

THE “KLIMT AFFAIR” AND THE CHALLENGES OF COMPLEX CULTURAL HERITAGE PROTECTION

Gyöngyi Major¹, PhD

Forum for Contemporary Women's Reflections, Budapest, Hungary

Aleksandar Čudan, PhD

University of Criminal Investigation and Police Studies, Belgrade, Serbia

Zsófia Végyári, PhD Candidate

Painting Analysis Laboratory, Budapest, Hungary

ABSTRACT

Purpose: This study examines the shortcomings of the current system of cultural heritage protection in Hungary, based on the analysis of the “Klimt case”, which hit the international press in the spring of 2025, with the aim of exploring the interrelationship between the protection of a state's own cultural heritage and the security of the country. The authors make recommendations to inspire a more effective management of the challenges identified, highlighting the need for a systemic approach to the problem as outlined above. By analysing the “Klimt case”, they highlight the sensitive nature of the ownership and export of works of art as an area of cultural heritage protection.

Design/Method/Approach: The study focuses on Gustav Klimt's “The African Prince”, an unknown work from Hungary, which was released onto the international market, where it took only one year to be exhibited at TEFAF (The European Fine Art Foundation) art fair in Maastricht in March 2025 as Gustav Klimt's portrait of a West African prince. The painting was subsequently offered for sale by the Viennese art dealer Wienerroither & Kohlbacher for €15 million. The paper uses both general and specific scientific methods and procedures of logical conclusion, statistical, as well as a positivist legal method. The manner of research includes the selection and application of scientific methods, the selection of data and the scope of research.

Findings: The background to this is that the Hungarian authorities allowed the “unknown painting” to be delivered without recognising the significance of the painting and the “Gustav Klimt Nachlass” stamp on it, and without taking into account the results of the identification and examination of the artwork by the Painting Research Laboratory that verified the authenticity of the painting. The laboratory carries out scientific research and documentation of paintings. The case is par excellence contrary to the Hungarian Heritage Protection Act (Act LXIV of 2001), which states that all works of art older than 50 years are subject to an export permit, and in the case of outstanding cultural value, the authorities may refuse to grant a permanent export permit. The painting clearly fell into this category, but the painting examination file was not attached, which highlights the anomalies arising from its incompleteness.

Originality/Value: Going further, the Klimt case is not only noteworthy from a heritage protection perspective, but also from a restitution perspective, as it highlights the problematic nature of Hungarian restitution practice and the possibility of circumventing the system.

Keywords: painting analysis, heritage protection, system theory, Gustav Klimt's African Prince

¹ major.gyongyi@gmail.com



About the authors

Gyöngyi Major has a PhD in Economic Sciences and she is a member of the Public Body of the Hungarian Academy of Sciences. She was a collaborator at the IES in Belgrade and is currently a guest lecturer at universities in Hungary, as well as a member of several international projects. In 2020, she established a research institute headquartered in Budapest under the name – Forum for Contemporary Female Reflexion, which examines the reinterpretability of history from a female perspective, and offers complex interdisciplinary spaces for the formulation of relevant sustainable and secure future scenarios. She also founded the Gallerie Femme Hermone in Budapest to promote contemporary female painters.

Aleksandar Čudan defended his doctoral dissertation entitled *Destruction of Financial Transaction on the Market* in 2006, and acquired the scientific title of Doctor of Economics in Banking. In 2010 he was appointed an assistant professor at the Academy of Criminalistic and Police Studies, and in 2015 he was appointed an associate professor. In 2020 he was appointed a full professor for the course Economic Crimes, for the scientific subfield of Crime Investigation Tactics, Methods and Operations. E-mail: aleksandar.cudan@kpu.edu.rs

Teaching subjects:

1. Economic Crime (Vocational Studies)
2. Economic Crime (Undergraduate Studies)
3. Financial Forensic (Undergraduate Studies)
4. Combatting Contemporary Forms of Crime (Doctoral Studies)

Zsófia Végyvári is an art historian, founder and director of the Painting Analysis Laboratory in Budapest. The Painting Inspection Laboratory is an independent office with the aim of cleaning up the Hungarian art market and making purchases safe. As part of its mission, it works to ensure that Hungarian auction houses can only put up for auction the works selected based on a combination of expert opinions and the exact results of natural science tests. She is a doctoral candidate at the Doctoral School of Art History, ELTE. E-mail: festmenyvizsgalat@gmail.com

