Economic policy, criminal policy and economic crimes

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Abstract

Economic policy and criminal policy have many conection points. Criminal policy today cannot be regarded as an independent science, but as a separate area within criminal sciences. It is part of the general policy of the state, including legal policy. The concept of response strategies for offenses already committed. Criminal policy guides criminal legislation, but plays only a modest role in law enforcement.

Finding a correlation between economic indicators and crime is not a recent research topic. This essay examines the relationship between the economic policy and the economic crimes int he period of the economic crisis.

Keywords: economic policy, criminal policy, economic crimes, economic crisis, crime trends, macroeconomics, penal code, statistics, European Union

I. Economic policy and criminal policy

Today, economic policy is closely linked to macroeconomics. We mean the state's views, decisions and decisions in the most general sense of the term economic policy, which the state (government) uses to influence the economy in order to achieve its social and political goals. Economic policy has a significant influence on the decisions and room for maneuver of society and economic actors. "The XVIII. century and nineteenth century In the early 20th century, liberal thinkers demanded that the state abstain from economic interventions. At the same time, however, the state usually defines not only the legal-institutional system influencing the development of economic processes (system control policy), but also certain variables of this process (process control policy). Economic policy intervention is, in fact, a different phenomenon, with varying degrees of need and degree".

The two most important areas of economic policy are fiscal and monetary policy. The most important element of fiscal policy can be realized by changing the expenditures and revenues of the central budget. (In addition, public finances include segregated state funds, social security and local government budgets, but these are of lesser economic policy importance.) The budget is the government's financial plan, which typically defines revenues and expenditures for one year. Government spending is close to or even above 50% of GDP in developed countries by the central budget. The state is the largest investor and the largest employer.

The tasks of economic policy can be defined in several groups. The most important tasks are:

1. economic stability (price stability, stability of growth, stability of the labor market, keeping the unemployment rate low).

¹ Peter Dobias, *Gazdaságpolitika Közgazdasági és Jogi Könyvkiadó*, Budapest, 1988, p. 17.

- 2. to ensure institutional and legal conditions: to build and operate the institutional system that provides and supports the order of social coexistence and the smooth functioning and growth of the economy;
 - 3. Limiting monopolies and monopolistic endeavors
 - 4. reduce externalities (external economic effects) and address the problems they cause;
 - 5. reduce income disparities.
 - 6. production of public goods,
 - 7. production of mixed goods.

Criminal policy today cannot be regarded as an independent science, but as a separate area within criminal sciences. It is part of the general policy of the state, including legal policy. The concept of response strategies for offenses already committed. Criminal policy guides criminal legislation (for example, establishing the legal facts of new crimes, raising or reducing punishment items, etc.), but plays only a modest role in law enforcement.

According to József Földvári, while the 19th century was the century of the dogma of criminal law, 20th century is the period of criminal policy thinking. There are four phenomena behind the change of interest. First, in the context of the evolution of crime, he notes that there was a qualitative and quantitative negative change (worsening). The second reason is the conviction that crime can be affected. Its causes must be explored and prevented as far as possible. The third factor is the increase in scientific knowledge that criminology and forensics are constantly taking over, Finally, according to Földvári. the fourth reason is the unfolding of a global codification wave, which has resulted in every state making a more efficient criminal code in the 19th century². According to the definition of József Földvári, the science of criminal policy is the system of knowledge on the basis of which state power can organize the fight against crime, determining the means of this fight, the conditions and ways of using these tools in accordance with the general political objectives of the state³.

It is up to the state to protect the interests of society and ensure social coexistence. However, the negligible means of accomplishing this task are in the area of criminal law4. The conditions and modalities for the use of these tools are set out in criminal law. The task of criminal policy is, among other things, to elaborate on the aspects to be applied in the application of criminal law. Criminal policy is always a dynamic activity that is adapted to the quantitative, qualitative change of the crime, the sense of security of the society, and consequently it is constantly changing, the tools of which are not determined by the quantitative and qualitative changes of crime, but the level of civilization of society⁵.

