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The Fundamental Law of Hungary -- Part I



{ Adopted on: 18 Apr 2011 }

{ Last Amendment: 11 Mar 2013 }

{ ICL Document Status: 1 Oct 2013 }

{ Editor's Notes:

The ICL edition is based on a translation of the Hungarian Fundamental Law by the [government](#). It includes all amendments to the Fundamental Law until 1 Oct 2013. We have added minor corrections, changed the British-style 'shall' predominance to more definite wording, worked in the ICL formatting, and included article, title, as well as chapter headings. }

Preamble

We, The Members of the Hungarian Nation, at the beginning of the new millennium, with a sense of responsibility for every Hungarian, hereby proclaim the following:

We are proud that our king Saint Stephen built the Hungarian State on solid ground and made our country a part of Christian Europe one thousand years ago.

We are proud of our forebears who fought for the survival, freedom and independence of our country.

We are proud of the outstanding intellectual achievements of the Hungarian people.

We are proud that our people has over the centuries defended Europe in a series of struggles and enriched Europe's common values with its talent and diligence.

We recognize the role of Christianity in preserving nationhood. We value the various religious traditions of our country.

We promise to preserve the intellectual and spiritual unity of our nation torn apart in the storms of the last century.

We proclaim that the nationalities living with us form part of the Hungarian political community and are constituent parts of the State.

We commit to promoting and safeguarding our heritage, our unique language, Hungarian culture, the languages and cultures of nationalities living in Hungary, along with all man-made and natural assets of the Carpathian Basin. We bear responsibility for our descendants; therefore we protect the living conditions of future generations by making prudent use of our material, intellectual and natural resources.

We believe that our national culture is a rich contribution to the diversity of European unity.

We respect the freedom and culture of other nations, and strive to cooperate with every nation of the world.

We hold that human existence is based on human dignity.

We hold that individual freedom can only be complete in cooperation with others.

We hold that the family and the nation constitute the principal framework of our coexistence, and that our fundamental cohesive values are fidelity, faith and love. We hold that the strength of community and the honor of each man are based on labor, an achievement of the human mind.

We hold that we have a general duty to help the vulnerable and the poor.

We hold that the common goal of citizens and the State is to achieve the highest possible measure of well-being, safety, order, justice and liberty.

We hold that democracy is only possible where the State serves its citizens and administers their affairs in an equitable manner, without prejudice or abuse.

We honor the achievements of our historical constitution and we honor the Holy Crown, which embodies the constitutional continuity of Hungary's statehood and the unity of the nation.

We do not recognize the suspension of our historical constitution due to foreign occupations. We deny any statute of limitations for the inhuman crimes committed against the Hungarian nation and its citizens under the national socialist and the communist dictatorship.

We do not recognize the communist constitution of 1949, since it was the basis for tyrannical rule; therefore we proclaim it to be invalid.

We agree with the Members of the first free National Assembly, which proclaimed as its first decision that our current liberty was born of our 1956 Revolution.

We date the restoration of our country's self-determination, lost on the nineteenth day of March 1944, from the second day of May 1990, when the first freely elected organ of popular representation was formed. We consider this date to be the beginning of our country's new democracy and constitutional order.

We hold that after the decades of the twentieth century, which led to a state of moral decay, we have an abiding need for spiritual and intellectual renewal.

We trust in a jointly-shaped future and the commitment of younger generations. We believe that our children and grandchildren will make Hungary great again with their talent, persistence and moral strength. Our Fundamental Law is the basis of our legal order; it forms an alliance among Hungarians of the past, present and future. It is a living framework, which expresses the nation's will and the form in which we want to live.

We, the citizens of Hungary, are ready to found the order of our country upon the common endeavors of the nation.

[Part] I [Foundation]

Article A [Name]

The name of our Country is Hungary.

Article B [State Principles]

- (1) Hungary is an independent, democratic rule-of-law State.
- (2) The form of government of Hungary is a republic.
- (3) The source of public power are the people.
- (4) The power must be exercised by the people through elected representatives or, in exceptional cases, directly.

