NEW LEGAL INSTITUTION IN THE HUNGARIAN CRIMINAL PROCEDURE SYSTEM ENABLING THE RAPID PROSECUTION OF CRIMINALS

NOVO INSTITUTO LEGAL NO SISTEMA PROCESSUAL CRIMINAL HÚNGARO POSSIBILITANDO O RÁPIDO PROCESSO DE CRIMINOSOS

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ABSTRACT

In Hungary, in 2017, the Act on Criminal Procedure (hereinafter: CPC) was re-created. The most significant reason necessitating codification was the fact that sometimes it took years from the commission of the crime to the prosecution of the perpetrator, a fact which had an extremely negative effect on both general and special prevention. Ensuring timeliness clearly formed the basis of enacting several legal institutions. The purpose of the proportionate prosecutorial motion is that it allows the prosecution service to present its position regarding the specific term and/or length of the criminal punishment or measure in the given case. If the accused has actually committed the crime and finds the sanction presented in the proportionate prosecutorial motion acceptable, he/she will confess the commission of the crime and waive his/her right to trial. A fundamental novelty of the CPC in the preparation of the trial is that it allows the criminal liability of the accused to be established at the preparatory hearing. The accused has the opportunity to plead guilty to the offence stated in the indictment, irrespective of the substantive gravity of the offence on which the proceedings are based. According to the provisions of the CPC, if the court has accepted the accused's statement of guilt, it will not examine the merits of the indictment and the question of guilt, and may not impose a more severe punishment or apply a more severe measure than the one proposed by the prosecution service. The new rules on the preparatory hearing have significantly reinterpreted the function of the formerly marginal preparatory hearing, which made it possible to convict the defendant rapidly, in compliance with the requirements of due process.

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1 INTRODUCTION

In order to be able to take a position on the specific legal institutions of a criminal procedure law, it is essential to clarify the basic question, i.e. what is the intended purpose of criminal proceedings. According to Tibor Király, "Criminal proceedings […] are a series of acts aimed at determining whether a crime has been committed, who the perpetrator is and whether criminal law is being applied to it"[3] According to Henkel's definition, "The process of criminal proceedings (processus, lawsuit) is the continuous progress for a specific purpose through successive acts."[4] Thus, criminal proceedings actually have two functions, namely to enable the prosecution and punishment of perpetrators and to ensure that no innocent person is convicted and all this is done in a fair trial.

It is also of decisive importance what should constitute the basis for deciding on criminal liability. Historically, two models have been developed in this respect, one is the mixed system evolving from the inquisitorial procedure and the other one is the accusatory procedure. The latter is considered to be the dominant one in the Anglo-Saxon countries, and the main purpose of the proceedings is to settle the conflict between the perpetrator and the victim in a way that is acceptable to the members of society. In the mixed system, material truth is the fundament that needs to be clarified, i.e. it has to be elucidated what happened in a past time dimension. The Hungarian criminal procedure codes have always reflected the obligation to establish the material truth by stating that "According to the internationally accepted principle: The burden to prove (onus probandi) the guilt of the perpetrator is placed on the authorities competent in criminal matters".[5]

In 2017, based on the said principles, Act XC of 2017 on Criminal Procedure (hereinafter: CPC) was created. The most significant reason necessitating codification was the fact that sometimes it took years from the commission of the crime to the prosecution of the perpetrator, a fact which had an extremely negative effect on both general and special prevention.

3 KIRÁLY Tibor: A büntető eljárási jog alapfogalmai. Osiris. Budapest, 1990. p.11.
4 HENKEL H: Strafverfahrensrecht. Stuttgard, 1968. p. 295.
5 FANTOLY Zsanett: Alapelvek az új büntetőeljárási törvényben. In. Ünnepi kötet Dr. Nagy Ferenc egyetemi tanár 70. születésnapjára. Szerk. (Homoki-Nagy Mária) Szegedi Tudományegyetem. Szeged, 2018. p. 244.

According to Article 6 (1) on the right to a fair trial of the Convention for the Protection of Human Rights and Fundamental Freedoms signed at Rome on 4 November 1950: "In the determination of […] any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law."

According to the case law of the European Court of Human Rights, the requirement of a fair trial is made up of a number of partial rights, one of which is a court decision within a reasonable time. In a criminal case, the period elapsing between the time when suspicion is communicated to the perpetrator and the time when the final court decision is delivered has relevance.

