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Review Paper
DOI: 10.47152/ns2025.13

ASPECTS OF THE PROTECTION OF UNDERAGE INDIVIDUALS AGAINST DRUG-RELATED CRIME

Minors under the age of 18 represent a particularly vulnerable group in the context of drug-related crime, primarily due to their psychological immaturity and increased susceptibility to external influences. Both Hungarian and international legal frameworks – including the Fundamental Law of Hungary, the UN Convention on the Rights of the Child, and European human rights instruments – impose a duty on the state to provide enhanced protection for children. The Hungarian Criminal Code (Act C of 2012) therefore prescribes aggravated sanctions for drug-related offences committed with the involvement of minors or within protected locations such as schools and child welfare institutions. While these provisions are designed to deter access to narcotics and prevent the exploitation of children, they also raise concerns about proportionality, particularly in cases where harsher penalties apply solely because of the location of the offence, without the involvement of a minor. This paper explores the role and limits of criminal law in child protection and analyzes judicial practice concerning drug-related offences committed in or around educational institutions.

***Keywords**: minor; drug-related crime; child protection; criminal liability.*

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1. Introduction

Due to the relative immaturity of their personality, young persons under the age of 18 are more easily influenced. They are less capable of resisting external influences that may induce them to commit a criminal offence. At the same time, they are also more defenceless against impulses that may orient their lifestyle toward a criminal way of life. Their heightened vulnerability in the context of drug-related crime is evident (Fülöp, *et. al.* 2000) and this must also be reflected in criminal law regulation.

The saying often heard from Hungarian criminal law professor József Földvári is particularly true in the case of crimes involving narcotics committed against children under the age of 18: "Criminal law is not capable of solving social problems. In fact, criminal law alone cannot even solve criminal law problems." Hungarian and international legislation provide increased protection for children, and there are constitutional and international legal grounds for this. Article XVI of Hungary's Fundamental Law deals with the rights of children and the state's obligations to protect them. The UN Convention on the Rights of the Child, which was adopted in 1989 and ratified by Hungary in 1991, also contains provisions that are relevant to the protection of children from drug-related crime. In addition, European human rights standards – such as the European Convention on Human Rights and the case law of the Court of Justice of the European Union and the European Court of Human Rights – also contain norms that serve to protect children from drug-related crime.

Drug crime is a specific phenomenon in the case of minors, who are a particularly vulnerable group from a psychological, social, and health perspective. In recent years, in the 2020s, it has become increasingly common in Hungary and Europe for children to be forced to try drugs or to be used as couriers. The role of criminal law protection is therefore extremely complex in the child protection system and requires constant review and development.

The Criminal Code, Act C of 2012 (hereinafter: CC) contains specific statutory provisions within the scope of drug-related offences for the protection of persons under the age of 18. The legislator prescribes a more severe sanction against the perpetrator of drug trafficking if the perpetrator has attained the age of 18 and offers or transfers narcotic drugs to a person under that age, carries out distribution or trading through the involvement of such a person, or engages in certain distribution-type acts of perpetration in specific protected locations. Such protected locations include the premises, and their immediate surroundings, of buildings designated for educational, child welfare, or child protection purposes. Likewise, drug possession is also classified more severely if a person

over the age of 18 involves a person under 18 in a consumer-type act, or commits cultivation, production, acquisition, or possession in any of the aforementioned protected locations.[1]

The increased criminal liability attached to acts committed with the involvement (by participation or use) of a person under 18 appears suitable to deter access of this protected group to narcotic drugs and to provide them with appropriate criminal law protection. It remains questionable, however, why mere commission of such an offence in the environment of a protected institution – without the involvement of such a person – justifies the threat of more severe punishment. My research seeks to explore, on the basis of judicial practice, what conditions must be met for establishing the commission of drug trafficking and drug possession within the premises, or in the immediate environment, of educational institutions (CC, Section 177 (1) (c) and Section 179 (1) (b)).

