

## ANALYSIS OF GAME DAMAGE ON THE BASIS OF JUDICIAL DOCUMENTS IN NÓGRÁD COUNTY BETWEEN 2015 AND 2019

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### ABSTRACT

The common use of habitats by people and game species has been causing conflicts for a long time. With the intensification of agriculture, the level of agricultural damage has also increased. In many cases farmers and game managers try to solve their related disagreements in court, often unsuccessfully. The aim of our research was to find out the reasons for these difficulties and to show possible solutions. We studied 55 judicial documents in three courts in Nógrád County. In most cases more species caused the damages simultaneously. Red deer was involved in 42 cases of damages (76%), out of which in 34 cases wild boar, roe deer and mouflon were involved as well, and 8 damages were caused by just the red deer. Wild boar caused 33 damages (60%), out of which 29 were caused by the other species as well, and 4 cases were caused only by the wild boar. Roe deer was involved in 21 damages (38%), all of them were caused by wild boar and red deer, too. Mouflon caused 3 damages (5%) always together with roe deer and wild boar. Damages were caused mainly in maize (23,64%), forest, sunflower (12,73% for both) and grassland (5,45%). Proceedings lasted for 13,65 months on average; their median was 8 months. The average claim of farmers was 1 514 610 HUF, its median was 783 000 HUF. At the end of the suits, farmers received the whole compensation in 8 cases (14,55%) and they got part of the relief on ten occasions (18,18%). Suits were ceased 14 times (25,45%) and no compensation had to be paid in 23 cases (41,82%). If parties did not comply with their obligation to prevent damage, the court adjudged only part of the relief. Furthermore, if they turned directly to the court - even if the court could not investigate the case (e.g., claim is lower than 3 million HUF) - no compensation had to be paid. Ignorance of law and unprofessional expertise of farmers negatively influenced the judicial proceedings. Both farmers and game managers should be informed about the exact steps of the procedure for solving these long-lasting conflicts.

**Keywords:** agricultural damage, court, compensation, human-wildlife conflict, judicial documents

### INTRODUCTION

Game species affect the ecosystem they live in, as they are part of it. The impacts of their feeding and other activities can easily be noticed in forests and cultivated areas, as well. Forest owners and farmers often perceive these effects as damages, however from the aspect of the vegetation, these impacts cannot be always declared as damage (REIMOSER ET AL., 1999).

The type of damaged vegetation and the game species causing these damages can be different in each country, continent. According to BLEIER ET AL. (2012), in Hungary and in most of the European countries damages caused by wild boar and red deer are the most significant. Rutten ET AL. (2018) emphasized that after the wild boar had returned to Belgium, agricultural damages increased. In most cases they caused damage in maize and on grassland. Schley ET AL. (2008) analysed game damage in Luxembourg. According to their results, the average compensation paid for damage was 396 EUR.

Game damage is as old as soil cultivation. However, initially it was considered part of the nature and no one had to pay compensation for it. First laws regulating hunting in Hungary were the “II. Ulászló V. dekrétuma” [1] - Decree No. V of Ulászló II. - in 1504 (HEGYES, 2014), and the “1729. évi XXII. törvénycikk a vadászat és madarászat szabályozásáról” - XXII. Article of 1729. The subsequent laws in connection with hunting were more detailed. The current law regulating hunting is the “1996. évi LV. törvény a vad védelméről, a vadgazdálkodásról valamint a vadásatról” [2] - Law No. LV. of 1996 on the protection, management and hunting of wildlife, and the related implementing regulation, and the “79/2004. (V. 4.) FVM rendelet a vad védelméről, a vadgazdálkodásról, valamint a vadásatról szóló 1996. évi LV. törvény végrehajtásának szabályairól” [3] - Decree No. 79 of 2004 (V. 4.) FVM of the Ministry of Agriculture and Rural Development laying down implementing provisions of Act No. LV of 1996 on the protection and management of wildlife and on hunting.

