penal execution.” The Right of remedy is a wide category. It is wider than

⁸ The Right of the convict: „*Right of good depute, Right of Privacy of Correspondence, Right of information protection and the Right of home.*”

⁹ “*The Hungarian Republic assures the integration of men and women in citizen, political, economic, social and cultural way.*”

¹⁰ “*The Hungarian Republic assure to any person who is in Hungary that they can have their citizens’ and human rights without any discrimination. Especially without discrimination because of race, colour, sex, language, religion, political or other opinion, national or social ancestry, estate or birth or any other difference.*”

the so called complaint law.¹¹ The right of remedy contains the complaint law as well as the appeal. We can find the basics of these in the Constitution: (1),¹² (3)¹³ and (5)¹⁴ §. 57

1.2. Rights which can be controlled or altered for the time of penal execution

Several rights are altered because of the penal execution. So we can not say that these rights have their constitutional effect. This happens because these rights are really altered. These rights are for to rule the convicts life in imprisonment. According to György Vókó: These rules common flavour is that they can not be given from the authorities of the penal execution. If these rules are prohibited the convicts have the right for remedy.¹⁵

According to the (5) § 36. Penal Code: the citizen rights of the convicts altered as follows:

- The right of knowing the common good information can not threaten the order and the safety of the penal institution.
- The Right of work is altered for pro tempora
- The convict can tell his/her opinion but this cannot threaten the order and safety of the penal institution and also can not threaten the national safety.
- Letters can be also controlled because of the safety of the penal institution. The convicts must be informed about the control. Only letters to authorities can not be controlled.
- Phone can also be used but it can also be controlled. The convicts must be informed about the control as well.
- The Right of public meeting, the Right of education and the obligation of national defence are also altered by the time of penal execution.

¹¹ Vókó, György op. cit. p. 173.: According to György Vókó we have to make a difference between the penal complaint, penal law petition and between other complaints and petitions. The penal complaint and penal law petition can be used if the convict has a problem with the penal institution or if the convict has something to ask. These can be transmitter in verbal or on written form. If these complaints or petitions are not in the competence of the head of the penal institution then the department of the penal institution will deal with these petitions and complaints. If the convict is not satisfied with the answer he/she can complaint to the head of the penal institution.

¹² *“Every person at a Court in the Hungarian Republic are equal and has the right to be judged by an independent, rightful and fair Court in public trial..”*

¹³ *“By the time of the criminal procedure every person has the right of to be protected by an attorney at law. The attorney at law can not be accused because of his/her opinion in the criminal procedure..”*

¹⁴ *“In the Hungarian Republic every person has the Right of remedy if the Court’s or other authority’s decision may hurt his/her right or interest. This right can be controlled by law made by the majority of the members of the Parliament.”*

¹⁵ Vókó, György op. cit. p. 173.

The Right of knowing the common good information is altered by the time penal execution and this is because of the nature of the imprisonment.

None of the convicts can have the same conditions as in the free life. This is one the reason why they can not know the common good information.

The present Hungarian economical situation can be seen as well in prison. Only 25-30 percent of the convicts can work in prison. This number has to be extended.

According to the (f) point (5) § (36) Penal Code: this is about the Right of education. This right has connection with cultural rights so I will tell about that in chapter 2.

1.3. Rights which are suspended

The convict citizen rights can only be altered as the legal forced decision by the court says. And only if the punishment is not converse with the aim of the punishment.

First of all the attention must be on the deprivation of civil rights.¹⁶ According to the Act IV of 1978 (Criminal Code) (2) § 62.§: the convict

- cannot participate in an election
- cannot be a public servant
- cannot be elected
- cannot have a function in a public charity and in a society organization
- cannot have military rating
- cannot have interior honours or can not accept external honours

According to the (6) § 36 Penal Code 36.§ (6) the following rights of the convicts are suspended:

- the Right of free movement;
- the Right of assembly;
- the Right of strike
- the Right of election¹⁷

¹⁶ Any person who is sentenced to executable imprisonment for a premeditated criminal act, and is deemed unworthy of the right to participate in public affairs, shall be deprived of these rights. Effective as of the operative date of a sentence for the deprivation of civil rights, the person in question shall forfeit: any membership, position, office, or mandate that of which is prohibited under Subsection, his military rank, furthermore, his domestic decoration and the right to bear a foreign decoration. The shortest duration of deprivation of civil rights shall be one year, its longest duration shall be ten years. The duration of the deprivation of civil rights shall begin upon the sentence becoming enforceable. That period of time, during which the rights affected by the deprivation of civil rights are discontinued pursuant to Subsection (3) of Section 41, and the period of time, during which the convict withdraws himself from the execution of the imprisonment shall not be included therein. If the parole is not terminated, the time spent on parole shall be included in the duration of the deprivation of civil rights.