2. The History of Regulation

One of the particular features of criminal law regulation of the drug problem is the decisive role of international conventions (Lévai, 1992). The fight against drug abuse has long been conducted within the framework of international cooperation embodied in legal form. As Hungary is a party to these conventions, they are also binding upon domestic law.[2] The statutory provisions under examination implement the obligations arising from the Convention on the Rights of the Child, adopted in New York on 20 November 1989 and promulgated by Act LXIV of 1991 (hereinafter: CRC), as well as the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, adopted in Vienna on 20 December 1988 and promulgated by Act L of 1998 (hereinafter: UN Drug Convention).[3]

Pursuant to Article 24(3) CRC, States undertake to take all effective and appropriate measures with a view to abolishing practices prejudicial to the health of children.[4] The States Parties introduce appropriate legislative, administrative, social, and educational measures in order to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties, and to prevent the

[1] Criminal Code, Section 177 (1) and Section 179 (1).

[2] Constitutional Court Decision 54/2004 (XII. 13.) concerning petitions for the subsequent establishment of unconstitutionality and conflict with international treaties of certain provisions of Act IV of 1978 on the Criminal Code.

[3] Bill No. T/6958 on the Criminal Code – Ministerial Justification.

[4] Convention on the Rights of the Child, adopted in New York on 20 November 1989, promulgated by Act LXIV of 1991, Part I, Article 24.

use of children in the illicit production and trafficking of such substances.[5] For the purposes of the Convention, a child is every human being below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier.[6]

The States Parties to the UN Drug Convention expressed their concern that illicit trafficking in narcotic drugs and psychotropic substances increasingly devastates different segments of society, that children are being turned into illicit drug consumers in many parts of the world, and that they are used in the illicit production, distribution, and trafficking of drugs, which poses an immeasurably serious threat.[7] In light of this, Article 3(5) of the Convention provides that "Parties shall ensure that their courts and other competent authorities can take into account circumstances which make the commission of the offences established in paragraph 1 particularly serious, such as: (g) the fact of involvement of the offence in or in the vicinity of a correctional facility, an educational institution, or a social service facility, or in other places to which schoolchildren and students resort for educational, sports, or social activities."[8]

From the perspective of our topic, the history of drug-related crime in Hungary goes back decades. Act IV of 1978, i.e. the former Criminal Code, already included the crime of drug abuse, and the initial appearance of aggravating circumstances can also be traced back to this act. This regulation already included the involvement of minors and the institutional environment as aggravating factors. The 1993 amendments further differentiated the facts of the case: offering, transferring, and facilitating consumption were separated, and the involvement of minors was criminalized more severely. In 2003, further restrictions came into force, imposing enhanced penalties for acts committed in a school environment and further differentiating the penalties.

The currently effective Act C of 2012, i.e. the new Criminal Code, regulates drug trafficking as a separate offense and treats the involvement of minors as a separate aggravating factor, thereby establishing even stricter penalties. The current approach in Hungarian criminal law is therefore that drug trafficking involving children, either by supplying drugs to children or by involving children in the trafficking, is particularly dangerous and therefore punishable by more severe penalties. Overall, it can be said that Hungarian criminal law regulates drug-related crimes more strictly than many other EU Member States, especially when minors are involved.

[5] Convention on the Rights of the Child, Article 33.

[6] Convention on the Rights of the Child, Part I, Article 1.

[7] Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, adopted in Vienna on 20 December 1988 under the auspices of the United Nations, promulgated by Act L of 1998, Preamble

[8] UN Drug Convention, Article 3 (5).

Following the promulgation of the UN Drug Convention, Section 62 of Act LXXXVII of 1998 on the amendment of criminal statutes supplemented Section 282 of the former Criminal Code, Act IV of 1978 (hereinafter: former CC) with the following aggravated case: "the penalty under paragraph (2) – offering, handing over, distributing or trafficking in narcotic drugs – shall be imprisonment for five to ten years if the offence is committed within, or in the vicinity of, premises designated for educational, public education, child welfare and child protection, or cultural purposes, or within the facilities of the armed forces or of the penitentiary service."[9] The ministerial justification attached to the Act merely stated that the legislator introduced this new aggravated case on the basis of the UN Drug Convention.[10]

By Act II of 2003, the provisions ensuring enhanced protection of persons under 18 were incorporated into a separate section. Section 19 of this amending Act inserted a new Section 282/B into the former CC:

"(1) Any person over the age of eighteen who, without official authorisation, cultivates, produces, acquires, possesses, imports, exports, or transports across the territory of the country narcotic drugs through the involvement of a person under eighteen commits a felony and shall be punished by imprisonment from two to eight years.

