

ABSTRACTS

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Changes in the relationship between the The National Assembly and the Constitutional Court in Hungary from 2010 – Judicial Activism, Parliamentary Supremacy, Constitutional Identity

The study analyzes the achievements of the “rule of law revolution”, a concept which had a great career at the time of the Hungarian system change, furthermore analyses the role of the Constitutional Court in the different periods of the expansion of the rule of law. It presents the conceptual changes brought by the “Easter Constitution”, the Fundamental Law in the system of checks and balances, in the laying of the foundations of constitutional identity and in the rehabilitation of the historical constitution. It summarizes the views that strongly criticized the Constitutional Court’s fundamental right activism from the beginning of its operation and which views laid the groundwork for the advancement of political constitutionalism after the 2010 elections, a “public law revolution” based on parliamentary supremacy. Among the constitutional amendments, the study pays special attention to the seventh amendment of the Fundamental Law, which has established textual foundation for the constitutional protection of national sovereignty and identity. It draws attention to the conflicts arising from the collision of the EU law and national legal systems and to the ways in which they can be constitutionally resolved.

Keywords: Parliamentarian Supremacy, Judicial Activism, Constitutional Identity, Rule of Law, Constitutional Court.

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Parliamentary regulatory impact assessments

For the first time in the Hungarian scientific literature, the study describes the definition and characterizes the different types of parliamentary regulatory impact assessment.

Parliamentary regulatory impact assessment is a specific type of impact assessment. Parliamentary Regulatory Impact Assessment differs from the others not primarily in its genre or other characteristics, such as the methodology used, but rather in the context in which it responds directly to the needs and logic of the legislature. It is an independent research carried out by the Parliament's own body or department, an expert or an independent expert or research institute commissioned by Parliament. The subject may be any legislative topic (primarily a bill or a proposed amendment to a bill) as an ex-ante impact assessment, as well as an assessment of the effects of an already adopted and applied law as an ex-post impact assessment. The political-professional dimension of this is the Committee's post legislative scrutiny, based on scientific evidence of the impact of laws. Regulatory impact assessments can affect both the committee and the plenary level debates and can influence decision-making as well. Parliamentary impact assessment are important elements of high quality legislation. Describing the different types of parliamentary impact assessments, we can define the following variations:

1. Ex-ante parliamentary impact assessment;
 - 1.1. Full ex-ante parliamentary impact assessment;
 - 1.2. Additional ex-ante parliamentary impact assessment;
 - 1.2.1. Additional ex ante parliamentary impact assessment for the original proposal;
 - 1.2.2. Complementary ex ante impact assessment for the amendment to the original proposal;
2. Ex post Parliamentary Impact Assessment in connection with committee's post-Legislative scrutiny;

The study presents in detail the European practice and its main types, such as the ones used by the European Parliament or French, Spanish and Scandinavian examples. The main conclusion of the research is that parliamentary impact assessments have already been introduced into European practice and their role is expected to increase in the future.

Keywords: ex ante regulatory impact assessment, ex post regulatory impact assessment, parliamentary foresight activity, parliamentary post legislative scrutiny, parliamentary impact assessment

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MARCELL MELLES

Terra incognita – in search of the conceptual boundaries of the election procedure

Elections are one of the most important tools guaranteeing the coexistence of human communities. Choosing the leaders of the states has necessarily become regulated by law, thus the electoral system was created. Nowadays the right to vote is a constitutionally protected right, the necessary legal preconditions for the practice thereof are determined by the state.

The electoral system naturally includes the electoral procedure, in other words, the totality of those acts, that create the necessary conditions for the practice of the right to vote. In that regard, the concept of the electoral procedure might seem clear, however it remains ambiguous, what specific steps or acts of electoral organs might fall into the concept of the electoral procedure.

