EÖTVÖS LORÁND UNIVERSITY
DOCTORAL SCHOOL OF LAW

CRIMINAL PROCEEDINGS WITHOUT SUSPICION
-
CONSTITUTIONAL CONCERNS REGARDING THE PREPARATORY PROCEDURE

SUMMARY OF DOCTORAL THESIS

DR. ESZTER ANNA ÜVEGES

SUPERVISOR:
DR. KATALIN VALÉRIA HOLÉ
ASSOCIATE PROFESSOR

BUDAPEST
2025

I. OBJECTIVES AND RESEARCH QUESTIONS

Covert intelligence-gathering activities are as old as humanity itself. Given the inherently clandestine nature of crime, the use of similarly covert methods in the fight against it appears natural.[1] However, the development of a legal framework for covert investigations was a long and gradual process. Initially, such activities were governed by secret instructions known only to decision-makers and practitioners. Over time, these rules became more refined, increasingly transparent, and ultimately aligned with the principles of the rule of law, becoming fully open and detailed.

The Hungarian Act XC of 2017 on the Code of Criminal Procedure (hereinafter: CCP) has been in effect for nearly seven years. In the spirit of ensuring efficiency and speed, the legislature has introduced several new legal institutions, including the so-called preparatory procedure. This legal instrument functions as a preliminary, optional phase preceding the investigation stage, aimed at enhancing the effectiveness and promptness of crime detection and prevention, while operating within the framework of legal safeguards provided by the CCP.

According to Section 340 (1) of the CCP, the purpose of the preparatory procedure is to determine whether there is any suspicion of a crime. With this, the legislator has departed from a criminal procedural tradition spanning several millennia, namely that criminal proceedings may only be initiated on the basis of at least a simple suspicion of a crime. The introduction of the preparatory procedure restructured the legal regime governing covert investigative methods, including a codified definition of covert instruments.

The primary objective of this research was to conduct a comprehensive analysis of whether the preparatory procedure complies with constitutional guarantees and whether the criteria for the lawful restriction of the right to privacy are fulfilled. The central hypothesis underlying this research is that the preparatory procedure – in its current form – is incompatible with the principles required in a democratic state governed by the rule of law. In proceedings initiated without the suspicion of a criminal offence, the legislator allows for the use of covert investigative tools and methods – entailing significant restrictions on fundamental rights – based on overly broad and undefined legal terms.

During the preparatory procedure prosecutorial and judicially authorised covert instruments may be used, and data acquisition activities may be conducted, all aimed at reaching a decision on whether a simple suspicion of a criminal offence exists.

[1] NYESTE Péter - SZENDREI Ferenc: *A bűnügyi hírszerzés kézikönyve.* Dialóg Campus Kiadó, Budapest, 2019. 59.

The dissertation is divided into two main parts. The first part presents the historical development of the regulatory framework governing covert intelligence-gathering activities, concluding with an introduction to the legal institution of the preparatory procedure. The second part focuses on the systematisation and analysis of rule-of-law requirements and principles related to fundamental rights.

The historical overview serves two primary objectives. First, it aims to demonstrate the gradual evolution of the legal norms regulating covert intelligence activities toward greater transparency, highlighting the progressive refinement of these rules under the influence of rule-of-law principles. Second, it seeks to uncover the specific legal environment that preceded the establishment of the preparatory procedure. Before the CCP entered into force, covert intelligence activities were characterised by fragmentation and duality: secret information-gathering conducted under sectoral legislation and covert data acquisition regulated by the previous Criminal Procedure Code (Act XIX of 1998) could be applied in parallel within criminal proceedings. My hypothesis was that the complex system of regulation caused legitimate demands – both from legal practitioners and in academic literature – for a regulatory reform.

