

# Economic Bribery as a Part of Economic Criminal Law and a Concomitant of Political Corruption

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## Abstract:

*Corruption is a term used by criminology, but the new Hungarian Criminal Code included it as a concept of substantial criminal law since it bribery and the related criminal acts are discussed under the title of crimes of corruption.*

*In case of bribery two actions are required and confronted, meaning that it has at least two subjects: an active and a passive briber. The active briber is the one for whom a decision is important. The passive briber is the one who has the right to pass the decision. The active briber gives or promises a kind of advantage or price and in exchange therefore this person expects the passive briber to pass a decision as it was required by the active briber. The bribed person accepts this advantage and usually decides according to the expectations of the active briber. This process is like a business agreement, and unfortunately is almost as usual in the everyday life of Hungary, Europe and China as well.*

**Keywords:** *economic bribery; administrative corruption; the new Hungarian Criminal Code; high rate of invisibility.*

Crimes under the Chapter on Purity of Public Life have a common legal object, namely the lawful, unbiased and un-influenced operation of state, social bodies and official and other relevant persons with public tasks. „In Hungary the political and economic change was accompanied by a widespread corruption. The indicators of corruption are still the shortage or wrong distribution of resources, the overly bureaucrat legal and administrative system, and the network of mutual favors. The society went through significant changes that undermined the generally accepted norms of conduct (loosening of morals) and strengthened the tendency of corruption. Besides, the structure of corruptive acts was changed in certain sectors by transfer from controlled economy to liberal market economy. In the shortage economy of socialism, the path of corruption led from the buyer to the seller in order to obtain limitedly available goods and services (quality foods and imported goods). Following the change of regime, corruption was directed from the seller (contractor) to the buyer (client) in certain sectors of life (business life, public procurement etc.).

In Hungary the most common forms of corruption are of an administrative nature, and they derive from the interweave of political and economic interests.<sup>1</sup> Policemen, tax and customs inspectors are often accused with fraud, or caught in such criminal acts thanks to the strengthening of monitoring of internal affairs.<sup>2</sup> In the health system

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<sup>1</sup> László Kóhalmi: A gazdasági növekedés gátlótényezője: a korrupció [An obstacle of economic growth: corruption]. JURA 2013/2. pages 100-101.

<sup>2</sup> Balázs Elek: A bíró büntetéskiszabási szemléletének jogalkotói alakítása. Kriminológiai Közlemények 70. Válogatás a Magyar Kriminológiai Társaság 2011. évben tartott tudományos rendezvényein elhangzott előadásokból. 2012. Budapest, pages. 20-33.

several doctors use the apparatus of public hospitals for their own benefit in order to get an income. 77% of the respondents of the enquiry thought that it is a «generally accepted» custom to give gratitude-money or tip to the doctor of charge for a supply that they are entitled for free. This is regarded as an unlawful practice neither by the patients nor by the doctors themselves in most of the cases. According to the public opinion, policemen – especially those who carry out public road control, inspections of tax fraud and drugs and customs and revenue officers – are connected mostly to corruption.

The 39% of the respondents thinks it is a generally accepted custom to pay in order to avoid a fine for a traffic misdemeanor, and 28 % thinks that bribery for importing and exporting goods is «typical». It is a generally accepted custom to pay for a fast registration and incorporation at the registry of title deeds or licenser authorities, especially in traffic-related areas”.<sup>3</sup>

A typical unfortunate characteristic of corruption natured crimes is the high rate of invisibility. The crimes that came to the cognizance of the authorities vary between about 300-1000.

The new Criminal Code simplified the structure of the criminal offences, so it regulates crimes against the purity of public life and international public life in once chapter, since the criminal act and sanctions were the same regarding these crimes. Therefore, the new Criminal Code at the end of each criminal offence, where it is necessary for the protection of international public life and the legal acts of the European Union, gives a separate paragraph for the case when the crime is committed in connection with international officials. The new Criminal Code introduces active bribery as „bribery” and passive briber as „accepting bribery” under a separate Title. A significant change in comparison to the past Criminal Code of Act IV of 1978 is that instead of the suspending the criminal liability the new Criminal Code only makes it possible to unrestrictedly mitigate or omit the sentencing of a person who co-operates with the authorities in investigating crimes of bribery.<sup>4</sup>

The new Criminal Code regulates the following crimes under this Chapter:

- bribery
- accepting bribery,
- bribery of officials,
- accepting bribery as public official,
- bribery in court proceedings and administrative proceedings,
- accepting bribery in court proceedings and administrative proceedings,
- failing to report bribery,
- buying of influence,
- influence peddling.