In Hungary, since the change of regime, liberal (mitigating) and conservative (tightening) criminal policies have been replaced from time to time. Hungary's Fourth Penal Code reflects the principles and thinking of conservative criminal policy. In spite of a number of unlawful and some legitimate criticisms, Act C of 2012, which we will call the "New Criminal Code" for a few more years, I consider myself to be a very successful law. However, I must add immediately that I cannot make a completely unbiased

² József Földvári, Kriminálpolitika Közgazdasági és Jogi Könyvkiadó, Budapest, 1987, p. 11-13.

³ Idem, p. 18.

⁴ Idem, pp. 32-33.

⁵ Ákos Farkas, A kriminálpolitika és a büntető igazságszolgáltatás hatékonysága in Tanulmányok Szabó András 70. Születésnapjára Magyar kriminológiai Társaság, Budapest, 1998, p. 81.

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statement, as I was a member of the four-member expert body⁶ between 2010 and 2012, who helped Barna Miskolczi and his colleagues in the Ministry of Public Administration and Justice to draft the law.

The New Hungarian Criminal Code it was a particularly moderate law that had to meet the fourfold requirements of efficiency, consistency, simplicity, and modernity, as outlined by theministry's work paper⁷ on conceptual starting points. On the basis of the conservative concept⁸ of criminal policy, the legislator proceeded on the basis that the new Criminal Code should be as strict or as strict as possible in each detail. As before. Of course, this could not be fully adhered to in every tiny detail, but at least it can be said that it was not milder than the previous law. Although we should do it right now: a lot of the tightening planned by the current government before they came to power, already in the opposition, has already been included by previous governments in the previous CC between 2008-2010⁹.

Many believe that we have succeeded in establishing the most stringent criminal code of the European Union of 28 Member States. Of course, this can be argued, but the Institute of Law of the Shanghai Academy of Sciences translated the new Hungarian Criminal Code into Mandarin in 2014-2015 and will publish it in Shanghai in autumn 2015 as a book. In China, therefore, we consider our new Codex as a model to follow, which is a democratic but yet sufficiently strict law.

In my opinion, criminal law is only very limited in dealing with the symptoms of the economic crisis – if at all¹⁰. I say this despite the fact that, for nearly 150 years,

⁶ The external (assistant to one of the Hungarian faculties of law) assisting codification was set between 2010-2012. E.g. Ádám Békés (PPKE), Balázs Gellér (ELTE), László Kőhalmi (PTE) and Gál István László (PTE).

⁷ The working paper we have made available describes in detail the following: "Efficiency is a fundamental social expectation that can be formulated as a legal policy goal than the new Criminal Code most important feature. Consistency and simplicity are partly about predictability and, on the other hand, ease of use, in this respect it is an important professional criterion and the most important guarantee of efficiency. Modernity - in our view - is by no means a counterpoint to value stability. The Criminal Code the provisions that passed the test of time are not intended to be modified. However, many provisions are no longer in line with the 21st century. with the expectations of the 20th century, and with no regard to Hungary's membership of the European Union. In the current law, the alignment of the provisions of the CC in EU law did not take place in the right way, resulting in empty facts; elsewhere, the necessary deregulation was left.

Priority is given to rethinking the sanction system and, in particular, the penalty items related to the individual facts in the Criminal Code. to restore its internal coherence due to changes in recent years. The solution to this problem could be to eliminate the persistent lack of consistency, often with reasons, against the current CC. The 1978 Act IV. The successive amendments to the Act have led to over-proliferation of particular circumstances, not even reflecting the intentions of the government in question. As a result, more and more factual situations have become more common in their special relationship, and in many cases the sanctions of special facts are milder than the general ones. The CC- BKFO plans to achieve simplification with a clear and significant profile cleanup. "(Conceptual Starting Points, Work Paper, KIM, p. 1).

⁸ The task of criminal policy is, among other things, to elaborate on the aspects to be applied in the application of criminal law. See Földvári József, *Criminal Policy*, Economic and Legal Publisher, Budapest, 1987, pp. 32-33. Criminal policy is always a dynamic activity that is adapted to the quantity and quality of crime, and consequently to the sense of security of society. quality changes, but the level of civilization in society. See Ákos Farkas, *Effectiveness of Criminal Policy and Criminal Justice* in Studies for *András Szabó's 70th Birthday*, Hungarian Society of Criminology, Budapest, 1998, p. 81.

