

**PhD thesis topic proposals – Geza Marton Doctoral School of Legal Studies
2016/17. academic year**

Dr. Zsuzsanna ÁRVA (PhD, habil.)	The administrative aspects of the education	Several significant public administrative reforms have been passed in the area of educational administration in the latter period. We can mention between the newest changes the new regulation of education, the modified functions of the local governments, or the new system of the institution maintenance. The research topics could be the following – even with the application of a comparative legal method -: changes in the legal status of the universities, the new system of the administration of public education or the special legal status of the church educational institutions.
Prof. István BALÁZS (CSc, habil.)	Les changements de la théorie generale du service public	La place du service public était toujours très importante dans la pratique et dans la jurisprudence et également dans la doctrine. Il est très intéressant d'examiner les changements de la définition, de la régime juridique et de la notion du service public. La question de base est l'effet de l'influence de développement du nouveau libéralisme dans l'administration publique dans les dernières décennies de XX.ème siècle. Comment confrontaient l'idée de rentabilité et l'appréciation de l'intérêt général?
Dr. Judit BALOGH (PhD, habil.)	Rezeption und Kodifikation als Gestaltungsmittel des Staatswesens. Funktionswandel der Rechtsinstituten ab dem 18. bis zum 21. Jahrhundert	Diese Thematik als Forschungsvorhaben ist vor allem für allgemeine staatsgeschichtliche und rechtsvergleichende Arbeiten zu empfehlen. Schwerpunkte dieser Themen sind Wandlungen einzelner Rechtsinstituten, Wissenstransfer, Einflüsse ausländischer öffentlichrechtlichen Theorien auf die Entwicklung des ungarischen (oder nationalen im allgemeinen) Rechts sowie Untersuchung und Bewertung ausländischer Muster, sowohl in der rechtsgeschichte als auch im geltenden Staatsrecht bzw Verfassungsrecht. Als rechtsgeschichtliches Thema ist besonders Neuzeit und juristische Zeitgeschichte vorgesehen.
Dr. Ildikó BARTHA (PhD)	External relations of the European Union	Complexity and dynamic of EU external relations is decisive in shaping the current legal and political character of European integration. The research theme covers those legal and constitutional foundations, institutional issues, relations between policy actors and interactions between EU policies which are relevant for a theoretical analysis of long-debated questions and recent challenges concerning EU external actions. Beyond that “internal matters” of EU foreign relations, the research may also be focused (from a comparative point of view) on the nature of EU cooperation with certain non-EU countries and on the controversial, both competitive and cooperative relationship between the EU and other international economic communities.

Dr. Mátyás BENCZE (PhD, habil.)	Theoretical background to adjudication	One of the most exciting fields of contemporary legal theory is the theory of adjudication. The efforts mainly focus on the problems of deciding 'hard cases'. Both philosophical and sociological problems arise at investigating the decision-making process. How can we determine the types of the legitimate reasons? What the essence of the idea of 'judicial wisdom'? From a sociological point of view we can ask the role of the extra-legal factors in the judicial process. I prefer to analyze the judicial practice in detail, thus I can offer this kind of method to any PhD students who intends to join me.
Dr. Balázs ELEK (PhD, habil.)	The formation of the judicial belief, and the basic principles of the criminal procedure	During criminal procedure, the division of the procedural functions allows for the complex examination of the formation of judicial belief, with a focus on separate subdivisions. The effectiveness of the criminal procedure is established in regards to the basic principles that may even have cross purposes. The final outcome of the procedure can largely depend on the strength and the practical and theoretical evaluation of these basic principles. The regulations influencing judicial belief can be formulated in a different way depending on the historical age, on the system of procedure, on the given country, and even in the same age, as a result of change in legislation. This may provide the necessity of a comparative research.
Dr. Tamás FÉZER (PhD, habil.)	New Tendencies in the Development of a Common European Private Law Institutions of International Business Law in the 21st century	The European Union launched a challenging project to widen the horizon of harmonization in order to establish a somewhat unified private law in the Member States. The original purpose or excuse for this harmonization was mainly to strengthen consumer protection, while the actual outcomes and legislative products paint a more complex picture: company law, tort law, business transactions and contract law stepped out of the regular B2C relations and in some cases a B2B dimension also appears. Researches focus on the new possibilities and directions of this ambitious project in the EU. International business law is a rapidly evolving branch of jurisprudence and legal practice. The research topic covers contractual, transportation, transactional, financial or dispute resolution problems related to the operation of international business law in the 21 st century. The core questions of the research would be how legislative products and judicial decisions boost economy in an international environment and what questions modern jurisprudence face in order to keep up with such novelties. The research should also put an emphasis on how <i>lex mercatoria</i> is changing as a result of the global financial crisis and what factors parties consider when choosing the governing law or the dispute resolution methods.

