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Issues of separation of powers in the 21st century, with special reference to the judiciary branch

Thesis booklet

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Thesis Supervisor's opinion

I become acquainted with Dr. János Rimaszécsi during his university studies. He has always excelled in the subjects that I and the department have graded. His academic interests are wide-ranging, and he has regularly participated in prestigious academic competitions, representing a number of departments, where he has regularly achieved podium finishes. As head of department, I myself supervised the writing of his high quality OTDK essays and judged the faculty round.

His dedication and commitment to the scientific approach have been demonstrated on several occasions, and his publications have been published in several university-run research workshops.

In my view, János has an outstanding talent in constitutional law, legal theory and the classical branches of law (civil law, criminal law), and this rare complexity makes him well suited to the profession of judge.

His research is also outstanding. For three years, he was a researcher at the Good State Research Workshop of the Institute for State Research and Development of the National University of Public Service. As a member of the Democracy Working Group, he contributed to the preparation of the Good State Reports and to the academic publications related to the reports.

At the Tamás Molnár Research Centre of the National University of Public Service, he has so far given two lectures (Human Rights Fundamentalism, Sharing of Power) in the company of legal scholars such as Prof. Dr. Béla Pokol and Dr. Péter Polt.

Among his research, the joint research of the Curia and the Constitutional Court entitled "The Enforcement of the Fundamental Law", in which he examined the practice of constitutional complaints against the decisions of the Curia, which were not accepted, stands out. The paper was published by HVG-ORAC and he was a speaker at a major conference presenting the results of the research in the Banqueting Hall of the Constitutional Court.

Despite his young age, he has many references to his works, including references to "A" category writings.

In addition to his research activities, he is a lecturer at the Faculty of Law and Political Sciences of the Károli Gáspár Reformed University, in the Department of Constitutional Law, which I chair.

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Besides teaching, he is actively involved in curriculum development. Among his works, his chapters in the textbook "Comparative Constitutional Law Studies", which I edited, and the online course "Values of the Fundamental Law" of the National University of Public Service are outstanding.

Among his awards, János was selected in 2015 as one of the 50 most promising talents of the country (La femme, 50 Talented Hungarian Youth, mentored by Dr. Péter Darák, President of the Curia), and he was awarded the EMMI "National Young Talent" scholarship in 2015 and 2016, and the National Excellence Program doctoral research fellowship in 2019.

He is also an active participant in the scientific community. He was the Vice President of the Law Section of the National Association of Doctoral Students (DOSZ JTO) in the academic year 2015/2016 and then President from 2016 to 2018.

He is responsible for a number of nationally significant programs, most notably the organization of the national doctoral conference on "Lawmaking and Law Application in 21st Century Europe" in 2017. The presentations have been published in print and edited by Dr János Rimaszécsi.

Having been personally convinced of János's qualities on several occasions, I respectfully recommend him to the referees of this thesis.

Budapest, 26 September 2022

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I. Outline of the research objective

> *"Happy is that country where the judgment of the judge not only does justice, but also, by the confidence reposed in his office and person, gives comfort to the parties; where the bitterness of a quarrel is more easily removed, where the parties are more willing to extend a brotherly hand to each other, where the gentlest but strongest relations of society are not entirely destroyed by a quarrel." – Ferenc Deák*

The primary aim of my thesis is to raise current issues related to the separation of powers and to develop possible responses to them.

In the first chapter of my thesis, the primary question of the interpretation of the problems related to the separation of powers is the clarification and definition of the nature of power. In this context, a clear distinction must be drawn between private and public power. This paper examines the issues related to the exercise of public power.

While examining the nature of power, I have been careful to summarize, process, contrast and synthesize the views and opinions expressed throughout legal history in a way that is appropriate to the present context.

The essay presents the philosophy of power of Montesquieu, Rousseau, Lock and Hobbes, Schmitt and Bibó, the theoretical foundations of the definition and separation of powers.

The question of the rights of man has preoccupied the minds of experts of jurisprudence and philosophy throughout the ages. However, the origin - or quasi-legitimation - of these rights has been interpreted differently by different societies. Social theories of the ancient times derived rights in the human world from divine law, i.e., the ruler could exercise his powers by divine authority. The Christian law philosophy in the Middle Ages (St Thomas Aquinas) derived the rights to life, liberty and to protection of property from divine law, i.e., theology, which bound and restricted even the sovereign. In this context, the paper will cover both continental and Anglo-Saxon constitutional development, discussing the different models for the development of fundamental rights.

The paper points out that instead of the classical power triad, it is worth thinking in terms of power functions, since a function of power can appear in the exercise of public

power by several state bodies. The foundations of this theory were laid down by Professor Csaba Cservák, but the paper aims to go beyond the scope of the question and provide an exact definition to the branch of power, power function and the delimitation of power.

A branch of power is a total of state authorities and institutions, bodies and organs exercising public power that is enforceable by the state. Available from a branch of government, on the other hand, is a set of factors organized on the basis of a certain principle of organization, which do not exercise public authority which can be imposed by the state, do not perform functions of public authority, but which, by virtue of the principle of organization or activity, influence a large part of society, influencing it in some direction.

On the basis of the foregoing reasoning, the media could rather be included in the system of branches of can be classified as a public authority, given that it does not exercise enforceable public power, public authority does not perform a function, but its role in influencing society and shaping public thinking is unquestionable.

In the second chapter of my thesis, I will examine the state institutional system related to the protection of fundamental rights through the legal instruments of the protection of fundamental constitutional rights. In this context, I will also discuss the changed relations between the Constitutional Court and the Curia and the necessary strengthening of the protection of fundamental rights in the legal field. Here, too, it is important to stress that the introduction of the so called "genuine constitutional complaint" has fundamentally changed the place of the Constitutional Court in the institutional system of fundamental rights protection and the institutionalized relationship between the case-law and the judgments on fundamental rights. The new situation has posed serious challenges not only for the Curia but also for the Constitutional Court. The need for power-sharing in the modern sense is fundamentally linked to the emergence of nation-states and civilization trends, but the concept was not unknown in ancient cultures. In Ancient Greece, monofunctional power-sharing meant in practice nothing more than the dualization of a particular office (e.g., consul). The officials of the duplicated offices had fully the same powers and duties but could control each other to prevent the emergence of a greater concentration of power than was necessary.

Montesquieu, in his historic monograph on The Spirit of the Laws, published in 1784, distinguished between three branches of power: the Legislative, the Executive and the Judiciary. In order to avoid a concentration of power, these functions of power must be

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separated and endowed with powers that enable them to express and implement the will of the people, which derives from popular sovereignty, by checks and balances – a system of checks and balances that is most clearly reflected in the American constitutional system, where the branches of government are independently elected by direct suffrage.

