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Criminal law on the border of private law.
Interidisciplinary analysis of some fundamental concepts
Theses of the doctoral dissertation

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I. Introduction, objectives of the research and study

The subject and the content of the thesis are relatively unexplored and under researched, in contrast to the fact that there have been several academic articles, monographs and studies on the private and criminal law aspects of the topics and legal institutions covered in my thesis. It is also clear, however, that the literature has failed to provide a comparative analysis of the various criminal and private legal institutions, which is why a dissertation can provide some useful insights on the subject.

The novelty of the topic in legal science is basically due to the fact that the relationship between criminal law and private law has been rarely researched so far, and previous studies have mostly dealt only with the boundaries between the two areas of law, mostly traditionally treated as issues or problems concerning two separate areas of law, although in practice it is often necessary to consider concepts and legal institutions concerning both areas of law at the same time.

In my view, however, the relationship between the two areas of law is much more complex than one might at first glance imagine, involving a considerable number of points of interconnection. Therefore, an analysis of the links between the

two areas of law can create new opportunities for legal argumentation and practice, as well as contribute to reducing possible discrepancies, deficits in the application of the law or, more generally, the (or the sense of) legal uncertainty.

In my research, I primarily wanted to examine the dogmatic interdependence of criminal law and civil law, and I also looked at the issue of the unification of terminology and the necessity of unification, since, as I mentioned earlier, it is of particular importance in the context of the interrelationship between criminal law and private law. In addition, an examination of these interrelationships may also help practitioners to interpret more easily the differences between criminal and private law consequences and sanctions, as well as their effects and interactions. Overall, this can make a major contribution to improving the balance and effectiveness of law enforcement.

It can be stated that the interconnection of the two areas of legislation can also affect the complexity and nature of the (legal) cases involved, as it is often the case that in a given dispute, criminal law aspects may play a role alongside civil law aspects, or vice versa. The analysis of the interrelationship can also help legislators and practitioners alike in how to make priority decisions on mixed issues and, in my view, the use of

the knowledge and experience gained can contribute to a more efficient and fairer administration of justice, both indirectly and in the longer term.

II. Methodology

In the field of law, there is a wide range of research methods used, and the choice of appropriate methodological tools must take into account the issues, objectives and limitations of the research.

In legal research, the number of methods that can be used in general and are sufficient to achieve results is limited, without calling into question the emergence of innovative methods, such as empirical studies, in legal research. Nevertheless, the classic methods of legal research, such as dogmatic, historical, teleological, taxonomic, interdisciplinary and comparative studies and analyses, are sufficient and have fully enabled the thesis to be written.

In order to be able to present the dissertation, it was also necessary to decide whether I wanted to present a detailed or a panoramic study and vision of the chosen topic. Considering the interdisciplinary nature of the topic and the fact that this area has

not been explicitly researched, the predominance of arguments has tilted the scientific investigation towards a panoramic approach, which I hope can become a basis for further more detailed research.

The dissertation examined the issues, basic concepts and legal institutions contained therein primarily from a comparative-analytical legal approach.

The basic method was an interdisciplinary analytical examination that covered the various areas of law and disciplines, the application of which, as a research result, i.e. as the conclusion of this dissertation, makes it possible to determine whether it is necessary to rethink the function and purpose of the two areas of law, whether there is a reason or a need to renew and rethink certain concepts, institutions and terms - used both in private law and criminal law. For the purposes of this dissertation, interdisciplinary research was the most useful method to focus on some of the complex problems of knowledge constructed by the disciplines, in this case criminal law and private law. The dissertation therefore attempts to highlight the reasons for the need to approximate the conceptual framework of the two areas of law, and to use the relevant knowledge of criminal and private law - and even public

and constitutional law - to anticipate the possibility of a unified, coherent and consistent application of the law.

Although the aim of the thesis was not to provide a detailed account of the historical development of the legal instruments under consideration, it did attempt to provide a brief overview of the historical issues, their development and changes in each of the legal instruments.

Among the research methods used in this dissertation, the most innovative and forward-looking results are provided by comparative analysis, namely the comparison of legal institutions, terms and legal definitions in the broad sense of criminal and private law, and the exploration of the reasons for any differences.

