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SUMMA

LIFE PROTECTION IN THE HUNGARIAN „LAW" (WITH CANONICAL COMPARISON)

Antal Hámori

This study is about the protection of human life, focusing on the Hungarian state regulation, with canonical comparison. Human life is to be protected from the moment of conception until its natural end. The state and canonical regulation, however, show very important difference in this aspect: the Hungarian state (similarly to many other states) provides very low-level protection to the unborn human being.

In the study the certain differences of the two kinds of law and order are shown, the certain contradictions of the Hungarian state regulation and, of course, the arguments of the right secular law which Tamás Lábady could couch in writing as a judge of the Constitutional Court.

We dedicate this study in memory of Professor Gyula Gaizler (1922-1996) who chose Life and confessed this to people.

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LEGAL THEORY OF MEDIATION IN CRIMINAL LAW

Szabolcs Nagypál

Mediation is a rapidly spreading legal method to resolve conflicts, to reach agreement, and to initiate and enable dialogue between conflicting parties. In the Magyar legal system, mediation is currently present in at least eight separate legal fields, among them most importantly criminal law and criminology, where mediation – while leaving behind retributive or preventive understandings – is part of the restorative (or restitutive) judicial system. Within this paradigm, mediation can be seen as a form of diversion, or as a mode of (financial) recompensation, and as a way to try to protect victims of offences. Naturally, the general principles of criminal law have to be respected during the whole process of mediation: especially subsidiarity, *ultima ratio*, opportunity versus legality, *ne bis in idem*, or *in dubio pro reo*. These characteristics link closely mediation in criminal law to a general communitarian and moral theory of dialogue.

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THE CORPUS IURIS CIVILIS IN THE MIDDLE AGES

PÉTER BÓNIS

The recovery of the Digest was the basis of the medieval legal renaissance. The medieval legal science explained not only the Digest of Justinian, but also other legal constitutiones of the Byzantine emperor. The Codex Iustinianus, the Institutiones, the Anthenticum and the Libri Feudorum was object of the teaching of Roman law in the Bolognese epoch. The beginning of the theoretical teaching of Roman law was of huge importance in the history of European law, because after 476 the science of Roman law ceased to flourish, and the Law was simply a collection of isolated Latin words for the grammarians who thought law in this time, and the question of their accentuation and declension was more interesting than that of their juristic meaning. In this way the legal science declined, the teaching of Law was only practical without a scientific character. This dark epoch withont a legal science ceased in consequence of the scientific activity of the glossators. They restaured the Corpus iuris civilis of Justinian, but this restauration was a transformation, as well. This article aims to investigate how the glossators have transformed and integrated the Corpus iuris civilis. The author tries to give an overview on the history of the manuscripts and the volumes of Justinian's compilation, which was an important part of the medieval legal history.

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„EU BLUE CARD: COMPETING WITH THE US GREEN CARD?"

Council Directive 2009/50/EC on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment

LAURA GYENEY

Economic migration could help the European Union face its demographic challenges and reach the objectives set in the EU's Lisbon strategy for growth and employment. However, ten years after the Tampere Council the EU is far from having a comprehensive labour migration policy. Following the failure of its 2001 proposal on a directive for economic migration the Commission issued a Policy Plan on Legal Migration which listed a series of measures to be adopted until 2009 under a sectoral approach. In October 2007 the Commission put forward its proposal for a directive on the conditions of entry and residence of highly skilled workers aimed to increase the competitiveness of the European economy by facilitating the entry of highly skilled workers. Following several amendments by the Council, the so called Blue Card Directive was finally published in October 2008. The adoption of the Blue Card Directive seems vital for the EU, as lagging behind in the race for the best brains, Europe could find itself unable to assert its position as a global leader in innovation. Within the competition for the best talent, policy makers increasingly use the tool of residence and citizenship policies as a way of attracting immigrants. In most of the

traditional immigration countries like the USA, Australia and Canada permanent immigration programmes have been successfully applied for many years. The question arises whether or not the Directive lives up to this approach of attracting highly skilled workers by making use of the residence factor or whether it continues to rely on the model of economic incentives. The present study tries to answer whether the Blue Card System is indeed an attractive immigration scheme for highly skilled workers.