However, the broad differentiation of social and economic life has also created concentrations of power which, by their very nature, could not be accommodated within this classical triad of power. Carl Schmitt draws attention to the importance of constitutional power when he interprets it out of the scope of the classical triad of power. The question arises as to what is considered to be constitutional power. The power that drafts the constitution, or the body that actually fills the text with content. Carl Schmitt, of course, had in mind the constituent power, given that, since the constitution is a higher source of law than any law, the constituent power is also above the legislative power. The appearance of the constitutional power may differ in different historical periods and arrangements. Constituent assemblies are essentially associated with revolutionary periods. The most common form is a kind of qualified majority of the legislature, which may represent 2/3 of the members of parliament or 4/5. In Hungary, typically 2/3 of the members of parliament are entitled to enact or amend the Fundamental Law or cardinal laws.

However, the actual content of the Fundamental Law and the constitutionality attached to the Fundamental Law is determined by the Constitutional Court through its case law decisions and constitutionality benchmarks, given that the Constitutional Court is the primary body for the protection of the Fundamental Law. The actual filling in of content was evident, for example, in the work of the Constitutional Court presided over by László Sólyom. The 'invisible constitution' was the underlying constitutional culture of the constitutional content with which the post-socialism era Constitutional Court filled Act XX of 1949. However, given the fact that not all Constitutional Court decisions were repealed at the same time as the Fundamental Law entered into force. The precedent value of the earlier Constitutional Court decisions still in force means that the acquis of the "invisible constitution" is still present in the practice of the Constitutional Court. In this sense, therefore, the institution of the Constitutional Court must be considered as part of the constitutional branch of power.

Since the Fundamental Law entered into force, the Constitutional Court has been empowered to review the constitutionality of individual judicial decisions in addition to its previous powers. In practice, this means the emergence of a new type of legal remedy,

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although the Constitutional Court has expressed in several decisions that the constitutional review does not function as a kind of a fourth-level court, given that with the Curia's review the judicial review of the case ends, and the Constitutional Court only reviews the constitutionality of the judicial decision. The court must interpret the underlying law in the case in accordance with the provisions of the Fundamental Law. Whether this interpretation is an independent, autonomous interpretation of the law or whether it must be done through the relevant Constitutional Court decisions can be deduced from the Fundamental Law itself in the context of the exclusive interpretation of the Fundamental Law, i.e., the Constitutional Court decision functions as a compass.

It follows that a court of law must apply a kind of constitutionality test when making its decision. In this sense, therefore, the constitutional review can be understood as a kind of fourth-level verdict, since it reviews the conformity of the decisions of the courts of the forum with the Fundamental Law. Moreover, in the context of a Curia's decision, it can be considered as an extraordinary remedy of extraordinary jurisdiction. The main rule of constitutional court review is that the applicant must have exhausted all ordinary legal remedies or the judgment complained of must have constituted a specific, concrete breach of fundamental rights. A further theoretical question that may arise is whether, if the Curia interprets the provisions of a law in a decision of principle or a decision of a case-law in the light of the provisions of the Fundamental Law, and a decision of the Constitutional Court or a constitutionality benchmark has already been issued on the subject, how these decisions relate to each other within the hierarchy of legal sources, which one is superior and which decision of the court, first instance, should be based on the content of the decision of principle. Practice has shown that the possibility of constitutional review by the Constitutional Court could lead to a shift of constitutional court decisions towards curia decisions, but this would violate the provision of the Fundamental Law that the Curia is the guardian of the national unity of legality.

Such powers of the Constitutional Court, on the other hand, would shift the body towards the judicial branch. The interpretation of the constitution shifts the Constitutional Court to the constitutional power, the ad hoc judicial decisions to the judicial power and the negative legislation to the legislative power. This power triad raises questions about the effective implementation of the principle of separation of powers. In addition to the above-mentioned tasks, the Constitutional Court can also be identified as the guardian of representative democracy, especially in view of the fact that under the current Hungarian

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constitutional law there is no constitutional possibility of recalling members of parliament by the people. Since the Constitutional Court cannot be included in any of the classical branches of power on the basis of the above-mentioned powers, the possibility arises of reflecting on the Constitutional Court as an independent branch of power.

The supremacy of Fundamental Law over case law means that the efforts of the Curia to ensure national unity of legality are overshadowed by the Constitutional Court's activity in developing doctrine on Fundamental Law.

In the third chapter of my thesis, I seek answer to the question of how and by what means the idea of separation of powers can contribute to the building of a good state. In this context, I will examine in detail the democratic requirements for the exercise of rights, the constitutional dialogue and the participation of NGOs in the decision-making process, the international and European context for the protection of democratic freedoms, and the freedom of the press as a safeguard for the separation of powers. The thesis argues that the requirement of separation of powers is not a requirement in and of itself but is the fundamental and principal safeguard for the exercise of democratic freedoms.

In the fourth part of my thesis, I will review the situation of the judicial branch after the Fundamental Law of Hungary entered into force. In this context, I will examine the international aspects of the constitutional complaint as a possible extraordinary remedy, summarize the experience with the use of a genuine constitutional complaint, and describe the activities of the Constitutional Court and the courts of the legal branches in the field of fundamental rights protection.

The examination of the activity of courts in the field of fundamental rights protection is closely linked to domestic and international issues of the administration and organization of the judicial system. In the fifth chapter of my thesis, I will therefore examine the constitutional requirements related to the independence of presiding judges and the organizational independence of the court system as a branch of power. In the context of the issues related to the management of the judicial organization, I also examine the possibilities that arise in the context of the management of the collegial and the single person.

In the sixth part of my thesis, I will review the characteristics of judicial independence, its nature, and its place in the system of separation of powers. In this context, I will also examine the right of immunity as a guarantee of judicial independence. I propose that Parliament should extend the protection of immunity to both court registrars and court clerks, which should be limited in the same way as for court clerks and similar

prosecutorial officials. The immunity of the members of the NEC, which has a quasi-judicial function in electoral matters of exceptional importance, would be particularly justified since this is the body which decides on the waivers of the immunity of candidates for election to the European Parliament during the electoral period. As a matter of legal doctrine, no body or person should have a status lower than that of the body or person over which it exercises control.

In the seventh chapter of my thesis, I am looking at the right of turning to courts as a fundamental constitutional right. The Article XXVIII (1) of the Fundamental Law of Hungary, says “*Everyone has the right to have his rights and obligations in any charge against him or in any proceeding against him adjudicated by an independent and impartial tribunal established by law, in a fair and public hearing within a reasonable time*”. It can be inferred from the above paragraph that the fundamental right of access to a court arising from the Constitution has several conceptual components. There is, on the one hand, the indictment as an assertion of the criminal power of the State and, in addition, the ‘trial’, in which rights and obligations are adjudicated by an independent and impartial tribunal established by law, in a fair and public hearing within a reasonable time. It is also important to underline that the relevant Constitutional Court decisions taken before 2012 have been repealed, but their use has been confirmed by the Constitutional Court, so they can continue to serve as a guide for the application of the law. In its Decision 2/2017 (II. 10.), the Court summarized its position on the essence of the right to a fair trial as follows: a “fair trial is a quality that can only be judged by taking into account the totality and circumstances of the proceedings. Therefore, despite the absence of certain details, as well as despite the observance of all the detailed rules, the proceedings may be unfair or unjust, or not fair [Decision 6/1998 (11.3.1998), ABH 1998, 91, 95]. The right to a fair trial is an absolute right against which there is no other fundamental right or constitutional objective that can be weighed because it is itself the result of a balancing exercise [Decision 14/2004 (7 May 2004), ABH 2004, 241, 266]. The right to a fair trial consists of several guaranteed rules. In particular, the right to a fair trial enshrined in Article XXVIII (1) of the Fundamental Law includes the right of access to a court, the fairness of the hearing, the requirement of publicity of the hearing and the public announcement of the court’s decision, the right to a court established by law, the requirement of judicial independence and impartiality, and the requirement of a judgement within a reasonable time. The rule does not establish de facto, but according to the interpretation of the Constitutional Court,

