

**HUNGARIAN ACADEMY OF SCIENCES  
CENTRE FOR SOCIAL SCIENCES, INSTITUTE FOR LEGAL STUDIES**

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### **I. Main duties of the research unit in 2013**

The main duty of the institute is to carry out basic research within the field of the legal studies. Basic research means that having a primary aim of drawing the attention of the scholars and referring to the inherent scientific content of the research. It does not explicitly exclude the possibility/idea that the legal practice then applies the results of the research). Within the basic research (which carried out under the aegis of universities, as well) the most significant and specific task is to accomplish large-scale common projects (e.g. online encyclopaedia, scientific commentaries) due to the simple fact that obviously the universities cannot carry out such projects, in such an extended way.

Secondary tasks are prescribed by the normative acts of the Act on the Hungarian Academy of Sciences and the statutes of the Hungarian Academy of Sciences and the Centre for Social Sciences, as well. These tasks are the following: organizing scientific duties and co-operation in Hungary and abroad; receiving foreign researchers; strengthening the legal knowledge of the public; disseminating scientific results and social applicability.

A third set of tasks are the consultation of legislation, training of experts, providing general consultation methods and delivering expertise. The institute sets guidelines in order to perform such tasks, which are as follows: (a) the request shall be explicit from a competent body based on laws; (b) or the outcome of the commission has significant theoretical advantages and benefits, as well; (c) or charge is paid in return of the work of the Institute (whether the source of the payment is the state or private party). In order to pledge the commission, the subject shall be suitable for the research unit; thus, it must not morally compromise the institute or ruin the prestige of the applicable research unit.

In sum, inevitably the most important task is to carry out high quality basic research in an international context, which shall also be disseminated within various international fora.

### **II. Outstanding research and other results in 2013**

#### *a) Outstanding research and other results*

##### *a.1) Personnel changes*

Since the year under review the institute is led by a new director; the previous director continues her activity in the institute as a research professor. In the year under review, four researchers' employment ceased with mutual consent, five employees became pensioners (three of them were researchers), two young researchers' employment – as temporary workers (financed from external sources) – terminated, while one researcher's contract for determined period expired and was not renewed. At the end of 2013, one young researcher's employment

terminated with mutual consent. Two former researchers (were employed by the predecessors for decades) are employed by the institute as research professor emeritus. Their scientific activities can be attached to the institute henceforward.

However, by means of the application for external resources, the employment of 20 new researchers in various stages of their careers became possible. (Among them are three foreign nationals, two public servants, and one unpaid visiting researcher.) Currently, the total number of researchers at the institute is 47; thus, almost half are new researchers in the . The vast majority of positions were also advertised in English, and all foreign applicants were interviewed in English. The institute set up an interview committee of five members for the recruitment process, and this committee decided by vote on the hiring of the nearly 70 applicants based on pre-determined criteria (which were communicated to applicants, as well). These criteria were the following: publication achievements; insertion of the research profiles to the directives set up by the institute; efficiency in gaining grants/scholarships; the researcher's international profile and prospective methodological innovations during the research.

Most of the new researchers have part-time employment with the institute. There are several reasons for this. (1) On the one hand, it strengthens the central role of the institute in discourses of legal science if more scholars are connected to it in form of legal relation, as an employment; therefore, the increase in staff (even by means of part-time employments) is in the interest of the institute. (2) On the other hand, testing more new researchers provides an advantage to the institute. The research unit only offered a one-year contract for all the new researchers, which can be subsequently extended for one more year during 2014. Then, before changing them to indefinite contracts, the Institute will review the researchers' achievements and make their selections on a competitive basis. Hence, greater investment supports meritocratic selection in long-term. (3) Finally, strict incompatibility rules had been introduced (regarding rules on level of HAS – Centre for Social Sciences) with the aim of motivating researchers to concentrate on research – hence, assisting basic research regarded as the main task and which is paid by the taxpayers. The employment statuses partly serve the aim of giving possibility for those Hungarian university lecturers who have the best scientific qualifications not to have the constraint to work as lawyers, have other practical professions or undertake administrative university work providing extra payment. These strict incompatibility rules are only applied in the case of researchers with full-time status; therefore, most researchers could undertake part-time employment (thereupon, some of the previously full-time employees also requested a part-time employment).

In order to make the research personnel more international, in addition to the above-mentioned English-language job vacancy posts and advertisements (through which two researchers and one visiting researcher were employed), the institute planned and has been planning to carry out further actions: (a) during 2013, an agreement with the Fulbright Foundation was concluded, whereby an American constitutional lawyer is going to work in the institute as a visiting researcher for 10 months beginning September 2014 (then annually for 10 months starting from September, for 3 years). (b) The institute is carrying out negotiations with the National University of Public Service in order to include other foreign researchers in the circulation of Hungarian legal science through a mutual fellowship program. (c) A German visiting professor will conduct research in the institute for 3 months in 2014 (starting from September 2014); additionally, a Polish visiting researcher is going to be enlisted for a whole year (with the support of the Visegrad Fund).

