

SUMMA

POSSIBLE STATE INVOLVEMENT IN THE PROTECTION
OF CHRISTIAN CULTURE IN HUNGARY

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In 2018, the seventh amendment to the Fundamental Law of Hungary added a provision to Article R), according to which the protection of the constitutional identity and Christian culture of Hungary shall be an obligation of every organ of the State. The Christian heritage is reflected in several points of the Fundamental Law, while Article R(4) requires state bodies to act. The study will examine, as a kind of thought experiment, the importance of culture for the state and society and, in this context, the areas in which the state can act as a protector of Christian culture. It also discusses the content of this protection and the objectives that can be derived from the formulation of this obligation, stressing that the state also has a responsibility towards society to detect, become aware of and, if necessary (and able), influence the slow processes that influence and, in some cases, erode culture – or, on the contrary, change with it.

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CYBER GULAG AND DIGITAL IRON CURTAIN,
OR QUESTIONS OF INTERNET SOVEREIGNTY IN RUSSIA

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People living in the 21st century democratic states of the Global North take for granted the existence of the internet and the ability to access information – political or otherwise – that concerns them at any time of the day. This privileged, privileged position is exacerbated by the rise of digital authoritarianism around the world, where, under the banner of Internet sovereignty, attempts are being made to block their own citizens from what those in power consider to be harmful or dangerous knowledge. One example of this process is Russia, where they are experimenting with



the erection of the Digital Iron Curtain to send their own citizens to the Cyber Gulag. State authorities have used a range of tools, from classical censorship to blocking websites and state surveillance of internet traffic and content. This paper embeds the legal basis and practical manifestations of these tools in the conceptual framework of Internet sovereignty.

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DIGITAL BARRIERS: THE CHALLENGES OF PLATFORM WORK IN LIGHT OF THE CURIA'S JUDGEMENT AND INTERNATIONAL TRENDS

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In recent years, platform-mediated work has garnered significant global attention, spurred by the growth of the digital economy and the challenges it introduces to labour law. This paper delves into the complexities surrounding the classification of platform-mediated work, particularly in light of the judgement of the Hungarian Supreme Court (Curia) of December 2023 in the case of a delivery rider working for Foodora. It considers recent trends in Europe and the United States. The unique characteristics of this form of employment—such as algorithmic management, flexible employment frameworks — pose challenges for accurate assessment and necessitate innovative approaches in labour law. It is often argued that algorithmic management techniques obscure traditional functions of the employer, potentially leading to misinterpretations. Within this framework, the Curia's decision—which did not classify the relationship of a courier working for a digital work platform as an employment relationship may appear contradictory. However, the Curia's ruling, which corrected the Court of Appeal's decision, highlights the pitfalls of adopting novel methodologies that can result in illogical and even *contra legem* interpretations under the current understanding of some basic institutions of labour law. By critically analyzing the Curia's judgment alongside international trends, this paper offers recommendations for the future regulation of platform work in labour law.

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BASIC QUESTIONS OF DEMOCRATIC LEGITIMACY IN THE LIGHT OF THE SOCIAL TEACHING OF THE CATHOLIC CHURCH

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The Compendium of the Social Doctrine of the Catholic Church places human dignity at the forefront of its teaching, since human beings are created in the image and likeness of God. Man is therefore the basis of social processes. It also follows, however, that it is the individual who is responsible for the society in which he or she lives. Society is made up of people, and people are responsible for what they build. It is therefore not only people's right but also his or her duty to shape democratic power. On this basis, it is essential to examine the question of democratic legitimacy when examining the functioning of a democratic state, based on the requirement of a dialogue between "faith and reason". In a democracy, public power can only be exercised by a person or body whose power can be traced back to the people through an unbroken chain. The study analyses the question of democratic legitimacy, in the light of the above, and in the context of this, the constitutional definition of the concept of the people, through the right to vote derived from human dignity. The main conclusion of the study is that through freedom of choice, the people (as a community of citizens) exercise their right to human dignity when they exercise their rights under the principle of people's sovereignty through the principle of democratic legitimacy. The right to decide on the basis of human dignity is also consistent with, and necessarily follows from, the Catholic Church's vision of man.

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THE DECREASE OF THE TAX RATE RELATING TO THE SALE OF RESIDENTIAL PROPERTY – THE TOOL OF SOCIAL POLITICS?

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The definition of value added tax treatment of real estate – primarily by applying a reduced tax rate to new residential properties – has been a recurring tax policy tool in Hungary in recent years. From 2010 onwards, an important tax policy objective was to increase the emphasis on consumption-type taxes over taxes on income, and to reform the complex and over-regulated tax and tax collection system, including the system of VAT payment and collection.

In the recent period, a significant part of the papers published concerning value added tax have been questions and interpretations related to the applicability of the 5% tax rate introduced for the sale of new residential properties. In this context, it should be pointed out that the regulation will continue to apply until the end of 2024 (or, under certain conditions, until the end of 2028) and that its extension for further years cannot be ruled out, taking into account trends in recent years.