¹⁷ Víg, Dávid: További gondolatok a szabadságvesztésre ítélték választójogáról [Further thoughts about the

- the Right of parental supervision

The Right of free movement is altered by the 26,¹⁸ 27¹⁹ and 28²⁰ § Penal Code and by the 41-44.§ Criminal Code.

The imprisonment shall be executed in a penal institution, in a penitentiary, prison or correctional institution. The procedure for the execution of imprisonment, as well as the obligations and rights of the convicts, are defined in specific other legislation.

During the term of imprisonment the civil rights and obligations of convicts, which are contrary to the aim of the punishment, in particular those which are also covered by the deprivation of civil rights, shall be suspended.

Life imprisonment shall be served in a penitentiary. Any term of imprisonment for three years or longer shall be served in a penitentiary if imposed for the following crimes:

- a crime against the state or against humanity ;
- acts of terrorism (Section 261), seizure of an aircraft, of any means of railway, water or road transport or of any means of freight transport (Section 262), illegal possession of explosives and destructive devices (Section 263), criminal misuse of firearms and ammunition (Subsections (1)-(3) of Section 263/A), criminal misuse of military items and services, and dual-use items and technology (Section 263/B), affiliation with organized crime (263/C), and criminal misuse of weapons prohibited by international convention (Section 264/C);
- homicide, kidnapping, trafficking in human beings, rape, sexual assault, public endangerment, violation of international economic restrictions and aggravated cases of robbery [Subsection (2) of Section 166, Subsections (2)-(4) of Section 175/A, Subsections

suffrage among the persons sentenced to imprisonment]. Börtönügyi Szemle [Prison Review], 2009/3. p. 79.: According to Víg „the automatically distraction of the election is not adequate with European Agreement of Human Rights”.; Márton, Éva – Princz, Adrienn – Vajcs, Nikolett: A szabadságvesztésre ítélték választójoga [Voting rights of convicted prisoners]. Börtönügyi Szemle [Prison Review], 2008/4. p. 76.: “Nowadays we have to ask is the Hungarian Penal Law adequate with the European Agreement of Human Rights and adequate with the European Court of Human Rights. In Hungarian generally and automatically the right of election is distracted if the convict was sentenced imprisonment. Maybe this should be controlled in Hungary. The European Union will join the European Agreement of Human Rights if the Treaty of Lisbon and the Charta of Basic Rights will come into effect and these rights can be forced. Earlier we mentioned the plan of the codification which could be a good answer of the problem but this means that we have to change the Constitution and 100 of 1997 the Law of election also. Also the 11 of 1979 the Penal Order should be altered to profess that the convict has the right of election.”

¹⁸ In the penitentiary (prison) the convict only with custody can have a walk.

¹⁹ In the prison the convict can have a walk without custody.

²⁰ In the prison the convict can have a walk without custody.

(3)-(5) of Section 175/B, Subsections (2)-(3) of Section 197, Subsections (2)-(3) of Section 198, Subsections (2)-(3) of Section 259, Subsection (3) of Section 261/A, Subsections (3)-(4) of Section 321];

- aggravated cases of criminal misuse of narcotic drugs [Subsection (2) of Section 282, Subsections (2) and (3) of Section 282/A, Subsections (2) and (3) of Section 282/B];
- military offenses carrying a maximum sentence of life imprisonment (Chapter XX).

Any term of imprisonment for two years or longer shall be served in a penitentiary if the convict is a repeat offender or if sentenced for crimes committed in affiliation with organized crime.

Imprisonment shall be executed in a prison - except for the cases under Section 42 - if:

- it has been imposed for a felony;
- it has been imposed for a misdemeanor, and the convict is a recidivist.

The imprisonment for a misdemeanor shall be executed in a correctional institution, except if the convict is a recidivist.

The convict can not decide in which prison he/she can spend his/her punishment. Even the convict can not decide in which cell he/she can spend his/her punishment.²¹

1.4. Rights of the convict from the penal execution

The Rights of the convict from the penal execution are in the (1)-(4) 36.§ and in the 35.§ Penal Code.

The basic requirement is that a convict is a citizen even when he/she is in a penal institute. Because of this we have to protect the convicts' basic rights.

The so called principle of smallest interference is necessary. This principle is a sufficient malum. This principle must have an effect on the imprisonment and also on the rules in the penal institutes.²²

It is also a basic requirement of the rule of law to protect the Right of human dignity.

The correlation of the rights and obligations within the penal execution shows the need for that the rights of the convicts are obligation for the penal authorities.

²¹ Vókó, Görgy op. cit. p. 179.