The historical analysis ends in the presentation of statutory and regulatory provisions pertaining to the preparatory procedure. This final section of the first part evaluates whether the conduct of proceedings on the basis of information falling short of the threshold of criminal suspicion is governed with sufficient legal precision. According to my hypothesis, several elements of the preparatory procedure – such as its foundation in what might be termed "the suspicion of a suspicion", the broad and undefined scope of individuals subject to covert measures authorised by a judge "a person possibly involved in the commission of a criminal offence" and "a person in direct or indirect contact with them", and the use of covert surveillance based solely on the applicable sanction for a crime, even in the absence of any concrete suspicion – are, even independently of constitutional concerns, conceptually vague, unfamiliar to the criminal procedural sciences, and allow for unbounded, subjective interpretation in practice. Moreover, the regulatory framework lacks several critical procedural safeguards that would be necessary given the severity of the fundamental rights restrictions involved.

The second main part of the research addresses fundamental rights and rule-of-law principles and projects these standards onto the preparatory procedure, with special attention to the right to privacy and the conditions under which it may be legitimately restricted. The use of covert investigative tools necessarily entails limitations on fundamental rights. According to

the definition provided by the legislator in Section 214 (1) of the CCP, covert instruments involve special activities carried out by authorised bodies within criminal proceedings without the knowledge of the person concerned. These activities inherently restrict the inviolability of the home, the right to privacy, the secrecy of correspondence, and the protection of personal data.

One of the central objectives of this research was the multi-level analysis and conceptual exploration of the right to privacy, which is among the fundamental rights most severely restricted by covert intelligence-gathering activities. This was undertaken to substantiate my hypothesis that the right to privacy constitutes a multi-faceted, multi-tiered fundamental right that is continuously expanding in scope in an increasingly digitalised world.

In demonstrating the various layers of legal protection, I considered it essential to examine the relevant provisions of the Fundamental Law of Hungary**,** other statutory laws, and supranational legal instruments**,** with particular emphasis on the European Convention on Human Rights (ECHR). I devoted a separate chapter to analysing the conditions under which fundamental rights – especially the right to privacy – may be restricted under the Fundamental Law, domestic legislation, and the ECHR. Special emphasis was placed on the case law of the Hungarian Constitutional Court and the European Court of Human Rights**,** given that their judgments give substantive and concrete meaning to abstract legal provisions.

In evaluating the constitutionality of the rules governing the preparatory procedure, I examined whether they comply with the criteria for restricting the right to privacy – namely**,** legality**,** legitimate aim**,** and the principles of necessity and proportionality – as laid down in both domestic and international legal frameworks. This was done through a detailed analysis of the individual provisions regulating the use of covert surveillance tools authorised by a judge. According to my hypothesis, these provisions, in their current wording and structure, raise constitutional concerns. In particular, they fail to meet the requirement of foreseeability and clarity imposed by the legality criterion, which alone is sufficient to cast doubt on the legitimacy, necessity, and proportionality of their application.

Before arriving at a final conclusion regarding the conformity of the preparatory procedure with rule-of-law principles, I considered it indispensable to collect and evaluate publicly available statistical data on the ordering of preparatory procedures and the use of covert surveillance tools. The primary objective was to compare the available data in order to confirm or refute my hypothesis: namely, that if the large-scale use of preparatory procedures and covert tools does not result in a similarly large number of investigations being initiated – that is, the establishment of even a simple suspicion – then this alone calls into question the justification**,**

necessity**,** and proportionality of applying covert means, undermining their character as a measure of *ultima ratio***.**

II. RESEARCH METHODOLOGY

This research specifically focuses on the legal regulation of covert intelligence-gathering activities in Hungary. It is important to emphasise that the study concentrates exclusively on the domestic legal framework governing covert investigative tools and methods applicable for criminal law enforcement purposes, deliberately excluding the instruments and regulations relating to national security-based intelligence operations**.** This distinction is justified by the differing objectives, legal institutions, and application contexts that characterise the two regimes.

The primary methodological basis of this research wa**s** legal doctrinal analysis. Through this approach, I examined the current sources of law – statutes, governmental decrees, and other normative instructions – relevant to the preparatory procedure, presenting their structure and content in detail. The historical section of the study explores the previously applicable legal environment governing covert investigative activities, tracing the trajectory of its development.

Using the comparative legal method, I aimed to contrast previous and current regulatory models in order to identify the theoretical and practical motivations that have shaped legislative evolution, with particular emphasis on the introduction of the preparatory procedure as a new legal institution. The comparative approach also played a major role in illustrating the legal development of rules concerning the tools and methods of covert investigations.

