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SUMMA

FUNDAMENTAL QUESTIONS OF POSSESSION AND THE TRANSFER OF PROPERTY RIGHTS IN THE MEMBER STATES

Christian von Bar

The article analyses the rules governing possession and detention in the Member States of the European Union. Possession is understood as one of the two constituent parts of property law; the other being the legal regime of property rights. Possession is considered a sui generis normative concept. Its purpose is to make the law of rights function. The article also explores the law governing the contractual and the good faith acquisition of property rights. To this end it outlines the common features of so-called 'abstract', 'consensual', 'traditio' and registration based systems and also describes the role and meaning of good faith acquisition in both movable and immovable property law.

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REGULATION OF THE EUROPEAN PUBLIC PROSECUTOR OFFICE'S COMPETENCES

Is the compromise scenario efficient?

Ádám Békés – Tamás Gépész

At first the European Public Prosecutor's Office's (hereinafter: 'EPPO') history and background will be briefly reviewed by the authors, revealing that the recent acceptance of Council Regulation 2017/1939 on implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office is based on a compromise between the Community actors and the national legislators. The article focuses on the questions deriving from this compromise scenario and its purpose is to evaluate the probable efficiency of the accepted regulation. Concerning EPPO's future operation one of the most important key-factors is the share of competences between the supranational and national prosecutions. Therefore, the actual competences of the EPPO will be presented and described in detail. However, the review of this issue will reveal that it seems there is a fundamental conflict between the European and

national decision maker's interests and will, which is embodied in the tension between the 'principle of loyal cooperation' and the sovereignty of the Member States. Based on this consideration, the authors evaluate the accepted regulation from a critical aspect and draw up critical remarks concerning the future efficiency of EPPO. Finally, the authors' overall findings will be concluded.

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SENATUS CONSULTUM CLAUDIANUM

Key aspects and interest points in the primary sources and in their modern interpretations

János Erdődy

SC Claudianum decreed that any free woman, Roman or Latin, pursue relationship with the slave of another, and she fails to abandon the relationship after the denouncement of the slave's master, will become the slave of the master denouncing her deed. In this paper we are aiming to discover the actual content of this decree of the Senate, as well as trying to determine whether the goal of the decree was to defend or even promote social morals, or to defend sexual morality, or even to give protection to certain interests and authorities of the parties involved. This paper is aiming to examine the primary sources which come into two groups: excerpts by *auctores* and fragments by jurists. A deeper analysis of the sources in both groups may lead to an attempt to reformulate the questions attaching to the topic, as well as adding new inquiries. A closer scrutiny of secondary views lends a hand in understanding the approach of and the attitude towards this institution.

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VON „LEGALITAS" ZUR SCHAFFUNG EINES MODERNEN NACHLASSVERFAHRENS

Noémi Suri

In dem Aufsatz analysiere und bewerte ich die Bedeutung des Nachlassverfahrensrechts in der Erbfolge (im Erbrecht), dessen Funktion in dem Nachlassübergabe, im Nachlasserwerb und in der Eigentumsübertragung, die Rolle der in dem Nachlassverfahrensrecht mitwirkenden Behörden und der über Justizbefugnisse verfügenden Personen sowie die Entscheidungen und Urkunden, die als Ergebnis des Nachlassverfahrens ausgegeben wurden. Die Aufklärung des ungarischen Nachlassverfahrens verwirkliche ich zum Teil durch geschichtliche und teilweise durch dogmatische Analyse. Mein Ziel ist damit die Vorstellung der Tatsache, inwiefern die

Regelung der Erbrechtsverordnung für Ungarn eine Veränderung (eventuell einen Rückkehr) bezüglich der Institutionen, die sich kontinuierlich aus den Wurzeln des „modernen Nachlassverfahrens“ des 19. Jahrhunderts entwickeln, bedeutet.

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IMPORTANCE OF LEGAL PROTECTION OF THE BIOLOGICAL DIVERSITY – THOUGHTS ON THE HUNGARIAN CONSTITUTIONAL COURT'S DECISION NO. 28/2017. (X. 25.)

Marcel Szabó

Natura 2000 is a single European ecological network, which ensures the preservation of biological diversity and contributes to maintaining or restoring their favorable conservation status. By its decree No 1666/2015 (IX. 21.), the Hungarian Government decided to sell state-owned lands to farmers within the framework of the “Lands for Farmers!” Program, including certain state-owned Natura 2000 areas. According to the relevant EU and Hungarian laws in force, there are no restrictions regarding the ownership of Natura 2000 areas, but more than one quarter of the Members of Parliament challenged the provisions of the Government decree, stating that selling of these Natura 2000 areas violates the principle of non-derogation, as flows from Article P) of the Fundamental Law of Hungary. The article analyzes the Constitutional Court's Decision No 28/2017 (X. 25.), examining the importance of biological diversity, the status and role of Natura 2000 areas, and the frames of the protection of the environment as flows from the Fundamental Law and the case-law of the Constitutional Court.

