

NÓRA BÁN-FORGÁCS

The institution-building role of the Hungarian Data Protection Ombudsman: the relationship between the Parliament and the Data Protection Ombudsman in the republican Hungary

This study examines the interrelation between the Parliament and the Data Protection Ombudsman from the beginning of the Hungarian regime change in 1989 until the abolition of the Hungarian Data Protection Ombudsman. The paper aims to demonstrate that in the exercise of almost all its powers, the National Assembly formed a specific intersection with the case law of the Data Protection Ombudsman. In the argument of the paper, these cases have shaped the development of domestic parliamentary law. The argument of the paper is that not enough attention were given earlier to these cases in their legal-historical context. The study seeks to fill this gap.

Keywords: parliament, parliamentary law, data protection ombudsman, information rights, Member of Parliament

NÓRA BÁN-FORGÁCS
research fellow
HUN-REN, Institute for Legal Studies
ban-forgacs.nora@tk.hu

FERENC TÁBORI

The stability of parliamentary factions in Hungary 1990–2024

The political groups are the powerful, influential organisations of parliaments, from the drafting of legislation to the election of officials, the opinions expressed and proposals put forward on behalf of the groups carry great weight, "the political groups are the nervous system of parliament". Group Members also have wider legislative opportunities than non-attached, or independent, Members. The political groups nominate the President and Vice-Presidents of Parliament. Each parliamentary group must have at least one seat on each parliamentary committee. The group leaders are members of the House Committee. In interpellations, questions and immediate questions, as well as in speeches on the agenda, only members of the political groups have priority, and only members of the political groups may speak outside the agenda. In addition to this, political groups receive substantial additional financial support compared with non-attached Members. Group leaders and deputy leaders have additional rights and allowances. Members who sit in political groups are addressed by the chairman of the sitting in the name of their party or political group, while independent Members, whether or not they belong to a party or wish to represent a party, are addressed as independents. From the foregoing, it is clear why groups that have split from their respective parties want to form a parliamentary group, or why parties on the verge of dissolution as their numbers dwindle do everything possible to maintain their parliamentary groups. But this also explains why, in a competitive multi-party system, parties that already have a parliamentary group try to manipulate (prevent if they are on the same political side or encourage if they are on the opposite side) other organisations to form a parliamentary group. The aim of the study is to review the stability of parliamentary groups in Hungary, taking into account the various changes in the legislation from 1990 to the present. It determines the impact of the provision for legislative groups on the competitive position of the individual parties.

Keywords: parliament – parties – political groups – stability – regulation

FERENC TÁBORI
assistant lecturer

University of Pannonia Faculty of Humanities Institute of Social Sciences
tabori.ferenc@htk.uni-pannon.hu

ÁKOS KÁNTOR

Public consultation in the Parliament?

The rules on legislation were previously *lex imperfecta*, lacking sanction, since only the most serious breaches of law triggered the application of the gravest sanction against the law, namely public-law invalidity, which takes a lengthy process to establish.

With the legislative amendment in 2022, the legislative procedure has been altered so that the absence of public participation should be penalised. The procedure itself is also unusual: the Government's controlling body examines each year the fulfilment of the obligations, and imposes substantial fines on organisations in default.

Act CXXX of 2010 on Legislation (hereinafter: Jat.) and Act CXXXI of 2010 on Public Participation in the Preparation of Legislation (hereinafter: Jet.) were amended by the Act XXX of 2022. The amendment to the Act on Public Participation in the Preparation of Legislation is based on the Government's commitment that, in the case of draft laws covered by the Act, the proportion of draft laws that published in the Hungarian Official Gazette, have been subject to public consultation will be at least ninety per cent. Each year, the Hungarian Government Control Office (hereinafter: KEHI) summarises whether public consultation was held on laws, government decrees and ministerial regulations promulgated in the previous year, provided that their preparation was within the scope of the law. The KEHI prepares a report which is published by the Minister of Justice by 31 January of the following year. So far, KEHI has had a look at two legislative periods, the fourth quarter of 2022 and the full year of 2023. My study aims to present the results of the KEHI study and the legal conclusions drawn from it, reflecting on previous findings in the literature. In addition, I would like to refer to the amendment to Act XXX of 2022, which was tabled during the parliamentary debate, which would have made the public consultation of bills submitted by parliamentary motion mandatory. The idea should be examined from a legislative point of view because, on the one hand, it would have made public consultation compulsory for a bill prepared not by the Government, and on the other hand, it would have interrupted the parliamentary stage of lawmaking in such a way that the draft would have been passed to the administration and then back to the parliamentary stage. Although the amendment was not adopted, I believe that important lessons can be drawn from it for jurisprudence.