Closely related to the comparative method, I also employed document analysis, with the goal of conducting a comprehensive review of the relevant academic literature. This included the study of Hungarian-language monographs, scholarly articles, and both printed and online journal publications. By exploring how covert investigations have been addressed in legal scholarship, I aimed to ensure scientific representativity, focusing particularly on the identification of doctrinal and practical critiques. In the constitutional analysis, I relied extensively on the jurisprudence of the Hungarian Constitutional Court and the European Court of Human Rights, in addition to doctrinal sources, seeking to present the broadest possible spectrum of the normative principles elaborated in their decisions.

The conceptual analysis method played a central role in this research, especially with regard to the terminological and dogmatic challenges identified in my hypothesis concerning the preparatory procedure. By examining the definitional ambiguities and lack of substantive

clarity surrounding specific provisions of this legal institution, the research contributes to the refinement of key legal concepts. Dogmatic legal analysis proved to be an indispensable tool in the assessment of the right to privacy, it's possible limitations, and the overall rule-of-law evaluation of the preparatory procedure.

Formulating and structuring my own critical perspective was a key element of the research, particularly in the context of assessing the preparatory procedure from a rule-of-law standpoint. In addition to presenting the various legal interpretations and practical approaches, my goal was to articulate and substantiate my own analytical reflections and evaluative conclusions.

To examine and summarise practical experiences, I relied on publicly available statistical reports published by the Office of the Prosecutor General**.** During the analysis of these datasets, I applied both descriptive and interpretative methods, supplemented by comparative assessment. The presentation and evaluation of empirical data served as an evidentiary foundation in reaching conclusions regarding the legitimacy and justification of the preparatory procedure as a legal institution.

III. ANSWERS TO THE RESEARCH QUESTIONS

Interpreting the conduct of criminal proceedings in the absence of reasonable suspicion of a criminal offence is, in itself, a significant challenge; examining the critical details embedded in the regulatory framework of the preparatory procedure is no less complex. As a result of the research, I believe that my main hypothesis has been confirmed: the preparatory procedure does not comply with the principles and requirements of the rule of law. The findings that support this hypothesis are prominently reflected in my responses to the individual research questions, but I also summarize the most critical elements of the preparatory procedure in relation to the hypothesis.

Before the CPC came into force, the duality of covert investigative measures available in criminal proceedings – covert intelligence gathering and covert data collection – and their parallel applicability posed real challenges that justified substantive codification. The research has confirmed that the existing regulations led to problematic legal practice and an opaque, difficult-to-follow implementation of covert investigative activities. Furthermore, they risked the usability of the collected data as evidence. Recognizing the real risk of evidence loss and the boundlessness of regulation, the legislature had to provide clear answers to fundamental questions: how long sectoral intelligence gathering may be conducted, how criminal justice-

related covert investigations should be uniformly regulated, and what regulatory approach would ensure the highest level of legal safeguards.

The legislator sought to integrate criminal-investigative covert operations into the criminal procedure system through the introduction of the preparatory procedure. At the same time, the unified concept of covert tools was established, clearly separating them from intelligence gathering permitted under sectoral legislation. On the face of it, the transition from unbounded regulation to a unified framework could be considered a positive development. From a rule-of-law perspective, the preparatory procedure represents a step forward, as its uniform legal basis appears to strengthen the procedural position of individuals who have not yet been formally designated as suspects.[2]

However, upon reviewing the detailed rules of the preparatory procedure, I have formed the following answers to my preliminary hypothesis (which has not yet undergone constitutional analysis), specifically concerning whether the provisions are sufficiently defined.

The authorities authorized to conduct the preparatory procedure are clearly designated, as are the grounds for ordering and conducting the procedure. While the grounds for launching a preparatory procedure – what I term "the suspicion of a suspicion" – are specified in a threefold list incorporated into the CPC, this is only a superficial form of definition. A minor issue is that the category of "official knowledge" is addressed in the Government Decree No. 100/2018 (VIII. 8.) (hereinafter: Nyer.) with a non-exhaustive list ("particularly"), rather than a definitive enumeration. In comparison, information in a dismissed criminal report can at least be considered factual, and the use of data obtained through intelligence gathering is tied to specific deadlines and discretionary evaluation.