In this study we only examine economic corruption and the criminal equivalents thereof, bribery and accepting bribery. The Hungarian economy is infiltrated deeply by corruption, but it is not true to attribute this to the change of regime and reintroduction of capitalism. The problem lies in the fact that we are witnessing the spreading of corruption in the past 25 years irrespective of the governing political party.<sup>5</sup> Certain

<sup>3</sup> [http://www.transparency.hu/KORRUPCIOROL\\_ALTALABAN](http://www.transparency.hu/KORRUPCIOROL_ALTALABAN) (15<sup>th</sup> March 2013).

<sup>4</sup> According to the Reasoning of Act C of 2012.

<sup>5</sup> László Kóhalmi: Let's talk about the political corruption in Hungary honestly. Analele Universitatii de Vest Din Timișoara. Drept 1/2010. pages 72-73.corruption.

economic crimes are hardly shown by the official criminal statistics, but they have a standard name. For example, money laundering is called „the transactions need some paperwork”, the money paid in political and economic corruption is often referred to as „constitutional expenses” during discussions of contractors, but sometimes they say „we take some albanian grease” to the administrator at the self-government.

## 1. The term and forms of economic corruption

Economic corruption is defined differently by many.<sup>6</sup> The term created by Iván Münnich is maybe the most accurate one, which says that economic corruption is decision competence offered for sale.

Basically it arises in three areas:

- corrupt practices related to privatization. The privatization of companies and state farms was accompanied by the suspicion of corruption, but only a few cases ended up at court. It is a fact that sometimes certain syndicates and politics related groups got non-losing productive and supplying plants for a strikingly cheap price, and at other times crediting related to privatization gave opportunity to form corruptive connections.

- public procurement, which placed corruption to a higher level: now not the employee brings an invoice of a higher value of a purchased computer, but for example the financial executive of the public institution gets some hoops of cash in a briefcase from the company delivering the computers, as a gratitude... Mariann Kránitz differentiates between two types of corruption regarding public procurement. On the one hand the negligent management of legal provisions and on the other hand their evasion. It is quite common method that there is only one competitor in an invitation-based public procurement, who makes an actual offer and arranges for other competitors whose participation is only pretense.<sup>7</sup>

- the business segment. Small and middle businesses of moderate capital are usually involved in sustenance corruption, for example black market employment, tax fraud, pro forma invoices, refunding after orders, cartel agreements. In case of larger companies the aim of corruption is usually the increasing of profits of the company or individual profiting of an employee of the company. The risk of corruption lies in the individual actions and cartel agreements among large companies. The first one includes the case where the buyer gives preference to the supplier who promises some kind of excess-supply. In the latter case, greatly acquainted companies agree who bring what to the purchase.<sup>8</sup>

Mariann Kránitz during analyzing each forms of economic corruption highlights the contamination of building industry, public health, agriculture and food industry.

<sup>6</sup> László Kóhalmi: New trends in Hungarian economic crime. In: *Criminalitatea Economică În Contextul Crizei* (Coordonatori: Viroel Pașca – Flaviu Ciopec – Magdalena Roibu). Universul Juridic S.R.L. București. 2013. pages. 38-40.

<sup>7</sup> Mariann Kránitz: A korrupció utolsó 25 éve Magyarországon [The last 25 years of corruption in Hungary] *Ügyészek Lapja* 2006. 5. szám pages 38-39.

<sup>8</sup> Zoltán Mirgay Dr.: A gazdasági korrupció közelmúltja és jelene hazánkban, nemzetközi kitekintéssel [The recent past and present of economic corruption in Hungary with and international outlook] 2008., kézirat page 28.

However, we meet corruptive situations along the everyday life as well, for example the bribery of public supervisors, tax inspectors and purchase of language certificates.<sup>9</sup>

## 2. The outline of the regulation on bribery

### **Bribery**

#### **Section 290**

**(1) Any person who gives or promises unlawful advantage to a person acting for or in the interest of an economic organization, or to another person on account of such a person, to induce him or her to breach his or her duties is guilty of a felony punishable by up to three years of imprisonment.**

**(2) The punishment shall be one to five years of imprisonment if the crime defined in (1) is committed regarding a person acting for or in the interest of an economic organization with the power to take measures independently.**

**(3) The punishment shall be**

**a) one to five years of imprisonment in case of (1); and**

**b) two to eight years of imprisonment in case of (2)**

**if the bribery is committed as a criminal conspiracy or in the manner of a business operation.**

**(4) Any person who commits bribery regarding a person acting for or in the interest of a foreign economic organization shall be punishable in accordance with (1)-(3).**

**(5) The punishment may be reduced without limitation – or dismissed altogether in cases deserving special consideration – if the offender of the crime defined in (1) reports the act to the authorities before the authorities are informed of it from any other source, and reveals the circumstances of the criminal act.**

The protected legal object of this crime is the purity of public life (and international public life) and the purity of economic and social relations.