#### *a.2) Institutional transformation*

During the course of the year, the structure of the institute was also renewed. Now, research is organized around three organizational and thematic structures: (1) departments, (2) research groups and (3) research projects.

(1) The departments are administrative organizational units established along broadly understood research fields. In order to for a researcher to change affiliation in departments, s/he needs the approval of the director; every researcher is a member of only one department. The names of departments reflect the research priorities of the institute and serve as guidelines for the widening of personnel, as well. Tasks related to the functioning of each department are fulfilled by the applicable head of department. Heads of departments are also expected to form and co-ordinate the activities of at least one research group. Currently, three departments exist, reflecting the research priorities of the research unit in their names: (a) Department for the Study of Constitutionalism and the Rule of Law, (b) Department for the Study of the Domestic Implementation of International and European Law, and (c) Department for the Study of the Private, Criminal and Administrative Law Guarantees of Market Economy.

(2) Research groups are smaller scholarly-based research communities established for an indefinite period; they play an important role in the realization of the research objectives and are established to conduct research on a particular topic. These groups are composed in accordance with their respective research topics and may include researchers from several departments or other institutes. Researchers can simultaneously participate in more than one group; formal approval for membership is not needed; an informal agreement between the researcher and the head of department, which can be terminated any time, is sufficient. Tasks related to the functioning of a research group are fulfilled by the head of that research group, who is selected from among esteemed experts on the given research topic. Currently eight research groups are operating: (a) Research Group on Constitutional Theory (the working language is English, and its leader is foreign national); (b) Research Group for Interdisciplinary Legal Studies; (c) Research Group on Minority Rights; (d) Discussion Group on Public International Law; (e) MTA Lendület(Momentum)-HPOPs Research Group on possibilities of Hungarian public policy among frames of the European Union's legal system; (f) Discussion Group on Public International Law (in English); (g) Research Group of the Comparative Constitutional Law; and (h) Research Group on Multilevel Constitutionalism.

(3) Research projects are launched to conduct research on a specific topic for a definite period of time and are recognized as such by the Centre for Social Sciences. The members of the project staff are selected according to the project's research topic, and may include researchers from several departments, research groups or institutes. Researchers can simultaneously participate in more than one project. Tasks related to the management of research projects are fulfilled by its principal investigator. Research projects are typically funded by internal or external sources. In the year under review (and currently) the following projects have been operating in the institute: (a) The Science of Law. Essays in the Philosophy and History of Science, with Some Practical Advice; (b) Legal Culture in Hungary; (c) The Development of Electoral Laws and Party Systems in East-Central Europe; (d) CONREASON Project (in English); (e) Human Rights Encyclopaedia; (f) Hungarian open access online encyclopaedia of legal scholarship; (g) MTA Lendület (Momentum) Project on Hungary's public policy possibilities among frames of the European Union's legal system (the first Momentum project of legal subject is carried out under the aegis and professional supervision of the institute); (h) National Legal Bibliography; (i) Delay in Civil Procedure (in English); (j) Changes of Cardinal (Two-Thirds Majority) Laws in Hungary 2010-2014; (k)

The Person and Personhood in Law; and (l) The Enforcement of EU Law against Member States' Methods against Defiance (in English).

*a.3) Internal evaluation of the research and the procedures assisting the research*

The basic philosophy of the changes carried out in 2013 is to demand more from researchers; however, in turn, the institute can provide more infrastructural assistance. In this respect (based on regulation of the level of the Centre for Social Sciences), the research unit introduced a new scoring evaluation system, which strongly honours (as for the future, encourages) publishing abroad, in a *double blind peer reviewed* journal in English or other world languages. The reason behind this is to test the researchers in a stronger competitive environment, and subsequently to increase the international recognition of the institute.

In favour of its success, the researchers can apply for the mobility foundation of the Centre (=travel costs and participation fees of international conferences) and its international publication foundation (=proof-reading costs of foreign language manuscripts). Most of the applications were successful, which can also be seen in the increase of foreign language publications. On top of these, the Centre organized an *academic writing* course of six sessions for young researchers (inviting CEU professors), where several researchers of the institute participated.

The institute signed a cooperation agreement with CEU, pursuant to which the parties mutually open their events – and it actually works, as researchers frequently attend each other's various events. Our researchers are also admitted to CEU's library and can attend courses there.