The key problem – which applies to all grounds of the preparatory procedure – is the undefined boundary between a suspicion of a suspicion and a mere suspicion. More broadly, how can a well-founded decision be made as to which behaviors are neutral from a criminal perspective, which ones go further and may give rise to a suspicion of suspicion, and which ones reach the level of ordinary suspicion? This ambiguity presents a serious challenge to law enforcement authorities and encourages subjective discretion. This carries the risk that authorities intervene in processes devoid of any criminal nature via the preparatory procedure. If we cannot even establish whether an offence might have occurred – or whether a particular

[2] FANTOLY Zsanett: Az előkészítő eljárás és a nyomozás feladatai a bűnfelderítésben és a bizonyításban. *Rendőrségi Tanulmányok,* 2021/1. 22-42., 42.

person may have committed it – then law enforcement agencies may end up interfering in normal, lawful processes without any indication of criminal activity.[3]

An even more fundamental issue arises in relation to the use of covert tools requiring judicial authorization during the preparatory procedure. The legislator set out material and personal "limits" for their application.

According to Section 343 (1) of the CPC, covert tools requiring judicial authorization may be used during the preparatory procedure against persons “who may be considered as potential perpetrators of a criminal offence” or those “who are reasonably believed to maintain direct or indirect contact with such individuals”. The phrase “person who may be considered a perpetrator” is unfamiliar and foreign to the doctrinal framework of criminal procedure. It does not correspond to the long-standing concept of a suspect, nor to the “person reasonably suspected of committing a crime” as defined by the CPC. The term “person concerned” might be applicable when discussing those affected by covert tools, and the vague notion of a “potential perpetrator” is meant to concretize this. However, given the severe restriction of rights involved in using covert tools that require judicial authorization, stricter conditions must apply than those for covert measures requiring only prosecutorial (or no) authorization.

The current regulation fails to achieve such rigor. There is no concrete criteria or condition to determine who qualifies as a “potential perpetrator of a criminal offence”. This leaves the classification entirely to the discretion and subjective assessment of the investigating authority.

Moreover, the CPC further expands the affected personal scope by allowing covert tools to be applied even to those who “maintain direct or indirect contact with the person considered a potential perpetrator”. Thus, the “personal limit” is so vague and indeterminate that, in my opinion, it’s regulation becomes essentially meaningless. Through logical tautology, the CPC legitimizes surveillance against anyone who has any connection with a person regarded as a potential perpetrator.[4] The term “logical tautology” is particularly apt for describing the situation, considering that it is theoretically possible to make the assertion about anyone that they are in contact – even if only indirectly – with the perpetrator of a crime, especially since we do not even know who the potential perpetrator might be, or rather: who is not. It should not be forgotten that this is all done within a procedure which does not even require a simple suspicion of a crime.

[3] KORINEK László: Paradoxonok a kriminológiában és a büntető igazságszolgáltatásban. HVG-ORAC Lap- és Könyvkiadó Kft. Budapest, 2023. 27.
[4] PARTI Katalin: Az elektronikus kommunikáció titkos megismerésével kapcsolatos jogszabályi garanciák Magyarországon. *Miskolci Jogi Szemle,* 2019/2. klnsz. 302-314., 308-309.

The "objective limit" to the applicability of covert investigative tools requiring judicial authorization during the preparatory procedure is the same general objective limit that applies to all such tools. The legislator defines this objective limit by referring to the classification of the offence under Act C of 2012 on the Criminal Code (hereinafter: CC), and more specifically, the penalty prescribed therein. The general rule is that these tools may be used in relation to offences punishable by up to five years of imprisonment, or in the case of certain intentional offences, those punishable by up to three years of imprisonment. However, referencing such thresholds during the preparatory procedure is difficult to interpret. This interpretative problem stems directly from the nature and foundations of the preparatory procedure itself. As previously discussed, it is difficult to define the boundary – open to vast subjective interpretation – between conduct devoid of criminality and what could be termed the suspicion of suspicion. From the perspective of the preparatory procedure, the crucial point is that the suspicion of suspicion does not reach the level of simple suspicion, since in that case an investigation must be initiated and the matter may no longer be examined within the preparatory procedure.