Article C [Separations of powers, Right to resistance]

- (1) The functioning of the Hungarian State is based on the principle of division of powers.
- (2) No one may act with the aim of acquiring or exercising power by force, and/or of exclusively possessing it. Everyone has the right and obligation to resist such attempts in a lawful way.
- (3) The State has the right to use coercion in order to enforce the Fundamental Law and legal regulations.

Article D [Hungarians citizens domiciled abroad]

Bearing in mind that there is one single Hungarian nation that belongs together, Hungary bears responsibility for the fate of Hungarians living beyond its borders, facilitates the survival and development of their communities, supports their efforts to preserve their Hungarian identity, the effective use of their individual and collective rights, the establishment of their community self-governments, and their prosperity in their native lands, and promotes their cooperation with each other and with Hungary.

Article E [Relation to the European Union]

- (1) In order to enhance the liberty, well-being and security of the people of Europe, Hungary contributes to the creation of European unity.
- (2) With a view to participating in the European Union as a Member State and on the basis of an international treaty, Hungary may, to the extent necessary to exercise the rights and fulfill the obligations deriving from the Founding Treaties, exercise some of its competences set out in the Fundamental Law jointly with other Member States, through the institutions of the European Union.
- (3) The law of the European Union may, within the framework set out in Paragraph (2), lay down generally binding rules of conduct.
- (4) For the authorization to recognize the binding force of an international treaty referred to in Paragraph (2), the votes of two-thirds of the Members of the National Assembly are required.

Article F [Capital, Territorial Allocation]

- (1) The capital of Hungary is Budapest.

(2) The territory of Hungary consists of the capital, counties, cities and towns, as well as villages. The capital, as well as the cities and towns may be divided into districts.

Article G [Citizenship]

- (1) The child of a Hungarian citizen is a Hungarian citizen by birth. A cardinal Act may specify other cases of the origin or acquisition of Hungarian citizenship.
- (2) Hungary must protect its citizens.
- (3) No one is to be deprived of Hungarian citizenship established by birth or acquired in a lawful manner.
- (4) The detailed rules for citizenship are to be laid down in a cardinal Act.

Article H [National Language and, Culture]

- (1) In Hungary the official language is Hungarian.
- (2) Hungary protects the Hungarian language.
- (3) Hungary protects the Hungarian Sign Language as a part of the Hungarian culture.

Article I [Coat of arms, National Flag and Anthem]

- (1) The coat of arms of Hungary is a vertically divided shield with a pointed base. The left field contains eight horizontal bars of red and silver. The right field has a red background and depicts a base of three green hills with a golden crown atop the higher central hill from which raises a silver patriarchal cross. The Holy Crown rests on top of the shield.
- (2) The flag of Hungary features three horizontal bands of equal width colored red, white and green from top to bottom as the symbols of strength, fidelity and hope, respectively.
- (3) The national anthem of Hungary is the poem Himnusz by Kölcsey Ferenc set to music by Erkel Ferenc.
- (4) The coat of arms and the flag may also be used in other historically developed forms. The detailed rules for the use of the coat of arms and the flag, as well as the state decorations are to be laid down in a cardinal Act.

Article J [National Holidays]

- (1) The national holidays of Hungary are:
 - a. the 15th day of March, in memory of the 1848--49 Revolution and War of Independence;
 - b. the 20th day of August, in memory of the foundation of the State and King Saint Stephen the State Founder;
 - c. the 23rd day of October, in memory of the 1956 Revolution and War of Independence.
- (2) The official state holiday is the 20th day of August.

Article K [Currency]

The official currency of Hungary is the forint.

Article L [Marriage, Family]

- (1) Hungary protects the institution of marriage as the union of a man and a woman established by voluntary decision, and the family as the basis of the survival of the nation. Family ties are based on marriage and/or the relationship between parents and children.
- (2) Hungary encourages the commitment to have children.
- (3) The protection of families is to be regulated by a cardinal Act.

Article M [Economic Principles]

- (1) The economy of Hungary is based on work which creates value, and on freedom of enterprise.
- (2) Hungary ensures the conditions of fair economic competition. Hungary acts against any abuse of a dominant position, and protects the rights of consumers.