In order to promote research in Hungarian, the research unit provided its own access code for the HVG-ORAC Jogkódex (Legal codex) database to researchers for the year under review. This database is not only a store of legislation but also contains digital versions of the publisher's (Jogkódex – Legal Codex) journals. Cambridge University Press online, containing foreign language legal periodicals, and EBSCO Legal Source are newly accessible databases. (As for previous Hungarian and foreign language databases, the institute subscribes to Complex on library computers and to eisz.hu on all computers, which contain JSTOR Archive, as well.)

It is also a significant improvement that the Library of the Parliament (LP) ensures access for every researcher. From the spring of 2014, the Library is going to provide journal-monitoring services for researchers and sends table of contents of journals upon the requests of researchers. Furthermore, negotiations are still in process with the Library on the modes of accessing its electronic database from offsite computers in the institute.

As a new institute, the research unit holds two-hour weekly workshops (on Thursdays), in which all researchers are required to participate. The workshops aim at discussing the almost prepared studies, project plans of various phases, probably monographs; therefore, the authors can get professional feedback and suggestions for modification before publishing (Internet publication). These events are not only useful for authors but for the audience, as well (especially for discussants), as they provide an opportunity for “intellectual exercise” of legal science and gaining information. Together with these objectives, the aim is to strengthen that mentality according to which texts of legal science can and always shall be improved; from this perspective, the feedback before publication is a useful tool. Western European faculty seminars provide a sample of this kind of discussion, and they are built on the presumption that the value of legal science studies mainly depends on the extent to which people can influence discourses of law and/or legal science. Works that are inadmissible or incomprehensible for the legal scholar community do not fulfil their function; whether the

work in question has any genius hidden content or not. This series of seminars provides institutional frameworks for testing the potential receptive scholar community. The events are not only open to the researchers of the institute but to the whole community of legal sciences (whether as a lecturer or member of the audience); researchers outside the institute shall consult the organizer of faculty seminars regarding participation in advance. All researchers have to present a manuscript at least once a year, and work has to be presented in English every two years. The languages of the faculty seminars are English and Hungarian. According to the rules, the language of the workshops is English on every first and third Thursday of the month; the rest will be held in Hungarian. For English language seminars, both the manuscripts (or project plans) and discussions are in English. On the one hand, this promotes the integration of foreign researchers. On the other hand, it simulates an international conference environment for Hungarian researchers; hence, the English language component assists the researchers' entry into international fora/discussions/dialogue by providing an opportunity to practice. In sum, it contributes to the conception of a bilingual (English and Hungarian) institute.

Last but not least, the institute regularly hosts book reviews of great professional interest. In the year under review, three such events were organized by the institute and six books were reviewed. Out of these four were written or edited by researchers of the institute (in one case, the researcher was a co-author), and one was written by a researcher working at the Centre but employed by another institute).

#### *a.4) Reformation of the website and publication fora*

The institute has a completely new website, which contains the most important information in both English and Hungarian. The aim is that the website not only provides information but content, simultaneously. To this end, the research unit uploaded digital contents (works by researchers). Going forward, volumes of *Állam- és Jogtudomány* (Studies in Law and Political Studies), as well as the newly published series of MTA Law Working Papers, will be uploaded to the website.

The journal entitled *Állam- és Jogtudomány* (Studies in Law and Political Studies) has been renewed, which, on the one hand, means stylistic improvements via the application of a professional copy editor; on the other hand, it means content filtering and improvement through the introduction of *double blind peer review*; thirdly, an aesthetic reformatting; and fourthly, a new editorial board (deans of faculties of law and academics) in favour of the symbolic positioning of the journal. The transformation required more time than expected; therefore, the volumes of the year under review will only be sent to the printer after the completion of this report; however, the Institute hopes that the process will be smoother in the future. Furthermore, researchers are now obligated to offer at least one manuscript annually for the publication in the journal. The digitalization of the journal will be mentioned later.

The MTA Law Working Papers series was launched as a new (online) publication forum in January 2014, which has an ISSN-number and in which present writings are promptly published in PDF format (citable with page numbers). This form of publication takes over the role of Publications of the Institute and that of Legal Compass (which has been partly taken over by the blog mentioned below).

The research unit introduced a Facebook profile for the institute, which is supposed to facilitate the dispersal of institute news and communication with Hungarian legal scholar community; it also set up a YouTube channel for the institute, where videos of the most important events (award ceremonies, conferences) will be uploaded. The research unit is planning to establish a weekly newsletter via e-mail, in order to disseminate information

about events held at various law faculties, provide assistance for lecturers of legal faculties, with the intention of informing the public on a common e-mail list about various events (announcements) organized by the faculties of law. The details will be negotiated with deans of the various faculties of law. A further plan is to set up an institute blog, which could promptly comment on events of current legal or jurisprudential importance. By means of this online sphere, the research unit also aims at facilitating communication, opening a new channel towards the public and making information more transparent. Finally, the institute is planning to set up a special search engine, which will search all freely accessible online Hungarian legal journals in one webpage. The main aim is to assist the work of Hungarian legal scholars, regardless of whether they are employed by the institute or not.

