THE SPECIAL TOOLS OF THE CRIMINAL POLICE IN THE PREVENTION OF HOMICIDE

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Every human life is unique and unrepeatable!
Pope Francis

INTRODUCTION

As a professional member of the police, I have served for nearly twenty years in the field of life protection. I have participated in many investigations and was in charge of several investigations based on the crime of taking another person's life, the crime of preparation for murder.

RESEARCH

I focused my research on homicide and its special, preparatory phase, since, as I have already written, I have gained practical experience in it over the years. For my work, I partly chose the method of qualitative research based on descriptive and interview techniques, since, in my opinion, this is the best way to convey the legal regulations and, with it, the challenges of the Hungarian investigative authority. In addition, I also included the quantitative method, for the purpose of comparative analysis, I obtained and analyzed official statistical data, examining the correctness of the obtained opinions.

As a hypothesis, I stated that the effective criminal material and procedural law environment both enables the prevention of homicides and the application of just sanctions against the perpetrators.

HISTORY OF THE CRIMINAL LAW OF HOMICIDE IN HUNGARY

At the birth of the Hungarian state (A.D. 996), at the dawn of the development of Hungarian law, King Saint István accepted the teachings and admonitions of the Bible by converting to Christianity. Thereby - according to the Christian religion - derived from God, the fifth sentence of the Ten Commandments engraved on the stone tablet of Moses: "Do not kill!" was also accepted as his commandment. King Saint István II in his decree already provided for the murderer and his punishment, even though the value - and thus the extent of the punishment - was different for a free person than for a slave. In the case of a free man, the punishment was simple: "If anyone kills a man with a sword, let him be killed with the same sword" (Code of King St. István 1038) (URL1). In the case of slaves, the purpose of punishment was financial compensation rather than sanctioning.

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Act no. C of 2012 on the Criminal Code (hereinafter refereed to as CC) (Magyar Közlöny 92. 2012) defines the basic case of homicide as a general guardian of human life, not tied to the method of commission, as an open fact. "*Anyone who kills another person is punishable by imprisonment from five to fifteen years for a felony*" (160. § of the CC). The legislator defines twelve more serious cases and some less privileged cases. More serious cases (planning in advance, harming several people, etc.) can be punished with life imprisonment, while privileged cases are subject to a lighter punishment.

The open legal situation and the dozens of classified cases already suggest that the picture of the commission of homicides is extremely heterogeneous, which is why it can be typified and grouped based on a number of ways and aspects.

Prominent among the groupings is the determination of the perpetrator's motive, motivation, or goal, which is often difficult, even in the case of crimes that have reached the experimental stage. It can be especially true in the case of acts that are only in the preparatory course, since in many cases the offender's state of consciousness does not appear in the outside world, or only in small traces, so there are subjective and objective obstacles to knowing the motivation.

CRIMINALIZATION OF PREPARATION AND PREPARATION FOR MURDER

Regarding the medieval history of preparatory behaviour, Barna Mezey (2004) wrote that "*legislation and legislative practice could and did pay attention to the stages of the commission of the crime, especially in the case of the most serious crimes. The threat of a crime was punished in only one case: when setting the prospect of arson*" (Mezey, 2004: 173).

Until the 18th-19th century, there was no example of responsibility for results in connection with preparatory stage. In the first Hungarian CC created by the soldier, judge and jurist Károly Csemegi, 288. § of Article nr. V of 1878 defined the preparation of homicide as follows:

"Conspiracy to murder, with preparation,

He received two years in prison as a worthy punishment."

(288. § of Article nr. V of 1878. URL2)

The focal point of this study is the crime of preparation for murder. CC (3) of 160. § contains a criminal offense which, according to the effective material law, is punishable by imprisonment from one to five years. The legislator orders the preparatory behavior to be punished only in the event that the specific facts of the case provide for criminal liability. Based on this, anyone who, in order to commit the crime of the given special circumstances, ensures the necessary or facilitating conditions for the commission of the crime, invites, recommends, undertakes the commission of the crime, or agrees to commit it jointly (CC. 160.§).

