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Comparative constitutional law

Historical development

The socialist constitutions

- Copy of the Const. of the Soviet Union
- Descriptive constitution, not normative
- Serving political purposes
- One party system (HSWP) based on the sovjet model
- Paralelity between state organs and HSWP
- Unity of state power (P is formal, Presidential Council, Council of Ministers, no local government)
- Centralised economy, no private property
- Human Rights – conditionality
- Mid 80's - crisis $\Rightarrow$ transition

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PÉCSI TUDOMÁNYEGYETEM
ÁLLAM- ÉS JOGTUDOMÁNYI KAR

Croatia



Socialist Federal
Republic of
Yugoslavia



1990-1991
Election and
referendum



Franjo Tuđman

Former Yugoslavia during war front lines in 1993

● capital cities (name in brackets)

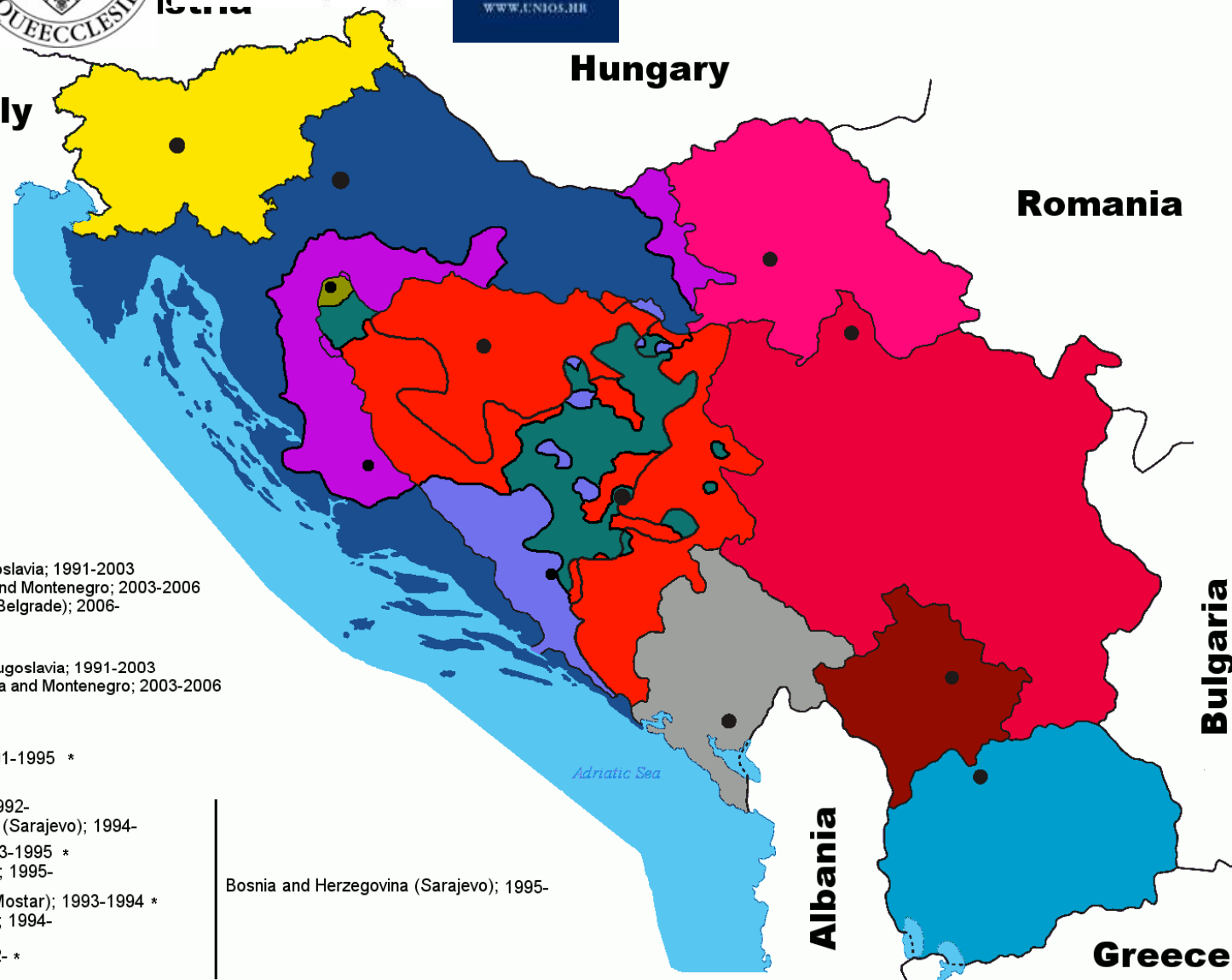
- Slovenia (Ljubljana); 1991-
- Macedonia (Skopje); 1991-
- Central Serbia (Belgrade)
- Serbia - Vojvodina (Novi Sad)
- Kosovo (Prishtina); 1999-
- Montenegro (Podgorica); 2006-
- Croatia (Zagreb); 1991-
- Republic of Serbian Krajina (Knin); 1991-1995 *
- Bosnia and Herzegovina (Sarajevo); 1992-
- Federation of Bosnia and Herzegovina (Sarajevo); 1994-
- Western Bosnia (Velika Kladuša); 1993-1995 *
- Federation of Bosnia and Herzegovina; 1995-
- Croatian Republic of Herzeg-Bosnia (Mostar); 1993-1994 *
- Federation of Bosnia and Herzegovina; 1994-
- Republic of Srpska (Banja Luka); 1992- *