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part of the fairness of the proceedings is to ensure equality of arms in the proceedings {Decision 22/2014 (VII.15), Reason [49]}" (Reasons [45]-[53]). From the above, it reveals, that if any of the elements of the constitutional concept are missing, the right of access to the courts is fundamentally violated. It is important to emphasize that the Fundamental Law defines the conceptual content of the right of access to justice on the basis of the content of international human rights treaties.

After analyzing the concept as defined in the Fundamental Law, it can be concluded that the right of turning to courts is a constitutional right which implies the recognition and the requirement of the recognition of rights and obligations by independent and impartial courts established by law, which decide in a fair trial, i.e. on the basis of the principle of equality of arms, in public and within a reasonable time. Failing to meet any of these constitutional requirements indirectly constitutes a violation of the fundamental constitutional right of seeking help in front of courts, as enforcement is ultimately not fully achieved.

The cited decisions of the Constitutional Court show that there is no difference between the pre-2012 and post-2012 practice in the assessment of the content of the fundamental right to apply to the courts, so the decisions taken earlier must still be taken into account by the courts of the relevant jurisdiction.

Linked to the question of the separation of powers is the question of the sovereignty of individual state institutions. It follows from this that the ECHR (like the Hungarian Constitutional Court) is not a fourth and fifth instance of redress, given that it is always the responsibility of the Member State that has acceded to a convention to ensure the protection of fundamental rights. It follows that the respondent in ECHR proceedings is not a private individual or a legal person, but the Hungarian State. The ECHR's procedural powers and jurisdiction as a court are determined by the fact that the States have ratified the European Convention on Human Rights into their own legal systems and have given the ECHR the power to conduct proceedings in the context of the effective implementation of the European Convention on Human Rights. It follows from this those proceedings by the ECHR, or indeed by any other international court, do not and cannot infringe Hungary's sovereignty, since, just as the Hungarian State has consented to the conduct of these proceedings by accepting the Convention, it can of course withdraw this consent.

Certain legal institutions are abstracted and shifted from the sphere of legal argument and instruments to the field of politics. Principles appear as a higher level of abstraction

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of certain rights or parts of rights, fundamental rights appear as a unification of principles, and these fundamental rights or a certain set or group of fundamental rights form values. We cannot ignore the question of what we consider to be fundamental rights and which institutions are entitled to give real substance to these values in the Member States of the EU. With regard to the inalienable fundamental rights enshrined in the European Convention on Human Rights, the international consensus is that the practice of the European Court of Human Rights should be followed. However, we must be aware that the way in which certain fundamental rights are reflected at the level of the branches of law differs from one Member State to another.

It follows from this that the content of a given fundamental right to be projected onto the branch of law and the actual requirements for its realization, in conjunction with the requirement of state sovereignty, can only be determined by the constitutional courts of the Member States.

I am firmly of the view that it is inherent in the idea of state sovereignty that the content of the fundamental rights and the values represented by those fundamental rights can only be given on the basis of the constitutional traditions of the Member State concerned, taking account of them and on the basis of the needs and legal and political culture of the society concerned. The work of the ECHR is also constantly and organically evolving, adapting to the challenges of the times.

Even so, it is important to consider the rethinking of the powers of the Constitutional Court, and it is necessary to compare these powers with those of the German Constitutional Court, and to draw the necessary conclusions regarding the admissibility of applications from Hungary. If the Constitutional Court, with the institution of a genuine constitutional complaint, could provide an effective forum for legal redress, it would, on the one hand, be an open judicial activity which should lead us to rethink the role of the Constitutional Court among the branches of power, and, on the other hand, it could keep within Hungary's institutional system, in a way which would promote national sovereignty, those fundamental rights issues which are currently dealt with by a judicial body independent of the country in a definable percentage of cases.

This would be more welcomed from the point of view of sovereignty because, while Hungary's Constitutional Court applies the Fundamental Law, the European Court of Human Rights applies the European Convention on Human Rights. So, it is important to see that the requirement of a centrality of fundamental rights and the protection of

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fundamental rights is increasingly becoming a requirement in case law. And for the ordinary courts to be able to fulfil their constitutional duty at the front line, it is absolutely necessary and indispensable to maintain the institution of a strong Constitutional Court.

With regard to the procedural laws, it is noteworthy and should be welcomed that the scope of enforcement options has been expanded and concretized both in the case of the Act I of 2017 and on the Code of Administrative Court Procedure – hereinafter referred to as "CA" – and the Act CXXX of 2016 on the Code of Civil Procedure – hereinafter referred to as "CC". While the CA allows a citizen seeking legal redress to bring a broader range of actions against the state, the new CC separates professional litigation from the procedural rules applicable to parties acting without legal representation, thus facilitating the possibilities for lay parties who are not familiar with the law to enforce their rights in person.

Introducing paper-based forms for parties acting without legal representation is welcome in principle, but given the length and complexity of the forms, it would be appropriate to shorten them and make them more specific to more types of litigation. This could contribute to an even higher level of enforcement of the principles of economy and concentration of litigation by reducing the number of notices of deficiency.

The judicial activity of the Constitutional Court's powers shifts the Constitutional Court towards the judicial branch of power, and therefore the interpretation of the right of access to the courts must also take into account the possibilities of fundamental rights enforcement.

In practice, this new situation means that the right of recourse to the courts also means the right of recourse to the Constitutional Court, which supports the view that the Constitutional Court is also a court.

If the Constitutional Court is regarded as a court, further research may be needed to see how the requirements of the Fundamental Law on the right of access to the court can be applied to the procedures relating to constitutional complaints.

In the eighth chapter of my thesis, I examine the place of the Constitutional Court within the branches of power. During the time of changing the regime (1989-1990), there was a lively debate about the powers to be granted to the newly established Constitutional Court. The opposition was interested in a strong constitutional court with broad powers, and the German Constitutional Court served as a model for discussion. Accordingly, the task and function of the Constitutional Court, in the immediate period following

its establishment, was to ensure a peaceful transition from communist dictatorship to a constitutional state governed by the rule of law.

