

## SUMMA

## THE RELATIONSHIP OF CONSTITUTIONAL PUBLIC BODIES AND FUNDAMENTAL RIGHTS

Zsolt Cseporán

An internationally unique element of Hungary's legal system is that the constitutional power raised two public bodies, the Hungarian Academy of Sciences and the Hungarian Academy of Arts, to constitutional level. In addition to the indisputable cultural importance of the academic idea, this also has a special weight in terms of constitutional law, which emerges in terms of the freedom of science and art as fundamental rights. As a result, in order to understand the legal status of the public bodies in question, it is essential to explore their relationship with these two fundamental rights. The relationship between fundamental legal entity and academic self-administration, the extent of individual freedom and institutional autonomy, and ultimately the level of constitutional protection under the rule of law can only be determined depending on this. The answers to these questions are being sought in the framework of this study through the analysis of the Hungarian fundamental law dogmatics, the legal regulations in force, and the practice of the Constitutional Court.

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## CONSTRAINTS AND OPPORTUNITIES

*Specific Aspects of the Legal Status of Minors in Relation to lex Laetoria and the Praetorian Edict with Particular Emphasis on Literary Sources*

János Erdődy

*Lex Laetoria* is a Roman statute from the late 3rd and early 2nd centuries BC, designed to safeguard *minores XXV annis*, i.e. individuals under the age of 25. The act served as a mechanism to counter *dolus malus*, facilitating the initiation of an *actio poenalis* and the use of praetorian remedies, *exceptio legis Laetoriae* and *in integrum restitutio*. The significance of this statute is evidenced by the enhancement of its provisions in



the praetorian edict, which incorporated not only punitive measures but also preventive and reparative components. Literary sources, notably the texts by Cicero, Plautus and the *Historia Augusta*, elucidate the social and economic ramifications of this act and its application within Roman jurisprudence in everyday life. The analysis of *lex Laetoria* and the resulting jurisprudence enhances the comprehension of Roman legal theory and the evolution of law in the early Republic.

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## THE CONCEPT OF SENTENCING: ANOTHER QUESTION OF LEGAL INTERPRETATION

Miklós Hollán

Although the concept of sentencing is one of the basic categories of the doctrine of criminal sanctions, its uncertain boundaries have caused complications in many cases decided by the Hungarian Supreme Court, the Hungarian Constitutional Court and the European Court of Human Rights. The study presents the broader and narrower notions of sentencing by reviewing the German and Hungarian literature. Beyond this, however, the author developed the formal and material concept of sentencing. With this conceptual apparatus, the study analyses provisions that a) fall under the concept of sentencing, b) applicable to (or are based on) the imposed punishment, and c) are based on the concept of sentencing. The most important scientific result of the research is the demonstration that by the application of the latter two types of provisions the concept of sentencing also appears as a question of legal interpretation and has practical relevance.

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## THE REPOWEREU PLAN: THE EUROPEAN UNION'S ENERGY POLICY REVOLUTION IN THE AGE OF CRISES

Dóra Lovas

Since 2008, Europe has been experiencing a series of crises, including the energy crisis caused by the Russian-Ukrainian war. The year 2022 presented particularly difficult challenges for the European Union, as it had to face yet another crisis following the Covid-19 pandemic. As a result of the war, energy prices soared, while the EU was working on implementing the Green Deal. The goal of this document was to radically transform the energy sector and prioritize sustainable energy sources, but the war highlighted that economic and energy security concerns had become more urgent. The REPowerEU plan responds to the crisis caused by the war, focusing on reducing

dependence on Russian fossil fuels while trying to maintain the EU's economic competitiveness. However, due to the contradictions within the plan and the relatively mild targets set by the resulting legal acts, it is insufficient to achieve climate neutrality by 2050, and more significant changes are still needed in energy policy. In the future, the EU must find a balance between sustainability and energy security in its energy policy, while also taking into account the differing situations of its member states.

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## COMPETITION LAW ASPECTS OF ARTIFICIAL INTELLIGENCE

András Tóth

The relationship between artificial intelligence (AI) and competition law is becoming increasingly important in a rapidly evolving technological environment. This paper examines the competitive aspects of the generative artificial intelligence (GenAI) value chain and the potential anti-competitive effects of AI-based pricing algorithms. Regulatory and competition interventions for GenAI should take into account innovation effects while ensuring market competition, avoiding excessive market dominance and antitrust risks. The study highlights that tipping in digital markets and the dominance of BigTech firms raises various competition concerns, such as restrictions on access to inputs, self-preferencing and product bundling. AI-based pricing algorithms may be able to monitor competitors' pricing and adjust prices, which may help to enforce anticompetitive agreements, and may also facilitate collusion or concerted practices. The study concludes that the competitive assessment of GenAI and AI-based pricing algorithms is complex and requires an appropriate regulatory framework for the future.