#### *a.5) Departments and their scientific results*

##### *a) Departments*

###### *Department for the Study of Constitutionalism and the Rule of Law*

Researchers within the department carry out researches within the fields of legal theory; constitutional theory; limiting the constitutional power: unconstitutional constitutional amendments; constitutional procedures; proportionality in constitutional law; constitutional reasoning; comparative and international constitutional law; European constitutional theory; human rights theory, practice and monitoring; corporate human rights obligations; comparative minority rights; anti-discrimination law; data protection; privacy law; ethno-racial data processing in the news media; the constitutional foundations of criminal law; the constitutional foundations of law enforcement; hate crimes and hate speech; transitional justice; anti-terrorist legislation and constitutional exceptionalism; conflict and post-conflict studies; legal education and legal didactics.

It is worth highlighting that the researchers take leading part in certain projects of constitutional reasoning; besides, some researchers published articles on constitutional reasoning in prestigious reviewed international journals as well as a path-breaker monograph of this subject had been published in Hungary.

Under the aegis of the department, the researchers take part in 3 research groups (Research Group on Constitutional Theory, Research Group on Minority Rights, Research Group on Multilevel Constitutionalism); furthermore, the researchers of the department participate in 5 projects of the institute and in 2 further projects of the Centre. It shall be noted that 2 researchers from abroad (from Austria and the US) started her/his research activity at the department in 2013, one of them is already the head of a research group.

Number of the researchers at the department: 13

###### *Department for the Study of the Domestic Implementation of International and European Law*

The Department for the Study of the Domestic Implementation of International Law and European Law is responsible, in proportion to its size, for covering a wide range of research topics. From these topics, as the reformulated research priorities of the institute and the name of the department suggest, the emphasis is placed on the traditional dogmatic and practice-oriented research of the relationship of international law, the law of the European Union and domestic law, which transcends a multitude of fields of law. In the field of international law, such additional research activities focus on the legal aspects of international peace and

security, the functioning and reform of international organizations, such as the United Nations and the World Trade Organization, the judicial settlement of international disputes, the creation and succession of states, the international protection of human rights and minorities, international criminal law, transitional justice, the fight against corruption, the theoretical and practical issues of nationality and statelessness, international environmental law, nuclear law, and the sources and history of international law.

In the field of the law of the European Union and private international law, members of the department conduct extensive investigations into the legal personality of the European Union, the interaction of accelerating integration, member state sovereignty and national interests, the federative elements in the system of European public law, the protection of fundamental rights and asylum policy, the role of the European ombudsman, the broadly understood competition law, the economic and financial, and budgetary and environmental policies, the commercial law, the law of civil procedure and the rules on conflict of laws of the European Union, the normative bases of European co-operation in criminal matters, the regulation of public services and new technologies, and certain theoretical questions of the European legal order.

It shall be noted that researchers of the department attach utmost importance to the application of the comparative method, as appropriate, which also involves the consideration of experiences of Central and Eastern European states. This approach substantially facilitates the justification of scientific findings concerning the domestic legal system, and offers a means to enhance the social and economic utility of research results.

It shall be emphasized that an outstanding monograph entitled *Nationality and State Succession* has been published by a researcher at the department, which is considered to be the first monograph within this field in Hungary. The publication endeavours to analyse the wide-scale aspects of nationality emerged from state succession, following the method of survey from the general issues to the special forms of state succession. The monograph includes case studies (some of them have Hungarian concerns), which outline the practical utility of the research.

Other significant and path-finder research is the volume of studies in the various fields of nuclear law in detail. The volume has 4 authors (3 among them are researchers at the department) and it deals with the international and domestic regulation on peaceful use of nuclear energy and nuclear disarmament in the light of the scientific approach; however these results can be utilized by the public in daily round, as well.

The OTKA-based project entitled *Legal Culture in Hungary - Theory and empirical research* (the principal investigator is a researcher at the institute) aims to measure and interpret major dimensions of the legal culture in Hungary, including knowledge and attitude indicators. After the system change no any comprehensive research project in the field has been carried out, except for a few specific research fields (such as legal culture of law students and the issues of institutional trust). The project is intended fill this gap focusing on the empirical research methods.