INTRODUCTION

“A painting is a symbolic commodity, on the one hand a luxury item, on the other hand a means of preserving value or speculative investment [...] What distinguishes it from other products is that it is typically the result of original and predominantly creative work.” (Kertész, 2018: 66)

The art market and the sale and purchase of cultural assets play an important role in the preservation and dissemination of culture. However, works of art not only represent aesthetic and cultural value, but also serve as investment opportunities.² The market price of artworks is influenced by their authenticity, history, condition, and demand, but valuation still involves subjective elements and it is difficult to determine their value accurately,³ which means that the art trade has become a breeding

² One of the greatest attractions of artwork is that it represents a very high value, even in monetary terms, and thus retains its value. In most cases, therefore, the motivation behind thefts committed to order is not some kind of eccentric collector's passion, but simply the effective investment of wealth acquired by other illegal means, or investment in an object that arouses the least suspicion and is usually highly mobile, easy to transport, i.e., it can be taken away and sold if necessary. Its stable value makes it a prime target during the times of financial crisis (Virág, 2012).

³ The assessment of brushwork, for example, does not provide complete certainty in determining the author of a painting, especially if the painting in question has been poorly restored several times. Over the years, inappropriate paints that have “settled” on the surface, as well as improper storage and handling, all leave their mark on the surface of the painting, slowly



ground for abuse, forgery, fraud, and illegal trade.⁴ According to Dossi (2008), there is no other market where the value of goods is surrounded by such uncertainty as the painting market.

However, the mainstream media and society are less concerned with this phenomenon, as illegal art trafficking appears in the social communication space mostly as a curiosity, a crime committed by a specific social group, and therefore it is perceived by the public as a factor posing an insignificant threat to society as a whole and to public safety in general, even though the value of these objects is significant, both materially and ideologically.

“Few people know that a large proportion of art thefts (approximately half in Hungary) consists of opportunistic thefts, and even fewer are aware that illegal art trafficking is the third most profitable branch of the black market (after drug and illegal arms trafficking)⁵ and is most often intertwined with other forms of organized crime. For these reasons, effective action against the illegal trade in works of art can greatly contribute not only to the protection of our irreplaceable cultural heritage, but also to the effectiveness of crime prevention and law enforcement in a broader sense”⁶ (Virág, 2012).

THE AIM AND RESEARCH METHODOLOGY

The illegal trade in works of art is typically an international phenomenon par excellence, and it is also difficult to detect.

Money laundering in the art and antiques market can be implemented in several ways, but there are some main methods. Art in the function of economic destruction, especially in the field of money laundering, is most often manifested in two ways:

- When money laundering is criminalised on the basis of all criminal offenses as predictive criminal offenses using the art market that offers instruments, techniques, goods and services that enable the legalization of criminal proceeds.
- When money laundering is criminalised solely on the basis of criminal offenses that have been manifested in recent times, which concern the unauthorized appropriation of counterfeiting and trafficking in stolen works of art and antiques.

Various investors, including those from the criminogenic milieu, are panicking for alternative forms of investing illegal income, trying to get money from stocks and real estate whose value has dropped in recent years. It is this fast-growing industry that is constantly looking for new methods and techniques

becoming an integral part of the artwork. The traces of decades become one with the image, and the original work of art slowly disappears from view.

4 What determines the value and price of a painting? Teszárik – Váradi (2020) compiled a list of factors that influence the value and price of a painting (based on the works of Gáspárdy (2014), Kertész (2018), Martos (2011), and Muldowney (2015). Accordingly, the factors influencing value and price are: the painter's name, fame, reputation, where the painter comes from (local value and national taste), the size of the painter's oeuvre (how many paintings he or she has painted and how rare a given painting is), the period of the painter's creative career to which the painting belongs, when it was created, the painting's reputation, the painter's reputation, the painting's technique, size, level of detail and condition, the painting's authenticity, originality, historical background, art-historical and aesthetic value, the history of the painting (who has owned it so far, how long it has been on the market), the painting's previous appearances in collections and exhibitions, the reputation of the gallery representing the painter, social trends (what others are buying), where the painting is sold (domestically or abroad, in a renowned gallery or not).