In addition, it cannot be punished for preparation if the perpetrator voluntarily abandons his intention and because of this the commission of the crime is not started, nor is he who retracts his verbal statements, which are otherwise considered preparatory behaviour, or tries to get others to refrain from committing the act. However, it is a conjunctive condition that the commission of the crime is not started for any reason. Finally, the person who reports the preparation to the authorities before the commission of the crime will be exempted. The only exception is when during the preparation another crime is commited. In this case, the offender may be punished for this (CC. 11.§).

Observing the changes in the penal code, it can be seen that the preparatory acts are criminalized, bringing the crime forward in time in the 20th century. Increasingly widespread, it can be observed mainly in terms of new facts. According to Róbert Bartkó and Zsolt Homora, the reason for this is to be found in criminal law policy, in the incorporation of European Union and international legal obligations into domestic law (Barkó & Szomora, 2023).

THE INVESTIGATION IS IN THE PAST

Until five years ago, the procedures ordered for the crime of preparation for murder to be typically carried out in two ways, depending on the complexity – and regardless of whether they were acts manifested in actions or only in the communication of thoughts.

The crimes with a simpler judgment were carried out in an extremely rapid manner using traditional criminal methodological tools and methods. The victim and the witnesses were interrogated, the behaviour, and statements made by the perpetrator that could be linked to the crime, as well as the possible motive. After that, the authorities – occasionally using demonstrative, exaggerated and deterrent force – arrested, prosecuted the perpetrator, and interrogated him as a suspect. If necessary, the (house) searches were conducted and objects seized, and then the material evidence was subjected to expert examination. In a significant part of the cases, personal means of proof were dominant. After that, the case was sent relatively quickly to the competent prosecutor's office with a proposal for indictment. This is how the thesis of forensics regarding the effectiveness of the deterrent power of inevitable punishment prevailed, the perpetrator, aware of the certainty of being caught, renounced the criminal intentions (Barabás, 2020: 256). I must add that the interests of the criminal justice system were less effectively enforced in these cases, according to my interviewees and my own experience, some of the proceedings were terminated due to the lack of evidence or indeed a crime.

The other detection method of the era was much more sophisticated, and was used by the investigative authorities specifically in more complicated cases. According to the model, in addition to the traditional, conservative investigative tools, the investigative authority deployed various special, secret tools. Most of the time, surveillance, the use of undercover detectives, and the use of wiretaping for weeks or months were the tools that represented the solution. This method of investigation and detection provided sufficient means of proof in the event of real intent to kill. This type of detection method, in addition to preventing the crime, led close to a 100% conviction. The challenge was the control of the potential suspect and thus the situation, the protection of the victim and the binding of the capacities associated with these tasks.

In the course of my research, I conducted interviews with intelligence officers, detectives and investigators, managers and senior managers working in the field of life protection in six counties, and reviewed the documents of fourteen ongoing cases. All interviewees stated that the latter solutions rarely occur in our time, and most of them have become unnecessary.

One of the main reasons for this is the Kuria Penal Jurisprudence Council nr. 3/2019 (hereinafter "PJC") legal unity decision wich contains that "*declaration of intent to commit a crime without invitation may also be suitable for establishing the crime*" (PJC, 2019).

Active preparatory behaviour manifested in actions (e.g. spoiling a car's braking system, purchasing poison, weapons, mapping a location, etc.) is a simpler task.

"Inviting" or "recommending" another person to commit a crime is a one-sided activity that can ultimately be linked to another person. However, the "agreement to commit jointly" is no longer just a one-sided act between two people. These are clear forms of behaviour, their proof, if not as simple, is less difficult than "undertaking" to commit a crime, which in common parlance only meant the undertaking of an activity.

On October 7, 2019, the Criminal Legal Unity Council of the Kúria issued the above-referenced legal unity resolution regarding the fact that "undertaking" does not only mean accepting an invitation or offer made by someone else. According to the guidelines, an "undertaking" is also when someone decides to carry out his will, or even his already formed plan, i.e. killing another person. Based on the position of the Court, a communication of thoughts expressing the serious determination of the specific crime, reaching the addressee and showing the determination of the intention in it, corresponds to preparatory behaviour.