⁹ Following the invitation of Gergely Bárándy, Member of Parliament, since 2006, I helped through the 'Professional Circle' he created with criminal legislation in the period prior to 2010 as well.

¹⁰ István László Gál, Gazdasági büntetőjog, gazdasági bűnözés és a jelenlegi gazdasági válság, PTE ÁJK Gazdasági Büntetőjogi Kutatóintézet, Pécs, 2012, p. 159.

researchers have shown a connection between economic crises and the development of crime¹¹. This is briefly discussed in the next section.

II. Volume of crime and economic crises

Finding a correlation between economic indicators and crime is not a recent research topic. Based on Bavarian data series from 1835 to 1861, Georg von Mayr showed a quantifiable relationship between the change in grain prices and the number of thefts. The increase in grain prices led to an increase in the number of thefts and vice versa¹².

In the 1880s, Lacassagne, a famous French criminal lawyer and criminologist, also investigated the relationship between economic factors and crime. He thought he would discover that the change in wheat prices was almost entirely in line with the change in the number of crimes against property and the effects of the economic crises¹³.

During the US economic crisis of the 1890s, crime statistics were also reported. "At the beginning of the crisis, newspapers reported an increase in hours of corruption. On January 1, 1895, an article in the Chicago Daily Tribune claimed that there was the greatest number of embezzlement in 1894 since 1878, which was also a serious crisis year¹⁴.

According to a German study conducted by Exner after the First World War, the following correlation was found¹⁵: the increase in the number of unemployed by one million people is expected to increase the number of convicted prisoners by ten thousand on average. Between 1882 and 1914, rye and bread prices were moving almost together with the number of known thefts in Germany, according to Eduard loachim's research¹⁶.

At the beginning of the 20th century, between the two world wars, Dorothy Swaine Thomas investigated the correlation between economic cycles and various crime categories between 1865 and 1915^{17} .

According to a study during the World Economic Crisis of 1929-33¹⁸, crime in Germany decreased overall, but in some crime groups, growth can be clearly seen after 1929.

¹¹ In the 1880s, Lacassagne, a famous French criminal lawyer and criminologist, also investigated the relationship between economic factors and crime. He believed that the change in wheat prices was almost entirely in line with the change in the number of crimes against property, and that the effects of economic crises could also be detected. See A. Lacassagne, *Marche de la criminalité en France 1825-80* in Revue Scientifique, 1881. During the US economic crisis of the 1890s, crime statistics were also reported. On January 1, 1895, an article in the Chicago Daily Tribune claimed that there was the greatest number of embezzlement in 1894 since 1878, which was also a severe crisis year. See George A. Akerlof, Robert J. Shiller, *Animal Spirits*, Corvina Budapest, 2011, p. 91. According to a German study conducted by Exner after the First World War (see F. Exner, *Krieg und Kriminalität*, Kriminalistische Abhandlungen Heft 1, Leipzig, 1926), the following correlation emerged: an increase of one million people is expected to increase the number of convicted offenders by ten thousand on average on average between 1882 and 1914. they almost completely co-operated with the number of known thefts in Germany, according to Eduard Joachim's research (See Eduard Joachim, *Konjunktur und Kriminalität*, Offenburg, 1933, p. 19).

¹² Ulrich Martens, Wirtschatfliche Krise, *Arbeitslosigkeit und Kriminalitätsbewegung*, Freiburg i. Br., 1978 pp. 5-6.

¹³ A. Lacassagne, cited, see *supra* note 11.

¹⁴ George A. Akerlof, Robert J. Shiller, cited, see *supra* note 11, p. 91.

¹⁵ F. Exner, cited, see *supra* note 11.

¹⁶ Eduard Joachim, cited, see *supra* note 11.

¹⁷ Dorothy Swaine Thomas, Social Aspects of the Business Cycle, New York, 1927.

¹⁸ Bruno Gleitze, *Die Konjunkturkriminalität in der Zeit der Weltwirtschaftskrise*, W. Kohlhammer Verlag, Stuttgart und Berlin 1941, p. 7.