In this context, the Constitutional Court has interpreted, in a number of decisions, the provisions of Law XX of 1949 (the old Constitution) on the rule of law and has established the fundamental legal conditions for the institutional guarantees that contribute to the exercise of certain fundamental rights of each citizen. Taking into account the fact that there was no precedent for constitutional adjudication in Hungary, the Constitutional Court established the standards that are an indispensable prerequisite for the functioning of the rule of law, also in the light of international practice. In practice, a summary term for this is the Invisible Constitution, the development of which is linked to the panel chaired by Constitutional Judge László Sólyom, in the context of which the Constitutional Court interpreted and expanded certain fundamental rights requirements and formulated additional requirements that did not appear in the text of the Constitution.

In order to avoid uncertainties in the interpretation and application of the law, I consider it necessary to separate the judicial functions of the Constitutional Court from the current body and to attach them to the Curia in the framework of a constitutional law college. On the one hand, it is conceivable to create, alongside the Constitutional Court, a collegium of fundamental rights courts, as mentioned above, which would answer only questions relating to the interpretation of fundamental rights law, with binding application (quasi on the model of the preliminary ruling mechanism of the Court of Justice of the European Union). In this case, the other functions of the Constitutional Court, e.g., the control of norms, would remain within the operating scope of the current Constitutional Court (partial unification of the exercise of judicial power). On the other hand, the best solution, in my opinion, would be to fully integrate the Constitutional Court into the organization of the Curia, thus fully unifying the exercise of judicial power.

The College of Fundamental Rights could both fulfil the functions of the current Constitutional Court and be involved in the fundamental rights review of judicial decisions taken within the system of judicial organization. The members of the College of Fundamental Rights would continue to be elected by the Parliament by a two-thirds majority, under the current procedural framework, on the basis of the current terms of office, and in accordance with the current term of office. This College of Fundamental Rights could act as a quasi-constitutional court for the preliminary and post review procedures of laws.

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In the case of decisions taken within the ordinary judicial system, the Curia would take a position on certain aspects of the dispute concerning fundamental constitutional rights in the context of the extraordinary review procedure. This would ensure both the unity of the judiciary and the possibility of review of fundamental rights, while at the same time addressing the current dichotomy between the interpretation of the Fundamental Law and the guarantee of legal unity.

In the context of the review procedure, in cases where the party requesting the review also raises fundamental rights challenges to a final judicial decision, the acting Curia Council would act in conjunction with the designated Council of the College of Fundamental Rights in order to answer the fundamental rights questions. This complex procedural arrangement would ensure that both the rules of law and the constitutional content are properly enforced, considering the case-law aspects.

Where the fundamental rights issue have decisive importance, the matter could be referred to a full joint meeting of the College of Fundamental Rights and the relevant judicial College. By amending the procedural law accordingly, it would thus be possible to unify judicial power (in terms of both adjudication and review of the law and interpretation of the Fundamental Law), to further integrate the fundamental rights perspective into the case-law and to ensure a high level of unity of the law in the field of law and fundamental rights at national level.

In my view, this change would be more conducive to the development of legal certainty and legal unity, given that it would leave the autonomous judicial branch untouched.

Generally speaking, the shift of the Constitutional Court towards the judicial branch puts the courts in a new position. As the focus on fundamental rights will become more prominent in the practice of the ordinary courts, the practice of the Constitutional Court will have to be taken into account more by the courts of the branch.

However, it would be necessary to clarify what is meant by “legal remedy” in Article 27(b) of Act CLI. of 2011, a.k.a. in the Constitutional Court Act. It would be advisable to amend the Act to require that, in addition to the exhaustion of remedies, the possibility of a petition for review be exhausted as an extraordinary remedy. In this way, a much more closed, coherent and hierarchical system could be created, with the Curia at the apex of sectoral jurisdiction and the Constitutional Court for fundamental rights remedies, thus eliminating the possibility of both negative and positive conflicts of jurisdiction.

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In the concluding chapter of my thesis, I will examine the different types of constitutional complaints, with particular reference to the newly introduced genuine constitutional complaint. In the current practice of the Constitutional Court, the question of how to define the boundaries of the assessment of evidence that violates fundamental rights is a question that affects even the most important courts.

This is also inherently linked to the distinction between violation of rights and violation of fundamental rights, which raises quite a few questions. Long-term research should be based on the question of the distinction between 'simple' violations of rights and violations of fundamental rights, as a result of which it would be possible - at least at the level of legal theory - to draw an imaginary line between cases that belong to the Curia, which is investigated at the level of the legal branch, from a perspective of the law, and cases that belong to the Constitutional Court, which investigates fundamental rights issues.

It follows from the processed and cited decisions of the Constitutional Court that a violation of fundamental rights can be committed by the courts of law through a breach of the objective duty to protect institutions. The concrete content of the objective obligation to protect the institution in the case-law is that the court must ensure the continuous exercise of the fundamental constitutional right to a fair trial and the reasoned consideration of evidence in accordance with the Fundamental Law. It is important to underline that in all of the above-mentioned constitutional court decisions, the violation of fundamental rights was related to procedural acts taken by the court of law, and not to the conduct of the parties before or during the court proceedings.

In my view, in the horizontal relationship between private individuals, the infringement of a fundamental right can only be interpreted in an indirect manner, given that the infringement does not occur per se but as a result of a serious breach of a rule of law. By contrast, in vertical, public-law relationship between state bodies, public authorities and the citizen, a violation of the citizen's constitutional rights may arise on the part of the state bodies through a breach of the objective obligation to protect the institution itself.

The fact that the Fundamental Law imposes on public bodies is an imperative duty of abstention and an objective duty of institutional protection, both in respect of human rights and in respect of citizens' rights. In the event of incompatibility with the imperative requirements of the Fundamental Law, or in the event of an omission, an unconstitutionality stem.

Given the prescriptive nature of the objective institutional protection obligations of the Fundamental Law, citizens cannot directly base rights and obligations between themselves

on the Fundamental Law. Their source is always a treaty or other legal fact based on a legal act of a branch of law.

From this it also follows logically that, in their relations with each other, citizens may only infringe each other's fundamental constitutional rights indirectly, by violating the norms laid down by the relevant legal rules. Also included in this category are possible violations committed by the Hungarian State as a contracting party under private law.

In view of all the above, the primary question with regard to the delimitation of fundamental rights and infringements is not where the delimitation of the essential content of the fundamental right and the legal regulation begins, but rather the horizontal or vertical relationship between the subjects of the infringement and whether the state bodies, as participants in the vertical legal relationship, adequately ensure the proper enforcement of the fundamental rights enshrined in the Fundamental Law by fulfilling their objective duty to protect the institutions. It also logically follows that failure by a public body to fulfil this obligation necessarily entails a breach of fundamental rights.

The primary duty of the State is to guarantee the individual liberty of the people to the fullest extent possible by operating a system of state's institutions with adequate safeguards to enforce fundamental rights. The Fundamental Law contains, in addition to the descriptive and defining parts relating to the system of organization of the state, the catalogue of fundamental rights which the state grants to its citizens and others.