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SUMMARY OF THE HUNGARIAN CONSTITUTIONAL COURT'S ENVIRONMENTALLY RELEVANT JUDGMENTS, WITH SPECIAL EMPHASIS ON THE ÁDÁM–ZLINSZKY SEPARATE OPINION

Vivien Benda

This paper examines the Hungarian Constitutional Court's environmentally relevant decisions which show a recognisable development because from the refusal of the interpretation we reached the latest so-called 'Natura 2000' decisions which contained much novelty provided new possibilities in the Hungarian environmental law. I think it is obvious that the Ádám-Zlinszky separate opinion was the foundation of this progress

so we will examine the arc of this development – with a special emphasis on this progressive and essential separate opinion - and the future interpretational possibilities of this process.

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BOUNDARY BETWEEN 'VIOLATION OF THE KING' AND SEDITION

The Act XXXIV. of 1913. on the Violation of the King and the Attack Against the Kingdom

Izabella Drócsa

Before the beginning of the first World War, numerous jurists articulated criticism against the Hungarian Penal Code because of its deificiencies which were showned onsite the crimes against the state. To eliminate these mistakes, Jenő Balogh, the Minister of Justice initiated to review the Code and from 1912 to 1914, several accidental laws were modified or created by the Parliament in the interest of re-regulate the facts of crimes against the state. One of these law was *The act XXXIV. of 1913. on The Violation Of The King And The Attack Against The Kingdom* which created an example for the lawmakers of later periods. To understand the relevancy and moderness of this Act, it is very important to examine the historical circumstances: at the beginning of the 1910, a political party was founded by György Nagy lawyer and member of parliament, in order to demand to change the form of government from constitutional monarchy to republic. Despite the fact, that the support of the Hungarian society was law, the governing party felt the necessity to protect the kingdom.

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„KÖZJOGI VIHAR A SZÉLL-CSENDBEN"

Some thougths on the Act XXIV of 1900

Zoltán Attila Liktor

The order of the succession of the throne is an important question in the life of a monarchy. In the dual monarchy of Austria-Hungary (1867–1918) there was a common base of the order of the succession of the throne, the Pragmatic Santion of 1713 but the regulations in the Austrian Empire and in the Kingdom of Hungary were not exactly the same. The Hungarian law required four conditions to be heir to the throne of Hungary. That person should be descendent of an archduke (or archduchess) from lawful marriage, should be roman catholic, and finally the elder lines should have absolute

precedence over the younger lines as the male lines should have absolute precedence over the female lines of emperors Charles VI, Joseph I and Leopold I. The Hungarian law didn't recognise other conditions or categories. The sourse of the long dispute in the Hungarian Parliament upon the declaration of archduke Franz Ferdinand heir of the crown before his marriage with countess Sophie Chotek was the unrecognised requirement of the austrian Hausgezets by the Parliament of Hungary. The document issued by Franz Ferdinand declared his marriage morganatic. By that declaration the children of that marriage upon that reason would not have succession rights to the throne…

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A CYBERBULLYING MAGYARORSZÁGI HELYZETE – JOGI NÉZŐPONTBÓL

Pongó Tamás

Jelen tanulmány célja a bullying és cyberbullying eddigi hazai eredményeinek rövid bemutatása. Noha, e probléma nem áll a jogtudományi kutatások fókuszpontjában, számos, említésre méltó, mérföldkő valósult már meg hazánkban. A jelenségre elsőként a TABBY in Internet kutatás hívta fel a figyelmet, amelyet később a Felelős Társadalomért Közhasznú Alapítvány Megfélemlítés Elleni Programja követett. Mindemellett, a finn eredetű KiVa program is adaptálásra került, valamint a magyar kormány Digitális Gyermekvédelmi Stratégiája is foglalkozott a kérdéskörrel. A civil és állami kezdeményezések mellett, az akadémiai világ is vizsgálja a jelenséget, aminek ékes példája a Szegedi Tudományegyetemen megrendezett első és eddigi egyetlen, Magyar Országos Cyberbullying Konferencia, ami interdiszciplináris módon közelítette meg a témát. További, szűkkörű kezdeményezések is fellelhetőek Magyarországon, s jelen cikk igyekezett az eddigi hazai eredményeket összegezni, valamint a lehetséges új irányokat megvilágítani.