Keywords: Legislation, public consultation, Hungarian Government Control Office, *lex imperfecta*, fine

ÁKOS KÁNTOR
PhD student

Károli Gáspár University of Reformed Church in Hungary
dr.kantor.akos@gmail.com

KATINKA BERETKA

Ethnic parties in the National Assembly of Serbia

The regulation and practical enforcement of national minority rights (nationality rights according to the term used at the time) in Tito's Yugoslavia – even according to the most vocal critics of the system – was one of the highest levels, compared to European standards. However, despite the wide range of educational, cultural and linguistic rights, the one-party system did not allow the political organization and parliamentary representation of the nationalities in the classical sense. Thus, by definition, those political participation rights, which have now become an integral part of the more or less universally accepted national minority rights catalog, were missing. Changes in this area were (also) brought about by the disintegration of the federal state and the newly established constitutional order of the ethnically heterogeneous Serbia. The first ethnic political parties were formed, and the weight of certain nationalities also increased in parallel. It is interesting that today the number of ethnic parties – which are more than once the swing vote when forming a government – exceeds the number of mainstream (Serbian) parties in the country.

The goal of the paper is to present the evolution of the Serbian legal regulations concerning ethnic parties from the regime change (1990) to the present day, with particular regard to the relevant (constitutional) court practice, other administrative decisions, and system anomalies. In Serbia, special preferential rules apply to the establishment of and acquisition of mandates for ethnic parties, which often lead to abuse. Political groupings are born that are 'ethnic' in name only, but in terms of their program and composition, they can be considered a mainstream party. Although the paper does not deal in depth with the election results of the last thirty years, it tries to illustrate the dilemmas related to the concept of ethnic parties in Serbia through concrete examples.

Keywords: digitalisation, automation, Integrated Legislative System (hereinafter: IJR), ParLex, artificial intelligence

KATINKA BERETKA
associate professor

Faculty of Law and Business Studies Dr Lazar Vrkić, Nov Sad, Serbia
beretka.katinka@gmail.com

LÁSZLÓ TÓTH

Parliamentary and presidential elections in North Macedonia in the spring of 2024

In April–May 2024, the two most important elections took place simultaneously in North Macedonia. The election of the president of the republic and the members of the legislature took place at the same time. The double election brought a clear result: the serious, historic defeat of the ruling Social Democratic Union (SDSM), and the landslide victory of the right-wing VMRO–DPMNE, which has been in opposition since 2017. The right-wing party came close to an absolute majority in the parliament, and its presidential candidate, Gordana Siljanovska-Davkova, can take office with more than 60 percent of the votes.

The purpose of this study is to present the context of the general elections, the circumstances of the elections, the candidates, and the expected consequences of the results. Within the framework of this, it briefly presents the relevant features of the country's constitutional system, the electoral system, then results of the dual election, as well as the most important circumstances that determine the government being formed.

The most determining factors in the political life of North Macedonia are the country's ethnic composition and its relations with its neighbors. Regarding the former, the role of the Albanian minority, which accounts for more than a quarter of the country's population, is decisive, and since the situation close to the civil war in 2001, the sensitive domestic political balance depends on the cooperation between the dominant Albanian and Macedonian forces. Nevertheless, among the Albanian minority, the Democratic Union for Integration (DUI) was able to gain a dominant role, influencing the composition of national governments. Against the DUI, the coalition of opposition Albanian forces is regularly formulated, which, although it could not defeat the DUI in this election, can still reduce its influence.

North Macedonia also has serious conflicts with its two neighbors, which affect the name of the country, as well as the Macedonian national identity. The social democratic government that has been in office since 2017 tried to make every concession to Greece and Bulgaria, the former manifesting itself in the Prespa Agreement and changing the name of the country, the latter in the planned amendment of the constitution. Nevertheless, the policy of concessions did not seem to pay off, the country was unable to advance in the EU accession process, which, in addition to social discontent, contributed to the historic election defeat.

Keywords: codification, state liability, Court of Justice of the European Union, EU law, tort law

LÁSZLÓ TÓTH
assistant professor

Széchenyi István University Deák Ferenc Faculty of Law and Political Sciences,
Department of Constitutional Law and Political Science
toth.laszlo1@sze.hu