If so little information is available that it does not even support a finding of simple suspicion, how can a legal classification of the crime and the corresponding penalty under the CC be determined based on that information? In my view, it cannot be done factually or with sufficient foundation; rather, any such decision is necessarily based on the subjective judgment of the authority conducting the preparatory procedure, coupled with the irresistible temptation of using the potentially effective covert investigative tools requiring judicial authorization.

In my opinion, the gravity of this issue is not alleviated by the so-called “safeguard” provision that if no investigation is launched following the conclusion of the preparatory procedure, the person named in the judicial authorization must be informed about the use of covert investigative tools. On one hand, it is left to the discretion of the authority applying the tools to decide whether such notification would endanger the effectiveness of another criminal procedure or covert intelligence gathering, a determination that is also subjective and lacks specific conditions. On the other hand, even if such notification does occur, it only pertains to the fact that a covert tool requiring judicial authorization was used. It does not include the reason for its application, its duration, or the scope of data obtained through its use. Moreover, no legal remedy is available in response to the notification, even though in cases where no investigation is launched based on the results of covert tools used in the preparatory procedure – i.e., where even simple suspicion is not established – the necessity and proportionality of restricting fundamental rights are highly questionable.

With respect to the process of applying and implementing covert tools requiring judicial authorization, the court is empowered to review the legality of their use. However, this is only an opportunity for the court; there is no statutory obligation to request and examine the relevant documents. It would be an important guarantee of legality if the authority using the covert tools were required to report on the results of their use at regular intervals, not only when requesting an extension of their use. By imposing such a reporting obligation, it would be possible to monitor not only the legality of the entire process, but also the justification and indispensability of using such tools.

The legislator does not address whether it is possible to order a preparatory procedure again, nor whether this is precluded. In my view, after six or nine months of inquiry ending without even establishing simple suspicion of a crime, it would be justified to enshrine in the law that a preparatory procedure may not be repeatedly ordered against the same person based on the same information.

My hypothesis concerning the detailed rules of the preparatory procedure – that they are characterized by vague, contentless expressions, excessive and unbounded discretion for legal practitioners, and the lack of concrete guarantees – has, in my view, been confirmed by the results of the research.

The preceding analysis has demonstrated that the right to privacy is a fundamentally protected right, derived from human dignity and encompassing multiple entitlements such as the inviolability of the home, the secrecy of private communications, and the protection of personal data. Both the Constitutional Court of Hungary and the European Court of Human Rights have consistently interpreted these rights broadly, affording them a high degree of protection. This elevated standard of protection is reflected not only in constitutional and supranational legal instruments but also in domestic legislation, including Act LIII of 2018 on the Protection of Privacy, the Act V of 2013 on the Civil Code and the CC, which all provide substantive legal remedies for violations of the right to privacy.

The restriction of fundamental rights within a constitutional democracy is subject to strict conditions, and this applies with heightened intensity in the context of the right to privacy. The Fundamental Law of Hungary, the European Convention on Human Rights, and the CPC together set forth a framework of requirements that any limitation on such rights – and the application of covert investigative techniques in particular – must satisfy. These requirements include legality (statutory basis and clarity), a legitimate aim, and compliance with the principles of necessity and proportionality.

The present analysis has established that, although the formal requirement of legality appears to be satisfied – given that covert measures in preparatory proceedings are regulated at the statutory level by the CPC and further detailed in executive regulations – the substantive elements of legality are manifestly deficient. The norms governing the preparatory procedure are formulated in a vague and indeterminate manner, rendering them unpredictable and open to arbitrary interpretation, thereby failing to meet the criterion of legal certainty, which is an essential component of the rule of law.[5]

A central concern is the foundational threshold for initiating the preparatory procedure: not a well-founded suspicion, but the "suspicion of a suspicion" of a criminal offence. Such an ambiguous standard fails to inform individuals about which of their actions might trigger covert state surveillance, leading to a situation in which the potential scope of those affected becomes essentially limitless. This is exacerbated by the fact that the decision to initiate the procedure and to apply covert means is left to the subjective judgment of the authorities, without adequate procedural safeguards.