Ensuring timeliness clearly formed the basis of enacting several legal institutions, including the new legal institution, the proportionate prosecutorial motion[6] which I would like to elaborate on below.

2 PROPORTIONATE PROSECUTORIAL MOTION

The CPC continues to provide the prosecution service with the right to public prosecution, and it is also a constant directive that the prosecution service prosecutes cases by filing indictments to the court. One of the elements of lawful accusation is the prosecutorial motion seeking imposition of a criminal punishment or measure on the defendant. The normative systems of the former criminal procedure codes also provided for this, but the rule stipulating that "the prosecution service may file a motion even for the term or the length of criminal punishments or measures if the defendant pleads guilty to the crime at the preparatory hearing" [7] is provided for as a new element in the chapter of CPC on the filing of indictments (Chapter LXVIII).

The quoted provisions of law are supplemented by provisions on the course of hearing which aim at preparing for the first instance trial, prescribing that after the beginning of the preparatory hearing, the prosecutor may file a motion for the term or the length of criminal punishment or measure if the defendant pleads guilty to the crime at the preparatory hearing.[8]

Reviewing these provisions of law, the following can be clearly concluded:

a) The purpose of the proportionate prosecutorial motion is that it allows the prosecution service to present its position regarding the specific term and/or length of the criminal

6 Proportionate prosecutorial motion shall mean a prosecutorial motion for the term of punishment that may not be aggravated.

7 Section 422 (3) of CPC.

8 Section 502 (1) of CPC

punishment or measure in the given case. Considering its content, this legal instrument can be regarded as a completely new institution in the Hungarian legal system, as the previous criminal procedure codes clearly stated that "the prosecutor may not file a motion for the specific term or length of a criminal punishment or measure"[9].

Accordingly, the proportionate prosecutorial motion can be submitted at the preparatory hearing at the latest.

b) What aspects should the prosecution service take into consideration when filing a proportionate prosecutorial motion?

The prosecutor in charge of the case must take precisely those factors into account that are relevant for sentencing. Provisions of the Hungarian Criminal Code (hereinafter: "HCC") are very clear-cut in this regard, as they stipulate that punishment shall be imposed within the framework provided for by the HCC, having in mind its intended objective, consistency with the gravity of the criminal offense, the degree of culpability, the danger the perpetrator represents to society, and with other aggravating and mitigating circumstances, and where a sentence of imprisonment is delivered for a fixed term, the median of the prescribed range of penalties shall be applicable.[10]

Thus, as far as the proportionate prosecutorial motion is concerned, the gravity of the criminal offence and the danger the perpetrator represents to the society are also of key importance, and the determination of the proportionate punishment corresponding to the gravity of the criminal offence – which the legislator has already provided for in the type and range of punishment assigned to the criminal offence in question – may only be sophisticated by the mitigating and aggravating circumstances, including the admission of guilt by the defendant.

It follows from all this, that the prosecution service needs to determine the type and length of the specific sanction, which it considers to be acceptable, when already knowing all the facts of the case found by the investigation, the legal qualification corresponding to it as well as knowing all the circumstances that influence sentencing. The prosecutors drafting the motion should make this assessment and calculation in mind twice: once, without giving, and once, giving due regard to the defendant's admission of guilt.

In this context, it should also be taken into consideration that the prosecution service may only file an indictment if the prosecutor deciding about the prosecution of the case is fully convinced that a criminal offence has been committed, and its perpetrator is the person subjected to the procedure. Hence, when it comes to indictment, the charges need to be well-grounded and supported to the extent that they would stand in court at

9 Section 315 (2) of Act XIX of 1998
10 Secion 80 Subsections (1)-(2) of HCC

all events. In other words, the admission of guilt by the defendant can no longer be a decisive factor at this stage but could rather express the defendant's remorse. Therefore, its impact can only be minor here compared to the time when the defendant, having been suspected of a crime, confesses to the facts of crime as well as to his/her guilt.

