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Comparative constitutional law

Historical development

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PÉCSI TUDOMÁNYEGYETEM

ÁLLAM- ÉS JOGTUDOMÁNYI KAR

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, Presidencial 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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Croatia



Socialist Federal
Republic of
Yugoslavia



1990-1991
Election and
referendum



Franjo Tuđman

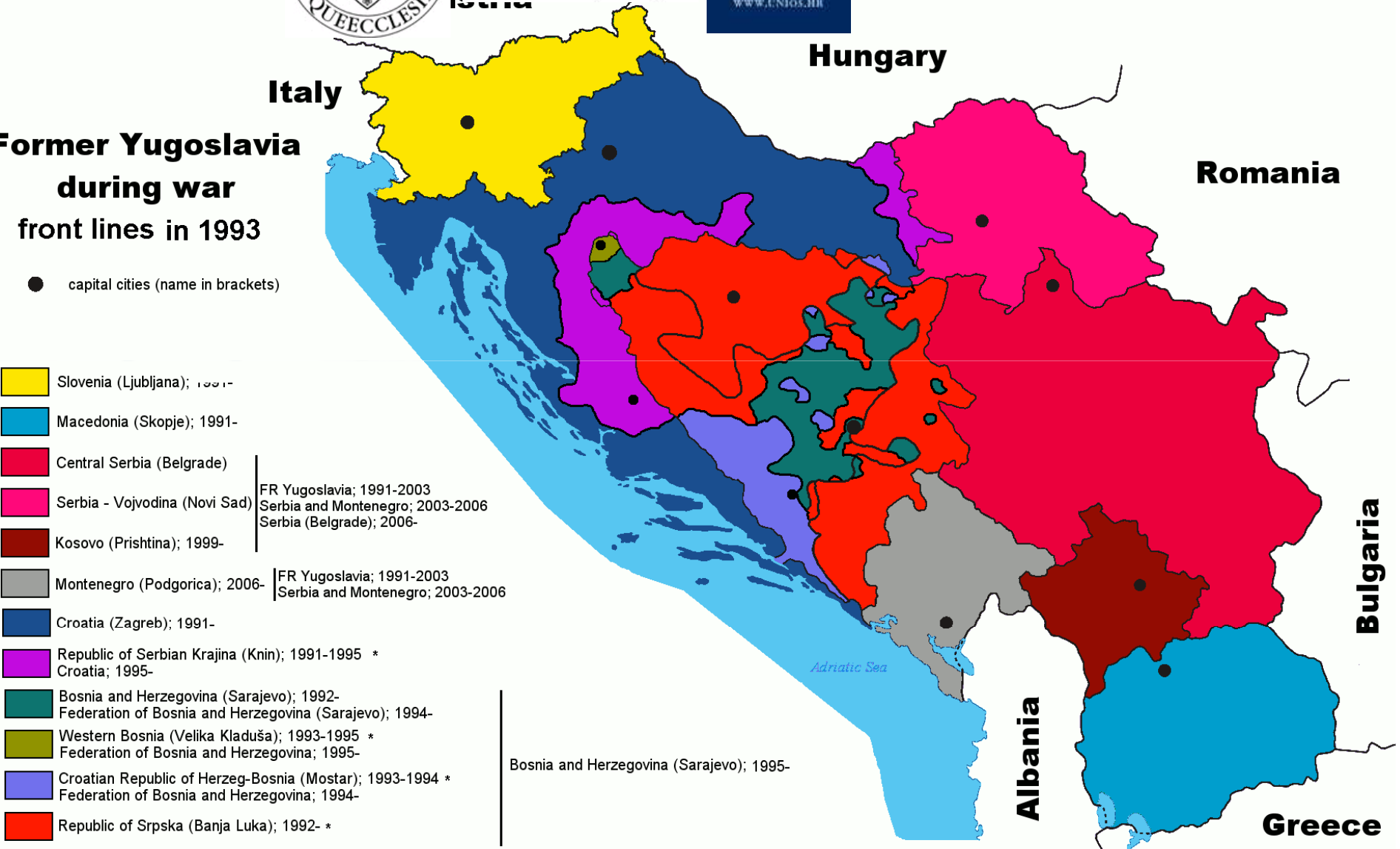


**Former Yugoslavia
during war
front lines in 1993**

● capital cities (name in brackets)

- Slovenia (Ljubljana); 1991-
- Macedonia (Skopje); 1991-
- Central Serbia (Belgrade)
- Serbia - Vojvodina (Novi Sad) | FR Yugoslavia; 1991-2003
Serbia and Montenegro; 2003-2006
Serbia (Belgrade); 2006-
- Kosovo (Pristina); 1999-
- Montenegro (Podgorica); 2006- | FR Yugoslavia; 1991-2003
Serbia and Montenegro; 2003-2006
- Croatia (Zagreb); 1991-
- Republic of Serbian Krajina (Knin); 1991-1995 *
Croatia; 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- *

Bosnia and Herzegovina (Sarajevo); 1995-



* Means that that entity was not internationally recognized

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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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Hungary



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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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Hungary – National Round Table



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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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Hungary – Electoral campaign 1990



TESSÉK VÁLASZTANI



Brezhnev and Honecker

Choose, please!

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Case

11/1992 (III. 5.) ABH

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Hungary

Modifications to the Constitution (among others)

NATO
EU

New Fundamental Law 2011/2012

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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
 - *free multiparty elections April/May 1990;*
 - **22 December 1990** – “Christmas Constitution”;
 - *19 May 1991 – independence referendum;*
 - **25 June 1991: Constitutional Decision + Declaration** = establishment of the sovereign and independent Republic of Croatia;
 - **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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Work in groups

Compare the structure, the preamble and the main principles of the Constitution of the Republic of Hungary, the Fundamental Law of Hungary and the Constitution of the Republic of Croatia.



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Thank you for your attention!