Under the aegis of the department, the researchers take part in 5 research groups (Research Group on Constitutional Theory, Research Group on Multilevel Constitutionalism, Research Group for Interdisciplinary Legal Studies, Discussion Group on Public International Law and MTA Lendület-HPOPs Research Group); furthermore, the researchers of the department participate in 3 projects of the institute, in 1 project of the Centre (Minor Incubator project) and in 2 external projects. It shall be noted that the personnel of the department has been increased by a visiting researcher from Germany in the year under review.

The MTA Lendület-HPOPs Research Group is attached (professionally) to this department, which examines the opportunities available under the European Union legal framework for

Hungary to achieve its own policy objectives and to evaluate on that basis the performance of Hungary as a Member State of the European Union.

The research group aims at (through the work transcending the traditional questions and approaching methods of the discipline) revealing such information of law and making them accessible that establish Hungary's successful EU membership and assist the solution of highlighted questions of public policy and efficient representation of the national interest in the European Union. The research promises results that may be directly used by the government and other policymakers, and are appropriate for the preparation of decisions of strategic issues. The research group started its substantive operation in the year under review with a staff of 6 people and with the formation of research infrastructure providing basis for and assisting the research.

Number of the researchers at the department: 19

*Department for the Study of the Private, Criminal and Administrative Law Guarantees of Market Economy*

The reorganized department serves the more precise representation of new and current problems in social sciences, and according to its profile, besides general questions of legal relations related to private law (general clauses of civil law, right of property, contract law, right to compensation, corporate law and law of inheritance, insurance law), it especially deals with the analysis of the relation between law and economics (economic analysis of law, public economics) and questions of comparative civil procedure (insolvency law, legal assistance).

The department is also involved with providing support for the preparatory work on the new Hungarian civil procedural law, as well as studying the impacts and supporting the implementation of the new civil code in practice. Via cooperating with researchers of other departments, researchers carry out analysis regarding the increasing role of human rights in legal relations of private law, problems of economic basic rights and the effect of the law of the European Union on private law.

During the analysis of the criminal law aspects of the market economy, besides the comprehensive research of economic criminal law and crimes, basic questions of criminal procedure are also considered to be significant.

Regarding the analysis of administrative law guarantees of market economy, the main direction is the effect of the changing national role on the place and role of public administration within the system of state authorities and competences. Within this, the structure of public administration, its functioning, history of development, foreign effect in the history of Hungarian public administration, the scrutiny of the European and international comparative administrative law, analysis in connection with public policy, governmental decisions, basic problems of public service and justification of law through public administration.

Researches connected to the application of law can be considered to be a special field in the activity of the department: procedural law aspects of hindering the delay in civil procedure, patterns of argumentation in Hungarian courts, judgement-theory and issues of administrative implementation of laws. Analysis is significantly complemented by aspects of sociology of law and law and economics. Hence, it can be ensured that results from legal analysis of guarantees of market economy can be used by wider circles of society and economy besides the narrower scientific, legislative and law enforcement sphere.

It is worth highlighting that a research on delay in civil procedure has been started in 2013 with the support of the Ministry for Administration and Justice, and will be concluded in



2014. Undue delay in litigation can occur for various reasons; among these, special attention should be paid to the use of dilatory tactics by the parties and their lawyers, which are capable of causing significant delay, even in those countries, where the average duration of proceedings is acceptable. In countries where the civil procedures are less vulnerable to dilatory tactics, the delaying behaviour of the parties can also substantially increase the average duration of the procedures.

The monograph on economic analysis of Hungarian contract law can be regarded as a significant result, in which the author (as a school-founder within this field in Hungary), reveals such subject with significant scientific applicability that basically determines the scientific thinking of the 21<sup>st</sup> century. Another researcher of the department published a monograph-like compilation on famous accusation speeches and pleas of recent years, which is especially useful for the wide public and the legal education in Hungary, and can serve the societal acceptance and approval of criminal procedures and the understanding of procedures that are of concern to society, as the author exemplifies some of the currently actual questions of criminal jurisdiction through famous historical examples.

Under the aegis of the department, the researchers take part in 4 research groups (Research Group on Minority Rights, Research Group of Administrative Studies, Research Group for Interdisciplinary Legal Studies, Research Group of Comparative Law); furthermore, the researchers of the department participate in 8 projects of the institute, in 1 project of the Centre (Minor Incubator project) and in 1 external project.

Number of the researchers at the department: 15

#### *b) Dialog between science and society*

Researchers of the Institute contributed to the scientific discourse, being in the focus of public attention, and disseminated academic knowledge in various fields. The events of the institute are almost without exception open to public (although subject to prior registration on occasion), and their program and highlights are always published on the institute's new, updated, and considerably informative bilingual (Hungarian and English) website. In addition to publication on the website, all events are circulated among relevant Hungarian research units via email and other electronic communication (and in the case of foreign language events, the researchers' professional contacts and certain foreign faculty units are informed as well).