These laws determine the steps of claim adjustment for game damage. First of all, according to Law No. LV. of 1996., 78.§ and 79.§ both parties - farmers or forest owners and game managers - should strive to prevent damage. If prevention is unsuccessful - on the basis of Law No. LV. of 1996. 81. § - the injured party has 15 days to declare the damage to the game manager. In case, their negotiation is inefficient, farmers may turn to the notary, notary public or to the Court to entrust an expert, or they can also entrust a private expert themselves to draw up an expertise, that is the basis of further negotiations. In case, they still cannot make an agreement, the injured party may turn to the Court if the claim is more than three million Hungarian Forints, if it is lower, they may turn to the notary public (2016. évi CXXX. tv. a polgári perrendtartásról 254. § (1) - Law No. CXXX. Code of Civil Procedure 254. § (1)). Ignorance of law influences negatively the judicial proceedings.

In our analysis we aimed to determine the occurrence of different outcomes of suits in connection with game damage and describe the main characteristics of the proceedings.

## MATERIALS AND METHODS

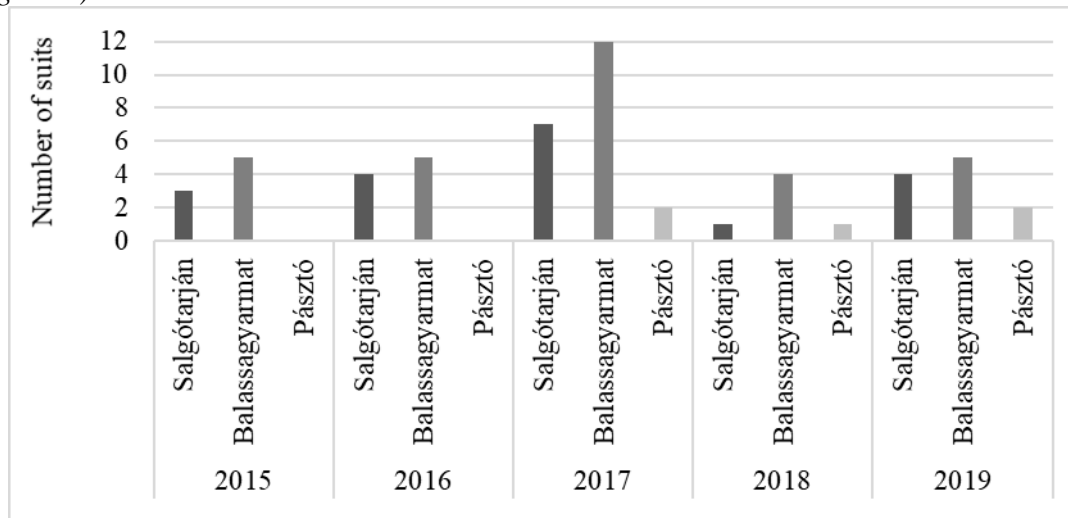
To carry out our study, we analysed the judicial documents that compound the 55 cases in the courts in Nógrád County, Eastern-Hungary. The three courts located in Nógrád County were the Balassagyarmat, Pásztó and Salgótarján Courts. After getting the permission of the Presidents of the Courts to observe the judicial documents, we examined the acts in connection with game damage, that happened between 2015 and 2019. While analysing the documents, we targeted to extract the following information:

- number of suits in connection with game damage in Nógrád County between 2015 and 2019
- game species that caused the damages and the type of the damaged vegetation
- length of proceedings
- amount of claim
- outcome of suits

On the basis of case numbers we organised the data anonymously and used MS Excel to represent the results on diagrams.