The object of the committed crime is the unlawful advantage, which can be financial, personal or even moral. The most typical is financial gain, and within this the most liquid is cash. Other very typical forms of financial gain:

- money deposited to a bank account (for example transfer from an offshore account to another offshore account),

- trust, loan<sup>10</sup> (in case of a free loan a money grant, and in case of a loan on interest the fact of granting credit can be regarded as an advantage. It is important – from the point of view of confiscation – that it is a real or false loan - BJD 3923.),

- cancelling a debt.

<sup>9</sup> Mariann Kránitz: A korrupció utolsó 25 éve Magyarországon [The last 25 years of corruption in Hungary] *Ügyészek Lapja* 2006. 5. szám pages 38-39.

<sup>10</sup> Granting a loan is also financial advantage. (BH 1989/431.).

Personal advantage can be:

legal transaction subject to certain liabilities a (for example a buying and selling with better conditions than at the market. A legal transaction subject to certain liabilities – *e.g.* contract of sale – can be in certain cases a financial or maybe personal advantage. - BH 1981/268., BH 1983/186., BH 1994/62.),

securing a possibility for an income (Typically a passive briber for one of his family member or relative. Personal advantage can be a kind of employment possibility with an income, *e.g.* promise of a part-time job - BJD 3911, 6222, 8013.),

entering into sexual relations (typically between a policeman and a prostitute).

It is necessary to introduce a problematic question that was challenged by the practice of the courts: the problems of „commercial gifts”. We think that the value of the received advantage must always be evaluated in any aspects of bribery, and so should the motivation of the bribed person be examined whether the advantage is suitable for directing his motivation. The practice of the courts cannot go in the opposite direction than the social reality that there are „commercial gifts” and „customary quantity” of gifts in our everyday life.<sup>11</sup>

The advantage in these cases does not count as illegal due to the lack of danger to society and if two conditions met at the same time:

it has a very little value that is incapable of motivating the recipient (an example is the formerly mentioned commercial gift),

the gift is not given upon the request of the recipient and the recipient does not give anything in exchange.

An action can constitute a crime if it poses a danger to the society; it is a condition element of a crime. It is an objective and social category.<sup>12</sup> „The behaviour itself cannot be considered, consideration can only be taken due to the caused or aimed effect. We regard an act as useful or harmful depending on the caused or foreseeable effects. An act is dangerous, if the situation it causes is more disadvantageous than the actual. An act is dangerous to the society if the caused or foreseeable situation is more disadvantageous for the society”.<sup>13</sup>

The danger to society is important for the legislator since only those acts should be considered as crimes which mean a danger to the society to a degree that the tools of other fields of law are not enough.<sup>14</sup>

„However, the danger to the society is a meaningful category for the law enforcement institutes as well – according to the point of the unified legal literature. The object of the legal dispute is and always has been whether the legislator is entitled to establish, if an act violating the law lacks the danger to society – without having any reason for exclusion of criminal liability stands-, that is, the only result of such establishment would mean that the act does not constitute a crime. In this regard the

<sup>11</sup> See: the case of Csaba Molnár at the Metropolitan Court of Appeal (=JeMa 2010. 1. szám pages 33-38.).

<sup>12</sup> Objective, since this is the only concept of a crime that does not depend on the decision of the legislator. This is not created by the legislator; it is only recognised and reacted to. It is a matter of content as well, cause it answers the question why the legislator rendered the given behaviour to be criminally punished.

<sup>13</sup> József Földvári: Magyar büntetőjog Általános rész [Hungarian Criminal Law General Part] Osiris Kiadó Budapest, 2002. 81. oldal.