As an event to be highlighted, in May 2013, the institute organized an international conference of great public interest on the justification of European Union law against member states and on relations connected to its enforcement (The Enforcement of EU Law against Member States). The supporters of this event were the embassies of the United States, France, the Netherlands and Sweden, as well as the French Institute; accordingly, numerous states (among them the USA and many EU member states) represented themselves at the highest – so to say at ambassadorial – level. Several of the conference lectures were given by internationally recognized, prestigious professionals, coming from Harvard and leading Western European universities. Approximately 100 persons took part in the conference (as attendees), and organizers and patrons evaluated the event as a great success. Since then, the extended draft of the conference proceedings has been accepted by the Oxford University Press for publication; the first discussion of manuscripts is going to be held in Berlin in July 2014, and the expected final publication is set for the beginning of 2015. The project started at the Hungarian Academy of Sciences. However, by now it has expanded into a common international project of the Academy, the Wissenschaftszentrum Berlin and the University of Groningen.

Aharon Barak (former Chief Justice of the Supreme Court of Israel, former Israeli Attorney General and professor at Hebrew University's Herzliya Centre, and a visiting professor of CEU, Yale, Toronto and Georgetown University) held a lecture in April 2013 under the title of *Human Dignity: The Constitutional Value and the Constitutional Right*.

In the summer of 2013, Anthony Kennedy, Associate Justice of the Supreme Court of the United States, held a lecture entitled *Judicial Ethics and the Rule of Law* at the institute with great success. On the unique event having unprecedented interest in the domestic scholar community, several rule of law-based questions were discussed from the point of view of legal science, and the audience also had the possibility to raise questions.

Beyond the scientific community, the institute also ensures the dissemination of information that are of concern to the public in frames of two continuously realized program series. As a public event, *research seminars* for the researchers' workshop papers are organized on Thursdays, where one of the two invited discussants is an external researcher, not having legal relationship with the institute. Additionally, the basis for a discussion series entitled *Changes of Cardinal (Two-Thirds Majority) Laws in Hungary 2010-2014* was recently laid down by the institute; the project started in January 2014. Numerous analyses have been written in connection with the new Hungarian Fundamental Law, but the professional investigation of the previous two-thirds and the current cardinal acts have been put to the background so far. Due to the numerous changes, only those who specialize in this area can understand the exact legal situation; however, analyses on the current situation are also not available for the wider professional community. This discussion series aims at filling this gap.

In the year under review, it is worth noting it is a milestone that the journal entitled *Állam- és Jogtudomány* (Studies in Law and Political Studies) – which has been in circulation for more than half a century – can now also be read in an electronic form as the result of the cooperation between the institute and the HVG-ORAC Publishing Company. After digital fixing and processing, issues from the year 2000 – starting with volume XLI – became parts of the freely downloadable HVG-ORAC *Jogkódex* (Legal codex); hence, the journal became accessible for anybody free of charge.

The institute, continuing a tradition tracing back several years (however, with renewed content), organized an award events in 2013 where the *Iuris Consulto Excellentissimo Award* (as lifetime achievement award as an oeuvre); the *Peschka Vilmos Medallion* for outstanding theoretical work; and *Pulszky Ágost Medallion* for work for legal science having practical relations were handed out. The decision on the award winners was made by a committee based on incoming nominations from deans of the Hungarian faculties of law.

The Institute, along with other institutes of the Centre, took part in the series of events entitled "Researchers' night" in 2013 as well, aiming to bring the non-professional public into legal scientific discourse and to spread the scientific results achieved by experts to the broader society, where there was an excellent opportunity for the dissemination of the achieved scientific results of the researchers. Under the aegis of the programme, five researchers of the Institute delivered lectures in 2013. Based upon the number of participants and their feedback, continued support and demand for this series is anticipated.

### **III. A presentation of national and international relations in 2013**

In the year under review, the research unit made a co-operation agreement with the Kúria (former Supreme Court of Hungary). Upon this agreement, the two partners are going to organize common events, and the institute (in return for payment) will deliver legal expertise for the Kúria. The first such expertise was completed in 2013.

The institute also signed a co-operation agreement with the Ministry of Administration and Justice; therefore, the institute has been supported by the Ministry with three half-employment statuses and the organization costs of a large-scale international conference under the aegis of the Delay in Civil Procedure project at the research unit. The result of the project will be a volume of proceedings (of the above-mentioned conference) in English.

According to the agreement concluded with the Constitutional Court of Hungary, numerous researchers are entitled to take part in the vocational training of the staff members at the Court.