Therefore, the indictment supposing the confession of the accused can contain only to a small extent a less severe sanction than the indictment, which would have been submitted in case of lack of the confession.

c) The applicable rule of the CPC has a dispositive nature that is, the prosecution service is legally not obliged to make a proportionate prosecutorial motion. However the Instruction of the Prosecutor General on the Prosecutorial Activity before the Criminal Court[11] orders that the prosecutor is obliged to submit a motion relating to the term or length of the criminal punishment or measure at the preparatory hearing, if it has not been included by the indictment, and if he/she considers that the motion will facilitate the finishing of the criminal procedure at the preparatory hearing.[12] It should also be noted that the court can establish the guilt of the accused and impose a punishment on him/her even in lack of that kind of prosecutorial motion.

d) The proportionate prosecutorial motion facilitates timely judgement because if the accused has actually committed the crime and finds the sanction presented in the proportionate prosecutorial motion acceptable, he/she will confess the commission of the crime and waive his/her right to the trial. The proportionate prosecutorial motion is actually the „Magna Charta" of the criminals – as Franz von Liszt stated in connection with the criminal norm –, because it protects the accused, that is, the offender since he/she can anticipate that the court cannot impose a more severe sentence than the one included in the indictment or in the prosecutor's motion presented at the preparatory hearing. At the same time, he/she can trust that the court will penalise him/her with less severe legal sanctions than the one expected by the prosecution service. Therefore, within this framework, the acceptance of the proportionate prosecutorial motion, which can be done by making a confession, is the elementary interest of the accused.

e) The question may arise whether in case when a new sentencing factor arises during the preparatory hearing, which would justify a less severe punishment than the one included in the indictment, the prosecution service can correct its original motion to the benefit of the defendant. In the absence of such a prohibiting provision, there is no legal impediment to do so.

Ergo, albeit not numerically but when a new essential mitigating circumstance arises, the prosecutor may declare that he/she considers proportional a less severe punish-

11 8/2018. (VI.27.) LÜ utasítás
12 Section 7 (1)

ment to be imposed than the one in the original indictment.

The system works well, which is clearly shown by the statistics[13]:

Year	Number of accused concerned by preparatory hearings[1]	Judgements brought by the court against the accused at preparatory hearings	Judgments brought at preparatory hearings became final at first instance[3]	Judgments brought at preparatory hearings did not become final at first instance[4]
2019	12 370	9 214	8 164	1 050
2020	12 887	8 397	6 667	1 730

3 PREPARATORY HEARING

As written previously, the final deadline for filing a proportionate prosecutorial motion is the public preparatory hearing that ensures that the first instance court trial can be held, where in addition to the members of the court, the presence of the accuser and the accused is mandatory.

In civil law systems (i.e. in the European legal systems) the best known form of the preparation of the court trial was the Indictment Chamber. The basic task of the Indictment Chamber – which operated separately from the judicial court hearing the case – was to decide about the legality of the prosecutorial indictment, namely, about the accusation or about the termination of the procedure.

The Indictment Chamber as a legal institution was introduced in Hungary by Act XXXIII of 1896 on criminal proceedings. According to its provisions the prosecution service submitted the indictment to the president of the Indictment Chamber for those delicti (offences) that belonged to the competence of the jury or the tribunal. After that, it had to communicate the indictment with the accused who was allowed to submit an objection against it.

The Indictment Chamber examined the objection in the presence of the representative of the prosecution service, the accused and his/her defense counsel during a non-public hearing, and for reasons determined in the Act, it refused the indictment and terminated the procedure by a final decision or indicted the accused. Afterwards, the case files were referred to the competent court or jury.

The preparation of the main hearing was already the task of the court with jurisdiction, within the framework of which the defendant had to declare whether he/she

13 Database 2019 and 2020 of the Office of the Prosecutor General

wished to present new evidence or choose a defence counsel. After the accused had been questioned, the date for the main hearing was set and the persons concerned were summoned.

In Hungary, Act XIV of 1946 abolished the functioning of the Indictment Chamber, stating that no objection shall be made to the indictment and that the prosecutor shall submit the indictment to the president of the panel that has the right to decide on the merits of the case.

The later acts on criminal procedure entrusted the preparation of the trial at first instance to the single judge or the president of the panel presiding over the case, or to the panel of judges itself.

Under this system, the preparation of the trial can no longer be considered an indictment procedure, as it has already taken place when the indictment was filed.

In previous criminal procedure laws, the preparation for trial had a dual purpose.

a) When the prosecutor filed the indictment, he/she "took a position on the question whether, in his/her opinion, the indicted act constituted a criminal offence, was committed by the person he/she designated and whether there was no obstacle to the prosecution of that person."[14] However, it is possible that such a prosecutorial position is unlawful. A trial of an accusation that does not meet the legal requirements should not take place in the obvious cases of lack of punishability or culpability.

b) On the other hand, it is in the fundamental interest of all participants of criminal proceedings that the judicial proceedings should end as soon as possible, i.e. that the court should decide on the merits of the indictment. The clear requirement is to ensure in advance that the conditions for the trial are fully met by removing obstacles appearing in the case file. The preparation of the trial at first instance therefore also has a procedural economy function, because it is intended to help the court to decide on the guilt or innocence of the accused on the basis of a single trial.