Article N [Government Expenditures]

- (1) Hungary observes the principle of balanced, transparent and sustainable budget management.
- (2) The National Assembly and the Government have primary responsibility for the observance of the principle referred to in Paragraph (1).
- (3) In performing their duties, the Constitutional Court, courts, local governments and other state organs are obliged to respect the principle referred to in Paragraph (1).

Article O [Individual and Social Responsibility]

Everyone is responsible for him- or herself, and is obliged to contribute to the performance of state and community tasks according to his or her abilities and possibilities.

Article P [Preservation of Natural Resources]

(1) Natural resources, in particular arable land, forests and the reserves of water, biodiversity, in particular native plant and animal species, as well as cultural assets form the common heritage of the nation; it is the obligation of the State and everyone to protect and maintain them, and to preserve them for future generations.

(2) The limits and conditions for acquisition of ownership and for use of arable land and forests necessary for achieving the objectives referred to in Paragraph (1), as well as the rules concerning the organization of integrated agricultural production and concerning family farms and other agricultural holdings are to be laid down in a cardinal Act.

Article Q [International Peace and Law]

(1) In order to create and maintain peace and security, and to achieve the sustainable development of humanity, Hungary strives for cooperation with all the peoples and countries of the world.

(2) In order to comply with its obligations under international law, Hungary ensures that Hungarian law is in conformity with international law.

(3) Hungary accepts the generally recognized rules of international law. Other sources of international law become part of the Hungarian legal system by promulgation in legal regulations.

Article R [Relevant Law]

(1) The Fundamental Law is the foundation of the legal system of Hungary.

(2) The Fundamental Law and legal regulations is binding on everyone.

(3) The provisions of the Fundamental Law are to be interpreted in accordance with their purposes, the National Avowal contained therein and the achievements of our historical constitution.

Article S [Adoption and Amendment of Fundamental Law]

(1) A proposal for the adoption of a new Fundamental Law or for the amendment of the Fundamental Law may be submitted by the President of the Republic, the Government, any parliamentary committee or any Member of the National Assembly.

(2) For the adoption of a new Fundamental Law or the amendment of the Fundamental Law, the votes of two-thirds of the Members of the National Assembly is required.

(3) The Speaker of the National Assembly signs the adopted Fundamental Law or the adopted amendment of the Fundamental Law within five days and sends it to the President of the Republic. The President of the Republic signs the Fundamental Law or the amendment of the Fundamental Law sent to him within five days of receipt and orders its promulgation in the official gazette. If the President of the Republic finds that any procedural requirement laid down in the Fundamental Law with respect to adoption of the Fundamental Law or the amendment of the Fundamental Law has not been met, he or she requests the Constitutional Court to examine the issue. Should the examination by the Constitutional Court not establish the violation of such requirements, the President of the Republic immediately signs the Fundamental Law or the amendment of the Fundamental Law, and orders its promulgation in the official gazette.

(4) The designation of the amendment of the Fundamental Law in its promulgation must include the title, the serial number of the amendment and the day of promulgation.

Article T [Relevant Law, Cardinal Acts]

(1) Generally binding rules of conduct may be laid down in the Fundamental Law or in legal regulations adopted by an organ having legislative competence and specified in the Fundamental Law that are promulgated in the official gazette. A cardinal Act may lay down different rules for the promulgation of local government decrees, and of legal regulations adopted during a special legal order.

(2) Legal regulations are Acts, government decrees, prime ministerial decrees, ministerial decrees, decrees of the Governor of the National Bank of Hungary, decrees of the heads of autonomous regulatory organs and local government decrees. In addition, decrees of the National Defense Council adopted during a state of national crisis and decrees of the President of the Republic adopted during a state of emergency also form legal regulations.

(3) No legal regulation may conflict with the Fundamental Law.

(4) Cardinal Acts are Acts, for which the adoption or amendment requires the votes of two-thirds of the Members of the National Assembly present.