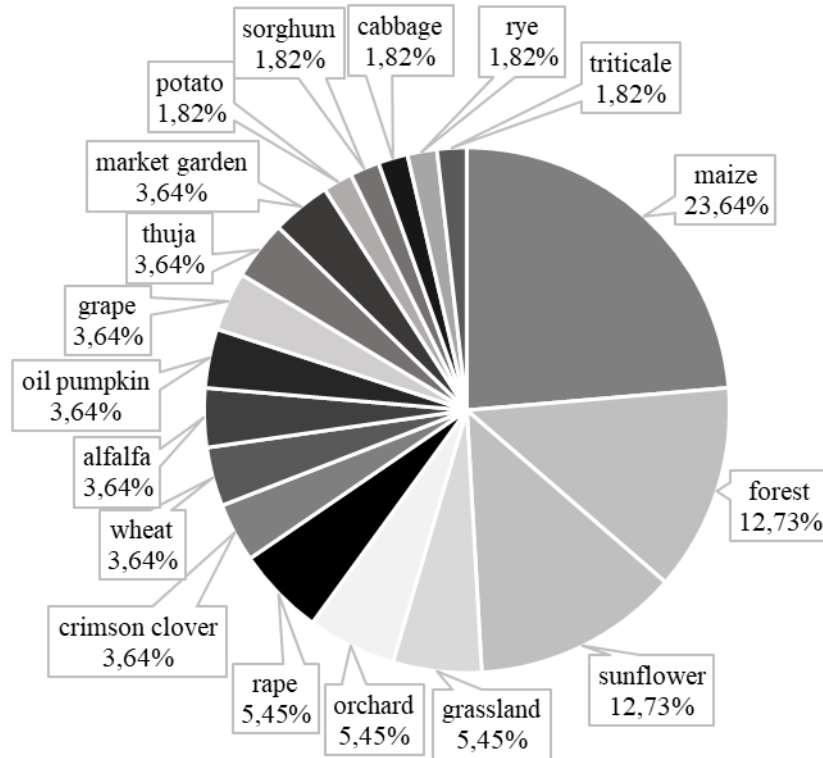
## RESULTS

In the observed time interval there were 55 proceedings in all, out of which there were 19 at the Court of Salgótarján, 31 at the Court of Balassagyarmat and 5 at the Court of Pásztó (*Figure 1*).