²² Ibid. p. 180.

If the exercise of these rights is converse it can have adverse effect on the convict's personality.

Several special rights are within the penal execution. These can be divided into the following groups:

- The Right of social connections (visit, package, phone, exeat)
- The Right of correct accommodation, The Right of food, The Right of clothes and the Right of a hygiene conditions
- The Right of to be prepared for riddance

2. The cultural rights of the convicts

Our Penal Code does not content the cultural rights of the convicts' *expressis verbis*. We can not find in our Penal Code a section with the title: the cultural rights of the convicts. But this not means that the cultural rights of the convicts are not assured by the penal authorities.

The Hungarian legislation mentioned several rights of the convicts in the Penal Code and these rights are beyond doubt cultural rights. Only we not call them cultural rights.

The convict has the right of education. But of course this right is controlled. This right means not that the convict can appear in every university or college. By the time of the "Culture in prison-prison culture" international conference which was held in the University of Pécs Faculty of Law one day a convict came in irons to pass his/her roman law exam. Nowadays persons can not study in the Faculty of Law without the so called moral certificate.

Unfortunately the citizens and some professionals are on the opinion that the state should not allow the convicts to learn. There are better ways to spend the public funds. These persons forget that the learning is the most important factor of resocialization.²³

The right of social connections is also an important factor of resocialization. The convict's connection with the outside world is typically one sided. These connections depend on the type of the penal institution. The institutions have to take care that convicts are informed about the news of the world, politic, economic, social and cultural life. Because of this if there is a possibility in every cell has to be a TV and a radio. Also the

²³ Vókó, György: Európai büntetés-végrehajtási jog [European Penal Law]. Dialóg Campus Kiadó. Budapest-Pécs, 2006 p. 220.: *"The education of the convicts is a serious question of the convicts' regime. It is the penal institution obligation to make good education programs and assure the convicts to participate. The purpose of the education has connection with the human and social demand of the convicts. The education is the most important factor of motivation."*

convict can have his/her own TV or radio.²⁴ The convict can use the prison's library and if he /she have money he/she can also order press on his/her costs.

Another cultural right of the convicts are the right of religion. Every convict has the right to be taken care by a cleric.²⁵

The convict has the right of ecclesiastical marriage, baptise and ecclesiastical funeral. Of course the convict can be forbidden from the service if he/she threatens the order and safety of the penal institution. Above that the right of service can not be controlled. The convict has the right to meet the cleric without control. This can not be forbidden. The penal institutions have the obligation to assist to the clerics and social workers because they help the convicts to be prepared for riddance.

The right of to use the native language it is also a cultural right of the convicts. This right is significant for the foreign convicts.

The convict has the right of

- knowing his/her rights and obligations in his/her mother language or in any other language which he/she speaks. It can not be a disadvantage if he/she cannot speak Hungarian.
- to use his/her mother language by the time of penal execution.

The basic of this right is in the Constitution. According to the (2) § 68 Constitution:

The national and ethnic minorities are protected by The Hungarian Republic. The Hungarian Republic assure them to participate collective in public life, to take care of their culture, to use their mother language, to have education on their mother language and to have their own names in their language." According to the (1) § 70/A. § Constitution : „The Hungarian Republic assure to any person who is in Hungary that they can have their citizens' and human rights without any discrimination. Especially without discrimination because of race, colour, sex, language, religion, political or other opinion, national or social ancestry, estate or birth or any other difference.

As in the criminal procedure in the penal execution everybody can use his/her mother language. The need of the interpreter has connection with the formal

²⁴ Vókó, György: Magyar büntetés-végrehajtási jog [The Hungarian Penal Law] p. 183.

²⁵ Horváth Márta– Körmeny András: A fogvatartottak vallásgyakorlása – jogi szabályozás hazánkban és külföldön [Practice of religion of the inmates – legal regulation and application of law in Hungary and abroad], Börtönügyi Szemle [Prison Review], 2009/3. p. 25: “are no doubt the success story of the penal law. The presence of the clerics in the penal institutions conspicuous. The clerics make service and take care of the convicts' soul. Also the clerics participate the preparation of the convicts for riddance and also in the aftercare of the convicts.”]

administration so the cost of the interpreter is the obligation of the penal institution. But if the convicts use the interpreter for private business they have to pay the costs. (This is similar with the Hungarian convict who can not speak any foreign language and want to speak with international authorities. In this case he/she has to pay the costs.)

The right of using the mother language and to use an interpreter has connection with the foreign convicts' rights and obligations.