This would have made the proof much simpler, however, since each word can have multiple meanings, or can even be evaluated differently in different cultural circles, even in everyday life purely emotional revelations without actual intent to kill can appear, so establishing the truth is still not so easy.

The situation is complicated by the CC. The offense of harassment described in 222. § (2), which differs only in its purpose from the verbal invitation or attempt to prepare for murder, because the purpose of harassment is merely to create fear. This also shows how important it is to examine the perpetrator's intention and state of consciousness.

One of the main reasons for the sanctioning that can be observed in substantive law, approaching the origin of the idea in time, such as the increase in the number of preparatory facts, as well as the issuance of the above-explained unified criminal law resolution, is mainly the social expectation that, instead of reactive law enforcement, specifically proactive, preventive actions should be taken. This is especially the case with aggressive acts that involve even the taking of human life, since the preventive action taken at the time would not be possible without legal conditions, and prevention would not be effective.

The specific crime prevention activity is promoted by the Act nr. XC of 2017 on the Criminal Porcedure (hereinafter "CP") (Magyar Közlöny 99. 2017) since July 1 of 2018. In contrast to the previous regulation, the legistrators fully integrated it into Criminal Porcedure Act. Within the framework of the criminal procedure, a new, special, pre-investigation procedure called the "preparatory" procedure was introduced, the purpose of which is to determine whether a crime is suspected (CP 340.§).

In the new system, many data collection and covert devices could be used. It is also forward-looking that the evidence obtained during the preparatory procedure can be easily used as full-value evidence. The legislation thereby made the criminal procedure particularly proactive, prevention-centric, economical and faster for the investigating authorities.

THE INVESTIGATION IN THE PRESENT

In the next phase of my research, I examined the frequency of homicides. As primary information, I used the OSINT tool and the Internet as a source, since homicide is such a deeply serious anti-social behaviour that inevitably attracts the attention of citizens. And what interests the population is the news. News that can be turned into money has media value, that is, it can be sold in the media. Following this train of thought, investigating the question, I conducted an internet search out of sheer curiosity, using the www.google.com search engine. I have found that between January 1, 2019 and

December 31, 2023, the commonly used term for homicide, the word "murde", appears in a total of 1,510,000 publications in Hungary (URL3). That is more than 1,000 impressions per day…

I was more and more interested in the question, so I looked up how many Hungarian news portals published news in which the above word was found. There were few sites that published the exact amount of hits, but ATV (4980) (URL4), RTL (7520) (URL5), and Blikk (19,500) (URL6), were like that. I knew that there were nowhere near that many murders, but in order to establish the exact numbers, I made a request for data to the Analytical and Evaluation Department of the Crime Department of the National Police Headquarters, from which I received the official data of the Unified Investigation Authority and the Prosecutor's Office Crime Statistics.

Table 1. *Data on All Registered Crimes, Homicides, and Procedures for the Preparation of Homicides*

év:	**2019**	**2020**	**2021**	**2022**	**2023**
(A) all registered crimes	165,648	162,416	154,012	167,774	178,172
(B) number of homicides	129	177	133	193	162
(C) number of negligent homicides	12	1	8	9	4
(D) number of completed (intentional) homicides	56	72	65	81	65
(E) attempted (intentional) homicide	55	89	62	97	83
(G) preparation for (intentional) homicide	6	15	14	24	10
(H) all intentional homicides: (D+E+G)	117	176	141	202	158
(I) the proportion of homicide preparation in relation to intentional homicides (H:G)	5.12%	8.52%	9.92%	11.88%	6.32%
(J) the ratio of total intentional homicides to total crimes (H:A)	0.070%	0.108%	0.091%	0.120%	0.088%

/Source: GPD CD CID Criminal Analysis and Evaluation Department, own edit/

It can be seen from the above that the ratio of intentional homicides to all crimes is around 0.1%, which means that out of the 8,282-8,908 investigations ordered per county each year, the specialized units have to deal with a total of 5-8 such cases. Of course, this is an overall indicator, the workload of each county shows significant differences. While a total of 137 cases occurred in the capital during the examined period, and 102 in the agglomeration, the next highest figure is less than half of this (47), and the lowest is 9 cases in the examined four-year time interval.