Further, open negotiation processes for the sake of co-operation are being proceeded with the National Office for the Judiciary, the Opten Ltd., the Budapest Bar of Attorneys, the Chief Prosecutor's Office, and its research institute, the National Institute of Criminology.

During the year under review, the majority of researchers participated in professional activities as members of various national and international professional associations, including 58 national (Hungarian) and 42 international professional associations and six Hungarian branches of international professional associations.

Researchers of the institute also served as chairpersons of two national associations, as an honorary chairman of one, as deputy chairmen of two international associations and as a secretary-general (one researcher) of the Hungarian branch of an international association. Additionally, the researchers worked as members of editorial boards for 15 national and nine international scientific journals, and served as editors-in-chief or executive editors of three national scientific journals.

Since 2013, a previous researcher (German citizen) of Max Planck Institute for Comparative Public Law and International Law joined the institute; the current director of the Institute is simultaneously a leader of a research group in the above-mentioned institute; a third researcher of the institute is simultaneously a research fellow of Max Planck Institute for Foreign and International Criminal Law, Freiburg. Further, a new Austrian and an American colleague (both of whom started to work in 2013) contribute to the Institute's stronger participation in the international scientific sphere.

The workshop of one of the projects at the institute, the so-called CONREASON project dealing with argumentation techniques of comparative constitutional law was held in December 2013 in Heidelberg; its second workshop was held in February 2014 in Budapest. Cambridge University Press has agreed to publish the resulting volume of conference proceedings, and signed a contract with the editors in the year under review (expected publication: Spring 2015).

It is worth highlighting that in 2013, one researcher was selected as ordinary member of the Hungarian Academy of Sciences; another researcher obtained the Doctor of Science (DSc.) title; still another researcher was awarded the prestigious Széchenyi Prize (for the wide-scale, internationally recognized, decades-long scientific and scholarly activity in legal theory, noted efforts in education and public life, as well as his exceptional oeuvre); while yet another researcher was awarded the Order of Merit of the Hungarian Republic, Officer's Cross on 20<sup>th</sup> August 2013 for his fifteen years of activity in connection with the codification of the new Civil Code; furthermore, another researcher was awarded the Order of Merit of the Hungarian Republic, Officer's Cross for the researcher's high-quality theoretical and significant practical activity on the field of Hungarian criminal law and law of criminal procedure. One researcher was also awarded the Youth Award of the Academy for the monograph entitled *The Paradigms of the Modern Comparative Law*; the same researcher takes part (as an editor and author) in the editing activity of the prestigious work entitled *Ius Commune Case Books Horizontal Effects of Primary European Law*.

At its annual meeting held in Strasbourg, one researcher was elected as Vice-Chair of the Group of Independent Experts (operating under the aegis of the Council of Europe) for a four-year term.

The overwhelming majority of the institute's researchers were involved in teaching in bachelor, master and doctoral programmes of several institutions, such as the Budapest College of Management, Universität Wien, Corvinus University of Budapest, Budapest University of Technology and Economics, University of Debrecen, Eötvös Loránd University of Sciences, Universität Heidelberg, Károli Gáspár University of the Reformed Church, Central European University, University of Miskolc, University of West Hungary, Pázmány Péter Catholic University, University of Pécs, Sapientia Hungarian University of Transylvania, Semmelweis Ignác University of Medicine, Széchenyi István University and National University of Public Service.

In the year under review, researchers taught 147 theoretical courses and 117 seminars, and supported the work of students in the completion of 164 theses at Masters level, which proves the high-level quality of their teaching skills. During this period, one researcher served as the head of a doctoral school, 15 researchers were involved in teaching in postgraduate doctoral schools, and 9 research fellows participated as core members in certain doctoral schools. Research fellows of the institute acted as supervisors in the preparation of altogether 43 PhD theses.

The agreements between the Hungarian Academy of Sciences and other academies of sciences or research centres provided a good basis for maintaining international relations and for joint research programmes. The co-operation between the institute and the Czech and Ukrainian partners has successfully continued. In addition, more researchers took part in the work of the EU Fundamental Rights Agency (research unit for fundamental rights).

#### **IV. Brief summary of national and international research proposals, winning in 2013**

A project entitled *MTA Lendület (Momentum) HPOPS – Hungary's opportunities of public policy in the European Union – analysis of legal frames* (1<sup>st</sup> September 2013 – 31<sup>st</sup> August 2018) was set forth in the year under review and carries out researches of Hungary's opportunities of public policy within the framework of the legal system of the European Union. The research can directly be used by the government and other political actors, as it promises results adequate for the preparation of decisions of significant nature. The research group started its substantive operation in the year under review with a staff of six people and with the formation of a research infrastructure.