<sup>14</sup> This can be deducted from the principle of the basic principle of subsidiarity, as it was referred to Miklós Holán.

legal practice is uniform and published many cases where the court established the judgment on acquittal on the lack of an element of a crime.”<sup>15</sup>

Another question must be settled with regard to unlawful advantage, being the problem of confiscation of property. We agree that when the bribed person gets the advantage during a corruption crime from the active briber the property originating from the crime, gained during or in connection to the commitment of the crime should be subject to confiscation according to section 74. § para. (1) point a). Confiscation cannot be ordered against the passive briber, if he did not get a financial gain during or in connection with the committed crime. However, if the financial gain is already not in the possession of the active briber, confiscation should be ordered against him on the property that was the subject of the given financial gain. A property that was only promised to be given cannot be confiscated on the legal basis, since it was not gotten by anyone during a crime or in connection thereto and it did not leave the possession of the active briber and so confiscation of property cannot be ordered.”<sup>16</sup>

The subject of the crime can be anybody. The crime is intentional (the intention being the breach of duty), therefore it can only be committed intentionally and only with direct purpose.

The crime has two acts of commitment:

- giving advantage,
- promising advantage.

The advantage means a positive change to the situation before the crime was committed, and it is unlawful, if it is capable of motivating or influencing the concerned person. The advantage shall be given or promised to a person acting for or in the interest of an economic organization, or to another person on account of such a person. According to section 459. § para. (1) point 8. economic organization shall mean **an economic organization listed in the Civil Code, as well as organizations which, according to the Civil Code, are subject to the provisions on economic organizations concerning the civil relations of such organizations in connection with their economic activities**

According to the Civil Code economic organizations are: state-owned enterprise, other state-owned economic organizations, co-operative, building society, European co-operative society, economic company, European company, union, enterprises of certain legal entities, affiliated company, water management society, forest management society, executive office, one-person firm, and personal contractor. Provisions on economic organizations prevail to financial managing activities of local governments, publicly financed institution, association, public body and foundation, unless the law says otherwise.

The new term „a person acting for or in the interest of an economic organization” includes a wider range of people and at the same time it is exact and easily interpreted in light of legal security.

The crime can be committed in national and international relations according to paragraph (4).

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<sup>15</sup> Ervin Belovics: A jogellenesség és a társadalomra veszélyesség konfliktusa [Conflict of illegality and danger to society] (=Iustum Aequum Salutare III. 2007/3. szám 36. oldal).

<sup>16</sup> Belovics-Molnár-Sinku: Büntetőjog II. a 2012. évi C törvény alapján [Criminal law II according to Act C of 2012] HVG ORAC Kiadó Budapest, 2012. 428. oldal.

The following aggravated cases are provided by the Criminal Code, partly in conformity<sup>17</sup> with the past Criminal Code: It is an aggravated case when bribery is committed by a person acting for or in the interest of an economic organization with the power to take measures independently. Such person is someone who has the right to decide on important questions on the rights and obligations of the firm and persons related to the firm. For example, the manager of the economic organization commits the felony of bribery of a person acting for or in the interest of an economic organization, if he gives possession of a car to the manager of the financial institution – in order to get a large sum of loan (BH 2004/6.).

It is another aggravated case, if bribery is committed as a criminal conspiracy or in a business-like manner (See explanatory provisions of 459. § para. (1) points 2. and 28. of the Criminal Code.)

The counts of bribery follow the number of persons to whom the unlawful advantage is given or promised (BH 2006/178.).

The punishment can unlimitedly mitigated - or altogether in cases deserving special consideration – if the offender of the crime defined in (1) reports the act to the authorities before the authorities are informed of it from any other source, and reveals the circumstances of the criminal act. With this regulation the legislator gives the possibility and responsibility of decision making to the judge, so he can decide on finding the perpetrator criminally liable and impose a punishment after examining the specific circumstances of the case.<sup>18</sup>

### 3. Accepting a Bribe

#### Section 291

**(1) Any person who requests an unlawful advantage in connection with his or her activities carried out for or in the interest of an economic organization or**

<sup>17</sup> The new Criminal Code establishes as aggravates cases if the bribery according to paragraph (1) or (2) is committed in a criminal conspiracy or in a business-like manner. This way the legislator meets the requirements of the practice to impose heavier sanctions to such crimes. (According to the Reasoning of Act C. of 2012).