In terms of the number of homicides, Hungary is in the middle segment with 0.8% per 100,000 inhabitants, between Luxembourg and Malta. Regarding Serbia, this data is 1.1866 (URL7).

Since in the past period my profession moved in a different direction from the area of life protection, therefore, after learning the figures, I wanted to learn the forensic characteristics of today's investigation (or preparatory procedure). I also started this first by processing the written data, this time the literature. I present the investigation in chronological order, the way the events take place in real life, starting from the basics of the procedure, through traditional tools to special tools.

THE START OF THE CASE

How does a homicide investigation begin? In the course of their work, Lajos Kovács and his colleagues came to the conclusion that, in general, in the case of homicide, the authorities can learn about the crime from the following sources:

1) Discovery by a witness
2) Healthcare institution, expert institute
3) Notification of suspicious death of relatives
4) Indication of sociability
5) Direct detection by authorities, prosecution
6) Secret information collection data
7) During the investigation of a disappearance or extraordinary death
8) Investigation of other crimes
9) Voluntary application (Kovács-Boi-Girhiny, 2022).

And this typology holds its place entirely in the case of homicides that have reached at least the experimental stage. However, in some cases, as I have already outlined in the communication of ideas, the preparation of homicide appears, or it can be inferred from a seemingly ordinary act, or from the commission of a punishable but non-homicidal crime (for example, the acquisition or possession of illegal firearms, explosives). Due to the peculiarities of the actions in the preparatory course, several detection opportunities are therefore cancelled.

My interviewees told me that information about the intentional commission of the preparation of a homicide is usually generated during some kind of official procedure. In addition, another source of knowledge is the perception and indication of a natural person. Based on these, the following typology can be outlined for ordering an investigation:

1) detected during other, ad-hoc measures
2) another procedure
   a. public investigation, or
   b. secret information collection,
3) information of a natural person
   a. the relationship of the criminal circle, or
   b. based on the indication of one of the perpetrators.

Ad 1) In some cases, during an open police or other official action, the law enforcement, uniformed personnel detect or establish a fact that raises the suspicion of a crime.

Ad 2)

a. It also happens that an investigative authority acting in other cases conducts a search (house search) as an open, criminal procedure measure, during which material evidence is found that can ultimately lead to establishing the suspicion of preparation for murder (for example, a plan, photograph, internet communication, weapon, etc.).

b. In some cases, through the use of a covert device used in the framework of the reconnaissance activity carried out by another investigative authority (for example, during the wiretapping of members of a criminal organization), the investigation obtains information and evidence that raises the suspicion of the crime of preparation for murder.

Ad 3)

a. However, in everyday life, it happens that there is a person either in the environment of the perpetrator or the instigator, who learns about the crime against his will and files a report with the authorities for moral or other reasons. The whistleblower will then be questioned as a witness.

b. But what if the report is made by someone who is a party to the crime, if he was asked to carry out the crime? In this case, criminal material law offers immunity for the already outlined, CP 11§ as defined in paragraph (2) of sec. The exception to this is if the deed committed by the informant up to that point also committed another crime, e.g. illegally bought weapons and ammunition for the commission. In this regard, the current criminal procedure law offers several options, and we have arrived at the new CP, for special opportunities given.

In the case of a person suspected of having committed a crime but not yet under the legal status of a suspect, or in the case of the suspect's confession, participation in the investigation of the crime, or in the evidentiary process, in the event that the interests of national security or law enforcement are more important, the public prosecutor's office has the option of several types, in Anglo-Saxon law to apply a widespread, plea bargain-type consensual solution. Such is the rejection of the report, the termination of the investigation, or the settlement regarding the prospect of the prosecutor's action or decision. The options cannot be used - with the exception of the latter case - if the person involved in the cooperation has committed a crime involving the intentional taking of another's life, or intentionally causing permanent disability or serious health deterioration.