5 Private collections are the primary targets of art thieves. Source: http://artportal.hu/aktualis/hirek/a_mukincstolvajok_elsodleges_celpontjai_a_magangyujtemenyek (Downloaded on: 01. 08. 2012.)

6 Virág (2012) supports his own findings in his referenced study with a brief overview of the topic and also discusses how current events in international affairs may influence the operation and development of the international black market in works of art.



of money laundering acquired in a dishonourable way. It is for these reasons that the state’s policy on art crime must have a multidisciplinary basis.” (Čudan & Major, 2024)

The aim of this study is to highlight new types of challenges, solutions, and untapped opportunities. The authors consider it essential to identify global legal loopholes and therefore emphasize the need for complex, systemic solutions. They highlight that, based on contemporary technological possibilities, it is essential that, in addition to art history research, a scientific approach be integrated into the valuation process. Research into the painting materials used in artworks is also becoming increasingly important, as a work of art has physical and chemical properties that characterize an artist’s style just as much as the spirit of the artwork itself. The authors aim to highlight that the evaluation of works of art is not merely a process of stylistic analysis, but also a specialist and complex research task. A given work can be analysed down to its basic units, the coloured pigments, since the use of paint is just as unique as the brushstrokes. The knowledge base of the humanities is well complemented by chemistry and physics, and studies supporting art history can also provide new insights into the oeuvre of individual painters.

Based on a specific example, this study provides an overview of how the art market is linked to crime in the absence of a complex legal context. It discusses the legal challenges that arise and, consequently, how technological developments can help to curb crime.

The aim of the study is to convey new knowledge and systems, which is why the authors prefer applied research methodology. In addition to the qualitative analysis of the specific case study, it places the effects resulting from the abstraction of the specific findings related to the case in an interdisciplinary approach.

The starting point of the study is the results of the authenticity examination conducted by the Budapest Painting Examination Laboratory⁷ on Gustav Klimt’s Black Prince⁸, and the chain of events that allowed this work, valued at €15 million, to leave Hungary as an insignificant work by an unknown artist, without any scientific examination.

Although the recovery of the painting is now within the purview of the relevant Hungarian authorities, the study outlines the possibilities for eliminating the systemic deficiencies discussed.

APPROACH: THE KLIMT CASE – SYSTEMIC PROBLEMS AND LESSONS LEARNED

The protection of cultural heritage is a matter of strategic importance for every nation, going beyond mere interest in art history.⁹ It lies at the intersection of national identity, state sovereignty, and economic interests.¹⁰ UNESCO and ICOM (2021) have emphasized that the illegal trade in cultural property is not merely an economic issue, but an attack on cultural identity and sovereignty.

7 Under the guidance of art historian Zsófia Végyvári, the Painting Examination Laboratory she founded offers the opportunity to objectively examine works by both Hungarian and foreign artists. The work combines scientific material analysis with art historical research.

8 The results of the authenticity examination conducted by the Painting Examination Laboratory played a significant role in confirming the authenticity of the painting when it was taken abroad. However, they were not taken into account in the export license from Hungary. The results can be requested from the laboratory if necessary. The study was written with the knowledge of the results and with the collaboration of the laboratory manager, Zsófia Végyvári.

9 Cultural heritage is one of the most important carriers of community memory and national identity. Smith, detailing the social function of cultural heritage, emphasizes the role of community identity (Smith, 2006: 12). The 1972 UNESCO World Heritage Convention and the 2005 Faro Convention of the Council of Europe emphasize that the protection of cultural heritage is a public duty that serves the interests of society as a whole (UNESCO, 1972: 3; Council of Europe, 2005: 7).

10 The ‘cultural industry’ and the ‘heritage industry’ consider culture and cultural heritage as economic products (Major & Tomka, 2014).



