

## SUMMA

## THE LEGAL SOURCES OF LEX LAETORIA

János Erdődy

Adults under the age of 25 (*minores*) had full legal capacity to act but were equally eligible for special legal protection. On the one hand, this was reflected in the substantial legal protection provided by *lex Laetoria*, from around 200 BC. The statute established an *actio poenalis* against anyone who deceived a *minor*. Later, the provisions in the praetorian edict augmented this legal protection: the *praetor* provided specific legal remedies (*exceptio, in integrum restitutio*) against the person who deceived the *minor*.

In this study, we evaluate the primary legal sources exceeding the current trends of secondary literature. The present investigation will not examine the relevant titles of the Digest or papyri texts related to *lex Laetoria*. We examine various minor legal sources, such as *Tabula Heracleensis, lex Irnitana, and fragmentum de formula Fabiana*. These are related to how the municipal administration was established (for example, who may be excluded from municipal posts and how *duumviri* might use *iurisdictio*) and how the *actio legis Laetoriae* had a noxal character.

The Pseudo-Paulian texts, as well as the texts in *Codex Theodosianus* and *Iusititanus*, highlight particular cases that all assume a certain level of knowledge: *minores* were adults under the age of 25 who could enter into a contract. If, however, they were deceived while concluding or performing the contract, they could claim *restitutio* on the grounds of fraud by the opposing party. Overall, the texts provide support for our abstract knowledge of *lex Laetoria* but also reveal a network of practices at the micro level.

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CHINA AND PUBLIC INTERNATIONAL LAW: LAWFARE  
OR STRATEGIC APPLICATION OF THE LAW?

Tamás Hoffmann – Viktória Laura Herczegh

The concept of lawfare has gained immense popularity in international legal scholarship in the past two decades. Some scholars submit that it is a form of abuse of international legal norms and the People's Republic of China is repeatedly accused of employing this



method particularly concerning the territorial disputes in the South China Sea. The aim of this study is to examine whether this thesis can be substantiated. To this end, the first half of the paper examines the concept of lawfare and presents its proposed definitions. It then attempts to explain the specificities of China's relationship with international law by analysing Chinese legal characteristics. Finally, it answers the question posed by the title by discussing the South China Sea disputes. The authors argue that the concept of legal warfare is not suitable for analytical analysis and that the People's Republic of China's behaviour is primarily explained by historical and cultural characteristics.

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## REST PERIODS IN THE LIGHT OF EU LAW

Gábor Kártyás

Workers' right to minimum rest periods are a particularly important rule of EU social law, as set out in Article 31(2) of the Charter of Fundamental Rights of the European Union. This study reviews the provisions on rest periods in EU law and how they have been interpreted by the Court of Justice of the European Union. After a general overview, the rules on the measure and schedule of rest periods are analysed, followed by an assessment of possible exceptions. The study then highlights three major problems of legal harmonisation in Hungarian law. First, the national rules on flexible working time schedule may be more realistic than the Court's interpretation of the concept of autonomous worker, but there is still a conflict with EU law. Second, the possibility of extraordinary working time during the weekly rest period is liable to completely deprive the weekly rest period from its meaning, which should therefore be limited. Lastly, the rules on the aggregation of weekly rest periods are problematic not only because the working time directive and Hungarian law uses different terminology, but also because these rules allow continuous working without a rest day for very long periods.

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## THE BIRTH OF THE COMPREHENSIVE EUROPEAN MEDIA REGULATION

*Critical analysis of the European Media Freedom Act*

András Koltay – János Tamás Papp – Levente Nyakas  
– Gergely Ferenc Lendvai

This paper critically analyses the birth, application and future of the European Media Freedom Act (EMFA). Promulgated on 17 April 2024, the EMFA will fundamentally change EU media regulation, and will interfere extensively in the media regulation of Member States, be it on media services regulation, media market issues or even media

pluralism. In terms of methodology, the study is based on doctrinal research and a presentation and synthesis of the literature related to the EMFA, and is structured in three parts. First, it describes the context in which the EMFA was created, showing the background of the original proposal and its adoption process. It then presents the provisions of the EMFA in detail, article by article. This section is complemented by critical remarks. Finally, the controversial issues raised by the EMFA are examined, in particular with regard to the legal basis, domestic applicability and objectives of the Regulation. The paper indicates that the EMFA raises a number of legislative and implementation problems, and may also give rise to conflicts between Member States and EU bodies.