The cooperation can be based on a report on all essential moments of the case (continuous testimony documenting almost every event) and on the use of the already mentioned and – explained in detail later – as a covert tool. In the latter case, it is possible for the investigative authority to obtain additional evidence of the instigator with the help of the secretly cooperating person, for example using other covert means subject to a judge's or prosecutor's license.

COMPLETING THE INVESTIGATION USING TRADITIONAL TOOLS

During the detection of crimes against life that have reached at least the experimental stage, traditional, classic, non-detailed investigative methods and tools continue to dominate, such as data collection, crime sceen investigaton, autopsy, interrogation, confrontation, research, or various expert examinations.

In the case of the preparation carried out in the acts, although not in the same proportion, an expert was regularly involved in the proceedings, since it is necessary to (house) search the property related to the perpetrator who is preparing to kill with poison, and to carry out a seizure of the instrument of the commission, the suitability of which to take life is determined by a chemist or reviewed by a toxicologist expert. But the situation is the same with firearms or other tools that cannot otherwise be integrated into the criminal's way of life or are capable of taking life.

The application of the special procedural model is mostly necessary for a more sophisticated plan of commission, or for the investigation and proof of a crime committed only by communication of thoughts. In the latter case, since usually only changes occur in the consciousness of individuals, the possibility of using classic investigative tools is much more limited. In the absence of on-site measures and forensic experts, it is natural that the detection and investigation procedure for the purpose of proving intent, personal proof becomes emphasized. Among the classic investigative tools, witness and suspect questioning, presentation for recognition and confrontation come to the fore. The problem is that these means of proof, or doubts may arise regarding the validity of the evidence provided by them, for example the credibility of the witnesses, so the investigation becomes a three-tiered investigation; crime prevention, obtaining evidence and supporting evidence with almost the same capacity. That is is the exact reason why the use of special, concealed tools is necessary.

COMPLETING THE INVESTIGATION WITH SPECIAL, COVERT TOOLS

I have already mentioned that the current normative environment allows intelligence agencies to use secret, so-called covert tools that seriously violate basic constitutional rights in order to fulfill their tasks.

Given that the use of these hidden devices involves the restriction of basic rights related to the inviolability of the private home and the protection of privacy, correspondence and personal data, the legislator has therefore defined a three-level authorization in relation to the use of the devices, proportionate to the infringement of the rights. According to this, they are:

- not subject to a judge's or prosecutor's license
- subject to a prosecutor's license, and
- subject to judicial permission.

The most important principles of using the tools are:

- necessity – it can be reasonably assumed that the information or evidence to be obtained is absolutely necessary to achieve the goal of the criminal proceedings and cannot be obtained in any other way, or can be obtained at the cost of significant difficulties;
- proportionality – the application of the concealed device does not entail a disproportionate restriction of the fundamental right of the person affected by it or of another person, and
- purposefulness – it is possible to obtain information and evidence related to a crime by using the concealed device (Szendrei-Nyeste, 2019: 96-97).

In the next part of my article, I would like to highlight the special, hidden tools that are most relevant in such cases.

A Secretly Cooperative Person

A body authorized to use covert means can use a person who cooperates secretly in order to obtain information about the crime (CP 215.§ (1)).

A prosecutor's or judge's license is not required for the application. As I wrote above, the authorities may receive information about the planned commission of the crime during official proceedings or

for natural persons. In the latter case, the information can be provided by a person previously completely independent of the authorities - who cooperated in the case on an occasional basis - or by an "informant" in the everyday sense, who has been cooperating with the intelligence organization for a long time. Since the beginning, societies have employed persons who ensure the acquisition of the necessary information in order to obtain information important to them. This is not the case today or in Hungary. The legislature also made it possible for law enforcement agencies to employ secret collaborators both within the framework of general intelligence supporting law enforcement and crime prevention, as well as within the framework of specific information - and evidence-gathering activities related to criminal proceedings.

However, the use of the information obtained by the collaborators, and thus the role of the collaborator in the procedure, is extremely situational. An important circumstance is the state of progress of the case, the level of danger, the method of committing the crime, or the determination of the perpetrator.

