SUMMA

IMBROGLIO OF ALLEGED „DIFFICULTIES" BEFORE THE PROMULGATION OF THE ROME STATUTE OF THE INTERNATIONAL CRIMINAL COURT IN THE HUNGARIAN CONSTITUTIONAL SYSTEM

Péter Kovács

The article deals with real and putative problems which keep blocking for years the promulgation of the statute of the ICC in the Hungary's constitutional framework. Hungary belongs to the so called 'dualist school' concerning the relationship between international law and domestic law, that's why the Rome Statute should be – in principle – promulgated. However, nearly everything that is important for the cooperation between national and ICC-authorities is already part of the domestic system, as the relevant crimes of the statute have already been introduced in the penal code and the acts of international penal cooperation make a direct reference to the ICC.

The constitutional immunity of the head of state has repeatedly been evoked as an alleged constitutional problem to be resolved before the promulgation, but the Constitutional Court has never been seized for an *a priori* constitutional control. Having shown the previous unsuccessful endeavours to solve the issue, the author suggests to take note of the very simple French constitutional amendment[1] as an elegant example of granting a constitutional mandate when the impeachment procedure enshrined in the current constitution seems to be unsatisfactory.

However, the best way would be a presidential or governmental motion to be submitted before the Constitutional Court in order to see whether there is a truly existing constitutional problem or it is only scholars and public functionaries who overcomplicate a relatively simple issue.

Since the Rome Statute is already ratified and consequently internationally binding on Hungary, such a motion cannot be directed on the control of the text of the Rome

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[1] Article 53-2 „La République peut reconnaître la juridiction de la Cour pénale internationale dans les conditions prévues par le traité signé le 18 juillet 1998."
Article 53-2 „The Republic may recognize the jurisdiction of the International Criminal Court as provided for by the Treaty signed on 18 July 1998."
(http://www.conseil-constitutionnel.fr/conseil-constitutionnel/english/constitution/constitution-of-4-october-1958.25742.html#TitleVI)

Statute but it should target the interpretation of the relevant constitutional rules on the immunity of the president of the republic in the context of the international legal coordinates of the transborder penal cooperation.

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INTERNET AND FREEDOM OF SPEECH: THE RIGHT TO FORGET AND THE RIGHT TO BE FORGOTTEN

Zoltán Navratyil

The essay aims to highlight the controversies and surrounding the right to be forgotten which was legally solidified in the Costeja ruling by the European Court of Justice. Following the introduction the article divides into two main parts. The first part provides an owerview of the European Data Protection Directive (Directive 95/46/EC) as the general legal base of internet protection for individuals. After that the study lays special emphasis on the new European Proposal for General Data Protection Regulation (25. 1. 2012) which details the right to be forgotten and erasure (Article 17).

The second main part set forth the conceptualization of the right to be forgotten in the United States, and argues that the right to be forgotten can not exist within the legal framework of the freedom of speech. The article shines a light on the glaring discrepancies in this field between the European Union and the United States.

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THE PROHIBITION OF SUNDAY WORK: EMPLOYEE RIGHTS V. ECONOMIC INTERESTS

Tamás Gyulavári

The regulation of the opening hours of shops on Sundays and at night generated a heated discussion int he Hungarian society. The paper analyses the objectives, dogmatic, legal and technical problems surrounding this new piece of legislation.

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THE PROHIBITION OF WORK ON SUNDAYS IN TERMS OF CONSUMER PROTECTION

Antal Hámori

This paper discusses the topic of „compulsory closure of retail premises" in relation to Act CII of 2014 on prohibition of work on Sundays in the retail sector from the view of consumer protection. This work focuses on the person, in this case specifically on the „consumer", and not on consumption and definitely not on the profit. It does so not only in terms of legal, but also ethical and theological aspect. The presented content, including the teaching of the Church, provide information which can be used by the legislators, law enforcement bodies and everyone, namely by every legal entity to a significant extent.

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PROTECTION OF SUNDAY. SOME HUMAN RIGHTS ASPECTS

Balázs Schanda

Traditionally the protection of Sunday was serving religious motives. According to the present perception of a uniform has secular reasons. This means that it is not a majority religious claim that is accommodated but a general social goal is targeted. Sundays and holidays express a vision on the human person being more than a consumer. Legislation has to take into consideration that some employees have genuine religious motives to celebrate their religious holidays, Saturdays or Sundays. Not accommodating these claims curtails religious rights.