(2) The penalty shall be imprisonment from five to ten years,

a) if a person over the age of eighteen offers or hands over narcotic drugs to a person under eighteen, or distributes or traffics in narcotic drugs through the involvement of such a person,

b) if the perpetrator offers, hands over, distributes, or traffics in narcotic drugs within the premises or in the immediate vicinity of a building designated for educational, public education, child welfare and child protection, or cultural purposes,

c) if the offence defined in paragraph (1) is committed in a criminal conspiracy (…)."[11]

According to the ministerial justification of the Bill, the reason for the amendment was to regulate in a single provision both the special protection of persons under the age of 18 and the commission of offences in locations closely linked to such persons. Subsection (2)(b) ensures special protection with regard to the locus delicti and prescribes

[9] Act LXXXVII of 1998 on the Amendment of Criminal Statutes, Section 62

[10] Justification to Bill No. T/250 on the Amendment of Criminal Statutes, Sections 62–63 (Act LXXXVII of 1998)

[11] Act II of 2003 on the Amendment of Criminal Statutes and Certain Related Acts, Section 19.

a more severe sanction for offering, handing over, distributing, or trafficking in narcotic drugs on the premises of the institutions listed in the provision.[12]

It is apparent that, following the 2003 amendment, the former CC linked the establishment of consumer-type acts of perpetration in the examined provision to two conditions: the special perpetrator status (attainment of the age of 18) and the manner of commission (involving a person under 18). Commission at protected locations was connected solely to distributor-type acts of perpetration, in which case it was not a condition that the perpetrator be over 18 years of age.

Subsequently, the Constitutional Court, in its Decision 54/2004 (XII. 13.), examined the provision in question, pointing out that, under the undertaken international obligations, in order to avert the dangers inherent in drug abuse threatening children, and to keep mind-altering and health-damaging substances away from them, the instruments of criminal law must also be applied. The criminal law regulation thus to be developed must fully comply, in cases of abstract endangerment affecting children and juveniles, with the requirement of the state's institutional protective duty under Article 16 of the Constitution. In the view of the Constitutional Court, when the legislator, through Section 282/B (2)(b), subjected only distributor-type acts to aggravated qualification for the purpose of enhanced protection of designated institutions, it disregarded that certain consumer-type acts (e.g. cultivation, possession) by creating the possibility of access and use for minors, were equally suitable for exposing minors to increased danger as distributor-type acts. Consequently, the former CC provided only limited institutional protection as required by the UN Drug Convention and the CRC, as well as by the Constitution itself.[13]

3. Provisions of Act C of 2012

Having regard to the considerations articulated by the Constitutional Court, the Criminal Code (Btk.) now also classifies more severely those cases in which the perpetrator – without the involvement of a person under the age of 18 – commits consumer-type acts of perpetration within institutions enjoying special protection or in their immediate vicinity.

The modes of commission in the provisions under review are regulated in the current Criminal Code as follows:

"Section 177 (1) Any person who has attained the age of eighteen

a) offers or hands over narcotic drugs to a person under the age of eighteen,

[12] Justification to Bill No. T/1218 on the Amendment of Criminal Statutes and Certain Related Acts (Act II of 2003).

[13] Constitutional Court Decision 54/2004 (XII. 13.).

b) places narcotic drugs on the market or traffics in them by using a person under the age of eighteen,

c) within the premises of a building designated for the performance of educational, public education, child-welfare or child-protection tasks, or in the immediate vicinity thereof,

ca) offers or hands over narcotic drugs,

cb) places narcotic drugs on the market or traffics in them,

shall be guilty of a felony and punished by imprisonment from five to ten years."

"Section 179 (1) Any person who has attained the age of eighteen and

a) uses a person under the age of eighteen, or

b) acts within the premises of a building designated for the performance of educational, public education, child-welfare or child-protection tasks, or in the immediate vicinity thereof,

cultivates, produces, acquires or possesses narcotic drugs, commits a felony and shall be punished by imprisonment from two to eight years.

(2) A person over the age of eighteen shall be punished under paragraph (1) who, using a person under the age of eighteen, imports narcotic drugs into the territory of the country, exports them from it, or transits them across it."

It is worth noting that some scholarship takes the view that the person under the age of 18 is the passive subject of the offence (Hegedűs, 2013) and the already cited Constitutional Court Decision 54/2004 (XII. 13.) also defines this group as the "injured party."[14] In view, however, of the fact that drug trafficking and drug possession are victimless offences (Korinek, 2010), in my view it is more accurate to speak of acts of perpetration committed with the involvement (bevonásával) (Section 177 (1) (a)) and with the use (felhasználásával) (Section 177 (1) (b) and Section 179 (1) (a)) of a juvenile.