Thus, the previous criminal procedure laws met these requirements, but did not extend beyond them.

The CPC, of course, includes these guarantees as well, but it also introduces some fundamental innovations.

The prosecutor, by filing an indictment, takes a position on the "guilt" of the accused and on the evidence that proves it. However, after the indictment has been served, the accused and the defence counsel may also express their views on the charges and contribute to the further course of the criminal proceedings at the public preparatory hearing.

14 Belovics Ervin-Tóth Mihály: *Büntető eljárásjog*. Hvg Orac Lap- és Könyvkiadó Kft. Budapest, 2019. p. 339.

A fundamental novelty of the CPC in the preparation of the trial is therefore that it

- allows the criminal liability of the accused to be established at the preparatory hearing,

- ensures the concentration of the trial by defining the framework of evidence.

In order to achieve all this, the CPC makes it compulsory to hold a preparatory hearing.

If there is no obstacle to the holding of the preparatory hearing, the prosecutor shall present the substance of the indictment, the prosecution's means of proof and may also submit a motion for the term and/or length of the punishment or measure.

The court then warns the accused that

- he/she may plead guilty at the preparatory hearing and waive his/her right to a trial for the part of the trial to which the plea relates,

- if the court accepts the guilty plea, it does not examine the merits of the indictment and the question of guilt,

- if he/she does not plead guilty in accordance with the indictment, he/she may present his/her defence and evidence at the preparatory hearing and may request that evidence be adduced or excluded, or, if he/she does not do so and the subsequent request is not necessary to clarify the facts, the court may dismiss the request without giving reasons on the merits or, if it is necessary to clarify the facts, impose a fine for the submission of the request in a manner likely to delay the proceedings.

It is clear from this warning that the outcome of the preparatory hearing depends on whether or not the accused pleads guilty.

Accordingly, the accused has the opportunity to plead guilty to the offence stated in the indictment, irrespective of the substantive gravity of the offence on which the proceedings are based. It is also irrelevant whether the case falls within the jurisdiction of a district court or a tribunal of first instance.

> The admission must cover the facts as described in the indictment, i.e. the commission of the offence as described in the historical facts and the admission of the substantive guilt. This means that the accused person's confession must be consistent with the facts set out in the indictment as regards the facts relevant to establish criminal liability.[15]

However, it does not constitute an inculpatory confession if the accused states what

15 Belovics, Ervin: *Az előkészítő ülés szerepe a 2017. évi XC. törvényben. In*: BONUS IUDEX eds. (Molnár Gábor Miklós-Koltay András) XENIA. Budapest, 2018. p. 40.

happened in harmony with the indictment, but denies his/her substantive guilt, for example by pleading mistake of fact.

Confession (pleading guilty) alone is not relevant for the purpose of making a substantive decision. It can play a procedural role only if the accused person also waives his right to trial. The confession and waiver of the right to trial creates the possibility of a court decision, because it either accepts the defendant's statement of guilt or refuses to accept the confession. The court may base its decision on the defendant's statement, the case file, and the content of the defendant's hearing.

The law also sets out the conditions for the admissibility of a confession, which are the follows:

- the defendant understood the nature of his/her statement and the consequences of its approval,

- there is no reasonable doubt as to the defendant's discernment and the voluntary nature of his/her confession,

- the defendant's confession of guilt is clear and is supported by the case file.

The defendant must therefore be aware of the legal consequences of his/her statement, in particular the fact, that it is probable that no trial will take place or that the merits of the indictment and the question of guilt will not be examined by the court.

The court must refuse to accept the declaration of guilt if there is reasonable doubt as to either the accused's discernment or the voluntary nature of the confession. Concerning the admissibility of the defendant's confession it is also a basic requirement that it should be voluntary, which means, that the accused admits his/her guilt of his/her own free will, regardless of any outside influence.

The accused person's statement shall not be admissible if there is reasonable doubt about with regard to both the discernment and the voluntary nature of the confession. This means that concerns about the discernment or the voluntary nature of the admission do not have to be fully substantiated, it is sufficient that the data in the case file or the interrogation of the defendant appear to justify the concerns of the court.