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SUNDAY PATERNALISM – WHETHER TO ENACT A BLUE LAW IN HUNGARY

Dilemmas (predominantly) from a law and economics point of view

Ákos Szalai

The main problems of this article are whether (i) a general prohibition of (Saturday and) Sunday work and (ii) a blue law are necessary. The proposed answer for the first question is in the positive. The second problem requires considering what group of services must continue to operate in order to spend workfree days in leisure. Blue law is acceptable if commerce is does not form part of this group of services. The

article does not provide a clear cut answer to this question, it proposes a paternalism-test. If the required data were available, the policy could be evaluated on the basis of this test. (The hypothesis formulated in the article is that the test must not support a general prohibition of all commercial activities on Sunday, yet the sale of some goods should be forbidden on Sunday.)

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ANOMALIES OF THE SOCIAL ADMINISTRATION,

or self-portrait from local level cost – of – living allowance system

Péter Belcsák

Significant changes started on the administrative's local level after 01/01/2013., because the part administrative tasks of local council was handed over to regional organization (district office). This alteration influenced and shaped the system of social administration today too.

My study wants to denote, that in many cases the share of social tasks was inconsistent, to legal background was inaccurate or deficient, perhaps contradictory. Many times the dual- task performance slowed management down. However according to practice available effectiver solution.

I investigated in detail enforcement problems of the cash and in-kind social cares in my dissertation. Thereafter I scanned question of parallel available supports and those cumulation.

I pursued to answer the list of issues with my practical proposal solution and simultaneously investigated constantly changing legal environment.

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DIE RES IUDICATA BEI DER GELTENDMACHUNG KOLLEKTIVEN ANSPRÜCHEN

Tamás Ferenc Gyimesi

In meiner Studie analysiere ich die Geltendmachung von Ansprüchen im öffentlichen Interesse und die Arten der Gruppenverfahren, wodurch ich besondere rechtspolitische Ziele der Rechtskraft im Vordergrund stelle, die bei der aktuellen Kodifikation der ungarischen Zivilprozessordnung weitere Untersuchung gebrauchen. Die Zahl der rechtspolitischen Fragen und Lösungen bezüglich der Gruppenverfahren und Rechtskraft sind unbegrenzt, da bei einem Gruppenverfahren der personelle und sachliche Geltungsbereich, sowie die Res Iudicata sich beliebig verändern kann. Damit ist „das Spiel mit den Gedanken" und die Zahl der Lösungen „undefinierbar".

Meine Analyse der einzelnen Modelle fokussiert sich wesentlich auf die Lösungen, die bezüglich der Rechtskraft relevant sein können. Unabhängig davon welches Modell („reines“ oder „gemischtes“ System) der Gesetzgeber in der Zukunft wählt, die Aufgabe und das Ziel steht fest: die Ausbreitung der Wirkung von Rechtskraft. Obwohl es nicht die Aufgabe meiner Studie ist in solchen Fragen zu entscheiden, bin ich der Ansicht, dass man bei der Kodifikation wegen der rechtsoziologischen und rechtswissenschaftlichen „Umstände“ im Hinsicht auf die Triade der Rechtskraft-Rechtsordnung-Rechtssicherheit die Einführung eines Opt-in Systems unterstützen sollte.

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ON THE VARIOUS TYPES OF THE SETTLOR'S LIABILITIES

Péter Miczán

Summary of content: In this paper I present the questions concerning the liabilities of the settlor of the newly introduced fiduciary asset managment relationship (trust) vis-a-vis the beneficiary, the trustee, the other settlors, its own creditors and the trust creditors and I propose answers thereto. The economic necessity appears to provide significance of this analysis, namely that the application of the new legal institution originates primarerily from the decision of the settlor, in the eye of whom the size and standards of the liability risks cast on her at the creation of the fiduciary asset managment relationship by the Hungaian legislator and the costs to be beared (especially by mandating a trust protector) in order to avoid or at least mitigate them may appear to be a disincentive.