Even more problematic is the indeterminacy surrounding the "persons potentially implicated in the commission of a crime", as referenced in the legislation governing the authorization of covert surveillance. This formulation is inherently vague and fails to identify a clearly defined group of individuals who may be subjected to the most intrusive forms of surveillance. In addition, the legal provisions permit the extension of surveillance measures to those maintaining either direct or indirect contact with such undefined individuals. This broad and unqualified discretion is incompatible with the constitutional requirements for the limitation of fundamental rights, particularly when such limitations are applied in the absence of reasonable suspicion and without meaningful judicial control.

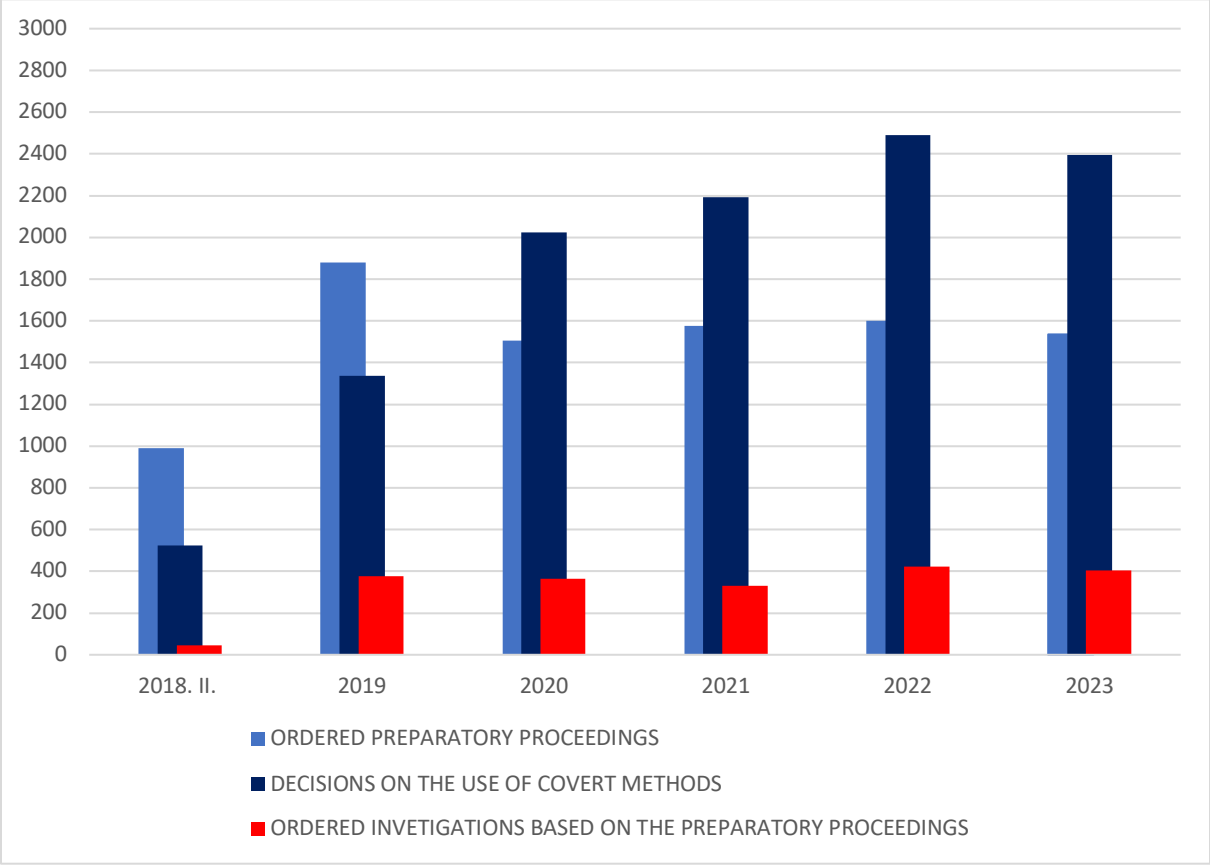
The principle of purpose limitation – an essential safeguard within any rights-restricting legal framework – has also been substantially weakened. The law permits not only the application of covert measures based on unclear objectives but also allows for the subsequent use of the collected information for purposes entirely unrelated to the initial authorization, thus abandoning the core principle of purpose specificity in criminal proceedings.[6]