The addressee of these fundamental principles is not the citizen directly, but other regulations of state bodies and legislation affect the relations between citizens. Legal protection, as an objective obligation to protect institutions, involves answering the question of exactly what activities fall within the scope of the exercise of judicial power.

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II. Research methods and sources

The thesis uses a variety of academic methods, given the specific characteristics of the constitutional problems discussed in the different chapters.

In some of the chapters dealing with constitutional law problems and the historical background, such as 'The nature of power, the foundations of state theory of the emergence and separation of powers' or 'International and domestic issues in the administration and organization of the judiciary', I will provide a legal-historical analysis, approaching constitutional issues in a comparative manner, showing the developmental trajectory of the institution concerned.

In the chapters and parts of the chapters requiring a detailed explanation of constitutional theory, I will apply a dogmatic, comparative, analytical and constitutional theory approach. In doing so, I will present the positions taken in the literature on the problem at hand, but I will draw my own conclusions from the various interpretations and make de lege ferenda suggestions.

In the chapter on international and domestic court administration, I apply the comparative and normative-descriptive method. The constitutional situation of the judiciary is at the heart of the constitutional issues addressed in this thesis, and in analysing it I have paid particular attention to both the Fundamental Law and the relevant constitutional court and international case law.

The thesis relies heavily on a casuistical approach, and the constitutional problems formulated are based on the author's conclusions drawn from the nearly one hundred cases analyzed. The essay discusses or analyses twenty-five decisions of the European Court of Human Rights, sixty-two decisions of the Hungarian Constitutional Court and twelve of its orders.

The aim of the comparison of the cases, the relevant rules and the literature is to develop abstract, doctrinal approaches and conclusions that can be applied in the practical interpretation of constitutional issues (e.g., the development of criteria for distinguishing between a violation of the law and a violation of fundamental rights).

The case law used for the preparation of the thesis is cited and analyzed according to the structure of the chapters and sections, while at the same time presenting the relevant literature.

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In the context of the academic literature, I will refer to monographs, book chapters, journal articles, doctoral theses, university textbooks, i.e., the whole spectrum of academic literature.

Among the almost 100 cases cited, the relevant decisions of the European Court of Human Rights and numerous decisions and orders of the Hungarian Constitutional Court have been included. For the sake of completeness, I have included a separate chapter at the end of the thesis summarizing both the literature cited, and the cases discussed and cited.

In addition to the academic literature and the cases cited, other types of sources have also been used in certain sections of the thesis, in line with the topic under discussion: for example, in the chapter on 'Power sharing as a tool for the good state', surveys by Standard Eurobarometer, the World Justice Project, Freedom House, Reporters Without Borders, KSH, NKE, etc.

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III. Summary of the research, thesis summary of new scientific findings

In this thesis, I have successfully verified and supported the hypotheses put forward in the outline of the research, on the basis of which my scientific theses are as follows:

1./ The branch of power is the totality of state institutions and organs exercising public power in a coercive manner, which perform public functions of power. The branch of power, on the other hand, is the totality of those factors which are organized on the basis of a certain organizational principle, which do not exercise public power that can be enforced by the state, do not perform public functions, but which, due to the organizational principle or activity, influence a large part of society, influencing it in some direction.

2./ The introduction of the genuine constitutional complaint has fundamentally changed the place of the Constitutional Court in the institutional system for the protection of fundamental rights and the institutionalized relationship between the judgments on fundamental rights and the law. The new situation posed serious challenges not only for the Curia but also for the Constitutional Court. With the supremacy of fundamental rights jurisprudence over case law, the efforts of the Curia to ensure national legal unity have been overshadowed by the Constitutional Court's activities in developing fundamental rights doctrine.

3./ The requirement of the separation of powers is not a requirement in itself, but a fundamental and supreme guarantee of the exercise of democratic freedoms.

4./ Parliament should extend the protection of the right to immunity to both court clerks and court clerks, which should be limited in the same way as for court judges. The immunity of the members of the NEC, which has a quasi-judicial function in electoral matters of exceptional importance, would be particularly justified since it is this body which decides on the waiver of the immunity of candidates for election to the European Parliament during the electoral period. As a matter of legal doctrine, no body or person should have a status lower than that of the body or person over which it exercises control.

5./ The right of access to the courts is a constitutional birthright which implies the recognition and the requirement of the recognition of rights and obligations by independent and impartial courts established by law, which must give their decisions in a fair trial,

i.e. on the basis of the principle of equality of arms, in public and within a reasonable time. The failure to meet any of these constitutional requirements indirectly constitutes a violation of the fundamental constitutional right of access to justice, since justice is ultimately not fully enforced.

6./ The judicial activity of the Constitutional Court, as reflected in its powers, shifts the Constitutional Court towards the judicial branch of power, and therefore, when interpreting the right of access to the courts, the possibilities of enforcement of fundamental rights must also be considered. In practice, this new situation means that the right of access to the courts is also the right of access to the Constitutional Court, which supports the view that the Constitutional Court is also a court.

7./ In order to avoid uncertainties in the interpretation and application of the law, I believe it would be necessary to separate the judicial functions of the Constitutional Court from the current body and to attach them to the Curia in the framework of a constitutional law college. This would bring about a unification of the judicial branch.

8./ The 'fragmentation' of the judiciary erodes the obligation of the Curia under Article 25(3) of the Fundamental Law to ensure the unity of the courts in the application of the law. The Fundamental Law makes no distinction between the unity of fundamental law and the unity of the legal system.

9./ There is a need to clarify what is meant by 'legal remedy' in Article 27(b) of the Constitutional Court Act. It would be advisable to amend the law so as to require that, in addition to the exhaustion of the possibilities of legal remedies, the possibility of a petition for review be exhausted as well. In this way, a much more closed, coherent and hierarchical system could be established, with the Curia at the apex of sectoral jurisdiction and the Constitutional Court for fundamental rights remedies, thus eliminating the possibility of both negative and positive conflicts of jurisdiction.

10./ With regard to the delimitation of fundamental rights violation and infringement, the primary question in approaching the problem is not where the delimitation of the essential content of the fundamental right and the legal regulation begins, but rather the horizontal or vertical relationship between the subjects of the infringement and the fact that the state bodies, as participants in the vertical legal relationship, by fulfilling their objective duty to protect institutions, ensure the proper enforcement of the fundamental rights formulated in the Fundamental Law. It also follows logically that failure by a public body to fulfil that obligation necessarily entails a breach of fundamental rights.