A project entitled *OTKA K/105552 Legal Culture in Hungary - Theory and Empirical Research* (1<sup>st</sup> October 2012 – 30<sup>th</sup> September 2015) was continued in the year under review. The analysis of relevant legal literature and previous Hungarian antecedents of the subject was started, and after the elaboration of the theoretical framework of the research, even the publication of certain partial results has been disseminated, mainly in studies in English.

The project entitled *RED Network Combating Racism, Xenophobia and Intolerance* (31<sup>st</sup> February 2011 – 31<sup>st</sup> January 2013) ended in the year under review, resulting in an up-to-date, complex and online database which publishes indicators, and database and documents referring to RED Atlas Hungary.

In frames of research conducted under the aegis of *European Union Agency for Fundamental Rights* (FRALEX) (2011-2015), researchers published annual and national reports and

thematic articles for the Agency, out of which 15 reports were individual works; they carried out expert activities in case of other two reports.

## V. List of important publications in 2013

1. Fekete Balázs: The Revival of Comparative Law in a Socialist Country: The Impact of Imre Szabó and Gyula Eörsi on the Development of Hungarian Comparative Law. REVIEW OF CENTRAL AND EAST EUROPEAN LAW 38:(1) 37-52. (2013)

<http://real.mtak.hu/cgi/users/home?screen=EPrint::View&eprintid=9791>

2. Gajduschek György: Civil Service in CEE Countries: Where Institutions do not Work?: A Subjective Account on and Interpretation of Session 4 of TED5. NISPACEE JOURNAL OF PUBLIC ADMINISTRATION AND POLICY 5:(2) 161-168. (2013)

<http://real.mtak.hu/cgi/users/home?screen=EPrint::View&eprintid=10213>

3. Ganczer Mónika: Állampolgárság és államutódlás [Nationality and State Succession]. Budapest; Pécs: Dialóg Campus Kiadó, 342. (2013) (ISBN:978-615-5376-22-1)

<http://real.mtak.hu/cgi/users/home?screen=EPrint::View&eprintid=9793>

4. Jakab András: Judicial Reasoning in Constitutional Courts: A European Perspective. GERMAN LAW JOURNAL 14. 1215-1278. (2013)

<http://real.mtak.hu/cgi/users/home?screen=EPrint::View&eprintid=9832>

5. Koi Gyula: Évszázadok mezsgyéjén: Négy magyar közigazgatás-tudós útkeresése és életpéldája [On the Boundaries of Decades. Four Hungarian Scholars of Administration and their Life Stories and their Seeking-of-Ways]. Budapest: Nemzeti Közzolgálati és Tankönyvkiadó, (ISBN:978-615-5344-41-1) (2013)

<http://real.mtak.hu/cgi/users/home?screen=EPrint::View&eprintid=9792>

6. Lamm Vanda (szerk.): Nukleáris jog a 21. század első évtizedeiben [Nuclear Law in the First Decades of the 21st Century]. Budapest: Complex Kiadó, 177. (2013) (ISBN:978 963 295 339 7)

<http://real.mtak.hu/cgi/users/home?screen=EPrint::View&eprintid=9794>

7. Nótári Tamás: Staatsdenken und forensische Taktik in Ciceros Ligariana [Thoughts on State and the Forensic Tactic in Cicero's Ligariana]. FUNDAMINA - A JOURNAL OF LEGAL HISTORY 1: 12-27. (2013)

<http://real.mtak.hu/cgi/users/home?screen=EPrint::View&eprintid=9790>

8. Szalai Ákos: A magyar szerződési jog gazdasági elemzése [The Economic Analysis of the Hungarian Law of Contracts]. Budapest: L'Harmattan, (ISBN:978 963 236 716 3) 617. (2013)

<http://real.mtak.hu/cgi/users/home?screen=EPrint::View&eprintid=9787>

9. Sente Zoltán: Érvelés és értelmezés az alkotmányjogban [Argumentation and Interpretation in Constitutional Law]. Budapest; Pécs: Dialóg Campus Kiadó, (Institutiones Juris) (ISBN:978 615 5376 05 4) 256. (2013)

<http://real.mtak.hu/cgi/users/home?screen=EPrint::View&eprintid=9834>

10. Tóth Mihály (szerk.): Híres magyar perbeszédék: A közelmúlt nevezetes vád- és védőbeszédai [Noted Hungarian Pleadings: Famous Charges and Pleas of the Recent Past]. Budapest; Pécs: Dialóg Campus Kiadó, (ISBN:978-963-9950-92-4) (2013)  
<http://real.mtak.hu/cgi/users/home?screen=EPrint::View&eprintid=9836>