FR Yugoslavia; 1991-2003
Serbia and Montenegro; 2003-2006
Serbia (Belgrade); 2006-

FR Yugoslavia; 1991-2003
Serbia and Montenegro; 2003-2006

Bosnia and Herzegovina (Sarajevo); 1995-

* Means that that entity was not internationally recognized



Hungary

1947-1949: election 1: communists 22%-dominated in the coalition government; election 2: single slate consisting only the communists and supporters

Transformation in accordance with communist policies

1953-1956: liberalisation, discontent (**1956**), strict political control again

1967-: strict control was softened, New Economic Mechanism, emerging of own ideas

1949 Constitution

Amendments to the 1949 Constitution (**1972**)

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PÉCSI TUDOMÁNYEGYETEM
ÁLLAM- ÉS JOGTUDOMÁNYI KAR

Hungary



Hungary

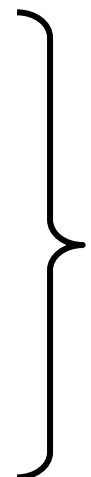
- Peaceful, negotiated transition; 1987, sped up spring 1989
- Bills: CC, right to assembly and association, strike, plebiscit, travelling abroad (emigration) etc.



**Huan Socialist
Workers' Party**

**Round Table –
Opposition**

Third negotiator



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PÉCSI TUDOMÁNYEGYETEM
ÁLLAM- ÉS JOGTUDOMÁNYI KAR

Hungary – National Round Table



Hungary – Total revisions of the Constitution (1989/1990)

- New norms in old structure
- Republic, multi-party system, division of powers (separation of state power)
- Parliamentary democracy (G responsible to P)
- Constructive vote of no confidence
- CC, Court of Audits, Ombudsman
- HRs (inviolable, inalienable)
- Economic order: market economy, right to property
- Determination of the coat of arms
- **Spring** 1990, free elections; **Closing**: autumn 1990, election of local governments

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PÉCSI TUDOMÁNYEGYETEM
ÁLLAM- ÉS JOGTUDOMÁNYI KAR

Hungary – Electoral campaign 1990



TESSÉK VÁLASZTANI



Brezhnev and Honecker

Choose, please!

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PÉCSI TUDOMÁNYEGYETEM
ÁLLAM- ÉS JOGTUDOMÁNYI KAR

Cases

HU

11/1992 (III. 5.) ABH

CZ

US 19/93 'Lawlessness'

CROATIA

Socialist constitutions:

- 1946 – Constitution of the FDRY;
- 1953 – Constitutional Law of the FPRY;
- 1963 – Constitution of SFRY;
- 1967, 1968 and 1971 – Constitutional Amendments;
- **1974 – Constitution of SFRY – *each republic had the option to declare independence from the federation!***

CROATIA

Transition process:

1. TYPICAL
2. ATYPICAL – democratization + state building + WAR
 - o *free multiparty elections April/May 1990;*
 - o **22 December 1990** – “Christmas Constitution”;
 - o *19 May 1991 – independence referendum;*
 - o **25 June 1991**: *Constitutional Decision + Declaration* = establishment of the sovereign and independent Republic of Croatia;
 - o **8 October 1991** – *independent and autonomous*

CROATIA

Promulgation of the
Constitution on
22 December 1990



CROATIA – HOMELAND WAR 1991-1995



CROATIA

FOUR REVISIONS OF THE CONSTITUTION:

1. 18 December 1997
2. November 2000
3. March 2001
4. 16 June 2010



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Thank you for your attention!