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After the World Economic Crisis, the relationship between economic crises and crime has been studied in the US. Thorsten Sellin draws attention to the following interesting relationships in his book¹⁹:

- 1. Not all types of crimes react sensitively to changes in economic indicators; therefore, investigations should be carried out only for certain types of crime.
 - 2. Economic change does not affect all areas to the same extent.
- 3. Not all social classes are equally disadvantaged by the economic crisis. The impact of the crisis is more evident in the crime of groups more affected by the crisis.
- 4. Finally, it is important to underline that less severe economic downturns have less impact on crime rates than larger ones.

It is interesting to note that Thomas Robert Malthus has come to the same conclusion centuries earlier than the American author in the first half of the 20th century, that not all social classes are equally disadvantaged by the economic crisis. "Unfortunately, working classes, though benefiting from the general boom, are not as big as the overall downturn.

They are suffering the most from low wages, but they cannot receive adequate compensation even during high wages. For them, economic (economic) fluctuations always bring more bad than good and keeping the well-being of the vast majority of society in mind, our goal is to maintain peace and to have equal spending²⁰".

After the Second World War, along with economic indicators, the number of crimes and the number and duration of prison sentences were steadily increasing. There seemed to be no correlation between economic crises and crime.

In 1978, Ulrich Martens examined the previous research with a critical view and stated that "neither in time nor in space can there be a general statement that there is any influence on the economic situation and, in particular, on unemployment²¹. In the literature, uncertainty can be observed in the 1970s, when researchers began to question the impact of economic crises on crime at that time. "At the beginning of the 1970s, in the economic crisis, the relationship between the economy and crime was once again on the agenda of changes in the values of society as a whole. The most comprehensive study, including international comparisons, was conducted within the framework of the Council of Europe, the results of which were published in 1985²² and the temporal evolution of crime, as Katalin Gönczöl points out in her study:

"Unlike the methods used to date, they did not rely on indicators of the social situation of offenders but tried to show the impact of changes in the above-mentioned factors on the economy of the countries concerned. The analysis covered the period from 1963 to 1981. During this period, the number of perpetrators per 100,000 convicted residents in the Federal Republic of Germany increased from 2920 to 6,600, in France from 1,350 to 5370, in England and Wales from 2250 to 5660. In addition to the continuous increase in crime, economic development in some countries was not even. Between 1950 and 1960, national income increased to varying degrees, but in all three countries, the rate of growth declined and stagnated in the second half of the 1970s. Unemployment also reached 10% and then declined strongly as a result of favourable developments. For example, at the beginning of the 1960s, the NCO had no more than 1%. From 1975 onwards, however, it rose again, and in 1980 approached the previous high values.

¹⁹ Thorsten Sellin, Research Memorandum on Crime in the Depression New York, 1937, pp. 19-20.

²⁰ Citate Tamás Szentes, *Ki, és miért van válságban?* Napvilág Kiadó Budapest, 2009, p. 108.

²¹ Ulrich Martens, cited, see *supra* note 11, p. 36.

²² Katalin Gönczöl, *Válság – munkanélküliség – büntetőpolitika*, p. 3.

Researchers have discovered that the cyclical development of the economy has no direct correlation with the numerical development of crime. The delayed reaction to the improvement or deterioration of economic conditions in the change of crime is not apparent. Thus, the hypothesis was not proved by the research that the effect of economic conditions does not appear in the current crime, but in a statistical series of a later period. Indeed, crime has steadily increased in all three countries. However, this increase took place in countries with very different situations in terms of perpetrators per 100,000 inhabitants, at the end of the period under review - by 1981 -. This means that crime has risen by 400% in France in 18 years, by 230% in the GDR, and by 250% in England and Wales to reach roughly the same level by 1981"23.

Contrary to the findings of the works cited by Katalin Gönczöl, international literature sources, based on research completed since the second half of the 1970s, confirm that the number of property and economic crimes is increasing during the economic crisis.

In 1976, UNSDRI (United Nations Social Defense Research Institute), based in Rome, showed that some of the more specific forms of economic crime are growing during the economic downturns and crises. In this case, effective countermeasures must be taken, which of course not only involve the use of criminal law²⁴.

In 1983, a German study showed a reversal, meaning that the number of prison populations and the number of psychiatric patients undergoing economic booms are decreasing²⁵.