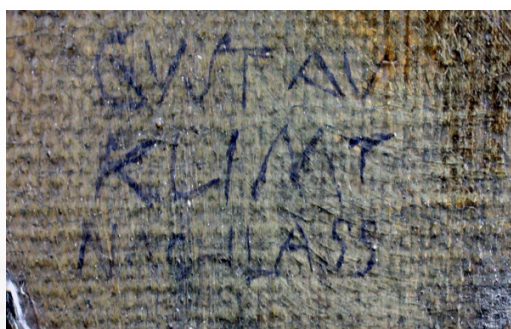
The so-called “Klimt affair”¹¹ that erupted in the spring of 2025 – the removal of Gustav Klimt’s painting, *African Prince* from Hungary – highlighted the shortcomings of the Hungarian heritage protection system, particularly in the areas of art export, identification, and professional responsibility.¹²

The case is not merely the result of an administrative error, but rather a symptom of systemic problems affecting the entire structure of cultural heritage protection. The aim of this study is to analyse the Klimt case as a case study and reveal the contradictions in Hungarian cultural heritage protection practices with particular regard to the dimensions of export licensing, expert evaluation, and national security considerations, but also to make specific recommendations for addressing these problems at a global level, beyond the Hungarian context.



Picture 1: *Gustav Klimt: African Prince*

The Hungarian authorities authorized the export as the work of an “unknown painter”, even though the stamp “Gustav Klimt Nachlass” on the painting was a clear reference to the artist. The artwork left the country with an export license and, less than a year later, appeared at the TEFAF art fair in Maastricht, now identified as a work by Klimt, with a price tag of €15 million.



Picture 2: *Gustav Klimt Nachlass*
(Photo: Zsófia Végvári)

11 See: <https://www.nytimes.com/2025/03/21/arts/design/rediscovered-klimt-african-prince.html>
<https://rmx.news/article/was-this-largely-unknown-and-long-missing-gustav-klimt-work-of-a-west-african-prince-illegally-smuggled-out-of-hungary/>
<https://edition.cnn.com/2025/03/19/style/lost-gustav-klimt-painting-african-prince/>

12 In Hungary, the protection of cultural assets is regulated by Act LXIV of 2001, which stipulates that all works of art older than 50 years require an export license. When granting a license, the authorities are responsible for determining the historical, artistic, and scientific value of the work of art, and if it represents “outstanding national value,” they may refuse to grant a final export license.

The press coverage surrounding the painting offered by the Wienerroither & Kohlbacher gallery in Vienna quickly went beyond the context of the art market and generated an international cultural diplomacy issue. Reactions in the Hungarian press and investigations by heritage protection agencies both highlighted that the export procedure had ignored the instrumental analysis carried out by the Budapest Painting Examination Laboratory, which had previously identified Gustav Klimt as the creator of the painting.

The Klimt case is not unique,¹³ but it clearly shows that legal frameworks alone are not sufficient¹⁴ and that, in addition to institutional and professional shortcomings, a lack of systemic cooperation can also be a source of crime. The case deserves special attention because the complex, unsystematic functioning of the legal system can be identified as the background to the crime. The Klimt case highlights the latent legal loopholes that may exist in the current legal environment and legal practice. Unravelling the case may indirectly help efforts to combat unlawful possession¹⁵ and restitution efforts in the broadest sense.¹⁶

The lack of a systematic approach increases the risk of both art loss and restitution problems.¹⁷ The Klimt case clearly demonstrates that the root of the problem lies in the lack of a systematic approach to the identification of works of art.

FINDING: TECHNOLOGY AND THE POSSIBILITY OF AN INTEGRATED SYSTEM

The protection of the authenticity of works of art, especially paintings, and the prevention of forgery is becoming an increasingly complex technological issue today (Frye, 2021). Due to the enormous value of the art market and the opaque chain of ownership, forgery and fraud pose a real threat. Traditional methods – documents, expert opinions, laboratory tests – play an important role, but today they are increasingly being supplemented by modern, integrated technological systems designed to ensure traceability, identifiability, and authenticity.¹⁸

Physical, chemical, and molecular markings are one of the oldest approaches, yet they remain effective today. Microscopic identifiers, known as microdots, or special glass or plastic particles can be invisibly mixed into the paint or protective coating and can only be identified under high magnification or through laboratory testing. DNA-based markings offer an even higher level of security, using synthetic

13 Similar cases have occurred in other countries, such as the issue of the return of the Elgin Marbles or the handling of the Gurlitt collection. These cases highlight that the protection of cultural property is not only a legal issue, but also an ethical and political one (Merryman, 2009: 212–215).

14 The Hungarian art export system strictly regulates the export of paintings abroad. Any hand-painted painting that is at least 50 years old and has a market value of 1 million Forints or more may only leave the country with official permission.