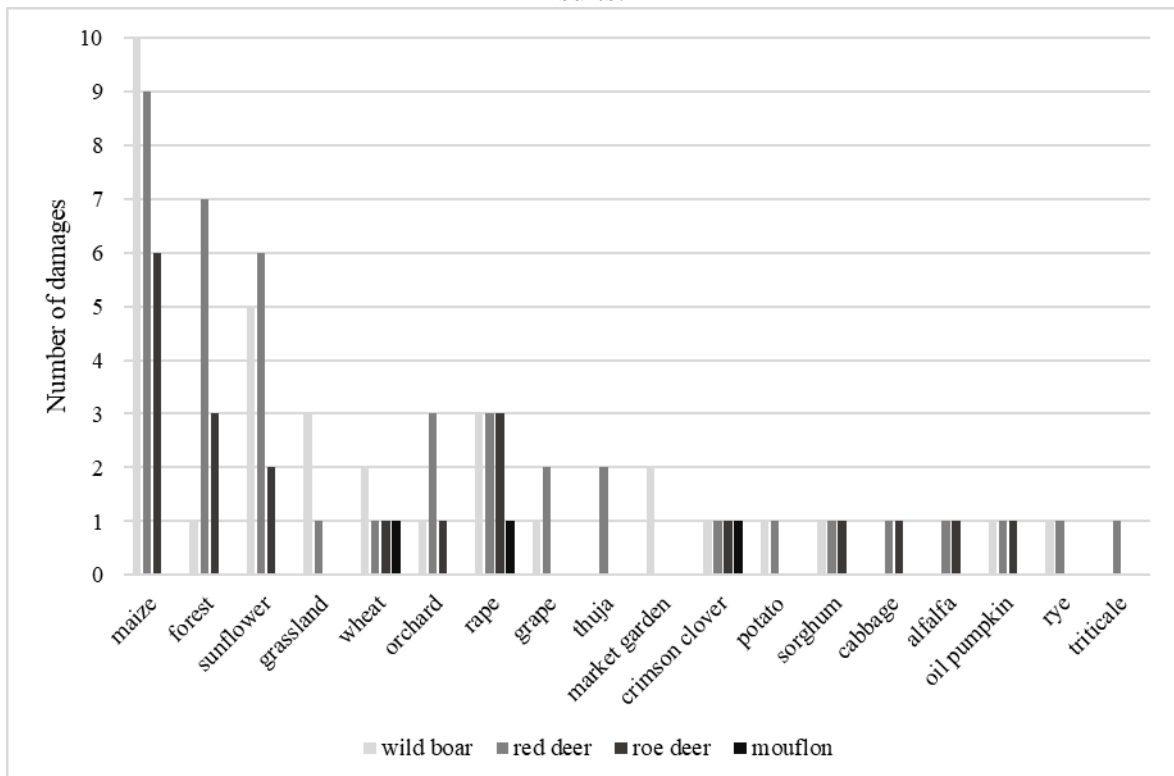


**Figure 1.** Number of suits in connection with game damage in Nógrád County during five years.

According to the results mainly maize (23,64%) and sunflower and forest plants (12,73% for both) were damaged (*Figure 2*). In each legal case just one crop or plant was damaged. In most cases - on the basis of expertise - not only one, but more species caused the damages simultaneously (*Figure 3*). Red deer was involved in 42 cases of damages (76%), out of which in 34 cases wild boar, roe deer and mouflon were involved as well. Wild boar caused 33 damages (60%), out of which 29 were caused by the other species as well. Roe deer was involved in 21 damages (38%), all of them were caused by wild boar and red deer. Mouflon caused 3 damages (5%), together with roe deer and wild boar.



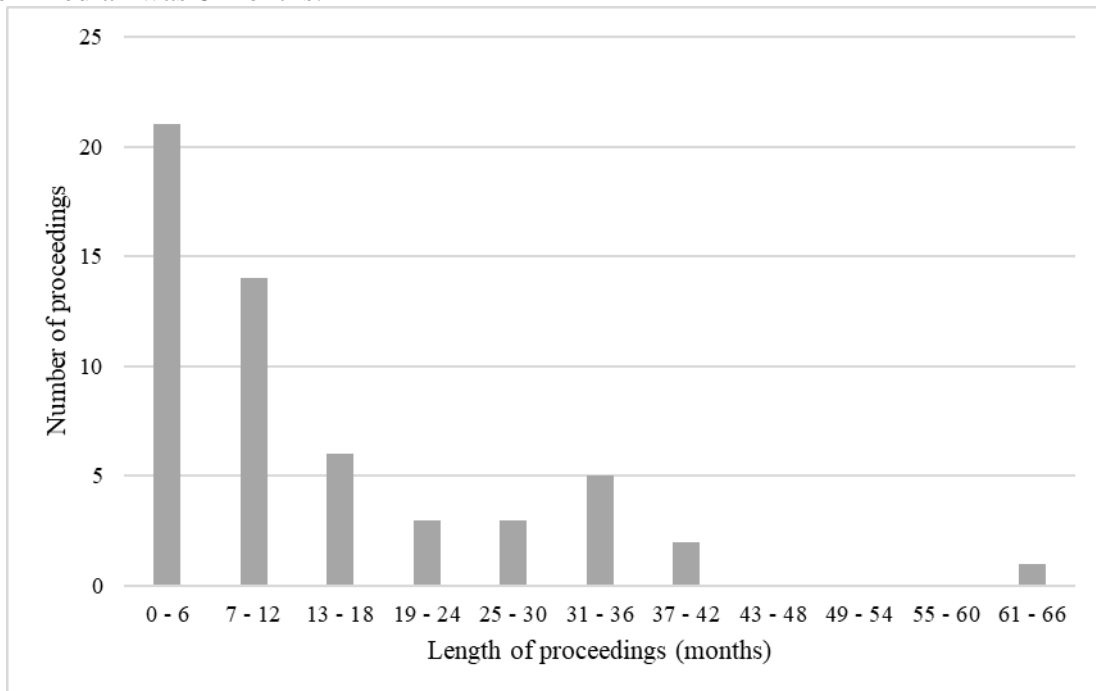
**Figure 2.** Relative frequency of game damage in different vegetation types in the studied suits.