A further condition is that the accused person's confession of guilt should be uncontroversial, completely unambiguous, and not contradicted by the case file. Referring back to what was said earlier, the very purpose of questioning the defendant at the preparatory hearing is to examine the conditions of the admission of the confession.

These conditions are conjunctive, meaning that the absence of any of them is an obstacle to the admission of the confession. Although the provisions of the CPC – as I have already mentioned –, do not allow the prosecution service to prevent the proceedings from being closed at a preparatory hearing, the existence of those conditions must be examined not only by the court but also by the prosecution service. Therefore, if the

prosecution service considers that any of the conditions are missing, the prosecutor will act correctly if he/she does not file any proportionate prosecutorial motion.

If, on the other hand, the conditions are met, the court may, by an order that cannot be challenged by ordinary appeal, accept the accused's confession of guilt and then interrogate the defendant for the circumstances relevant to the imposition of the punishment. Thereafter, the prosecutor and the defence counsel may also speak, and the court may establish the guilt of the defendant according to the facts of the indictment, and may impose a punishment or a measure against him/her. Only a decision establishing the guilt can be delivered at the preparatory hearing.

According to the provisions of the CPC, if the court has accepted the accused's statement of guilt, it will not examine the merits of the indictment and the question of guilt, and may not impose a more severe punishment or apply a more severe measure than the one proposed by the prosecution service.[16] The court is clearly bound by the facts of the indictment, the obligation to establish guilt and the prohibition of the application of a more severe punishment. The court can not deviate from the legal classification of the indictment in its decision establishing the guilt. The confession of the defendant obviously relates, on the one hand, to the story described in the facts of the indictment and, on the other hand, to its legal classification as determined by the prosecution service. Therefore, the first instance court cannot classify an act as theft that has been assessed by the prosecution service as fraud.

In connection with the possibility of making a confession of guilt by the defendant, the CPC provides that the prosecution service may also file a motion in the indictment for the term or length of the punishment or measure[17]. This prosecutorial motion, as I have already mentioned, is binding for the court to the extent that the court may not impose a more severe punishment or measure than the one proposed by the indictment or the prosecutor after the commencement of the preparatory hearing when he/she outlines the facts of the indictment.[18]

Whenever the case cannot be dealt with at the preparatory hearing, both the defendant and the defense counsel may submit a motion for taking of evidence and other procedural acts that do not affect the merits of the indictment or guilt, as well as a motion for the exclusion of evidence.

Only those evidentiary procedures can therefore be initiated by the accused or the defense counsel which do not affect the historical facts of the indictment and the substantive guilt of the accused. The motion for taking of evidence may, for example,

16 Section 565 (2)
17 Section 422 (3)
18 Section 565 (2)

concern aggravating and mitigating factors relating to the imposition of a sentence, but only those which are indifferent to substantive criminal guilt. Thus, the defendant or the defense counsel may request the involvement of an expert in order to prove that the defendant's illness that has occurred in the meantime makes it significantly more difficult to bear the sentence, given that this circumstance has a mitigating effect even if the defendant became disabled for example after the commission of crime. In their motions the defendant and the defense counsel shall indicate individually both the reason and the purpose of the submission of the motion. If either the defendant or the defense counsel requests the exclusion of any evidence, he/she must also state the reasons why he/she consider the evidence inadmissible. In the request for taking of evidence, the defendant and the defense counsel must indicate the fact which the proposed evidence seeks to prove.

If there is no impediment to the trial, the court may then hold it immediately.

This regulation also serves the purpose of procedural economy, as it may occur that the criminal proceedings could not be closed on the merits at the preparatory hearing, but this can still take place on the basis of the trial.

Consequently, it can be concluded that

- the guilty plea is possible in criminal proceedings launched for any criminal offense,

- it is indifferent whether the district court (i.e. local) or the tribunal (i.e. territorial) acts at first instance,

- if the court accepts the defendant's statement of guilt, the judgement could be delivered at the preparatory hearing,

if the prosecution service prosecutes several offenses in one indictment, and the defendant does not admit his/her guilt for all the offenses, the court must decide on the charges on the basis of a trial, but for the offense to which the guilty plea relates, the court must not carry out further evidentiary procedure on the merits of the indictment and the question of guilt,

- in the event of a material set of crimes, i.e. in the case of commission of several offenses, if the confession does not apply to all offenses, the case may be separated if its legal conditions are met; in the absence thereof, however, the case can only be dealt with at a trial.