The author of a monograph published in 1987²⁶ found the following correlations between unemployment and the incidence of some serious crimes:

- burglary 0.572
- violent crime against a person 0.529
- damage 0.494
- Theft is 0.423
- robbery 0.342
- fraud 0.338
- sexual offenses 0.158

It can also be seen that there is a significant relationship between crises and more serious types of crime with the exception of sexual offenses. High unemployment is a very strong correlation with economic recessions, a typical and regular consequence of the crisis. Another American research²⁷ was designed to develop a model that explains the evolution of the crime rate against wealth, using economic variables. The dependent variables used to measure the crime rate of property were obtained from the FBI's Single Crime Reporting Program. Independent variables include: expenditure on public education, unemployment rate, GDP indicator, poverty rate, average income and the amount of heroin and cocaine seized. A correlation model was used for dependent or independent variables. Using a linear regression model, all independent variables were analysed. The results were:

²³ Ibidem

²⁴ UNSDRI, *Economic crisis and crime*, Rome, May 1976, p. 18.

²⁵ Hans-Günther Heiland, Economic Crisis and Crime, Bremen, 1983, p. 25.

²⁶ Steven Box, Recession, Crime and Punishment (Totowa, New Jersey 1987.) 85. p

²⁷ Reza Fadei-Ttahraniés, Thomas M.Green, *Crime and Society,* International Journal of Social Economics Vol. 29, no. 10, 2002. pp. 785-788.

	Rate of crime against property	Amount spent on public education	Average Income	Rate of Poverty	Level of Unemployment	Indicator	Amount of heroin and cocaine seized
Rate of crime against property	1.000	-0.518*	-0.533**	-0.246	-0.028	-0.525*	-0.175
Amount spent on public education	-0.518	1.000	0.990**	-0.068	-0.368	0.987**	0.838*
Average Income	-0.533	0.990**	1.000	-0.125	-0.407	0.995**	0.845**
Rate of Poverty	-0.246	-0.068	-0.125	1.000	0.905**	-0.175	-0.069
Level of Unemployment	-0.028	-0.368	-0,407	0.905**	1.000	-0.469*	-0.313
Indicator of GDP	-0.525	0.987**	0.995**	-0.175	-0.469	1.000	0.843**
Amount of heroin and cocaine seized	-0.157	0.838*	0.845**	-0.069	-0.313	0.843**	1.000

Note: * *The correlation is significant at 0.05;*

A negative correlation can be found, for example, in the following way: as the amount spent on public education increases, the rate of crime against property decreases. So there is an inverse relationship between the two variables. These relationships are usually felt or inferred by intuition, with the exception of the negative correlation between the unemployment rate and the rate of crime against property. Although we can immediately add that the correlation is very weak (-0.028). However, many independent variables are closely related. To avoid multicollinearity problems, the model creators selected three variables for the analysis: the GDP indicator, the poverty rate, and the amount of heroin (or cocaine) seized and arrested in the country.

The regression model uses the following formula:

 $Y=b_0 + b_1X_1 + b_2X_2 + b_3X_3 + e$

ahol

Y = rate of crimes against property

b₀=constans

 X_1 = indicator of GDP

X₂= Rate of Poverty

X₃= quantity of seized drog

e= standard mistake

The result of the regression calculation was the following:

 $Y = 9985.626 - 0.554 X_1 - 172.016 X_2 + 2.396$

t = (-3.132)(-5.913)(19.975)(4.323)

 $R^2 = 0.704$

R = 0.860

The three independent variables of the model are responsible for 74% of the change in the crime rate between 1980 and 1997. This is an unusually robust model.

^{**} Correlation is significant at 0.01 level.

After 2007, the picture is varied, but most Western studies claim that the current economic crisis has affected and is still affecting crime today. After the outbreak of the current economic crisis in Greece, for example, the fear of property and violence has increased significantly in society. This is supported by criminal statistics, as there is a significant increase in the number of thefts, burglary and robberies. Between 2009 and 2011, the number of known theft and burglary thefts increased by 33%, from 72,658 to 96,925. Meanwhile, the robberies increased by 41%, from 4,708 to 6,636 (of course, there are counter-examples here²⁸. In France, a recent news contradicts this: "Crime has declined in the past nine consecutive years, the Interior Minister said on Tuesday morning and then explained that crime fell by 0.34% in France in 2011. Although property crimes fell by 1.74% in 2011, Claude Guéant also recognized a negative tendency, an increase of 16% in the number of burglary thefts)²⁹".