15 <https://edition.cnn.com/2025/03/19/style/lost-gustav-klimt-painting-african-prince/>

16 The term restitution refers to the return of cultural property to its original owner, which was unlawfully removed from the country and which the state or the owner may seek to recover. The “return” of objects stolen during illegal art trafficking and then found is also due to restitution procedures. Illegal trade in works of art can involve several stages and sectors, from theft to sale, until the objects are found and returned to their rightful owners. In this sense, restitution procedures mark the end of the process in the fight against illegal trade in cultural property. From these procedures, we can deduce the number of objects that have been recovered and returned, and by comparing this with the data from databases containing stolen objects, we can assess the success of national law enforcement agencies and international cooperation and organizations in this area (Lukács, 2022: 8).

17 Whether it is a matter of artworks unlawfully acquired during World War II or everyday theft, there are clearly relatively easy ways to remove the acquired artwork from the jurisdiction of the authority entitled to enforce restitution. After that, it becomes impossible to enforce any rights supported by law.

18 See: Major, 2022



molecular markers that can only be detected by special laboratories. Invisible UV or infrared active pigments and hidden markings further increase the difficulty of counterfeiting.

Physical markings can be supplemented with electronic identifiers such as RFID or NFC technologies. These tags, hidden in the frame or structure of the artwork, enable quick identification and inventorying, and can be queried using smartphones or dedicated readers. Although these solutions are vulnerable to removal and cloning, they can provide a reliable layer of protection through encrypted communication and physical embedding. Intelligent, IoT-based environmental monitoring can record transport and storage conditions, and the data can even be integrated into a blockchain-based event log.

One of the most promising ways to ensure digital authenticity is blockchain technology, which creates an immutable, time-stamped record. A digital certificate linked to a work of art can record changes of ownership, restorations, and exhibitions, ensuring that the work remains authentic and traceable. Blockchain alone does not prove physical authenticity, but when combined with physical identifiers such as DNA marking or micro-tags, it creates an extremely strong chain of evidence. In the future, tokenization and digital certificates (even in the form of NFTs, in a closed and authenticated environment) could further strengthen this system (Sztermen, 2023).

Advanced imaging and analytical methods are particularly effective in detecting forgeries. Multispectral and hyperspectral imaging can analyse the spectral reflection of pigments, providing layer-by-layer information about the structure of a painting, while X-ray, infrared, and CT scans reveal structural defects, underpaintings, and previous restorations. Raman, FTIR, and mass spectrometry analyses can accurately identify the materials used by identifying their chemical composition, which is particularly useful for period identification. 3D scanning and photogrammetry allow the microtopography of paintings – brushstrokes, crack patterns, and textures – to be recorded, serving as a digital fingerprint and making the object virtually impossible to forge.

Artificial intelligence further enhances this by recognizing patterns that are invisible to the human eye. Machine learning algorithms, such as convolutional neural networks (CNNs), are capable of recognizing an artist's unique brushstroke style, colour handling, or texture patterns, so the best systems use a multimodal approach that evaluates visual, spectroscopic, and historical data. The decision is returned in the form of a probability value, which makes authentication more objective and reproducible.

Of course, there are costs and risks associated with using these technologies. Laboratory testing, sensors, and recording systems can be expensive, and staff training and data security must be handled with care. Counterfeiters may also respond, for example by removing physical markings or forging digital certificates, so the security of the system needs to be continuously updated and audited. Legal and ethical aspects cannot be ignored either: a careful balance must be struck between protecting the owner's data and ensuring transparency in the art trade (Major, 2022).

The most viable solution is a multi-layered, integrated protection architecture: objects equipped with physical microdots and DNA markers, high-resolution digital fingerprints, RFID/NFC-based identification, blockchain-based digital certificates, and AI-supported monitoring. Such systems can be introduced gradually: first digital certificates and photo documentation, then physical markings and 3D scanning, and finally a comprehensive, decentralized database and AI monitoring (Lublóy, 2021: 27-29).