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IV. List of literature used for the thesis

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VI. Author's list of publications

VI.1. The author's published works on the topic of the thesis

1.
Cservák, Csaba; Farkas, Tamás György; Rimaszécsi, János
The justification for researching the democratic exercise of law dimension and the integrability of its data in the holistic sense of the Good State Report
In: Kaiser, Tamás (ed.) Measurability of the Good State III.
Budapest, Hungary: Nordex Nonprofit Kft. – Dialog Campus Kiadó (2019) 294 p. pp. 171–181, 11 p.
Full document
Book excerpt/Part of workshop study (Book excerpt) Scientific [31196046] [Public]

2.
Cservák, Csaba; Farkas, Tamás György; Rimaszécsi, János
Current issues establishing the sphere of influence of democracy in connection with the 2017 and 2008 Good State Report
In: Kaiser, Tamás (ed.) Measurability of the Good State III.
Budapest, Hungary: Nordex Nonprofit Kft. – Dialog Campus Kiadó (2019) 294 p. pp. 157–169, 13 p.
Full document
Book excerpt/Part of workshop study (Book excerpt)/Scientific [31123069] [Public]

3.
Farkas, Tamás György (ed.); Rimaszécsi, János (ed.)
Fundamental rights - Constitution - Basic Law
Budapest, Hungary: National Association of Doctoral Students, Department of Law (2019), 130 p.
ISBN: 9786158061063
Book/Study volume (Book)/Scientific [30785183] [Public]

4.

Rimaszécsi, János

Traditional and new factors of the division of power, with particular regard to the bodies dealing with the constitution

KRE-DIT: ONLINE SCIENTIFIC JOURNAL OF KRE-DOK 1 Paper: KRE-Dit_2019/1_JT_7, 8 p. (2019)

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Journal Article/Specialist Article (Journal Article)/Scientific [30794094] [Public]

5.

Rimaszécsi, János

The relationship between the review and the genuine constitutional complaint in the system of extraordinary legal remedies, the admissibility of constitutional complaints submitted against the decisions of the Court

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Budapest, Hungary: HVG-ORAC (2019) pp. 568–577, 10 p.

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6.

Rimaszécsi, János

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8.
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Legislation and law enforcement in the XXI. century in Europe
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9.
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10.
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9. * Wolf, György
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Book excerpt/Book chapter (Book excerpt)/Scientific[3393181] [Public]

12.
Rimaszécsi, János
The Constitutional Court as a branch of power in the system of legal protection of fundamental rights
In: Cservák, Csaba; Horváth, Attila (ed.) Adequate fundamental rights protection
Porta Historica (2017) pp. 221–230, 10 p.
Book excerpt/Thesis (Book excerpt)/Scientific[26989463] [Public]
Public Summoner Total: 1, Independent: 1, Dependent: 0, Not Candidate: 0

1. Arató, Balázs
   Haftung des Geschäftsführers mit seinem Privatvermögen während des Liquidationsverfahrens
   In: Martin, Winner; Romana, Cierpial-Magnor (ed.) Sanierung, Reorganisa-tion, Insolvenz: Internationalle Bietrage zu aktualle Frage – Sechtes Jahrbuch des Krakauer Forums der Rechtswissenschaften
   Baden-Baden, Germany: Nomos (2018) pp. 9–38, 30 p.
   Specialist study (Excerpt from book) | Scientific [27669310]

13.
Rimaszécsi, János
XXI. of the division of powers. century problem
In: Cservák, Csaba; Horváth, Attila (ed.) Adequate fundamental rights protection
Porta Historica (2017) pp. 209–214, 6 p.
Book excerpt/Thesis (Book excerpt)/Scientific[26989435] [Public]

14.
Rimaszécsi, Jánosz
The Constitutional Court as a branch of power in the system of legal protection of fundamental rights

In: Cservák, Csaba; Horváth, Attila (ed.) Adequate fundamental rights protection
Budapest, Hungary: Porta Historica, (2017) pp. 221–230, 10 p.
Book excerpt/Book chapter (Book excerpt)/Scientific[3393505] [Public]

15.
Rimaszécsi, János
The problem of the division of powers
In: Cservák, Csaba; Horváth, Attila (ed.) The adequal fundamental rights protection
Budapest, Hungary: Porta Historica, (2017) pp. 209–214, 6 p.
Book excerpt/Book chapter (Book excerpt)/Scientific[3393502] [Public]

16.
Rimaszécsi, János
The Constitutional Court as a branch of power
In: Cservák, Csaba; Horváth, Attila (ed.) Adequate fundamental rights protection
Budapest, Hungary: Porta Historica, (2017) pp. 215–220, 6 p.
Book excerpt/Book chapter (Book excerpt)/Scientific[3393497] [Public]

17.
Cservák, Csaba ; Rimaszécsi, János
Current issues of immunity
GLOSSA IURIDICA 2015 : 3–4 pp. 110–120, 10 p. (2016)
Journal Article/Specialist Article (Journal Article)/Scientific[3393596] [Public]

18.
Cservák, Csaba ; Farkas, Tamás György ; Rimaszécsi, János
Democracy
In: Kaiser, Tamás (ed.) Good state report 2016
Budapest, Hungary : Dialog Campus Kiadó, Nordex Kft. (2016) 143 p. pp. 98–119, 22 p.
Book excerpt/Thesis (Book excerpt)/Scientific[3295037] [Public]
Public Summoner Total: 6, Independent: 6, Dependent: 0, Not Candidate: 0

1. Pokol, Béla
   The concern of jurisprudence

In: Cservák, Csaba; Horváth, Attila (ed.) Adequate fundamental rights protection
Porta Historica, (2017) pp. 237–240, 4 p.
Specialist study (Excerpt from book) | Scientific [26989481]

2. Lukácsi, Csaba Dániel
Constitutional adjudication in Hungary
In: Cservák, Csaba; Horváth, Attila (ed.) Adequate fundamental rights protection
Porta Historica, (2017) pp. 197–208, 12 p.
Specialist study (Excerpt from book) | Scientific [26979359]

3. Téglási, András
Protection of the right to property in the practice of the Constitutional Court after the entry into force of the Basic Law
In: Cservák, Csaba; Horváth, Attila (ed.) Adequate fundamental rights protection
Budapest, Hungary: Porta Historica (2017) 278 p. pp. 165–176, 12 p.
Book Chapter (Book Excerpt) | Scientific [3326471]

4. Szabó, Dorina
The head of state and the pardon
In: Cservák, Csaba; Horváth, Attila (ed.) Adequate fundamental rights protection
Porta Historica, (2017) pp. 185–196, 12 p.
Specialist study (Excerpt from book) | Scientific [26979357]

5. Review of adequate fundamental rights protection
In: Cservák, Csaba; Horváth, Attila (ed.) Adequate fundamental rights protection
Porta Historica (2017) pp. 273–277, 5 p.
Specialist study (Excerpt from book) | Scientific [26996052]

6. Arató, Balázs
Specific legal protection: legal remedy on the border between public law and private law
In: Cservák, Csaba; Horváth, Attila (ed.) Adequate fundamental rights protection
Porta Historica, (2017) pp. 135–146, 12 p.
Specialist study (Excerpt from book) | Scientific [26989209]

19.

Farkas, Tamás György ; Rimaszécsi, János
Current issues of the measurement and research of democracy

In: Kaiser, Tamás (ed.) Measurability of the good state II.

Budapest, Hungary: Dialog Campus Kiadó (2016) 167 p. pp. 121–144, 24 p.