<sup>18</sup> One of the most important change of the new Criminal Code is that the punishment can unlimitedly mitigated - or altogether in cases deserving special consideration – if the offender of the crime defined in (1) reports the act to the authorities before the authorities are informed of it from any other source, and reveals the circumstances of the criminal act. GRECO Hungary in its third national assessment – according to the standards formed by its practice – proposed the following: „evaluating, and revising the automatic, obligatory and full exemption from criminal liability that is granted for the active and passive briber who committed the act in national private and public sector in case of voluntary restitution. GRECO considered the following as problems in the Hungarian regulation:

- There is no time limit for reporting the crime, it is enough, if it happens just before the authorities get knowledge thereof;

- voluntary restitution means an automatic and total immunity, so there is no possibility to evaluate the individual circumstances of the case; for example why the perpetrator reported it to the authorities;

- there is no possibility for the court to revise this, this means that not the judge decides whether this favour is applicable or not.

Therefore the new Criminal Code changed the old rules, so it is not automatic and the court can decide to what extent it can be taken into consideration taking into account the specific circumstances of the case. There is still no exact time limit to report the crime, since this favour can always be reasoned by a successful investigation of bribery until the authority did not get knowledge from any other source about the crime. (According to the Reasoning of Act C. of 2012.).

accepts such advantage or a promise thereof, or agrees with a party requesting or accepting the advantage on his or her behalf, is guilty of a felony punishable by up to three years of imprisonment.

**(2) The punishment shall be:**

a) one to five years of imprisonment if the offender breaches his or her obligation in return for the illegal advantage;

b) two to eight years of imprisonment if the crime defined in (1) is committed as a criminal conspiracy or in the manner of a business operation.

**(3) If the offender is a person acting for or in the interest of an economic organization with the power to take measures independently, the punishment shall be**

a) one to five years of imprisonment in the case defined in (1);

b) two to eight years of imprisonment in case defined in (2) a); and

c) five to ten years of imprisonment in the case defined in (2) b).

**(4) Any person who commits the crime defined in (1)-(3) as a person acting for or in the interest of a foreign economic organization shall be punishable in accordance with (1)-(3).**

**(5) The punishment may be reduced without limitation – or dismissed altogether in cases deserving special consideration – if the offender of the crime defined in (1) reports the act to the authorities before the authorities are informed of it from any other source, hands over the unlawful advantage received or its value to the authorities and reveals the circumstances of the criminal act.**

#### 4. Explanatory Provision

##### Section 292

**For the purposes of Sections 290-291, 'foreign economic organization' shall mean an organization vested with legal personality according to the laws of its home country, which is entitled to perform economic activities in its existing organizational form.**

The protected legal object of this crime is the purity of public life (and international public life) and the purity of economic and social relations. The object of the committed crime is the unlawful advantage (For the explanation thereof see above.).

The subject of the crime is a person acting for or in the interest of an economic organization, or to another person on account of such a person. So the subject of the crime is quite specific but still wider than in the former Criminal Code.

„It must be noted that the procedure and obligations of the person acting for or in the interest of an economic organization are based on the rule of law, internal regulations based thereof, activity descriptions, agreements. Only those kind of obligation can establish the crime which are provided by law, enforceable upon law, and there is a public interest to fulfill them legitimately. Therefore, the obligations derived from social, institutional and union memberships that are based only ground rules are irrelevant from the point of view of law, and cannot lead to establish bribery.”<sup>19</sup>

<sup>19</sup> Belovics-Molnár-Sinku: Büntetőjog II. a 2012. évi C törvény alapján [Criminal law II according to Act C of 2012] HVGORAC Kiadó Budapest, 2012, page 431.



This crime can be committed only intentionally, like other corruption-related crimes.

The crime has three acts of commitment:

- asking for unlawful advantage,
- accepting the unlawful advantage or the promise thereof,
- agreeing with a party requesting or accepting the advantage.

In case of asking for the advantage the passive briber is the one who initiates the bribery and the crime is committed thereby. In case of accepting the advantage the advantage goes from the possession of the active briber to the passive briber. Accepting the promise of the advantage means accepting a foreseeable future advantage. Agreeing with a person who accepts bribery is only punishable, if the advantage is given or promised to a person acting for or in the interest of an economic organization, or to another person on account of such a person, and the person agrees with this. This means that no one can be found guilty in economic life for agreeing with the corruption of his colleague.

It must be noted that corruption-related crimes can be committed usually verbally, and in most cases it is not necessary that the advantage exchange owners actually.

Due to paragraph (4) a person acting for or in the interest of a foreign economic organization can be punished in the same way as the crime was committed nationally.