Overall, the key to success in combating counterfeiting is not a single technology, but the combined use of several complementary solutions. In the future, the authenticity of artworks can be ensured by a coordinated system of physical, chemical, and digital layers, which simultaneously preserves the cultural value of heritage and increases market security.¹⁹

¹⁹ See: PwC 2016



ORIGINALITY: FUTURE CHALLENGES AND RECOMMENDATIONS

The Klimt case study proves that the effectiveness of Hungarian cultural heritage protection can only be improved through a systematic approach. Official decision-making must integrate scientific expertise, the linking of databases, and international best practices. The Klimt case can be interpreted on several levels:

- At the level of law enforcement - where the export licensing process does not ensure adequate professional control. It would be necessary to digitize the procedures for authorizing the export of works of art and increase their transparency – it should be mandatory to attach electronic documentation to all export applications. By definition, this documentation must include the results of painting identification tests and ownership documents.
- At the institutional level - where communication between heritage protection authorities and background institutions is insufficient. Consequently, mandatory data sharing between background institutions and authorities is necessary. Continuous, verifiable communication must be ensured between the Painting Examination Laboratory and the Cultural Heritage Protection Office. In decision-making, the examination documentation of all works of art must be binding, thereby reducing the risk of professional opinions being ignored.²⁰
- At the level of national security, such as the loss of cultural heritage.²¹

“In a globalized world, regionalism and individualism are much more prominent, which has had an impact on the nature of crime and the nature of state action against crime. Whereas previously only a relatively small circle considered the protection of memories of the past as a priority, globalization has now increased the importance of material memories and the cultural heritage of individuals and communities. The need to preserve the material environment surrounding humans, including objects of artistic value, has grown stronger, and the individual/community past has emerged as a definite value. Collecting is much more widespread than it used to be and covers virtually the entire spectrum of the material environment surrounding humans. Commercial life has responded to the revival in demand: supply has increased, made possible by the wide selection offered by art dealers, auction houses, and companies specializing in counterfeiting” (Hudák, 2022: 15).

In summary, it can be concluded that the Klimt case is not merely an incident related to the export of a work of art, but a systemic warning that the protection of cultural heritage is a complex task involving legal, institutional, and international dimensions.²² Strengthening international cooperation in restitution and authenticity verification cases requires the harmonization of national legal frameworks and international conventions. The transnational art market is dynamic, so it is important that national authorities maintain contact with international professional networks and have access to a comprehensive database in order to respond quickly (Merryman, 2009: 220).

²⁰ For more on this, see: (Prott & O’Keefe, 1992: 138).

²¹ “Cultural property belongs not only to its legal owner, but to the cultural heritage of humankind” (Merryman, 2009: 54).

²² Drawing on contemporary corruption research, on the whole, value-consciousness, organizational development and risk analysis all discuss the phenomenon of corruption in a less exact way, but more in a ‘system culture’- dependent way. For models of this cross-boundary work the authors propose eight going beyond anti-corruption theory and using insights from organisational and social-system theory. System experts suggest that in the face of complex problems we need to engage in a collective inquiry among many disciplines, fields and experiences and to initiate a processual and dialogic approach that can create a new understanding and knowledge from the diverse insights and expertise of those who participate (Major & Cudan, 2023).



VALUE: CONCLUSIONS

The Hungarian art market is an integral part of the international art market, and crime and counterfeiting pose serious global challenges. The national legal environment, the work of the authorities, and technological developments can together help to ensure the long-term protection of cultural heritage, both national and global. Crime prevention and responsible art trade require a global, complex, system-level database. It is essential that:

1. Museums, auction houses, and galleries should implement increasingly stringent authenticity verification protocols to filter out counterfeits.
2. Databases should serve as documentation of authenticity and also help track works of art.
3. Cooperation in the broadest sense - between police, customs authorities, and art experts - is key to reducing crime.
4. Through education and awareness-raising, collectors, sellers, and buyers can make more responsible decisions.

SUMMARY

The art market is enriched by cultural heritage, but it is overshadowed by crime. Legal regulation and responsible trade are important tools in curbing abuse, but the challenges are constantly changing. Ultimately, it is our collective responsibility to ensure that culture is a treasure and not a source of crime. Complex problem-solving is the task of us all, and the operation of integrative databases is the primary responsibility of decision-makers. The Klimt case highlights that authenticity testing has now outgrown the conventional framework of art history, and it is therefore essential that the results of scientific testing be incorporated into the examination of the authenticity of works of art. The broadest possible consensus among heritage conservation experts is necessary. The challenge of overcoming the “silo effect” of fragmented operation has now spread to the cultural sphere (Tainter, 1988: 23).

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