Full document

Book excerpt/Book chapter (Book excerpt)/Scientific[27424545] [Viewed by Admin]

Public Summoner Total: 14, Independent: 14, Dependent: 0, Not Candidate: 0

1. Pokol, Béla

   The concern of jurisprudence

   In: Cservák, Csaba; Horváth, Attila (ed.) Adequate fundamental rights protection

   Porta Historica, (2017) pp. 237–240, 4 p.

   Specialist study (Excerpt from book) | Scientific [26979692]

2. Lukácsi, Csaba Dániel

   Constitutional adjudication in Hungary

   In: Cservák, Csaba; Horváth, Attila (ed.) Adequate fundamental rights protection

   Porta Historica, (2017) pp. 197–208, 12 p.

   Specialist study (Excerpt from book) | Scientific [26989379]

3. Cservák, Csaba

   Alternatif au systeme electorale du type majoritaire

   In: Cservák, Csaba; Horváth, Attila (ed.) Adequate fundamental rights protection

   Budapest, Hungary: Porta Historica, (2017) pp. 13–15, 3 p.

   Specialist study (Excerpt from book) | Scientific [3281879]

4. Cservák, Csaba

   On the dogmatic characteristics of freedom of speech in relation to media law

   In: Cservák, Csaba; Horváth, Attila (ed.) Adequate fundamental rights protection

   Budapest, Hungary: Porta Historica (2017) 278 p. pp. 91–96, 6 p.

   Specialist study (Excerpt from book) | Scientific [3281962]

5. Cservák, Csaba

   About the fundamental rights protection organization of the “Visegrad countries”.

   In: Cservák, Csaba; Horváth, Attila (ed.) Adequate fundamental rights protection

   Budapest, Hungary: Porta Historica, (2017) pp. 127–134. , 8 p.m.

   Specialist study (Excerpt from book) | Scientific [3281967]

6. Cservák, Csaba

   Color and reverse of the enforcement of fundamental rights

   In: Cservák, Csaba; Horváth, Attila (ed.) Adequate fundamental rights protection

Budapest, Hungary: Porta Historica, (2017) pp. 37–40, 4 p.
Specialist study (Excerpt from book) | Scientific [3281885]

7. Cservák, Csaba
On the dogmatic issues of violation of fundamental rights
In: Cservák, Csaba; Horváth, Attila (ed.) Adequate fundamental rights protection
Budapest, Hungary: Porta Historica, (2017) pp. 57–64, 8 p.
Specialist study (Excerpt from book) | Scientific [3281958]

8. Cservák, Csaba
The judicial role of the Constitutional Court in specific cases
In: Cservák, Csaba; Horváth, Attila (ed.) Adequate fundamental rights protection
Budapest, Hungary: Porta Historica, (2017) pp. 47–56, 10 p.
Specialist study (Excerpt from book) | Scientific [3281957]

9. Cservák, Csaba
The role of the head of state in the protection of fundamental rights
In: Cservák, Csaba; Horváth, Attila (ed.) Adequate fundamental rights protection
Budapest, Hungary: Porta Historica, (2017) pp. 65–72, 8 p.m.
Specialist study (Excerpt from book) | Scientific [3281959]

10. Cservák, Csaba
Die Geltung der verfassungsmäßigen Grundrechte
In: Cservák, Csaba; Horváth, Attila (ed.) Adequate fundamental rights protection
Budapest, Hungary: Porta Historica (2017) 278 p. pp. 29–36, 8 p.
Specialist study (Excerpt from book) | Scientific [3281884]

11. Cservák, Csaba
Thoughts on the factors of power sharing from the point of view of fundamental rights protection
In: Cservák, Csaba; Horváth, Attila (ed.) Adequate fundamental rights protection
Budapest, Hungary: Porta Historica (2017) 278 p. pp. 73–82, 10 p.
Specialist study (Excerpt from book) | Scientific [3281960]

12. Cservák, Csaba
Greater say for the people in terms of the right to vote
In: Cservák, Csaba; Horváth, Attila (ed.) Adequate fundamental rights protection
Budapest, Hungary: Porta Historica, (2017) pp. 119–126, 8 p.
Specialist study (Excerpt from book) | Scientific [3281966]

13. Cservák, Csaba
    Ombudsmanns im Schutz der fundamentalen Rechte
    In: Cservák, Csaba; Horváth, Attila (ed.) Adequate fundamental rights protection
    Budapest, Hungary: Porta Historica, (2017) pp. 21–28, 8 p.
    Specialist study (Excerpt from book) | Scientific [3281880]
14. Arató, Balázs
    Specific legal protection: legal remedy on the border between public law and private law
    In: Cservák, Csaba; Horváth, Attila (ed.) Adequate fundamental rights protection
    Porta Historica, (2017) pp. 135–146, 12 p.
    Specialist study (Excerpt from book) | Scientific [26989261]

20.

Farkas, Tamás György ; Rimaszécsi, János

Current issues of the measurement and research of democracy

PUBLIC SCIENCE WORKSHOP STUDIES (ON-LINE FROM 2016) 2016: 27 pp. 2–22, 20 p. (2016)

Full document

Journal Article/Specialist Article (Journal Article)/Scientific[3393410] [Public]

Public Summoner Total: 14, Independent: 14, Dependent: 0, Not Candidate: 0

1. Lukácsi, Csaba Dániel
   Constitutional adjudication in Hungary
   In: Cservák, Csaba; Horváth, Attila (ed.) Adequate fundamental rights protection
   Porta Historica, (2017) pp. 197–208, 12 p.
   Specialist study (Excerpt from book) | Scientific [26979359]
2. Cservák, Csaba
   The right to a referendum
   In: Cservák, Csaba; Horváth, Attila (ed.) Adequate fundamental rights protection
   Budapest, Hungary: Porta Historica, (2017) pp. 113–118, 6 p.
   Specialist study (Excerpt from book) | Scientific [3281965]
3. Cservák, Csaba
   On the dogmatic characteristics of freedom of speech in relation to media law
   In: Cservák, Csaba; Horváth, Attila (ed.) Adequate fundamental rights protection

10.24395/KRE.2023.007

Budapest, Hungary: Porta Historica (2017) 278 p. pp. 91–96, 6 p.

Specialist study (Excerpt from book) | Scientific [3281962]

4. Cserváк, Csaba

Control of legislation that violates fundamental rights: the constitutional court

In: Cserváк, Csaba; Horváth, Attila (ed.) Adequate fundamental rights protection

Budapest, Hungary: Porta Historica, (2017) pp. 41–46, 6 p.

Specialist study (Excerpt from book) | Scientific [3281886]

5. Cserváк, Csaba

Color and reverse of the enforcement of fundamental rights

In: Cserváк, Csaba; Horváth, Attila (ed.) Adequate fundamental rights protection

Budapest, Hungary: Porta Historica, (2017) pp. 37–40, 4 p.