The research obviously applies a dogmatic approach as well, which was also essential for a subject of this kind, bearing in mind that dogmatics is not only and primarily a research method, but also a science in its entirely separate field.

III. Research findings, theses, conclusions

The examination of the mutual interrelationship between criminal and private law is of great importance from a

jurisprudential and practical point of view, which, in my view, can offer new insights, approaches and solutions for legislators, practitioners and academics. It is therefore crucial for the effective functioning of the legal system and for legal certainty that the interfaces and differences between criminal law and private law are properly interpreted.

Among the legal innovations in this area, we can mention, for example, the interaction between criminal and private law, the relationship between civil (tort) and criminal liability, the interdependence of terminology, and the question of unifying or rethinking definitions.

De lege ferenda, it can be recommended that the legislator should endeavour to use and develop a consistent terminology and conceptual system in the future, in order to minimise confusion and interpretation deficits caused by different concepts.

At the moment, however, the legal uncertainties arising from different definitions and the blurring of the boundaries between different legal institutions mean that the legislator and the law enforcer must take the differences between criminal law and private law into account to a large extent, and must therefore apply the different legal solutions to the different rules in a

coherent and coherent manner and with appropriate content. Taking all this into account, a joint effort by the legislator and the practitioners would make it possible to better exploit the interdependence between criminal and private law, which could lead to a more efficient and transparent administration of justice. Overall, it is therefore essential to ensure the connection and interaction between criminal law and private law, and in particular the uniform use of terminology and concepts in this area, in order to ensure the efficiency of the application of the law and legal certainty.

A key issue, and in fact one of the solutions to the problem raised, could be to enable the two areas of law to interact where necessary. Perhaps more importantly, they must also be able to interact. Obviously, it is partly a matter for the legislator and partly for the law enforcement authorities to make this possible or to facilitate its implementation. The judgment on causality shows, in my view, a good direction, a willingness, ability and capacity to make that link. If such progress were to be made in the other problematic cases raised in the thesis, such as the concept of damage, the concept of property, etc., it would certainly serve the interests of uniform jurisprudence and legal certainty.

For my part, I believe that I was able to demonstrate the research results I set out to achieve in this dissertation, with the addition that my study is clearly not necessarily a sufficient instrument to decide questions of such complexity and importance. However, to the extent that at least one or even a few doubtful, questionable ideas and practices can finally be brought to a point, or at least brought into focus, my thesis has already achieved its purpose.

IV. List of publications

1. Az Alkotmánybíróság határozata az összbüntetésről – Jogesetek Magyarázata; 2019/2-3. szám
2. Száguldó elektromos rollerek és segway-ek nyomában – a 21. századi közlekedési eszközök egyes szabályozási problémái – Magyar Jog; 2020/1. szám
3. Controversial issues about real life imprisonment in the Hungarian legal system – Bratislava Legal Forum, Collection of Papers from the International Academic Conference, (2020)
4. A COVID-19 hatása a büntető igazságszolgáltatásra – In:Ambrus István (szerk.) COVID-19 és a büntetőjog:

Az emberi egészség, a köznyugalom és más jogtárgyak védelme járvány idején, ELTE Eötvös Kiadó (2021)

5. A Kúria határozata a jogellenes magatartás és az eredmény közötti okozati összefüggés fennállásának megállapításáról a polgári perben – a büntetőjog és magánjog kölcsönös összefüggései egy eseti döntés tükrében – Jogesetek Magyarázata; 2021/4. szám
6. Filó Mihály – Komporday-Orosz Noémi (szerk.): Büntetőjog Általános Rész 2. átdolgozott kiadás; ELTE Eötvös Kiadó (2022.)
7. A büntetőjog és a polgári jog kárfogalma. Azonos terminológia, eltérő definíciók. – Ügyészek Lapja (2022/1.)
8. Okozatosság a büntetőjogban és a magánjogban – Jogi tanulmányok 2022: Jogtudományi előadások az Eötvös Loránd Tudományegyetem Állam- és Jogtudományi Kar Doktori Iskoláinak Konferenciáján (2022)