If the procedure requires it and the collaborator is in such a situation, it can be used as a covert tool in the further stages of the investigation, as a continuous source of information supporting the investigation in various ways, or even as an evidence-gathering and evidence-generating tool.

Not at the time of application – but based on the principle of equality of arms – after that the relevant part of the documents is definitely burdened or it is also known to his defender. If personal data is not included, but based on its content information – after the operation – the identity of the collaborator will most likely be deconspirated. In the event of possible difficulties in proving, it may also be necessary to interrogate the secretly cooperating person as a witness. In this case, the procedural law allows the witness's data (including his name) to be handled in private, but since this solution is not sufficient in all cases, the law provides additional options and provides for special treatment, the legal institution of the especially protected witness, on personal protection, as well as within the witness protection program.

Disinformation

By concealing the source of the information, the body authorized to use covert devices may communicate untrue or misleading information to the person affected by the covert device due to the interruption of the right, the identification of the rightful owner, or the proof (CP 215.§ (7)).

The application of this tool also does not require external permission. Its purpose is to elicit some kind of reaction from those involved, thereby influencing their behaviour in a favourable direction – from the tactical point of view of the investigation.

Delivering sufficiently chosen misleading information to the right person at the right time under the right circumstances can trigger the intended reaction. The use of disinformation on its own and the detection of reactions with other covert means can give rise to a tactical and procedural advantage that can significantly facilitate the evidentiary process.

By law, the procedure cannot be used for disinformation during interrogation, it cannot contain promises that are incompatible with the law, it cannot implement threats or incitement to commit a crime.

Covert Surveillance

A body authorized to use covert means may secretly observe a person, apartment, other premises, fenced-in place, public or open to the public, or vehicle, or things constituting physical evidence,

which may be associated with the crime, collect information about what happened, and technically you can record it with a device (CP 215.§ (5)).

Secret surveillance is at least as old a tool that does not require external authorization as the use of informants. And I must say that it is at least as useful. There is no secret procedure in which this elementary tool is not used, since by using it, the authorities can get a lot of information that they cannot get in other ways. However, it is also an extremely expensive and dangerous tool. Its cost is the provision of technical equipment (procurement, maintenance, operation) as well as the training and maintenance of the staff. Part of the danger is the participation in traffic, often breaking the rules, and the ever-present possibility of de-conspiracy.

Monitoring the perpetrator of the acts in preparation, be it the instigator or the perpetrator, is the guarantee of the prevention of the crime. At the same time, maintaining this indefinitely is not possible due to the scarcity of resources, their correct management, and the enforcement of the triple principle of necessity and proportionality.

That is why choosing the target person for covert surveillance and determining the exact time and period of application is a key professional issue. Through monitoring carried out on a well-chosen occasion - for example, when disinformation is being targeted - the authority cannot only obtain information, but also obtain evidence, the authority can get to know the identity of the perpetrator or the instigator, and can also find the hidden means of committing the crime. And since it is merely an observation of the events, it does not influence the behaviour of the perpetrator, so there could be no doubt about the impartiality of the application of the tool.

The use of the hidden devices explained below has already been tied by the legislator to a license from the prosecutor, outside the police authority, as a kind of guarantee element. The reason for this is the legal complexity of the application and the weight of the legal consequences associated with the application, in addition to the degree of restriction of fundamental rights. As in the previous ones, in this case too, I am writing about the tools that are most common in practice.

The Prospect of Avoiding Criminal Liability

With the permission of the public prosecutor's office, the body authorized to use covert devices can enter into an agreement with the perpetrator of the crime, in which it offers him the prospect that no criminal proceedings will be initiated against him, or that the ongoing criminal proceedings will be terminated, if he provides information and evidence related to the detection and proof of the case or other criminal case, and the national security or law enforcement interest achieved by the agreement is more significant than the interest related to the criminal prosecution of the perpetrator. No agreement can be entered into if the perpetrator is to be prosecuted for a crime with which he intentionally took the life of another or with which he intentionally caused permanent disability or serious health impairment (CP 219.§ (1) – (2)).

