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SUMMA

THE ROLE OF THE RELIGION AND THE CHURCHES IN THE SECULAR STATE

Péter Erdő

By the beginning of the 21st century many politicians recognised that the State, in order to work properly, is in need of certain values, which itself cannot create, but they have to be drawn from the society. Thus, the religion and the Churches became significant and positive factors in the operation of the State. This kind of separation includes the possibility of co-operation.

In the latest times the endeavour came up, to influence the behaviour of the society through the manipulation of the mass-media, genetics etc. without morals and law. This deprives men from the free choice, but also seem to be unreal, because it supposes certain safeguards, which they expect from the States even today. In this situation the secular State and the religions seem to share a common fate and must face common challenges.

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DOGMATIC APPROACHES OF PROOF-ELEMENTS IN CRIMINAL PROCEEDINGS IN THE HUNGARIAN JURISPRIDENCE

Viktor Bérces

Proof theory is a constanty changing discipline of jurisprudence, therefore, it is the center of interests among the representatives of legal profession law. I am also of the view that acts of proof are the most important part of prosecutions, independently part of the process, because final decisions of courts based on these acts. Not a coincidence, that principles of proof acts are in the introductory rules of procedural laws. Obviously, prominent role of these procedural actions is demonstrated in Hungarian proof system, the procedural laws contain the most important rules and principles of evidences. Matching this topic, my study deals with scientific positions of hungarian jurisprudence.

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THE SYSTEM OF LOCAL LEVEL LAW ENFORCEMENT COOPERATION

László Christián

This study focuses on local level law enforcement cooperation in Hungary. Creating and maintaining public security is not an exclusive state responsibility, alternative and complementary law enforcement actors must increasingly be involved. The present study place local level law enforcement in the focus, examining its theoretical fundaments and legislation concerning its organisations and operation. After the definition of local law enforcement I am going also to enlist the main actors are in local level law enforcement: state police, local government and local governmental law enforcement organisation, civil volunteer security organisation. The cooperation between these actors we can call as complementary law enforcement. This is a new approach of law enforcement arising in the 21th century which requires the cooperation and harmonisation of activities in the field of law enforcement between the relevant actors. As the current and to this topic connecting my own conducted empirical survey results show that there are several inadequacies in the field of local level law enforcement cooperation. This research also intends to supplement the lack of theoretical and scientific foundation in the field of law enforcement in Hungary today.

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RECOMMENDATIONS FOR THE INCREASED PROTECTION OF „CONSUMERS" – STATUTORY REGULATION OF „CONSUMER COMPLAINTS REGISTRY" AND INFORMATION ABOUT „CUSTOMER" (CONSUMER) COMPLAINTS FORUMS WITH HISTORIC OVERVIEW

Antal Hámori

The study includes a historic overview and also refers to the authority and court related practice and introduces the statutory regulations referring to the „consumer complaints registry" and information about „customer" (consumer) complaints forum, furthermore the difference between the „consumer complaints registry" and „records", any possible „overlaps" furthermore the interpretation and controversies of the current regulations. Finally, the author defines de lege ferenda recommendations with justification.

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DIE BUCHAUSFUHRKOMMISSION IN UNGARN 1917–1918

Vince Paál

Die ungarische Buchausfuhrkommission war eine ungarische Regierungsstelle, welche vom September 1917 bis zum militärischen Zusammenbruch von 1918 tätig war. Ohne die Genehmigung der Buchausfuhrkommission durften keine Druckschriften (mit Ausnahme der Noten und der Tagesblätter, welche von Verlagen mit der Post geschickt wurden) aus Ungarn ins neutrale und verbündeten Ausland gebracht werden. Um die Buchausfuhr der Mittelmächte nach den gleichen Prinzipien regeln zu können, wurden auf Anlass der deutschen Reichsregierung Buchausfuhrkommissionen in den beiden Reichshälften der Öst.-Ung. Monarchie aufgestellt. Der Aufsatz legt die Verhandlungen über die Aufstellung der Kommission in Budapest und anhand der Berichte des Kommissionsvorsitzenden an den ungarischen Ministerpräsidenten ihre einjährige Tätigkeit, sowie die Besprechungen der Buchausfuhrstellen der Mittelmächte dar. Im Anhang werden die Geschäftsordnungen der Kommission und des Kommissionsbüros veröffentlicht.

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HARMONY OF MORALITY, LAW AND HUMAN DIGNITY WITHIN THE SACRED LAW

Szabolcs Anzelm Szuromi, O.Praem.

Law is a complex category, as a rule for the created world and as regulation, in its internal or external form, of every relation and act. St. Thomas Aquinas emphasizes that the laws always has to promote the common good of the peoples. It is a moral obligation for those who exercise legislative power to apply the content of divine law to concrete circumstances. If we reflect on the legal concept of the classical Christian thinkers, we can declare that the essential property of a real lawful norm is its being bound, directly or indirectly, to the eternal law, which summarizes and upholds the will of God. The legal theories of both the Ancient World and Christianity thus considered a triangle of morality, natural law, and positive law in harmony. However, at the end of the 18th century, the principles of a law without morals were laid down, and state legislation became interested only in the formalized legal system. Nevertheless, today in the 21st century, this positive law theory – legislation which is separated from morality and human dignity – cannot provide a stable basis for society.