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LOCAL PUBLIC MEDIA SERVICE

SZABOLCS KUNETZ

The Act CLXXXV of 2010 on Media Services and Mass Media was on the cross-hairs of the Hungarian and international attention. There is a small segment in the Hungarian media environment, the tiny world of the local television stations which are now called local audiovisual media services. These channels started their work to serve the local public almost 30 years ago, but never had the possibility to become acknowledged as public media services. This study would like to examine the actual situation of their life in detail, the changes the new law brought in their daily function, with the presentation of the main regulations concerning them.

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THE TYPES AND HISTORICAL DEVELOPMENT OF ASSISTED REPRODUCTIVE TECHNOLOGIES. EARLY ETHICAL AND LEGAL REACTIONS

ZOLTÁN NAVRATYIL

The article set forth the explanation of the main types of assisted reproductive technologies and their medical, cultural and historical evolution.

First, it deals with artificial insemination and the possibility of sperm cryopresevation, after that the essay explores the development of in vitro fertilisation as a medical breakthrough in connection with egg donation, embryo donation and surrogacy which is the most controversial form of assisted reproduction.

The study lays special emphasis on the early ethical and legal attempts to regulate the field of assisted reproduction considering ethical documents and organizations, legal regulation and case law in the United States, England, Germany and Hungary.

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GMO-K NÉMET SZABÁLYOZÁSÁRÓL

TAHYNÉ KOVÁCS ÁGNES

A jelen értekezés aktualitását az adta, hogy 2010. március 2-án az Európai Bizottság meghozta döntését: a génmódosított Amfora burgonyát *engedélyezett* termelni.

A génmódosított szervezetek mezőgazdaságban való felhasználása ma már világjelenség. Géntechnológiai, bioetikai, gazdasági és jogi kérdések sora merül fel a tevékenységgel kapcsolatban. Részben még ma is bizonytalanság van a természettudományos és a jogtudományi viták során.

Milyen veszélyekkel jár a környezetre és a fogyasztókra, élet- és egészségvédelem szempontjából a GMO-k forgalomba hozatala? Milyen védőintézkedések ültethetők át a gyakorlatba eredményesen, annak érdekében, hogy messzemenően megakadályozható legyen a földművelés és a vetőmag-előállítás során a GMO-kkal való szennyezettség? Vajon a védőintézkedéseket, jogszabályokat EU szinten vagy tagállami szinten kell-e meghozni?

Kire vonatkozzanak a jogszabályok? A GMO felhasználójára, a gazdára, arra, aki a GMO-keresztezést nem kívánja alkalmazni vagy mindegyikre? Szintén az is részben tisztázásra szorul, hogy a véletlen keresztezésekből eredő károkért ki feleljen? A GMO-vetőmag forgalomba hozóját vagy a génmódosított vetőmag felhasználóját terheli felelősség az esetleges későbbi károkért?

Ezekre a kérdésekre a német szabályozás részben választ adott. Tekintettel a terjedelmi korlátokra, ennek részleges bemutatására vállalkozik a jelent cikk.

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A SZUVERENITÁS FOGALMÁNAK EGYES KÉRDÉSEI A II. VILÁGHÁBORÚ ELŐTTI ÉS UTÁNI JAPÁNBAN

TAMÁS CSABA GERGELY

A szuverenitás fogalmát eltérően értelmezhetjük nemzetközi jogi, illetve alkotmányjogi szempontból, és egy állam alkotmánytörténeti korszakai is eltérő választ adhatnak a szuverenitás forrására, illetve gyakorlásának módjára vonatkozó kérdésekre. Különösen is igaz ez Japán esetére, ahol a II. világháború után, 1946 őszén új alkotmány került elfogadásra, amely számos tekintetben figyelembe vette az amerikai alkotmány értékeit. Ehelyütt egy kérdést érintünk, nevezetesen a japán császár jogállására vonatkozó álláspontok alapján keressük arra a választ, hogy milyen tartalmai elemekkel is bír az alkotmány azon rendelkezése, hogy a japán császár a japán nép egységének a jelképe. A II. világháború előtt, a Meidzsi-kori alkotmány alapján a szuverenitás forrása maga a császár volt. A különbség nem csupán alkotmánytörténeti jelentőségű, hiszen e rövid tanulmány arra is rá kíván világítani, hogy a normatív tartalmon felül milyen jogok és kötelezettségek illetik a gyakorlatban a japán államfőt.