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## BUILDING STONES OF A GREEN DEMOCRACY FROM A LEGAL POINT OF VIEW, IN THE LIGHT OF DIGITALISATION

*Legal aspects of sustainable settlements*

Orsolya Johhanna Sziebig

In the last couple of decades, humanity has been facing the impact of climate change and has realised the need for immediate action to combat the adverse effects. The United Nations, the key global actor, accepted the Sustainable Development Goals in 2015, setting a comprehensive agenda for sustainability until 2030. SDG 11 concentrates explicitly on sustainable, inclusive and liveable human settlements, detailing several tasks for the international community. Such settlements are also significant for the European sphere, as a growing percentage of European citizens live in urbanised surroundings. Digitalisation plays a growing role; even artificial intelligence has found its way into our everyday lives. In this article, I am concentrating on the legal definition and short history of green democracy within the frames of sustainable human settlements. The main research question is whether there is a concrete definition of a green democracy and what the main connection is between the legal elements of sustainable livelihoods and the building stones of a green democracy. I am also highlighting the importance of digital solutions and the pros and cons of the applicability of artificial intelligence. There is a particular focus on human rights, as well as on third-generation rights, including the right to food and the right to water.

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## REQUIREMENTS CONCERNING THE CHARGE IN THE PRACTICE OF THE EUROPEAN COURT OF HUMAN RIGHTS

Andrea Czédli-Deák

One of the safeguards of conducting a fair trial is to ensure that the defendant can become aware of the content of the indictment, namely, what criminal offense he is charged with. To enhance defense efficiency, the ECHR has set up standards regarding the content of the charge. This topic was last analyzed in a scientific publication in 2008, and this paper revealed that the ECHR had not elaborated a solid practice on how to comply with the due process of law, whether it is enough to enable the defendant to get to know the current facts of the case, or he should be continuously informed about the changes of legal qualification. The time passed has created a fruitful field for a new scientific observation if the divergent practice has unified, and if there exist any consistent guidelines on how member states should ensure that defendants can get acquainted with the court's point of view regarding the subject of the charge. This paper aims to conclude the valid opinion of the ECHR concerning this question by processing judgements of the last more than 15 years.

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## ASSESSMENT OF THE EUROPEAN COMMISSION'S STATE AID LAW INVESTIGATIONS IN LIGHT OF THE LATEST EU COURT RULINGS

Tamás Zoltán Wágner

In 2013-2014, as part of a somewhat unexpected, genuinely well-planned series of actions, the Commission launched a series of investigations based on State aid law, focusing on tax rulings issued by Member States (mainly Benelux states and Ireland) to multinationals. The investigations were criticised not only by Member States and multinationals, but also by experts. The latter, although welcoming the Commission's investigations, pointed out that the Commission intended to use State aid law to circumvent the Member State's veto power in the area of direct taxation. In particular, the broad reference system and the use of the Commission's arm's length price were criticised. In this paper, we will examine these most controversial points in detail. Overall, we will see that, while the General Court accepted the Commission's reasoning with restrictions, the Court of Justice delivered a judgment in *Fiat* which, in addition to strengthening the autonomy of the Member States in the field of direct taxation, casts doubt on the sustainability of the current investigational method of the Commission.

This paper therefore deals with this judgment in detail, seeking to answer the question of whether there is an alternative route for the Commission or whether it should return to legislative action.

