

The Renewed Constitutional Roots of Agricultural Law in Hungary in Line with Sustainability

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Abstract : The study analyzes the special provisions of the highest level of national agricultural legislation in the Fundamental Law of Hungary (25 April 2011) with descriptive, analytic and comparative methods. The agriculturally relevant articles of the constitution are very important, because -in spite of their high level of abstraction- they can determine and serve the practice comprehensively and effectively. That is why the objective of the research is to interpret the concrete sentences and phrases in connection with agriculture compared with the methods of some other relevant constitutions (historical-grammatical interpretation). The major findings of the study focus on searching for the appropriate provisions and approach capable of solving the problems of sustainable food production. The real challenge agricultural law must face with in the future is protecting or conserving its background and subjects: the environment, the ecosystem services and all the 'roots' of food production. In effect, agricultural law is the legal aspect of the production of 'our daily bread' from farm to table. However, it also must guarantee the safe daily food for our children and for all our descendants. In connection with sustainability, this unique, value-oriented constitution of an agrarian country even deals with uncustomary questions in this level of legislation like GMOs (by banning the production of genetically modified crops). The starting point is that the principle of public good (principium boni communis) must be the leading notion of the norm, which is an idea partly outside the law. The public interest is reflected by the agricultural law mainly in the concept of public health (in connection with food security) and the security of supply with healthy food. The construed Article P claims the general protection of our natural resources as a requirement. The enumeration of the specific natural resources 'which all form part of the common national heritage' also means the conservation of the grounds of sustainable agriculture. The reference of the arable land represents the subfield of law of the protection of land (and soil conservation), that of the water resources represents the subfield of water protection, the reference of forests and the biological diversity visualize the specialty of nature conservation, which is an essential support for agrobiodiversity. The mentioned protected objects constituting the nation's common heritage metonymically melt with their protective regimes, strengthening them and forming constitutional references of law. This regimes also mean the protection of the natural foundations of the life of the living and also the future generations, in the name of intra- and intergenerational equity.

Keywords : agricultural law, constitutional values, natural resources, sustainability

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