It is punishable more severely, if accepting bribery is committed in the following manner:

the offender breaches his or her obligation in return for the illegal advantage,  
the crime is committed as a criminal conspiracy or in a business-like manner,  
the offender is a person acting for or in the interest of an economic organization with the power to take measures independently

Regarding the aggravating cases and the counts of criminal acts we would like to refer to the explanations given above regarding bribery.

There are three problems that arose regarding accepting bribery in the Hungarian judicial practice<sup>20</sup>: commission of the sales clerk, bribery in relation to crediting and gratitude money paid to the doctors.

A sales clerk is a person who is employed by a firm or requested as an outside contractor and who can get a certain amount of commission for his or hers tasks. The suspicion of a crime can arise when the commission is disproportionate to the tasks carried out, but it is really difficult to prove.

Crediting is a quite infected area from the point of view of corruption. In reality a loan under favorable conditions can be granted even for the lack of legal conditions, if 7-10% corruption money is paid to the adequate person or persons.

The criminal liability of a doctor can be established, if during his practice he or she asks for or accepts illegal advantage. The viewpoint of the former Criminal Code was the following:

Point II. 15. of Medical Code of Ethics of the Hungarian Medical Chamber gives the definition of gratitude money as of 1<sup>st</sup> January 2012: „Gratitude money or service is any kind of advantage or profit which is given to the doctor by the patient or his or her relative after the treatment subsequently without a request and only if it does not influence even indirectly the quality of treatment. Money or other advantages requested,

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<sup>20</sup> Belovics-Molnár-Sinku: Büntetőjog II. a 2012. évi C törvény alapján [Criminal law II according to Act C of 2012] HVGORAC Kiadó Budapest, 2012. pages 432-433.

expected, offered or accepted shall be separated from gratitude money, since those acts are illegal and constitute a very serious ethical offence.”

A doctors do not count as a person acting for or in the interest of an economic organization with the power to take measures independently, so they can only commit the basic case of accepting bribery, and only if they request beforehand or they breach their obligation. If the doctor accepts the voluntarily offered gratitude money subsequently, he can only commit disciplinary offence, not a crime.

Since the new Criminal Code, doctors cannot ask for and cannot accept gratitude money since it constitutes bribery to ask for illegal advantage, or accepting beforehand or subsequently such advantage. The only reason in a doctor's defense who subsequently accepted gratitude money is that gratitude money – if it is given subsequently – fulfills the terms of the Medical Code of Ethics, so it does not count as illegal advantage.

## 5. Conclusions

I would like to close with some comprehensive remarks. Economic bribery, as piece of economic criminal law in a wider sense raises one question: Has criminal law any ground in economics? I think there is. I say this despite the fact that I can imagine an efficiently operating economy without the intervention of criminal law. I think besides criminal law, administrative sanctions should be convenient to protect economy, if the following two conditions are met:

- business culture amongst normal conditions with a high moral level,
- the upper limit of the foreseeable financial sanctions are determined in a way that they are multiple amount of the obtained or intended illegal profit.

Under such conditions there would be no need for economic criminal law.<sup>21</sup> In Hungary unfortunately none of these conditions are met and only the change of the second one might be expected in the close future. So economic criminal law is and will be necessary for quite a long time.

Economic criminal law is suitable to direct the acts of economic operators in a direction that is expected by the society. However, this role can only be realized, if the majority obey voluntarily or for the fear of the sanctions the rules. Economic criminal law would lose its role of adjusting behaviors, if the majority violates its economic rules (for example they constantly commit tax fraud). We almost hardly can reprove a caught perpetrator when they ask why a criminal procedure was initiated against them from among those thousand or ten thousand who do the same. The situation can be worse when people see that leading politicians and members of the economic élite do not regard the rules of economic criminal law obligatory regarding themselves. In such case economic criminal law rather gives the impression of another risk for the persons in the market<sup>22</sup>. This is a dangerous process, if there are too many side effects; it questions the existence of the use of the medicine after a while.

<sup>21</sup> László Kóhalmi: The never-ending fight: economic and political corruption in Hungary. *DANUBE: Law and Economics Review* 4 (1) 2013, pages 81-82.

<sup>22</sup> Barbara Herceg – László Kóhalmi: The fight against corruption in Hungary and Croatia. In: *Contemporary Legal Challenges: EU – Hungary – Croatia*. Tímea Drinóczi, Mirela Župan, Zsombor Ercsey, Mario Vinković (eds.). Faculty of Law, University of Pécs and Faculty of Law, J.J. Strossmayer University of Osijek. Pécs – Osijek. 2012. -9) pages. 388-389.