The tools for clarifying the concept of electoral procedure could be the analysis of the laws related to the electoral procedure and the review of the relevant literature. Analysing the laws, ie. reviewing the Act on Electoral Procedure in effect, and the repealed, election-related acts cannot in themselves facilitate defining the timeline of the electoral procedure and the specification of acts as part of the electoral procedure. Although the review of the literature and the analysis of the laws might lead to the conclusion that the electoral procedure contains the steps taken in the period beginning with the call of the election and lasting until the handover of the letter of appointment, in this case, the status of the acts related to the elections, materializing beyond this timeline needs some scrutiny. Illustrating this question with a practical problem that has arisen in the practice, related to the election to the National Assembly: is the filling of vacant list mandates part of the electoral procedure?

The first step towards clearing up the conceptual framework of the electoral procedure is the recognition of the mere fact, that the concept of the electoral procedure is multi-layered. On the one hand, the electoral procedure might be an abstract concept, on the other hand, the electoral procedure might indeed pertain to a particular election, too. Any acts untied to a certain electoral procedure might be part of the abstract electoral procedure. This paper serves as a basis for finding the exact determination of these concepts in the future.

Keywords: election, electoral system, electoral procedure, timeline of the electoral procedure, substantive parts of the electoral procedure

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Elections in Bosnia and Herzegovina – another four years of lost opportunities?

This analysis aims to present the results and possible consequences of the parliamentary and collective presidential elections that took place in Bosnia and Herzegovina on October 7th, 2018 and to describe the main attributes and the surrounding anomalies of the election system.

The results of the parliamentary and collective presidential elections could have surprised only a few, as the 25 year old tendency – the political structure is made up of ethnical rather than programmatic principles – continues. The newly elected lower and upper chambers of the Parliament and also the governments will be formed following the familiar patterns of ethnical divisions preserving and foreshadowing the political actions and scenarios the country has experienced before. The paper points out that both the election campaign and the results demonstrate the basic problem: despite the expectations of the international community and certain locals, there is still no real chance of political principals prevailing other than ethnical divisions. They fall short of raising the importance of the state as high as the ethnical interests, although that could be an outbreak of the present situation. All the political conflicts without an exception, such as the ones concerning the structure of the state, the constitutional division of powers, the state level laws on election, the Sejdic-Finci case, or even the celebration of the Serbian Republic Day spring from the clashes and distrust of ethnical groups. On the other hand it is hopeful that every once in a while a nationwide case – for example the EU accession – wins the support of all parties. On a different scale and dynamics, but unanimous support. As a conclusion, the analysis finds that today the Dayton Agreement is more of an obstacle of the country's development than the supporter of its progress. However, for the time being the solutions, which are acceptable for all parties, are not even drawn up.

Keywords: Elections, election law, parliament, government, European Union

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Elections in Nigeria and the simulated democracy

The 2019 Nigerian elections had many similarities with the previous elections: postponement, violence and criticism surrounded the presidential and parliamentary election of Africa's largest economy and most populous state. As it was the case in 2011 and 2015, it was postponed in 2019 as well, but this elections will be remembered not because of this delay, but the record low turnout and the repeated victory of the muslim Muhammad Buhari, candidate of ACP. Buhari's second presidential term arrives at a moment when the African state's economy is facing serious problems, corruption continues to affect the lives of ten million, and the Boko Haram terrorist organization has not yet been liquidated – their attacks proved well during the elections. The study not only analyses the elections, the different rules and the observations and criticisms made by the international organizations, but also tries to make suggestions for improving the situation, as well as to describe the situation with the term, mimicked democracy: despite the elections every four years, Nigeria continues to be developing state with democratic deficits and neglected citizens.

Keywords: Nigeria, Africa, Buhari, parliamentary elections, electoral system

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The 150th Anniversary of the Library of the Hungarian Parliament

The House of Representatives decided to establish the Library of the Hungarian Parliament in November 1868. The study offers a short overview of the milestones in the library's 150-year history. It discusses the evolution of the initially closed institutional library serving exclusively the representatives into a public special library with country-wide competence after its detachment from the organizational structure of the National Assembly. The paper recalls how György Szabad, former Speaker of the House restored "the historically shaped organic relationship" between the National Assembly and the Library of Parliament following the collapse of state socialism. Finally, recent professional and infrastructural developments in the library are also mentioned.

Keywords: Library of Parliament, National Assembly's public activities, library history

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