In common usage, this is the so-called plea bargain. As I already mentioned above, the basic, starting information of the investigation can come from a person who is himself among the perpetrators of the crime, for example the requested "hitman". Based on what was learned during the research interviews, it is more typical that a suspect who is not involved in the homicide case - or his legal representative - indicates during other ongoing criminal proceedings against him that he is aware of the preparation of an ongoing homicide. The purpose of providing the information is clearly to avoid criminal liability.

Undercover Detective

A body authorized to use covert means may use its member who permanently conceals his membership or identity and is employed specifically to perform such a task in criminal proceedings with the permission of the public prosecutor's office. The undercover detective can be used in conjunction with other covert devices, or for its successful application (CP 222.§ (1)).

The practice of recent years shows that the use of an undercover detective is extremely successful in detecting homicide and the preparation of homicide. In preparatory cases, the undercover investigator typically plays the role of an assassin, since the undercover investigator can neither induce others to commit a crime, nor can he lead the person concerned to commit a more serious crime than the one he originally planned to commit.

An extremely striking example of the successful use of an undercover investigator is Dr., the case of Sándor S., who decided because of a previous loan deal, to kill three members of the family. The former lawyer wanted to entrust the crime to a construction contractor, who apparently accepted the commission of the crime, but filed a report with the investigative authority. In the future, the "assassin" agreed to cooperate, and with his cooperation, audio recordings were made that supported the determined intention of the instigator, using other covert devices subject to judicial permission. The police cracked down on the instigator when he shared the exact plans with the "hitman" and even gave photos of the victims. Given his old age and health, the instigator was released relatively quickly from the measure restricting his personal freedom, but by this time his partner had left him. At that time, in the mode of execution, he forged a plan extremely similar to the previous one, to kill his partner who had previously left him, and entrusted two imprisoned persons with the execution. The two persons apparently also admitted to the crime, but they also filed a report with the police. Their cooperation opened the door to the introduction of undercover investigators as experienced "hitmen". The undercover detectives recorded the instigator's communications and even took the negotiated advance. At that time, S. Sándor was arrested again, but this time for a longer period of time. He denied his guilt in court, but both the audio recordings and the cash he handed over clearly proved his guilty intent. Based on this, the court sentenced him to three years and six months in prison for the crime of preparation for murder in four counts, in one case committed continuously.

The example shows that the use of an undercover detective is an extremely effective tool. By the fact that the undercover detective apparently undertakes the execution of the crime, he ensures the control by which the investigating authority becomes able to prevent the commission of homicide. On the other hand, it also provides sufficient evidence for judgment certainty.

I have already mentioned that the CP is extremely innovative. This can also be seen in connection with the use of tools that most violate fundamental rights and are hidden under judicial permission, since the relevant rules have been clearly and comprehensibly laid down. The legislator implemented the issue of proportionality in the procedural law in such a way that, with a few exceptions, special tools subject to a judicial license are only allowed in the case of serious crimes that are punishable by at least five years in prison.

Wiretaping

With the judicial permission of a body authorized to use covert devices, it can secretly learn and record the content of communications carried out via an electronic communication network or device, or on an information system within the framework of an electronic communication service.

The first subscriptions, which have now almost completely replaced landline telephones, began to be sold in Hungary in 1990 by the monopoly Westel Rádiótelefon Kft. According to the Central Statistics Office, in 2023 there were 1,043.3 mobile subscriptions for every 1,000 people (URL8).

Wiretapping, as a means of gathering secret information, plays a significant role in intelligence activities. The police use the tool of wiretapping annually in thousands of cases, which was also supported by the statements of my interviewees. Eavesdropping is, of course, getting to know the communication between two parties, recording the communication between the two, from which it follows that eavesdropping is more effective in the form of social perpetration. Of course, even in this case, the success of the device is not certain. Because in our age, trained, careful, or even paranoid criminals do not share essential information on mobile phones. Therefore, today, through wiretapping, the authorities do not necessarily obtain direct evidence, but intelligence information can be generated, for example, about the perpetrator's network of relationships, personality, daily activities, and plans. At the same time, there is also the real possibility that the identity of the instigator or executor, the place and time of their meeting become known, which, depending on the operational situation, can be documented by the intelligence agency using other means (surveillance, an undercover investigator, or a secretly cooperating person).