"Use" of a person not having attained the age of eighteen means involvement in the commission of the offence such that the person conducts an act of perpetration constitutive of a statutory element with respect to the drug-related offence (Fülöp, *et. al.* 2000). Thus, "use" signifies that the person under 18, under the influence of the person over 18, participates as a principal or as an accessory in the commission of the offence (Hegedűs, 2013). If the perpetrator places on the market or traffics narcotic drugs using a person under 18, the person thus used who has attained the age of criminal responsibility is liable as an independent principal under Section 176 of the Criminal Code, provided

[14] The Criminal Code has developed separate forms of conduct punishable more severely, depending also on quantity, for both distributor and consumer-type behaviours if the act is committed to the detriment of or with the involvement of a person under the age of 18, or within the premises of a designated institution." Constitutional Court Decision 54/2004 (XII. 13.), Section VI. 2.1.

they act with knowledge that they are thereby participating in placing narcotic drugs on the market or in drug trafficking (Belegi, 2025). Among the acts committed "with involvement", the act of handing over is also statutory on the part of the person under 18, since by this conduct the person acquires the narcotic drug, which must likewise be assessed under the heading of drug possession.

4. Conditions for Establishing Commission within an Educational Institution or its Immediate Vicinity

As regards both drug trafficking and drug possession, the Criminal Code makes the aggravated case contingent upon two conditions: (i) the perpetrator's special age (over 18), and (ii) the locus delicti defined by statute. The legislator does not require that the offence be committed with the involvement of a person under 18. Judicial practice likewise attributes no significance, for the purposes of this aggravated clause, to whether the purchaser of drugs within the premises of an educational institution belongs to the specially protected group, since no such conclusion can be drawn from the interpretation of the Code.[15]

Among the acts embraced by drug trafficking, the mode "traffics", and within drug possession the modes "possesses" and "cultivates," are typically continuous activities, the commission of which usually spans a longer period. Consequently, particular care must be taken to determine where and when individual steps (e.g., the consummation of each sale in the case of trafficking) occurred – i.e., at what age the perpetrator acted. "Examining the time and then specifying in the statement of facts where the perpetrator continued their drug-trafficking conduct after attaining 18 years of age is therefore of paramount importance for establishing the aggravated case."[16]

Guidance on the circle of institutions accorded enhanced protection is provided by Act CXC of 2011 on National Public Education, Section 7 of which lists, inter alia, kindergartens, primary schools, grammar schools, etc.[17] Judicial practice, however, holds

[15] Decision No. Bf.II.403/2018/40 of the Debrecen Court of Appeal. In the case, all drug users heard as witnesses were over 18 years of age, mostly young adults in their twenties. According to the defence, this aggravating circumstance was introduced into the Criminal Code to comply with international standards; however, in view of the legislator's actual intent, this aggravating circumstance could not be established in the underlying criminal case. In his opinion, "the legislator intended enhanced criminal-law protection in the case of institutions where minors, juveniles, or other disadvantaged persons are present, who – due to their knowledge, experience, emotional susceptibility, or other condition – are vulnerable and therefore particularly at risk."

[16] Decision No. Bf.294/2019/9 of the Budapest Court of Appeal.

[17] Act CXC of 2011 on National Public Education, "5. Institutions of the public education system," Section 7 (1): "Public education institutions are: a) kindergarten, b) primary school, c) grammar school, d) vocational secondary school, e) vocational school, f) skills development school, g) basic art school, h) supplementary mi-

that the concept of a building designated for the performance of educational tasks cannot be limited exclusively to institutions falling under that Act (Beregszászi, 2023).