Given these deficiencies, it is evident that the regulatory framework governing the preparatory procedure fails to meet the constitutional standards of legality, necessity, and

[5] Rue, FRANK: *Promotion and protection of the right to freedom of opinion and expression (*A vélemény- és véleménynyilvánítás szabadságához való jog előmozdítása és védelme*)*, United Nations Digital Library, A/68/362. In: https://digitallibrary.un.org/record/768352?ln=en&v=pdf Utolsó letöltés ideje: 2025. január 10.
[6] FARKAS Ákos: Ki ellenőrzi az ellenőrt? *Belügyi Szemle,* 2000/2. 62-67., 63.

proportionality. As a result, the judicial authority responsible for authorizing covert measures is not in a position to conduct a meaningful assessment of whether such measures are indeed necessary and proportionate, due to the absence of clearly defined legal criteria.

This situation is particularly alarming in view of statistical data published by the Office of the Prosecutor General. Between 2018 and 2022, the proportion of preparatory procedures leading to the initiation of formal criminal investigations remained consistently low – ranging from 4.4% to 26.3% annually – with a slight increase to 31.3% in 2023. At the same time, the number of decisions authorizing covert surveillance measures rose significantly, peaking at 2,491 in 2022. These figures underscore a disproportionate use of covert techniques in a legal framework that lacks adequate normative and procedural safeguards.



[7]

In conclusion, the findings confirm the central hypothesis of this study: the preparatory procedure, in its current form, is incompatible with the constitutional principles of the rule of law and the protection of fundamental rights. The absence of clear legal standards, the lack of

[7] Diagram created by the author. Based on data published in the Statistical Bulletin of the Office of the Prosecutor General: https://ugyeszseg.hu/wp-content/uploads/2016/02/buntetojogi-szakag-2023.-ev.pdf

effective safeguards, and the high degree of discretionary power granted to investigative authorities all contribute to a regulatory environment in which the right to privacy is insufficiently protected, and which therefore fails to meet the constitutional requirements of a democratic state governed by the rule of law.

Quoting Géza Finszter, *"a process can be considered constitutional if it is characterized by impersonality, normativity, a limited and controlled exercise of punitive power, and where human dignity is not compromised"*.[8]

Based on the results of my research, it is necessary to take a position on whether we accept the conceptual possibility of criminal proceedings in the absence of suspicion. More specifically, do we accept the notion that the mere minimal degree of suspicion of a criminal offense (which in many cases fails to be substantiated during the investigation, leading to the termination of the procedure) is no longer necessary to initiate a procedure aimed at enforcing the state's punitive claim? When deciding whether to accept this concept, it must be emphasized that – even if not explicitly for the purpose of criminal prosecution – covert intelligence methods may still be conducted outside the framework of criminal proceedings, based on sectoral legislation, for the purpose of obtaining information that could serve as a basis for a preparatory procedure or investigation. For my part, I reject the legitimacy of this legal institution from both the rule-of-law and criminal procedural jurisprudential standpoints.

Secondarily, if the existence of the preparatory procedure is considered justified in order to ensure the most effective means of combating crime, then a reconsideration of the regulatory framework is required. Research findings indicate that the current design of the preparatory procedure does not conform to the principles and guarantees of the rule of law. In my view, in a regulatory framework that truly provides rule-of-law safeguards and genuine fundamental rights protection, covert investigative tools requiring judicial authorization have no place within the preparatory procedure. In cases where not even the simple suspicion of a criminal offense can be established, the justification, necessity, and proportionality of the severe restrictions on fundamental rights imposed by judicially authorized covert means cannot be substantiated.

The authority conducting the preparatory procedure should, within the true guarantees offered by criminal procedure, be permitted to engage in data acquisition activities and to employ covert investigative tools not requiring judicial authorization. However, it must not be allowed to intrude upon the inviolable sphere of private life through the use of covert methods requiring judicial approval.