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CIVIL ORGANISATIONS – STATE POLICIES
Co-ordinations, contacts, eventual distortions

Csaba VARGA

Society, organising its self as *civil society*, is on the one side, and the *state*, formed by political parties according to results of general election, on the other. This schematic picture shows the first as prime entity, the genuine target, while the second, with immense formal institutionalisation, as a means to the end. Signalling the logical direction of developments from a kind of base to a kind of superstructure, this scheme, representing some normality, inversed in case of Central and Eastern Europe after the fall of Communism. For the latter's end was already assisted by political party-like formations which from the beginning defined three (logically ordered) main orientations: (a) restoring the past, (b) re-building the country from now on with (b/a) national tradition and interest or (b/b) West-European and Atlantic cosmopolitanism in focus. Therefore it is in the womb of a politically split society that anything like civil society could (if at all) emerge, in a defected or, simply as Bill Lomax has named, dead form. In consequence, there is no national cause and no any other cause in country-wide consensus or as a product of various professions; the political map has already predefined and is unchangedly predefining the rest.

There are integrating moves and initiatives, however, with perhaps the best launching and networking by the once initiative for forming 'civic circles' in Hungary.

National causes as intellectual products of democratic constituency with various professions marking their own field can be best served by special agencies to present and represent, making easily accessible for all, the *corpus of nation-wide knowledge*, especially the whole body of professional expertise commissioned or produced, and accumulated, by changing governments, as the US Library of Congress Research Service, the network of Presidential Libraries, or *La Documentation française* are standingly to do.

In the daily practice of post-communism in the region, the experience of *non-governmental organizations*, especially the politically motivated ones having initiated and financed by foreign fora, signals a specific situation, bordering the need of national security attention and, perhaps, as the case may be, treatment.

Considering the foundational importance of any civic participation, it is high time that political science and legal science analysis will be devoted to the resurgence and impact of, as well as the directions of government reaction to, both civil society and NGO formations, in the light of timely local experience accumulated hitherto.

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AZ ADATVÉDELEM TÖRVÉNYI SZABÁLYOZÁSA ÉS A KÉSZLETEZŐ ADATTÁROLÁS KÉRDÉSEI

Ádám Zsófia

A Európai Rendőrségi Hivatal (Europol) 2017 júniusában tette közzé a 2016-os évre vonatkozó jelentést az Európában lezajlott terrortámadásokról. A jelentés szerint összesen 142 meghiúsított és befejezett terrortámadást hajtottak végre, melynek során 142 személy vesztette életét. A bűncselekmények elkövetői az egymás közötti kommunikációra az internetet és a telefonhálózatokat használják, így a telekommunikációs adatok gyűjtése és tárolása egy fontos eszköz mind a terrorcselekmények, mind az egyéb bűncselekmények elkövetésének megelőzésére és felderítésére.

A Münsteri Közigazgatási Bíróság a témában hozott legújabb döntésében megállapította, hogy a hatályos német telekommunikációs törvény nem összeegyeztethető az Európai Uniós joggal. A hatályos német telekommunikciós törvény 2015 óta írja elő a telekommunikációs adatok tárolását 10 hét időtartamra, a szabály alkalmazására történő átállásra pedig 2017. július 1-jét tűzte ki. A Bíróság döntése alapján azonban erre az átállásra már nem kerül sor.

A tanulmány célja, hogy bemutassa azt az utat, melyet adatvédelem és a készletező adattárolás törvényi szabályozása bejárt Németországban, valamint az Európai Unió fontosabb irányelveit a münsteri döntés meghozataláig.

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THE RELATIONSHIP BETWEEN THE SEARCH ENGINES AND THE FREEDOM OF SPEECH

Comparison between the European Union's and the United States' approach

Balázs Bartóki-Gönczy

The aim of this article is to analyse the relationship between the freedom of expression and the search engines in the United States and in the European Union. The search engines became quintessential players in the access to the information and raise many interesting and so far unanswered legal and regulatory questions. First of all, are they subject, beneficiary of the freedom of expression or they act only as an intermediary, technical player with limited liability and protection? The analogy with the internet access providers or with the media content distributors is more accurate? To answer these questions, we present first the risks attributed to the search engines with regard to the freedom of expression, than we compare the different approach of the EU and the USA. We argue that the organic search results of the search engines cannot be considered as 'speech' but as merely technical service which is not under the protection of the Eu-

ropean Convention of Human Rights nor of the First Amendment. Finally, we present the European propositions which aim to regulate the search engines with regard to the protection of the freedom of expression.

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IDEAS FOR THE AMENDMENT OF THE ANIMAL PROTECTION ACT

Adrienn Jámbor

The topic of my study is animal protection in a narrower sense. The main aim of the study is animal protection and dog keeping related, detailed and analytic presentation of regulations and also proposals that could be used and adopted in the making and applying of legislation.