The o. point (1) § 36 Penal Code contains the right of the foreign convict to turn to their consulate.²⁶

The rules of the consuls are in the so called Vienna Agreement.²⁷ This agreement contains the conditions when, where and in what conditions can a consul have connection with their inmate citizen. It is important that the foreign inmate has to ask for the meeting with the consul. If the foreign inmate does not ask this there is no way to meet the consul. If the foreign inmate asks this then they can meet in similar condition as the attorney at laws meet their clients. The foreign inmate can ask for press in his/her mother language if this newspaper is not forbidden for any reason.²⁸

The convicts' connection with their relatives is also a cultural right. According to the b. point (1) § 36. the convict has the right of correspondence with his/her relatives and with other persons who are allowed by the penal institution. The letters content and frequency can not be controlled. Above that the convict has the right to have visitors in every month. The convict should speak from cell with his/her visitor if the order of the prison demands it.

The right of opinion demonstration of the convict as I mentioned above it is an altered right but also a cultural right. The convict has the right to make a statement. The head of the penal institutions decided in 3 work days to allow or to not the convict's statement. If the 3 days pass without any answer than the statement is allowed. The statement can be denied if the statement would harm the national safety, or it would be a crime or it would threaten the order and the safety of the penal institution.

The head of the penal institutions immediately informs the press if the convict's statement was allowed. The head of the penal institutions also inform the press about the rules of the connection.

If the convict's statement was denied the decision about that must be in written form and justified. This decision must not contain qualifier data. This decision can be appealed by the convict's attorney at law within 3 days. This appeal must be sent

²⁶ Vókó, György: Magyar büntetés-végrehajtási jog [The Hungarian Penal Law] p. 171.; Papp Géza: Az ügyvédi és a fogvatartotti jogok érvényesítésének aktuális kérdései [Actual questions of exercising the rights of the lawyer and the inmate]. Börtönügyi Szemle [Prison Review], 2008/2. p. 29.

²⁷ 13 of 1987. order about the connection with consul, the agreement was accepted in Vienna on the 24 of April.

²⁸ Vókó, György: Magyar büntetés-végrehajtási jog [The Hungarian Penal Law]. p. 171.

in to the penal institution and the prison will transmit it to the penal judge. The judge will decide within 5 days. The penal judge's decision can not be appealed.

The statement can be controlled by the head of the penal institutions or other person who was appointed by the head of the penal institutions.

3. Summary

The right of the convicts; especially the cultural rights of the convicts in the Hungarian Penal Law are ruled adequate to the international expectations. Of course this means not that we can not make better the situation of the convicts'. The expansion of the convicts' rights, especially the expansion of the cultural rights is a good way to derogate the damages of the incarceration.²⁹ About that there is no doubt within the professional circle. Only that convict will follow the rules who was treated legally.³⁰ Alexander Lacassagne - who was a classic criminal scientist-, said: "the society has such criminals which the society deserves".³¹

Maybe we should consider using clerics who are paid by the state. This will be an expense of the budget but also it will be a huge benefit in preventing crime and in resocialization.

Maybe the cleric's role should be extended also. For example: in case of the court releases a person serving a definitive term of imprisonment on parole the judge should need the opinion of the cleric.³²

The right of election in case of the convicts is solicitude in constitutional way. Maybe David Víg suggestion is to brave nowadays (his suggestion is that the convict should also elect³³) but it would be useful if we have a debate on this term.

To know a nation we should know the prison of the nation – said the great human rights activist Nelson Mandela. The nature of a society can be decided by the way

²⁹ Papp, Gábor: A prizonizációs jelenség elméleti háttere – kritikai megközelítésben [The theoretical background of incarceration – in critical approach]. *Börtönügyi Szemle* [Prison Review]. 2009/2. p. 53.: „Only one examination was held in Hungary which had connection with the prionization. It was the research of László Huszár (1997) and he used according the Thomas the three requirements of prionization: the criminal identity, the connection with the prison establishment and aim and the priority of the connection of the convicts.”

³⁰ Szűcs, András: Helyzetkép a fogvatartottakkal kapcsolatos bánásmód törvényességéről [The view of the treatment of the convicts]. *Börtönügyi Szemle* [Prison Review] 2007/3. p. 79.; Kondorosi, Ferenc: A büntetőjogi kodifikáció és a börtönügy időszerű kérdései. [The questions of the codification of the criminal law and of the prison situation] *Börtönügyi Szemle* [Prison Review] 2006/3. p. 18.: „The aim of the government is to make such a penal law code to assure the prognostic establishments in the judgement of the Court because of the interest of the society and to take care of the convict's human right.”

³¹ Korinek, László op. cit. p. 60.

³² Horváth Márta – Kőrmendy András op. cit. p. 46.

³³ Víg Dávid op. cit. p. 81.

the society treats the low status people and not by the way the society treats the highest status people.³⁴

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