If the defendant does not admit his/her guilt or admits it, but does not waive his/her right to a trial, or if the court refuses to accept the defendant's statement of guilt, a trial must be held on all accounts. Then only the trial-concentration has a determining role, because, on the one hand, the defendant may indicate in the indictment the facts which he/she accepts as reality, present the evidence on which his/her defense is based, make

a motion to conduct evidence or exclude evidence. Afterwards, the court may hold the hearing immediately or at a later date.

4 CONCLUSIONS

The new rules on the preparatory hearing have indeed significantly reinterpreted the function of the formerly marginal preparatory hearing, which made it possible to convict the defendant rapidly, in compliance with the requirements of due process.

The proportionate prosecutorial motion contributes significantly to a conviction based on substantive truth. The fact that in two thirds of the cases the judgment is delivered at the preparatory hearing and no trial is required to be held reduces the workload of the court, the prosecution service and the investigating authority and, as a result, it clearly guarantees cost savings. But most of all, it can play a key role in meeting the requirement of timeliness.

All this, however, can only be realized if the defendant accepts the punishment and measure indicated in the prosecutorial motion and waives his/her right to trial. Thus, the defendant cannot be deprived of his/her right to a trial against his/her will. If any of the conditions are missing, the defendant can only be convicted on the basis of a trial.

RESUMO

Na Hungria, em 2017, o Código de Processo Penal (denominado: CPC) foi recriado. A razão mais importante pela qual havia necessidade de uma codificação era o fato de que às vezes se levava anos desde o cometimento do crime até a acusação do criminoso, fato que teve um efeito extremamente negativo na prevenção geral e especial. Garantir a pontualidade claramente formou a base para a aprovação de vários institutos legais. O propósito da ação de acusação proporcional é que permite aos promotores de justiça que apresentem suas posições em relação ao prazo específico e/ou duração da punição ou medida penal no caso em questão. Se o acusado realmente cometeu o crime e acha a sanção apresentada na ação de acusação proporcional aceitável, ele/ela irá confessar a prática do crime e renunciar ao seu direito a julgamento. Uma novidade fundamental do CPC na preparação do julgamento é que este permite que a responsabilidade criminal do acusado seja estabelecida na audiência preparatória. O acusado tem a oportunidade de se declarar culpado do crime apresentado na acusação, independentemente da gravidade real da infração em que se baseia o processo. De acordo com o previsto no CPC, se o tribunal aceitou a declaração de culpa do acusado, este não irá examinar o mérito da acusação e a questão da culpa, e não pode impor pena mais severa ou aplicar

medida mais severa do que a proposta pelo Ministério Público. As novas regras sobre a audiência preparatória reinterpretaram significativamente a função da antiga audiência preparatória marginal, o que permitiu condenar rapidamente o réu, em conformidade com os requisitos do Devido Processo Legal.

Palavras-Chave: Pontualidade dos procedimentos criminais; Ação de Acusação Proporcional; Audiência preparatória; Condenação rápida; Confissão incriminatória do acusado; Renúncia ao direito de julgamento; Concentração de julgamento; Aceitação do Tribunal de confissão de culpa do réu.

BIBLIOGRAPHY

Jenő, Balogh. **Magyar bűnvádi eljárási jog**. Grill Károly Könyvkereskedése. Budapest: 1901.
Károly, Bárd. **Emberi jogok és büntető igazságszolgáltatás Európában**. Magyar Hivatalos Közlönykiadó, Budapest: 2007.
Mihály, Belovics Ervin-Tóth. **Büntető eljárásjog**. HVG ORAC Lap- és Könyvkiadó Kft. Budapest: 2019.
Ervin, Belovics. **Az előkészítő ülés szerepe a 2017**. évi XC. törvényben. Xenia, Budapest: 2018.
Ervin, Belovics. **A büntetőeljárás időszerűsége**. Iurisperitus Kiadó. Szeged: 2016.
Ádám, Békés. **Az egyezség (valóban) új lehetőségei a magyar büntetőeljárásban**. Xenia, Budapest: 2018.
Árpád, Erdei. **Tények is kilátások**. Közgazdasági és Jogi Könyvkiadó, Budapest: 1995.
Tibor, Király. **Büntetőeljárási jog Osiris Kiadó**. Budapest: 2003.
Tibor, Király. **Szemelvények ötven év büntetőjogi és más tárgyú tanulmányaiból**. ELTE ÁJK. Budapest: 2005.
Péter, Polt. **Kommentár a büntetőeljárási törvényhez**. Wolters Kluwer, Budapest: 2018.