In a specific case, the Regional Court explained that, when enacting the provision at issue, the legislator's aim was, within the framework of legal harmonisation, to transpose EU rules that primarily ensure the protection of persons under 18; the concept of an educational institution in the Criminal Code is not identical to the colloquial understanding, since otherwise every institution where education – including adult education only (e.g., the Hungarian Judicial Academy) – takes place would fall under the concept. In qualifying the act, the court limited "educational institution" to the definitions found in Act CXC of 2011 and the previously applicable Act LXXIX of 1993 on Public Education. The decision further stated that all consumers named in the facts had attained 18 years, and that "the introduction of the aggravated case is intended to protect the moral and physical development of persons under 18; the legislator's actual aim was to ensure that in institutions attended by children, narcotic drugs should not be accessible."[18]

By contrast, in its review decision, the Curia (Supreme Court) held that "the legislator's aim was not to transpose EU rules 'primarily protecting children under 18,' since no such EU rules exist; the aim was to comply with Article 3(5)(g) of the 1988 UN Convention presented above." Consequently, the campus (the closed territory of a university and its buildings) as a higher education institution is likewise accorded special protection over its entire area.[19]

Judicial practice does not attribute significance to the time of commission; thus, it does not affect the establishment of the aggravated case if the offence is committed outside teaching hours, in the evening.[20] Likewise, it is immaterial that, due to the summer break, no public education or child-care activity is being carried on in the institution at the time. According to case-law, what matters is that the offence is committed in the immediate environment of an institution that otherwise functions as intended during the school year.[21]

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nority language-teaching school, i) special education and conductive education institution, j) dormitory, k) pedagogical service institution, l) institution providing pedagogical-professional services, and m) supplementary minority kindergarten."

[18] Decision No. 1.Bf.713/2018/6 of the Nyíregyháza Regional Court. According to the facts, the accused sold drugs in the immediate vicinity of the Hotel located on the University's premises – in the car park in front, in the pub, at an entertainment venue, and by the garden.

[19] Supreme Court (Curia) Decision No. Bfv.III.1.179/2019/9.

[20] Decision No. Bf.II.572/2021/27 of the Debrecen Court of Appeal. It is noteworthy that in sentencing, the trial court considered that, according to the established facts, the location of the drug trafficking was incidental and the offence was committed in the evening hours, when the students accorded enhanced protection by the legislator were not present at the scene.

[21] Decision No. Bf.IV.656/2018/9 of the Debrecen Court of Appeal.

In Decision Bfv.1291/2019/11, the Curia stated, as a matter of principle, that "the aggravating circumstance of the premises of an educational building or its immediate environment defines enhanced criminal-law protection not on the basis of the persons (subjects) receiving educational or instructional activities, but territorially, from the viewpoint of the area of the institution carrying out such activities and its immediate environment." In the Curia's view, the reason is that in these institutions and their immediate vicinity more persons (potential buyers) are present in one place, concentrated in groups, which significantly facilitates market entry and the conduct of trafficking for the perpetrator. "Preventing this is the rationale of according enhanced criminal-law protection."[22]

What constitutes the immediate vicinity of protected institutions is not defined by the legislator; its interpretation is left to law-enforcement authorities. According to case-law, the term bears its ordinary meaning, and thus the streets, road sections, pavements, car parks, etc., adjacent to the institution's grounds fall within its scope (Hegedűs, 2013). The Debrecen Regional Court of Appeal considered an offence to have been committed in the immediate vicinity of a kindergarten where the act occurred within a few metres of the institution.[23] The Pécs Regional Court of Appeal established the offence of drug possession committed in the immediate vicinity of a building designated for educational tasks where the perpetrator cultivated cannabis for personal use in the yard of his family house, with the plantation situated 7.4 metres from the fence of a neighbouring primary school.[24]

According to law-enforcement authorities, the perpetrator cannot successfully argue that the offence was committed behind closed doors.[25] In case Bf.I.735/2018/9 before the Debrecen Regional Court of Appeal, the second-defendant provided his son (the first-defendant) with attic rooms and water and electricity, which the son used for cannabis cultivation. The property directly adjoined the yard of a kindergarten. Although the cultivation took place behind closed doors and no one other than the perpetrators became aware of it, the court convicted the second-defendant as an accessory of the felony of drug possession committed by a person over 18 in the immediate vicinity of a building designated for public-education tasks. In the appellate court's view, "the legislative intent, in order to ensure the enhanced protection of the persons concerned and of the designated

[22] Supreme Court (Curia) Decision No. Bfv.1291/2019/11. According to the facts established in the first-instance judgment of the Debrecen Regional Court, Decision No. 26.B.658/2016/64, the first-defendant stored drugs in his university dormitory room and on several occasions handed them over to consumers within the university campus.

[23] Decision No. Bf.IV.656/2018/9 of the Debrecen Court of Appeal.

[24] Decision No. Bf.II.13/2017/4 of the Pécs Court of Appeal.