In the present study, I analyze to what extent it is fair to determine the reduced tax rate for sectors that play a prominent role in the economy, such as residential real estate sales, and whether the reduction of the tax rate served or can serve social policy purposes, as is apparent from the statutory justification.

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CHILDREN'S RIGHT TO CONTACT AND INTERNATIONAL CHILD ABDUCTION

*The means to limit the child's fundamental right
and the relevant legal regulations*

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„The joint responsibility of the parents towards their child does not cease with the dissolution of the marriage or cohabitation.” It is in the child's best interest to be able to rely on both parents. Any party that impedes or neglects parental contact violates the child's fundamental rights, and thus cannot express its responsibility and love towards the child appropriately. The rights of children are laid down in both international conventions and in individual countries' legislation. However, procedural guarantees to facilitate the fulfilment of these rights are indispensable.

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RIGHT TO THE ENVIRONMENT IN THE EUROPEAN UNION

High level of protection vs. human right

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In 2021, the United Nations Human Rights Council declared the human right to the environment for the first time at the global level of international law with Resolution 48/13, reaffirmed the following year by the General Assembly in its Resolution 76/300.

However, domestic legal developments reflected the importance of recognising this right much earlier, and as a result, it was first included in the Constitution of Portugal in 1976. By contrast, no act in the European Union's legal order references the full, substantive recognition of this right. Article 37 of the Charter of Fundamental Rights of the European Union refers to environmental protection, not human rights. The paper reviews the position of the European Parliament and the European Economic and Social Committee on this issue and the question of the 'common constitutional tradition of the Member States'. Concerning the latter, the constitutional provisions of the EU Member States in this respect, their possible absence, and the specific solutions will be examined based on the UN report A/HRC/43/53 in order to determine whether there may be a common constitutional tradition in this respect.

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SHARENTING

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The present research deals with sharenting as a new media phenomenon. The paper is structured in three main parts: 1. an analysis of the concept of sharenting, 2. sharenting as an interdisciplinary research topic and 3. the relationship between sharenting and law. The research makes specific recommendations to prevent and mitigate the dangers of sharenting. Methodologically, the research is based on a comprehensive literature review, with particular reference to European and American social science resources. The present paper contributes significantly to the study of sharenting in Hungary. On the one hand, it provides a thorough and transparent summary of the relevant international literature, and on the other hand, it highlights areas of research that could enrich the domestic understanding of sharenting. The main outcome of the research is the highlighting of the dangers of sharenting, the regulatory dilemmas affecting numerous areas of law and the privacy paradox that is the constant of the parent-child relationship in the digital space.

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EUROPEAN JURISPRUDENCE ON INFRINGEMENT OF THE REPUTATION OF THE LEGAL PERSON IN THE ONLINE SPACE

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In Hungary the protection of the legal persons is regulated but the protection of the legal persons is not generally accepted in all Member States of the European Union (hereinafter: EU). The extension of fundamental rights to legal persons has been a gradual and natural extension of the jurisprudence of both the European Court of Human Rights (hereinafter: ECHR) and the Court of Justice of the European Union (hereinafter: CJEU) in recent decades. With the online space increasingly gaining ground a newer and completely different understanding has been taking place in terms of infringements arising other questions next to jurisdiction. This paper reviews the concerning case law of the ECHR and CJEU.

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THE PREPARATION OF THE MAIN HEARING IN THE SWISS CIVIL PROCEDURE

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In most cases, the problem of litigation delays leads to structural changes in procedural codification. This has been no different in recent decades, which has led to the proliferation of the main hearing model. Following the adoption of the German simplification amendment of 1976, several procedural legislatures, including the Hungarian legislature, decided to adopt this model. The Swiss legislation is of particular interest because, on the one hand, it was exemplary for Hungarian legislation and, on the other hand, the cantonal rules of the past centuries have also influenced the solutions of the unified Code of Civil Procedure. The study therefore examines these solutions from the point of view of the preparation of the main hearing.

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THE GREY EMINENCE

Portrait of the Crown Prosecutor dr. Zoltán Timkó

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The study presents the career and work of Dr. Zoltán Timkó, Crown Prosecutor. The present study is based on an analysis of the literature on the subject, contemporary news reports, family history records and Zoltán Timkó's publications and public speeches, primarily using the methodological tools of legal history research. Zoltán Timkó studied law and worked at the Hungarian Royal Prosecutor's Office for the rest of his life. As a lawyer assigned to the Ministry of Justice and head of the criminal law department, he was a key figure in the justice system of the Horthy era. A respected criminal lawyer of his time, he was appointed Crown Prosecutor in 1940, a post he held until 1944. The work of Zoltán Timkó in the Hungarian judiciary is considered outstanding and has not been presented before.