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## THE VIOLATION OF UNION RESTRICTIVE MEASURES AS A NEW EU-CRIME

Bence Udvarhelyi

On 28 November 2022, the Council of the European Union took a historic decision. Based on its competences under Article 83(1) of the Treaty on the Functioning of the European Union, it added, for the first time, a new offence to the list of the so-called EU-crimes, namely the violation of Union restrictive measures. Restrictive measures or sanctions play a key role in maintaining international peace and security and safeguarding the fundamental values of the Union. However, their effectiveness can

significantly be reduced if the Member States impose different legal consequences for their infringement. Since violation of Union restrictive measures were not originally among the ten criminal offences listed in Article 83(1) TFEU, the Council had to establish a legal basis for the approximation of national criminal law in relation to this offence in its Decision of 2022. Following the adoption of the Council Decision, the European Parliament and the Council adopted a Directive on 24 April 2024 which established minimum rules concerning the definition of criminal offences and penalties for the violation of Union restrictive measures. The study examines the legal basis of the EU restrictive measures, analyses the reasons behind the adoption of the Council Decision, presents in detail the main provisions of the new Directive, and briefly addresses certain issues of the domestic implementation of the EU legal act.

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## THE CHALLENGES OF CHILD-FRIENDLY JUSTICE IN THE LIGHT OF TRAUMA-INFORMED PROSECUTION, WITH A SPECIAL FOCUS ON THE BARNAHUS METHOD

Vanessza D. Horváth

Adherence to international standards of child-friendly justice is a primary objective for Hungary. Children may occupy various procedural roles in legal proceedings. This study focuses on the interrogation of abused children within this particularly vulnerable group. The article examines the impact of childhood trauma on subsequent criminologically relevant life outcomes, followed by an analysis of trauma-informed interrogation techniques based on a trauma-conscious approach. These techniques, exemplified by the Barnahus method, aim to prevent re-victimization. The unique position of the Barnahus Service at the intersection of criminal procedure and child protection underscores that the implementation of child-friendly justice can only be achieved through an interdisciplinary approach and collaboration among legal practitioners.

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## THE ROLE OF THE SOVEREIGNTY PROTECTION OFFICE IN THE HUNGARIAN ADMINISTRATION SYSTEM

Gergely Ambrus Kerkovits – Márton Sulyok

This study examines the National Sovereignty Protection Act and the newly established Sovereignty Protection Office created by this legislation. The paper applies

a descriptive and analytical approach, presenting in detail the structure, function, and purpose of the new institution in the context of the Fundamental Law of Hungary. During our analysis, we employed statutory, jurisprudential, and dogmatic methods, relying on the decisions of the Hungarian Constitutional Court in which the concepts of sovereignty and constitutional identity is elaborated, along with the relationship between the two notions. Our research focuses on the question of how, based on its name and mandate, the Sovereignty Protection Office can fulfill its assigned function, especially considering that, according to the Fundamental Law, it is tasked with defending constitutional identity, while the Sovereignty Protection Act conflates the two concepts. We raise the questions: Which concept of sovereignty does the new Office protect, given that sovereignty has multiple interpretations in legal theory? What is the precise relationship between sovereignty and constitutional identity? Especially considering the establishment of this Office. Moreover, why was the Office created at all when the Hungarian Constitutional Court has already declared itself as the supreme guardian of sovereignty? This paper seeks to explore these issues, while also aiming to invite prominent voices and academics in the field of constitutional law to engage in further scholarly discourse on this important and timely topic.

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## CHALLENGES OF POLITICAL ADVERTISING REGULATION ON ONLINE PLATFORMS IN EUROPE AND THE UNITED STATES

Tamás Szikora

The growing role of online platforms in the public discourse has made them a prime platform for reaching citizens, including during election campaigns. The year 2016 marked a turning point in understanding the impact of social media on democratic processes. In the years following this painful realization, regulatory issues surrounding online political campaigning have come to the forefront, both in Europe and in the United States. This paper describes these regulatory measures, highlighting that on both sides of the Atlantic, similar tools are being used to combat electoral disinformation through online political advertising. At the same time, the effectiveness and even the constitutionality of transparency requirements and the regulation of targeted advertising techniques remain subjects of debate.

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## SOME REGULATORY TRENDS AND EUROPEAN APPROACHES IN THE FIGHT AGAINST THE ONLINE SEXUAL EXPLOITATION OF CHILDREN

Árpád Varga

The online sexual exploitation of children is one of the most severe social and legal challenges of our time. The expansion of online platforms and the explosive development of technological innovations have opened new dimensions for committing these crimes. In response to the problem, European regulatory trends and domestic solutions are continuously evolving. The prosecution of child pornography, grooming, and new threats generated by social media is becoming increasingly important.

The forms and conceptual elements of crimes against children are changing alongside technological advancements, requiring us to address the social and legal challenges posed by new trends. Today, the spread of artificial intelligence-generated content represents a newly emerging issue, the regulation of which is spreading in many European countries. As a result, Hungary and many other countries are increasingly prioritizing the fight against online child sexual exploitation.

In this new environment, the European Union is also under continuous pressure to act, necessitating the expansion of its international cooperation-based system. An important milestone in this process is the effective involvement of online service providers in monitoring the dissemination and consumption of online content. This is currently embodied in the draft of the so-called CSA Regulation. However, the adoption of this draft raises several privacy and efficiency concerns that are still awaiting resolution.