[25] Decision No. 9.B.510/2017/57 of the Debrecen Regional Court.

institutions, is to prevent such persons from coming even near narcotic drugs and psychotropic substances, thereby also avoiding the dangerous situations caused by these substances. To establish the aggravating circumstance, it suffices that the objective condition is met that the trading and cultivation activities in question took place in the immediate vicinity of protected institutions."[26]

5. Concluding Remarks and Recommendation

As the rationale for the regulation, both Act II of 2003 and the current Criminal Code identify the enhanced criminal-law protection of persons under the age of 18. Whereas commission in the environment of educational institutions initially (under the 1978 CC, as amended by Act LXXXVII of 1998) constituted an aggravated case of drug trafficking, by Act II of 2003 the legislator extracted this from that section and placed it in a separate provision – intended to ensure the protection of persons under 18 – which related exclusively to distributor-type conduct. Under the current Criminal Code, this aggravating circumstance attaches to both distributor-type and consumer-type acts of perpetration.

In practice, it can be observed that law-enforcement authorities do not take into account either the legislator's aim or the systematic placement of the provision under review. Judicial practice interprets the circle of protected institutions extensively, including buildings in which education is not primarily provided to persons under 18; the interpretation of "immediate vicinity" is left to the authorities.

As regards drug possession within the premises of a building designated for educational tasks or in its immediate vicinity, the following question arises: if someone lives in the immediate vicinity of a protected institution and cultivates, produces, or possesses narcotic drugs at home, can their conduct not even constitute the basic offence of possession under Section 178 (1)? Is such conduct already subject to a stricter assessment solely because of the proximity of the building, irrespective of whether persons enjoying enhanced protection – whose protection the provision in question is intended to secure – ever become aware of the offence? On the basis of the current regulation and established case-law, it appears that the answer is yes.

For my part, I consider the provisions of the former Criminal Code (as introduced by Act II of 2003) to have been appropriate, in linking the protection of special locations exclusively to trader/distributor-type acts, and I concur with the reasoning of

[26] Decision No. Bf.I.735/2018/9 of the Debrecen Court of Appeal, in relation to the second-defendant.

the Curia in Decision Bfv.1291/2019/11. I likewise consider it necessary to assess more strictly those consumer-type acts that are committed using a person under the age of 18.

However, I cannot agree with the reasoning developed by the Constitutional Court to the effect that commission near an educational institution must also aggravate conduct falling under possession, because certain consumer-type acts (e.g., cultivation, possession) by creating the possibility of access and use for minors, are just as capable of increased endangerment to minors as distributor-type acts.

Within drug trafficking, the acts of handing over, placing on the market, and trafficking necessarily involve the participation of multiple persons, whereas the consumer-type acts mentioned do not, in principle, require the participation of any person other than the perpetrator.

The Hungarian legislature clearly intended to provide children with greater protection under criminal law against drug-related crimes. "Overall, it can be said that the young population (aged 12-25) is mainly treated for cannabis use. This is followed by party drugs and amphetamines. The number of young people who use cocaine is low, with 12.8% of respondents having used it at some point in their lives. This is probably due to the fact that the vast majority of those receiving treatment for cocaine use are over 25 years of age." However, this raises a number of theoretical and practical dilemmas. The child may be a victim, but once they reach the age of criminal responsibility, they may also be a perpetrator. In such cases, it is extremely important to apply the principle of "non-punishment," especially in the case of children used as couriers. Hungarian criminal law plays a complex role in the child protection system, but it is not sufficient on its own: prevention and social and educational programs are also needed. As Professor József Földvári said, criminal law alone cannot solve social problems, nor can it solve criminal law problems on its own. We will also face new challenges in the future: the spread of new synthetic drugs and online drug trafficking are factors that pose a particular threat to minors. Therefore, protecting children in the online space is becoming increasingly important. The protection of minors is not only a legal obligation, but also a moral and social one. Drug-related crimes pose a particularly high risk to children, so serious attention must be paid to protecting them by all possible means.

It is evident that production and cultivation of narcotic drugs create the possibility that others – both those over and those under 18 – may subsequently obtain them. In such a case, however, we are already speaking of distributor-type activity (handing over, placing on the market, or trafficking), which is to be assessed under the heading of drug trafficking.

In my view, mere possession, cultivation, and production behind closed doors in the vicinity of an educational institution does not in itself pose increased danger to persons under 18; therefore, I do not consider stricter sanctioning to be justified.

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