

## SUMMA

### THE „PRICE” OF THE RULE OF LAW

*Financial issues arising from the change in higher education models  
in Hungary in the proceedings of the Court of Justice  
of the European Union*

Laura Gyeney – Maja Szabó

On 15 December 2022, the Council of the European Union adopted Implementing Decision 2022/2506, which sets out measures to protect the EU budget against breaches of the rule of law in Hungary. The most notable aspect of this decision is perhaps the prohibition on the Commission entering into legal commitments with Hungarian public benefit trusts (known as ‚kekvák’) and legal entities maintained by them. As a direct consequence of this sanction, model-changing domestic higher education institutions have been excluded from European Union mobility (Erasmus+) and research (Horizon Europe) programmes. Six Hungarian higher education institutions have filed annulment actions against the implementing decision with the General Court. This study examines the validity of the legal arguments presented in these actions and their likely chances of success, based on the case law of the Court of Justice of the European Union.

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### LEGAL POSSIBILITIES FOR REDUCING WORKING TIME IN EU AND HUNGARIAN LAW

Gábor Kártyás

The study analyses the legal framework for reducing working time in the European Union and in Hungary. Although the 20th century brought a significant decline in working hours, this process has come to a halt from the 1980s. The EU legal framework – in particular the Working Time Directive – provides Member States with considerable leeway to reduce working hours, either through collective agreements or national regulations. The assessment of the 48-hour maximum weekly working



time in the case of parallel employment relationships has of particular importance, where the lack of clarity in the directive and differing national practices result in legal uncertainty. Hungarian law has not shown a trend towards reducing working time over the past decade and a half; on the contrary, working time has tended to increase (raising the retirement age, extending overtime limits). The legal definition of working time also poses a problem, as it does not comply with EU law or domestic judicial practice. The study presents in detail the legal instruments with which the parties – either by agreement or by employer’s decision – can reduce working time in a flexible manner, tailored to their individual needs.

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## DIGITAL TURN IN LEGAL EDUCATION?

### *The Emergence of Technological Content at Hungarian Faculties of Law*

Adrienn Aczél-Partos

Technology is exerting an increasingly significant influence on legal higher education, particularly through the transformation of curricular content and teaching methodologies. The aim of this study is to examine how technology education is becoming an integral and increasingly prominent component of legal training. The research explores the institutional responses that have emerged, the introduction or transformation of related courses, and the extent to which these courses align with the new regulatory expectations concerning artificial intelligence, including the required curriculum revisions by September 1, 2025. The study also highlights that while initiatives aimed at developing competencies related to the use of legal technology are still in their early stages, they have the potential to play a key role in shaping future lawyers’ technological readiness and adaptability in the labor market. Furthermore, the study seeks to foster dialogue among Hungarian law faculties and promote the development of technology-related education through the exchange of best practices and peer learning.

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## THE PATH LEADING TO THE ENACTMENT OF THE HUNGARIAN RAILWAY ACT OF 1874 AND THE BEGINNING OF THE CODIFICATION OF STRICT LIABILITY

Tímea Mireisz

The development of modern Hungarian strict liability is closely tied to the emergence of the railways, which created new types of technical and social risks and made the regulation of liability on an objective basis increasingly urgent. Although the Hungarian reform era abolished feudal customary law, but private law codification failed, so that development of risks were temporarily determined by the Austrian ABGB during the period of neo-abolitionism, which, although it was an unwanted foreign law, was able to fill the temporary codification gap. The independent domestic development of strict liability rules could only begin after the Reconciliation, when the combined effects of railway accidents and social pressure led to the creation of the 1874 Act XVIII on Liability for Death or Bodily Injury Caused by Railways. This Railways Liability Act, modelled on the Prussian and Austrian models, introduced strict liability determined three narrow grounds for exemption from liability and was to govern other enterprises involving increased danger for some 80 years. Although the law was short and general, it allowed the courts to apply the strict liability regime in a flexible, law-developing way, in particular as regards the content of the property damage and the grounds for exemption from liability. Thus, the Railway Act not only acquired a prominent role in judicial practice, but also laid the modern foundations of strict liability which are still valid today.

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## WOMEN'S RIGHTS AND THE INTERSECTION WITH THE RIGHT TO WATER IN THE GLOBAL WATER CRISIS

Emese Enikő Oláh

The study examines the link between the right to water and women's rights from past, present, and future perspectives. It starts from the recognition that water is not only an extractable resource but also a sacred common good, essential for human and ecological well-being. The global water crisis – driven by climate change, overuse, and unequal distribution – hits vulnerable groups hardest. Women and girls are disproportionately affected, since they are mainly responsible for household water supply, food production, and family health.

Yet, women are often excluded from decision-making and management in water governance, which reinforces gender inequality. A feminist perspective stresses that women are not only primary users of water but also its protectors and managers. Their knowledge and practices are vital for developing sustainable systems. Promoting gender equality is thus both a matter of justice and a prerequisite for ecological rights and sustainability.

The study underlines that women's activism and community engagement play a crucial role in reshaping water governance. However, lasting transformation requires systemic reforms that address structural inequalities and ensure inclusive participation. Only by recognizing women's contributions and integrating gender equality into water policies can fairer and more sustainable solutions emerge.

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## DO WE HAVE RIGHT NOT TO KNOW?

*Legal Questions Related to the Right Not to Know,  
with a Special Focus on the Field of Genetic Data*

Csenge Papp

In a broader sense, the right not to know means the right not to know health information, it raises specific issues in the field of genetic data, which also arise from the specific nature of genetic data and information, such as the involvement of family members or the way in which information is provided. The right not to know is closely linked to the concept of autonomy. This right shows up within a specific institutional relationship between the data subject and the health professional. In a German case, the question of whether the provision of information on genetic information which is not one's own constitutes a breach of the right not to know was put to the court. The study analyses the reception of the judgment in this case in the literature and the complex questions and regulations involved, with a necessary digression on the scientific background of genetic data and information.

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THE QUESTION OF THE RECRIMINALISATION  
OF OVERPRICING MISDEMEANORS IN RETROSPECTIVE  
HISTORICAL INTERPRETATION

Benedek Varga

As a general rule, prices are determined by the relationship between supply and demand; however, in certain cases, the state must intervene in market pricing using tools from various branches of law. The most severe form of intervention is the criminalization of price-gouging behavior, which is not without precedent in Hungarian legal history – its first regulation occurred in the first half of the 20th century. Because of economic downturns, state-imposed price controls have reemerged in Hungary, consequently the issue of recriminalizing overpricing misdemeanors has also appeared in contemporary criminal law literature. The key question is whether such behaviors pose a level of social harm sufficient to justify their criminalization without violating the fundamental principles of criminal law. Answering this question is the the main objective of the study. In the course of my analysis, I relied on two methodological approaches: (1)I applied the doctrine of gradually increasing violation of legal matters, which can be derived from the *ultima ratio* principle; (2) on the other hand, I applied retrospective historical interpretation, so I examined whether price-gouging behaviors can be integrated into the doctrinal framework of criminal law in the current economic context, by considering their historical forms.