According to the unanimous opinion of my interviewees, the information obtained during the eavesdropping can help the authorities to recognize in time and establish the real intentions regarding the preparation of the crime, thereby preventing the commission of the crime.

Secret Surveillance of an Information System

With the judicial permission of a body authorized to use covert devices, it can be secretly learned about the data managed in the information system, and it is possible to record the detected data with a technical device (CP 232.§ (1)).

The Internet is among the technical achievements of the 20th century. Today, it is normal that communication takes place via various applications, typically installed on mobile phones. According to the data from the Central Statistical Office, 89% of the 16-74 age group use the Internet on a daily basis (URL9). This meant 1.3 billion terabytes of data in 2023 (Barkóné Dobos et al. 2024: 128).

The practice shows that both average users and criminals are increasingly switching to Internet-based communication. Communication on this platform is more open and careless, since the chat applications work with continuously developed encryption systems that provide users with the possibility of safe, unmonitored communication. This presents a real challenge to the authorities, and in many cases the knowledge of the communication becomes possible only after the seizure of the technical device, but then it is considered particularly weighty evidence.

As I mentioned above, in addition to the outlined tools, the authority has the possibility of using many other special tools, but the ones explained above are the ones that the investigative authority uses most often and most effectively.

RESULT AND JUDGMENTS

As I wrote above, criminal material law orders a five-year prison sentence for a person who commits the preparation of murder. Based on the BJE outlined above, it is also possible to express the thought to the addressee.

My interviewees said that, according to their experience, the court considers the criminal intent extremely seriously. The trial courts pass judgments that are reprimanding but take away personal freedom, or that represent a real sanction, only in cases with a statement of thought but not realized in other actions. On the other hand, in cases of preparation for actual, determined homicide, the court regularly imposes a penalty of actual deprivation of liberty within the legal framework.

CONCLUSION

In the course of my research on the crime of preparation for murder and my own professional activities, I have found that the investigation of preparation for homicide - especially in the reconnaissance department before questioning the suspect - imposes an above-average, significant responsibility on the members of the acting authorities.

This additional professional and moral responsibility stems from the duality of the task. The primary goal, which overrides everything else, is to save the life of the person in danger. This is coupled with the enforcement of society's criminal law demands, i.e. the effective and legal conduct of criminal proceedings against the perpetrator or perpetrators.

In the majority of cases, the investigation into the preparation of a homicide is a fast, decisive investigation, but does not require special solutions. The electricity that was led into the fence, the "death list" posted on social media by a student who was offended or maybe struggling with mental problems, or the "You'll die!" sent to the website of an antipathetic politician before elections, but message does not necessarily mean serious intent to kill.

Since the facts are not sufficiently clarified at the beginning of the procedure, the mental state of the perpetrator and the seriousness of his intentions are not known, therefore the authorities do everything possible to prevent and prove the crime. The identification of the unknown perpetrator usually does not pose any particular difficulty, even if the perpetrator lives with the anonymity provided by the Internet. The identification and capture of the culprit is followed by a (house) search, interrogation of the suspect and, in many cases, an examination by a psychologist or mental health expert, which serves the noble goal of serving justice.

In the cases in which the perpetrator's determination and possibly the social pattern of crime, the organization, the higher degree of the crime, or some more complexity for other reasons, the police respond using more sophisticated methods.

In the course of my work, I have come to the conclusion that the police have all the necessary tools available for those cases where, for some case-specific reason, the establishment of the facts is more complicated, or difficulties arise in the field of detection and proof. In connection with this, the procedures designed to protect witnesses and the cooperation of law enforcement authorities, even at the international level, are particularly important. Unfortunately, this is not sufficiently elaborated in relation to persons cooperating secretly.

In addition, it can be stated that the legal environment, be it criminal law or criminal procedure law, and thus the storehouse of special tools, provides the authority with a sufficient toolbox for effective prevention and the correct determination of guilt.

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