

ABSTRACTS

ESSAYS

In this column we are presenting Hart's essay: 'Are There Natural Rights', together with an essay of the translator, Zsolt Krokovay. Hart's writing is the analytic parsing of a seemingly simple grammatical phenomenon: what it means that somebody has the right to something. Zsolt Krokovay's relevant essay gives help to readers who are not very skilled in legal philosophy, to understand Hart's writing. We also present the first president of the Hungarian Constitutional Court, László Sólyom's academic inaugural lecture, in which the author examines the constitutional interpretation of the third generation of European Constitutional Courts. In this, he separately deals with the problematics of transition, which these Courts necessarily have to face. Gábor Kardos's essay closes the column, examining the international success of cultural rights. After stating the most important international law instruments, the writing deals with the problems of the individual and collective rights, and the questions of cultural relativism.

INTERVIEW

Fundamentum has asked two jurists: Tibor Király and the head of the Criminal Law Department of ELTE, Károly Bárd, who took part in the development of a new Code of Criminal Procedure to be effective by January 2003, about the Code. Among others Tibor Király told us, that he is under the impression, that judges have been made use of to a too great extent during the codification process. In his opinion the roles of the different powers have become confused. Especially the Supreme Court has asserted its opinion with a great weight, for example in the development of the system of legal remedies, which fact has had an impact on the whole work. Károly Bárd also added, that when seen mathematically, it may indeed be that six out of eight reform ideas have been accomplished, however, when adding the fact that the failed points were the assertion of the primacy of trial and the clear distinction of functions would have been the most important, the proportion seems different.

FORUM

What do you think of the reform of criminal procedure, to be effective from January 2003; to what extent do you expect the procedures to be quicker and of a higher standard, the rights of the injured and the accused to be successful, and the practice of Hungarian criminal procedure to approach the European Union's standards after the decision? These are the questions that we sought answer for among experts of principle and practice. In the column we are presenting the opinions of Péter Hack, Ákos Farkas, Tibor Bodor, András Túri, László Láng and János Bánáti.

DOCUMENTS AND COMMENTARIES

The case of the girl under age from Dávod, whose decision to bear her child or not many had tried to influence, had created a great echo. Final judgements were delivered in the case. Judit Szoboszlai's writing concerns the relationship of private life and the protection of personal data on the basis of the Dávod-decisions.

PRIOR TO DECISION

In this column we are presenting a petition filed with the Constitutional Court, which asks for the constitutional review of certain provisions of the law concerning the prevention of money-laundering. By presenting the relevant directives of the European Union, and the Hungarian constitutional requirements, the petition tries to persuade the Constitutional Court that the provisions of the law to prevent money-laundering had exceeded the rules of the relevant directives in terms of the restrictions of fundamental rights, and some of these provisions violate the Constitution.

Zsuzsa Kerekes's article examines the constitutionality of the recently introduced declarations on the properties of public servants, judges and public prosecutors, summing up the experiences of the Data Protection Commissioner of his battles in this area.

AFTER DECISION

Our readers can again meet some interesting cases from the jurisprudence of the European Court of Human Rights, and we shortly sum up some of the decisions of the Hungarian Constitutional Court concerning human rights.

PROTECTORS OF RIGHTS

From the reports presented in this paper we can get a picture of what the UN Human Rights Committee thinks about the country report given by the government, and how Hungarian human rights non-governmental organisations see the state of human rights in the country.

REVIEW

We recommend three books to our readers, one of them is a selection of legal scholars' essays in the civil law field, the other is a volume on criminal jurisprudence and last but not least the book of the first Hungarian Ombudsperson for Civil Rights about the experiences of her six years' term.