**Figure 3.** Number of damages caused by each species in each vegetation

After analysing the length of judicial proceedings, our results are the following. Out of the 55 legal cases, 35 proceedings (63,6%) ended within one year, and nine ended within two years (altogether 44 proceedings, 80%). In case of 8 proceedings, lawsuits ended within

three years, furthermore one suit lasted for 3,5 years (42 months) and one for 5,08 years (61 months) (Figure 4). Judicial proceedings lasted for 13,65 ( $\pm 13,1$ ) months on average, their median was 8 months.



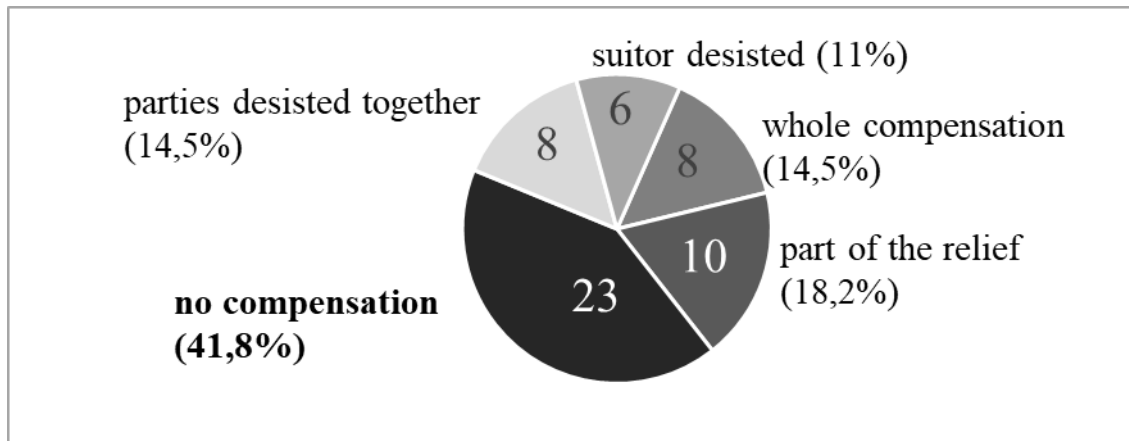
**Figure 4.** Length of judicial proceedings in connection with game damage in Nógrád County between 2015 and 2019.

The claim of the injured party is an important part of judicial proceedings. In our study, in case of 33 suits (60%), claim was less than one million HUF, and in case of the rest 22 suits (40%) claim was higher than one million HUF (Table 1). On average, farmers demanded 1 514 610 HUF and their median was 783 000 HUF.

**Table 1.** Amount of claim farmers demanded and the number of claims in each category.

Amount of claim (HUF)	Number of claims
0 – 500 000	18
500 000 – 1 000 000	15
1 000 000 – 2 000 000	11
2 000 000 – 5 000 000	7
5 000 000 –	4

The most important aspect of judicial proceedings is the outcome, the judgment. In our research, the injured party - farmers and forest owners - did not receive any compensation in 23 suits (41,82%) and they acquired the whole compensation in case of 8 proceedings (14,54%). The facts, that the suitor desisted or parties desisted together do not mean, that the injured party did not receive any compensation, furthermore, it intimates an agreement, however judicial documents do not contain information about it (Figure 5).