[8] FINSZTER Géza: Az alkotmányos büntetőeljárás és a nyomozás. *Fundamentum,* 1997/2. 109-115. 111.

Successful criminal prosecution cannot exist without covert investigative tools and methods. The necessity and effectiveness of applying such tools and methods is beyond question. The key lies in striking a balance between covert intelligence-gathering operations and the expectations of a constitutional state, and the balance begins with ensuring doctrinal clarity. The aim is our security: an effective response to increasingly organized and sophisticated forms of crime. However, the end does not justify the means.

IV. BIBLIOGRAPHY

1. FANTOLY Zsanett: Az előkészítő eljárás és a nyomozás feladatai a bűnfelderítésben és a bizonyításban. *Rendőrségi Tanulmányok,* 2021/1. 22-42.
2. FARKAS Ákos: Ki ellenőrzi az ellenőrt? *Belügyi Szemle,* 2000/2. 62-67.
3. FINSZTER Géza: Az alkotmányos büntetőeljárás és a nyomozás. *Fundamentum,* 1997/2. 109-115.
4. KORINEK László: Paradoxonok a kriminológiában és a büntető igazságszolgáltatásban. HVG-ORAC Lap- és Könyvkiadó Kft. Budapest, 2023.
5. NYESTE Péter - SZENDREI Ferenc: *A bűnügyi hírszerzés kézikönyve.* Dialóg Campus Kiadó, Budapest, 2019.
6. PARTI Katalin: Az elektronikus kommunikáció titkos megismerésével kapcsolatos jogszabályi garanciák Magyarországon. *Miskolci Jogi Szemle,* 2019/2. klnsz. 302-314.
7. Rue, FRANK: *Promotion and protection of the right to freedom of opinion and expression (*A vélemény- és véleménynyilvánítás szabadságához való jog előmozdítása és védelme*)*, United Nations Digital Library, A/68/362. In: https://digitallibrary.un.org/record/768352?ln=en&v=pdf Utolsó letöltés ideje: 2025. január 10.

V. LIST OF PUBLICATIONS

1. ÜVEGES Eszter Anna: Magánszféra kontra közérdek. Az előkészítő eljárás alkotmányos aggályai. *Belügyi Szemle,* 2019/6. 43-58.
2. ÜVEGES Eszter Anna: Magánszféra kontra közérdek. Az előkészítő eljárás alkotmányos aggályai. In: NAGY Marianna (szerk.): *Válogatott tanulmányok az ELTE Állam- és*

Jogtudományi Kar tudományos diákköreinek a XXXIV. OTDK-ra nevezett dolgozataiból. Budapest, 2019. (ISBN 978 963 284 719 1) 211-221.

3. ÜVEGES Eszter Anna: A leplezett eszközök alkalmazásának eredménye, felhasználhatósága - különös tekintettel a célhoz kötöttségre. In: FAZEKAS Marianna (szerk.): *Jogtudományi előadások az Eötvös Loránd Tudományegyetem Állam- és Jogtudományi Kar Doktori Iskoláinak Konferenciáján. 2021. június 11.* (ISSN 2064-9851) 257-268.

4. ÜVEGES Eszter Anna: A „bűncselekmény elkövetőjeként szóba jöhető személy" avagy a bírói engedélyhez kötött leplezett eszközök alkalmazhatósága az előkészítő eljárás során. In: MOLNÁR Dániel – MOLNÁR Dóra (szerk.): *XXIV. Tavaszi Szél Konferencia 2021, Tanulmánykötet I.* (ISBN 978-615-81991-1-7) 180-188.

5. ÜVEGES Eszter Anna: A titkos bűnfelderítési és bűnmegelőzési szabályrendszer az Európai Unióban. In: MOLNÁR Dániel – MOLNÁR Dóra – NAGY Adrián Szilárd (szerk.): *XXV. Tavaszi Szél Konferencia 2022, Tanulmánykötet I.* (ISBN 978-615-6457-13-4) 61-71.

6. ÜVEGES Eszter Anna: A titkos felderítés kodifikációs dilemmái. In: FAZEKAS Marianna (szerk.): *Jogi Tanulmányok,* Budapest, 2024. DOI: https://doi.org/10.56966/2024.15.Uveges 198-210.