Specialist study (Excerpt from book) | Scientific [3281885]

6. Cserváк, Csaba

On the dogmatic issues of violation of fundamental rights

In: Cserváк, Csaba; Horváth, Attila (ed.) Adequate fundamental rights protection

Budapest, Hungary: Porta Historica, (2017) pp. 57–64, 8 p.

Specialist study (Excerpt from book) | Scientific [3281958]

7. Cserváк, Csaba

The judicial role of the Constitutional Court in specific cases

In: Cserváк, Csaba; Horváth, Attila (ed.) Adequate fundamental rights protection

Budapest, Hungary: Porta Historica, (2017) pp. 47–56, 10 p.

Specialist study (Excerpt from book) | Scientific [3281957]

8. Cserváк, Csaba

The role of the head of state in the protection of fundamental rights

In: Cserváк, Csaba; Horváth, Attila (ed.) Adequate fundamental rights protection

Budapest, Hungary: Porta Historica, (2017) pp. 65–72, 8 p.

Specialist study (Excerpt from book) | Scientific [3281959]

9. Cserváк, Csaba

Die Geltung der verfassungsmäßigen Grundrechte

In: Cserváк, Csaba; Horváth, Attila (ed.) Adequate fundamental rights protection

Budapest, Hungary: Porta Historica (2017) 278 p. pp. 29–36, 8 p.

Specialist study (Excerpt from book) | Scientific [3281884]

10.24395/KRE.2023.007

10. Cservák, Csaba
    Other “ombudsman-like” bodies
    In: Cservák, Csaba; Horváth, Attila (ed.) Adequate fundamental rights protection
    Budapest, Hungary: Porta Historica, (2017) pp. 105–112, 8 p.
    Specialist study (Excerpt from book) | Scientific [3281964]
11. Cservák, Csaba
    Thoughts on the factors of power sharing from the point of view of fundamental rights protection
    In: Cservák, Csaba; Horváth, Attila (ed.) Adequate fundamental rights protection
    Budapest, Hungary: Porta Historica (2017) 278 p. pp. 73–82, 10 p.
    Specialist study (Excerpt from book) | Scientific [3281960]
12. Cservák, Csaba
    Application of law, interpretation of law - and fundamental rights
    In: Cservák, Csaba; Horváth, Attila (ed.) Adequate fundamental rights protection
    Budapest, Hungary: Porta Historica, (2017) pp. 97–104, 8 p.
    Specialist study (Excerpt from book) | Scientific [3281963]
13. Cservák, Csaba
    Greater say for the people in terms of the right to vote
    In: Cservák, Csaba; Horváth, Attila (ed.) Adequate fundamental rights protection
    Budapest, Hungary: Porta Historica, (2017) pp. 119–126, 8 p.
    Specialist study (Excerpt from book) | Scientific [3281966]
14. Cservák, Csaba
    Ombudsmanns im Schutz der fundamentalen Rechte
    In: Cservák, Csaba; Horváth, Attila (ed.) Adequate fundamental rights protection
    Budapest, Hungary: Porta Historica, (2017) pp. 21–28, 8 p.
    Specialist study (Excerpt from book) | Scientific [3281880]

21.

Cservák, Csaba ; Rimaszécsi, János

Administration of justice in comparative constitutional law

In: Cservák, Csaba (ed.) Comparative Constitutional Law Studies

Budapest, Hungary: Patrocinium Kiadó, (2015) pp. 124–133, 10 p.

Book Excerpt/Book Chapter (Book Excerpt)/Educational[3034887] [Public]

22.

Rimaszécsi, János

The Constitutional Court as a branch of power in the 21st century

In: Keresztes, Gábor (ed.) Tavaszi Szél 2015 Conference (Spring Wind 2015: Conference) volume I.

Budapest, Hungary, Eger, Hungary: National Association of Doctoral Students (DOSZ), Líceum Publishers (2015) 640 p. pp. 309–314, 7 p.

Book Excerpt/Thesis (Book Excerpt)/Scientific [25243882] [Admin Viewed]

Public Summoner Total: 2, Independent: 2, Dependent: 0, Not Candidate: 0

1. Cservák, Csaba

   XXI. of the division of powers. questions of the century after the Basic Law

   PRO FUTURO – THE RIGHT OF FUTURE GENERATIONS 2 pp. 24–37, 14 p. (2015)

   Article (Journal Article) | Scientific [3059425]

2. Cservák, Csaba

   The election of the executive and the parliament

   Debrecen, Hungary : Lícium-Art Könyvkiadó (2016), 275 p.

   ISBN: 9786155403095 OSZK

   Monograph (Book) | Scientific [3173363]

23.

Rimaszécsi, János

Fundamental rights in comparative constitutional law pp. 110–111., 2 p.

In: Cservák, Csaba (ed.) Comparative Constitutional Law Studies

Budapest, Hungary: Patrocinium Kiadó, (2015) p. 136

Book excerpt/Book chapter (Book excerpt)/Scientific[3393604] [Public]

24.

Rimaszécsi, János

The place of justice is the XXI. century system of power sharing

In: Miskolczi, Péter Bodnár; Erik, Stenpien (ed.) 10th National Professional Meeting of Legal Doctoral Students

Budapest, Hungary: KRE ÁJK (2015) 174 p. pp. 121–128, 8 p.

Book excerpt/Conference announcement (Book excerpt)/Scientific[3393519] [Public]

Public Summoner Total: 2, Independent: 2, Dependent: 0, Not Candidate: 0

1. Cservák, Csaba

   XXI. of the division of powers. questions of the century after the Basic Law

   PRO FUTURO – THE RIGHT OF FUTURE GENERATIONS 2 pp. 24–37, 14 p. (2015)

   Article (Journal Article) | Scientific [3059425]

2. Cservák, Csaba

   The election of the executive and the parliament

   Debrecen, Hungary: Lícium-Art Könyvkiadó (2016), 275 p.

   ISBN: 9786155403095 OSZK

   Monograph (Book) | Scientific [3173363]

VI.2. The author's published works on other topics

1.

Rimaszécsi, János

The constitutional assessment of the child's and the separated parent's right to contact as a personal right

GLOSSA IURIDICA 2016: 3–4 pp. 54–64, 10 p. (2017)

Journal Article/Specialist Article (Journal Article)/Scientific[3393601] [Public]

2.

Rimaszécsi, János

The legal status of performing arts organizations and their state support system pp. 69–87, 13 p.

In: Deák, Beáta (ed.) ACTA IUVENUM CAROLIENSIA III.

Budapest, Hungary: Patrocinium Publishing House, (2012)

Other conference announcement/Conference announcement (Other conference announcement)/Scientific[3393459] [Public]

10.24395/KRE.2023.007

3.

Szabó, Zsolt ; Rimaszécsi, János

The public law environment of the Hungarian performing arts

In: Rixer, Ádám (ed.) State and community: Selected public law studies in honor of the Basic Law of Hungary

Budapest, Hungary: Károli Gáspár Reformed University, Faculty of Law and Law (2012)

426 p. pp. 214–240, 27 p.

Book excerpt/Thesis (Book excerpt)/Scientific[2213596] [Public]