Article U [Relation to the former Socialist Government]

(1) The form of government based on the rule of law, established in accordance with the will of the nation through the first free elections held in 1990, and the previous communist dictatorship are incompatible. The Hungarian Socialist Workers' Party and its legal predecessors and the other political organizations established to serve them in the spirit of communist ideology were criminal organizations, and their leaders bear responsibility without statute of limitations for:

- a. maintaining and directing an oppressive regime, violating the law and betraying the nation;
- b. thwarting with Soviet military assistance the democratic attempt built on a multi-party system in the years after World War II;
- c. establishing a legal order built on the exclusive exercise of power and unlawfulness;
- d. putting an end to the economy based on the freedom of property and indebting the country;
- e. submitting Hungary's economy, national defense, diplomacy and human resources to foreign interests;
- f. systematically devastating the traditional values of European civilization;
- g. depriving citizens and certain groups of citizens of their fundamental human rights or seriously restricting such rights, in particular for murdering people, delivering them to foreign power, unlawfully imprisoning them, deporting them to forced labor camps, torturing them and subjecting them to inhuman treatment; arbitrarily depriving citizens of their assets, restricting their rights to property; totally depriving citizens of their liberties, submitting the expression of political opinion and will to coercion by the State; discriminating against people on the grounds of origin, world view or political belief, impeding their advancement and success based on knowledge, diligence and talent; setting up and operating a secret police to unlawfully observe and influence the private lives of people;
- h. suppressing with bloodshed, in cooperation with Soviet occupying forces, the Revolution and War of Independence which broke out on 23 October 1956, the ensuing reign of terror and retaliation, and the forced flight of two hundred thousand Hungarian people from their native country;
- i. all ordinary criminal offences committed for political motives and left unprosecuted by the justice system for political motives.

Political organizations having gained legal recognition during the democratic transition as legal successors of the Hungarian Socialist Workers' Party continue to share the responsibility of their predecessors as beneficiaries of their unlawfully accumulated assets.

(2) With regard to Paragraph (1), the operation of the communist dictatorship must be realistically revealed and society's sense of justice must be ensured in accordance with Paragraphs (3) to (10).

(3) In order for the State to preserve the memory of the communist dictatorship, a Committee of National Memory operates. The Committee of National Memory reveals the operation of the communist dictatorship in terms of power and the role of individuals and organizations that held communist power, and publishes the results of its activity in a comprehensive report and other documents.

(4) The holders of power under the communist dictatorship are obliged to tolerate statements of facts about their roles and acts related to the operation of the dictatorship, with the exception of deliberate statements that are untrue in essence; their personal data related to such roles and acts may be disclosed to the public.

(5) The pensions or any other benefits provided by the State under legal regulations to leaders of the communist dictatorship specified in an Act may be reduced to the extent specified in an Act; the arising revenues are to be used to mitigate the injuries caused by the communist dictatorship and to keep alive the memory of victims as provided for by an Act.

(6) Serious criminal offences laid down in an Act which were committed against Hungary or persons under the communist dictatorship in the name or in the interest of, or in agreement with the party-state and which were left unprosecuted for political reasons by ignoring the Act on criminal law in force at the time of commission, may not be considered as time-barred.

(7) The criminal offences referred to in Paragraph (6) become time-barred on the expiry of the period determined in the Act on criminal law in force at the time of commission, to be calculated as of the day of the entry into force of the Fundamental Law, provided that they would have become time-barred by 1 May 1990 under the Act on criminal law in force at the time of commission.

(8) The criminal offences referred to in Paragraph (6) become time-barred on the expiry of the period between the date of commission and 1 May 1990, to be calculated as of the day of the entry into force of the Fundamental Law, provided that they would have become time-barred between 2 May 1990 and 31 December 2011 under the Act on criminal law in force at the time of commission and that the perpetrator

was not prosecuted for the criminal offence.

(9) No legal regulation may establish new legal grounds for compensation providing financial or any other pecuniary payment to individuals who were unlawfully deprived of their lives or freedom for political reasons and who suffered undue property damage by the State, before 2 May 1990.

(10) The documents of the communist state party, of civil society organizations and youth organizations established with the contribution of and/or influenced directly by the communist state party, and of trade unions, created during the communist dictatorship are property of the State and must be deposited in public archives in the same way as the files of organs performing public duties.

For methodology see: [Comparing Constitutions and International Constitutional Law](#).
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