

Analyses of the Constitutional Identity in Hungary: A Case Study on the Concept of Constitutionalism and Legal Continuity in New Fundamental Law of Hungary

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Abstract : The aim of this paper is to provide an overview of the legal history of constitutionalism in Hungary, in focus of the democratic transitions in 1989-1990, describing the historical and political background of the changes and presenting the main and most important features of the new democracy, and institutional and legal orders. In Hungary the evolved political, economic and moral crisis prior to the constitutional years 2010-11 had been such a constitutional moment, which led to an opportune and unavoidable change at the same time. The Hungarian constitutional power intended to adopt a new constitution, which was competent to create a common constitutional identity and to express a national unity. The Hungarian Parliament on 18th April 2011 passed the New Fundamental Law. The new Fundamental Law rich in national values meant a new challenge for the academics, lawyers, and political scientists. Not only the classical political science, but also the constitutional law and theory have to struggle with the interpretation of the new declarations about national constitutional values in the Fundamental Law. The main features and structure of the new Fundamental Law will be analysed, and given a detailed interpretation of the Preamble as a declaration of constitutional values. During the examination of the Preamble shall be cleared up the components of Hungarian statehood and national unity, individual and common human rights, the practical and theoretical demand on national sovereignty, and the content and possibilities for the interpretation of the achievements of the historical Constitution. These scopes of problems will be presented during the examination of the text of National Avowal, as a preamble of the Fundamental Law. It is examined whether the Fundamental Law itself could be suitable and sufficient means to citizens of Hungary to express the ideas therein as their own, it will be analysed how could the national and European common traditions, values and principles stated in the Fundamental Law mean maintenance in Hungary's participation in the European integration.

Keywords : common constitutional values, constitutionalism, national identity, national sovereignty, national unity, statehood

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