According to the United Nations Office on Drug and Crime 2010, the Monitoring the Impact of Economic Crisis on the Crime (Rapid Impact and Vulnerability Analysis Fund), the economic crisis that broke out in 2007 can be proven by statistical models (especially ARIMA models). volume. This conclusion was reached on the basis of statistics from 15 countries. The conclusion of the research was: 1) Economic factors have a demonstrable impact on crime statistics and crime trends. 2) In the case of 11 out of the 15 countries examined, there was a significant change in the economic indicators during 2008/2009, which can be called an economic crisis. In 8 of these 11 countries. the deterioration of economic indicators had an impact on crime. 3) Crimes against violence, such as robbery, have shown the closest correlation with economic factors. In addition, in the case of deliberate killings and motorcycle thefts, the relationship was confirmed by statistical methods. 4) The model always indicates a time lag between a change in economic indicators and a change in crime statistics. On average, adverse economic events in criminal statistics are showing a 4-6 month time shift. 5) On average, for three months you can predict well the prospective future development of crime at national level or for a city based on historical crime statistics and economic variables³⁰.

We agree with the view that not only economic crises, but also economic booms often act as a factor increasing crime. "Sudden adverse economic changes - the rise of misery, the increase in the number of the poor - are causing the rise of deviance, such as crime, as a welcome economic growth, if it is a result of very fast processes³¹". An excellent monograph on the relationship between socio-economic development and crime has already been established in Hungary³².

The Hungarian situation also supports the results of foreign research³³. Due to the many changes in the Criminal Code, the statistics of the period since the change of regime provide only a limited opportunity for comparisons and conclusions. For example, in 2007, the value threshold for property crimes increased from 10,000 to \$

²⁸ Sappho Xenakis, Leonidas K.Cheliotis, *The politics of crime and the financial crisis in Greece*, 2 August 2012, http://www.opendemocracy.net/sappho-xenakis-leonidas-kcheliotis/politics-of-crime-and-financial-crisis-in-greece, accessed on 20.08.2012.

 $^{^{29}\,}$ http://www.lejdd.fr/Politique/Actualite/Gueant-annonce-des-chiffres-de-la-delinquance-a-la-baisse-458868/ accessed 17.08.2012.

 $^{^{30}}$ www.unodc.org/documents/data-and-analysis/statistics/crime/GIVAS_Final_Report.pdf accessed on 18.08.2012.

³¹ E. Durkheim, *Az öngyilkosság*. Közgazdaságiés Jogi Könyvkiadó 1967, pp. 250-251.

³² József Gödöny, A társadalmi-gazdasági fejlődés és a bűnözés Közgazdasági, Jogi Könyvkiadó Budapest, 1976.

³³ http://www.ksh.hu/docs/hun/xstadat/xstadat_eves/i_zjb002.html accessed on 20. 08. 2012.

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20,000, and in 2011 to 50,000 forints: all this tens of thousands of previously criminal offenses are out of sight. These acts are committed in the same way, but statistics are now registered as an offense. Looking at the past decade, it can be clearly seen from the statistics that, although with some time lag compared to the outbreak of the economic crisis, the number of known crimes in Hungary has started to rise again in the last two years. This happens despite the fact that a significant decriminalization step was taken in 2007 and 2011, with the legislator raising the value threshold twice for nearly one-third of the total crime against crime, which we estimate has reduced the number of registered crimes by tens of thousands.

III. Final thoughts

There is no clear answer to the question of why crime has been decreasing in Hungary in recent years. The possible causes are likely to all play a role in this, but it is not possible to show in a precise way, by statistical methods, which causes a decisive or primary role. The reasons for the decrease in crime are, in my opinion, the following (the order is irrelevant):

- the "crash" of the crime wave generated by the economic crisis, ie the real decline of the phenomenon (total crime)
 - the new Criminal Code has been changed the crimes (formal factor)
- a tightening criminal policy after 2010 more effective action by investigating authorities increase in latency All these factors play a role in the reduction of visible (registered) crime, however, whether this trend will last and will continue in the years to come after 2019 cannot be said.

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