**Figure 5.** Distribution of different outcomes of the suits in connection with game damage.

## DISCUSSION

The 55 proceedings in connection with game damage within five years at three courts present only a small part of judicial work. However, in most cases several (7-9) trials are needed to pass a legal sentence, which means a relatively great burden.

According to our results in most cases more species caused the damages simultaneously. In most cases red deer (42) and wild boar (33) caused the damages, which is the same finding as results by BLEIER ET AL. (2012) and RUTTEN ET AL. (2018). In our research, mainly maize (23,64%), sunflower and forest plants (12,73% for both) were damaged, which is partly consistent with the results of RUTTEN ET AL. (2018) and SCHLEY ET AL. (2008), who stated, that in most cases maize and grassland were damaged. The amount of claim farmers demanded in Nógrád County was considerably higher than the average compensation mentioned by SCHLEY ET AL. (2008).

The outcomes of the suits show a really unexpected result. The injured party did not receive any compensation in 23 suits (41,82%) and they received the total amount of compensation they demanded only in 8 suits. Suits were ceased 14 times (25,45%) and the court adjudged only part of the relief in 10 cases (18,2%), which depended on the parties' obligation to prevent damage. The reason for this is the ignorance of law, thus both farmers and game managers should be informed of their legal duties and opportunities and the exact steps of the procedure for solving these long-lasting conflicts. Furthermore, damage experts should be urged to prepare their expertise on the basis of the already existing Unified Agricultural Wildlife Damage Evaluating Guide [4], [5].

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## REFERENCES

- Bleier, N., Lehoczki, R., Újváry, D., Szemethy, L., Csányi, S. (2012): Relationships between wild ungulates density and crop damage in Hungary. *Acta Theriologica*, 57: 351-359.  
DOI:[10.1007/s13364-012-0082-0](https://doi.org/10.1007/s13364-012-0082-0)
- Hegyés, P. (2014): A vadászatra jogosult felelőssége a vadászható vad károkozásáért, különös tekintettel a vadkárért való felelősségre. PhD Thesis, Szeged, University of Szeged
- Reimoser, F., Armstrong, H., Suchant, R. (1999): Measuring forest damage of ungulates: what should be considered. *Forest Ecology and Management*, 120: 47-58.  
[https://doi.org/10.1016/S0378-1127\(98\)00542-8](https://doi.org/10.1016/S0378-1127(98)00542-8)
- Rutten, A., Casaer, J., Vogels, M.F.A., Addink, E.A., Borre, J.V., Liers, H. (2018): Assessing agricultural damage by wild boar using drones. *Wildlife Society Bulletin*, 42(4): 568-576.  
<https://doi.org/10.1002/wsb.916>
- Schley, L., Roper, T.J. (2003): Diet of wild boar *Sus scrofa* in Western Europe, with particular reference to consumption of agricultural crops. *Mammal Review*, 33(1): 43-56.  
DOI:[10.1046/j.1365-2907.2003.00010.x](https://doi.org/10.1046/j.1365-2907.2003.00010.x)
- [1] <https://net.jogtar.hu/ezer-ev-torveny?docid=72900022.TV&searchUrl=/ezer-ev-torvenyei%3Fpagenum%3D24> (2021 January)
- [2] <https://net.jogtar.hu/jogszabaly?docid=99600055.tv> (2021 July)
- [3] <https://net.jogtar.hu/jogszabaly?docid=a0400079.fvm> (2021 July)
- [4] [http://www.vadkarvedelem.hu/sites/default/files/cikk-kepek/mezogazdasagi\\_utmutato.pdf](http://www.vadkarvedelem.hu/sites/default/files/cikk-kepek/mezogazdasagi_utmutato.pdf) (2021 December)
- [5] Földművelésügyi Értesítő, LXXI. évfolyam. 1. szám: 2-77.  
<https://kormany.hu/dokumentumtar/foldmuvelesugyi-ertesito> (2021 December)