I believe it is indisputable that in the past few decades establishing legislations in animal protection has greatly advanced however, it can also be said that there are still regulating errors and deficiencies in the current legislation and its application on animal protection. This study embarks to note, analyze and make 'de lege ferenda' proposals.

In the future further legislation, restrictions as well as effective enforcement of legislation are needed considering the problems and shortcomings arising in practice.

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THE REQUIREMENT OF RESIDENCE, AS THE CONDITION OF GENERAL ELECTORAL RIGHT

Gábor Kurunczi

With the entry into force of the Basic Law of Hungary, the determination of the active electoral right has changed significantly. According to the legislation in force, the existence of a place of residence in Hungary is not a mandatory element of the electoral right anymore. Consequently, the Act on the election of parliamentary deputies does not require the requirement of residence in Hungary for the exercise of the electoral right. However, that regulation was criticized by many. The sharpest criticisms are that the extension of the electoral right to non-resident ones is problematic, thus people can influence their vote on the fate of the country who does not spend their daily lives here, so the decisions of the Parliament and the Government do not affect their lives either. The study is, among other things, seeking answers, whether there can be citizenship without the electoral right, and whether it violates the principle of equal rights for voters to ensure that non-residental citizens can only vote for national party lists. Another question to be examined is the institution of voting in the letter for non-residental Hungarians, as well as the question of how to be considered problematic,

that voters residing abroad on the day of election, who have their place of residence in Hungary, can not vote by letter, while not resident in Hungary, on the day of the election, whether voters residing abroad or in the country, yes. In my study, I take into consideration the above issues, taking into account political and sociological aspects.

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THE FIRST HABSBURG-HUNGARY (1437–1457) II.

Political warfare – public legal stability (1440-1452)

Zoltán Attila Liktor

Although on the perspective of public historiagraphy the twenty years in question (1437-1457) is broken on the election of Wladislaus III Jagiellon of Poland (1434-1444) as king of Hungary (1440-1444) but on the public legal one absolutely no. Many new institutions (like the governership of János Hunyadi, the invitation of representatives of the free royal cities of Hungary to the general assembly or the foundation of institutions of the elected commits) were products of this aera. Naturally the development of the public legal system were greatly influenced by the politics. The spirituality of the decrees of the period directed to the strengthening of the noble counties and limitating the central (royal) power. The noble counties got new rights and obligations in the system of making law, the enforcement and the administration of justice too. The estates of the realm created numerous institutions that guaranted the ability of conservation of the feudal constitution when the kings (whose have other countries too) tried to eliminating it. While the Habsburg and the Jagiellon dynasty were struggling for the Holy Crown of Hungary, the hungarian estates of the realm built up strong constitutional guarantee system against the royal tyranny. After the downfall of Wladislaus Jagiellon at Várna (1444) the estates of the realm acknowledged the right of Ladislaus of Habsburg (1440-1457) to the crown but on the lack of his presence in Hungary and the guardianship of his relative Frederick of Habsburg (king of the romans) over him resulted the creation of the governership of János Hunyadi (1446-1453). Hunyadi tried to restore the order in the country because the civil war pullulated after the death of Albert of Habsburg of Hungary.

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CONSTITUTIONAL COMPLAINT IN HUNGARY

Tamás István Manhertz

The constitutional complaint is one of the most important competence of constitutional courts which originates from the protection of human rights. In this essay, I analyse

the rules and practice of constitutional complaint in Hungary. The regulation has been changed considerably when the Fundamental Law of Hungary and the Act CLI of 2011 on the Constitutional Court came into effect. In this sense, three types of constitutional complaint can be distinguished. Firstly, a complaint can be filed against a legal provision applied in a judicial decision. Secondly, a complaint can be also submitted against legal norms which are directly applicable. Thirdly, a complaint can be proposed against a judicial decision which is called „real" constitutional complaint. It follows from the modification of the rules that the constitutional complaint became the main competence of the Constitutional Court which can provide direct constitutional remedy for individuals whose fundamental rights have been infringed.

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THE PUNISHMENT OF FALSE ACCUSATION IN GERMANY AND AUSTRIA

Nikolett Mészárosné Simon

The study shows the results of a research done in the subject of false accusation. False accusation is unequivocally an additional crime. As a crime false accusation shows differences in Europe. The punishment of false accusation in Germany and Austria is not similar to the Hungarian criminal law. Several European countries have built distinct features into their Criminal Law concerning false accusation. The study aims to introduce a research where I compare certain sections of the Hungarian, the German and the Austrian law. Hungarian Criminal Law, similarly to the German, focuses on the punishment. In contrast to the above mentioned the Austrian legal regulations, uniquely in Europe, differentiate on the bases of what the false accusation refers to instead of the punishment. The bottom line is the actual topic of false accusation and how severe of a punishment it entails. The crime has a unique punishment system especially in the Austrian Strafgesetzbuch, consequently the system based on the basic offense. This is not a classical descriptive legal study but a comparative one. The question is what can be adopted into Hungarian law, yet the intention is to develop the bearings of a case with *de lege ferenda* remarks.