Prof. László FODOR (PhD, habil.)	Klimaschutzrecht der EG; Ungarisch-Deutsche Rechtsvergleichung	Der Klimawandel stellt eine der grössten Herausforderungen für das heutige Rechtssystem dar. Die internationalen, gemeinschaftlichen bzw. nationalen Rechtsschöpfer sollen je einen Instrumentenmix einsetzen, um die von Naturwissenschaften initiierten klimapolitischen Ziele zu erreichen. Innerhalb der EU werden dennoch die ausgewählten Instrumente einer starken Rechtsharmonisation untergeordnet, aber trotzdem sind Unterschiede zwischen der verschiedenen mitgliedstaatlichen Regelungen bzw. ihren Praktiken zu bemerken. Es lohnt sich deshalb diese (zB die deutsche und die ungarische) Rechtsvorschriften miteinander zu vergleichen.
Prof. Mihály FÓNAI (CSc, habil.)	Recruitment and characteristics of legal professions	The topic of the PhD course is the social recruitment of legal professions. Because of the history, identity and attributes of the legal professions this is an important legal sociological question, because social origin influences professions' internal and external perception. There are significant differences between different legal professions considering not only their social backgrounds, but other aspects as well. Thus for example composition of gender, status, social prestige and income can differ. Within the framework of the topic there is a way to explore the explanations of the differences and causalities.
Prof. Tamás HORVÁTH M. (DSc, habil.)	Public administration and management	Recently public management has to face with expectation derived from the neo-Weberian and other challenges of the state. What is the effect of this process on the role and operation of public administration? From this aspect quite a lot of models and methods are working in the practice of countries in Europe. The research question may be investigated in a comparative view from different aspects of public law, finance and policy.
Dr. Sándor MADAI (PhD)	Challenges of substantive criminal law in the 21st century	Dealing with challenges of substantive criminal law is necessary for several reasons. On one hand, we cannot deny the obvious fact that criminal law definitely exceeded national borders these days, and the European and global scope of that process provides a different approach of criminal law as well. Naturally, this progress leads to the theoretical statements that most theories believed authentic and true is becoming questionable, or at least they need to be reconsidered by criminal lawyers who got used to examine issues from a national angle.
Dr. Judit MOLNÁR (PhD)	Zivilprozess und ausserprozessliche Verfahren in Europa	Rechtsvergleichende Forschungen und Analysen im Kreis der zivilverfahrensrechtliche Institutionen den Mitgliedstaaten der Europäischen Union, Zusammenleben des Europäische Zivilverfahrensrechts und der mitgliedstaatlichen verfahrensrechtlichen Institutionen. Unter der Forschung haben diejenige Elementen des Zivilprozess und ausserprozesslichen Verfahrens besondere Beobachtung, die kennzeichnende Institutionen des ungarischen Zivilverfahrensrechts sind, in ihren Fortschritten die europäische und mitgliedstaatliche Vorspiele nachweisbar ist.

Dr. György NÁDAS (PhD)	Fundamental conceptual questions of labour law; harmonisation of law regarding the basic legal institutions of labour law	Within the frames of the present topic all relevant questions defining the legal position of the parties in employment relationship, the possible limits of state intervention according to the significant differences between the employer's and employee's legal status are available for research. The topic offers the possibility of law-comparison between Hungarian law and international labour law including all relevant spheres of both individual and collective labour law. According to the current tendencies of labour law in general and international context legal institutions of individual and collective labour law can be examined separately and together as well; the latter phenomenon can be justified by the changing legal concepts and ideas concerning especially the parties' more and more stressed freedom of contract.
Dr. Henriett NÁDAS-RAB (PhD)	The effects of the relationship between labour law and social law on the labour market mechanisms	Within the frames of the present topic all aspects of labour law, all branches of employment, social law in a broad sense including social security, employment policy and specific spheres of actual social law are available for research. The directive of the research is law-comparison because the main topic focuses on these effects based on the special relationship between the system of labour law and social law. These effects and aspects are examined in the context of international labour and social law as well. The detailed emphasis of the labour market is carried out with methods of legal sciences taking into consideration the viewpoint of fundamental rights. These directions of research can be completed by other fields of social science research and this can possibly lead to new areas where this kind of scientific work is justified.
Dr. László PRIBULA (PhD, habil.)	Alternative Dispute Resolution: ways to avoid lawsuits in the 21st century	The research within the doctoral program also includes finding ways to promote timely and efficient resolution of disputes while maintaining the monopoly of the judicial system. The use of ADR instead of litigation raises many questions on constitutionality and legal certainty, therefore it is useful to look into foreign practices whether they failed or succeeded. Research on arbitration, mediation, professional mediators, non-litigious procedures and other means of ADR helps to decide, to what extent we should outsource dispute resolution from the courts to other institutions, and how to find balance between effectiveness and the fundamental rights of those seeking justice.
Prof. József SZABADFALVI (CSc, habil.)	Hungarian legal philosophical thinking from the beginnings to the mid-20 th century	The traditions of Hungarian legal philosophy followed the various periods of the Continental legal philosophical thinking until the mid-20 th century. The oeuvres of the most significant legal philosophers are not restricted to the interpretation of the achievements of the more developed legal cultures, but are also reflected in independent theoretical efforts.

Prof. Béla SZABÓ (CSc, habil.)	Der Einfluss der gelehrten Rechte auf die Normentstehung, Normvermittlung und Normdurchsetzung in Ostmitteleuropa im zweiten Jahrtausend	Der Themenbereich bietet breite Möglichkeiten für die rechtshistorisch interessierten Doktoranden an allen Rechtsbereichen historisch fundierten Forschungen durchzuführen, unter besonderer Berücksichtigung der Geschichte der Rechtsquellen, der Rechtskultur und der Rechtspraxis. Es ist auch möglich im Bereich der Rechtsgeschichte der im historischen Ungarn lebenden Nationalitäten bzw. der privilegierten Gebieten Forschungen durchzuführen. Auch die vergleichende Analyse der Rechtsentwicklung der Völker in Mitteleuropa ist anzustreben.
Dr. Krisztián SZABÓ (PhD)	Possible directions of changes of some criminal procedural legal institutions in the light of the codification of criminal procedural law	In the case of the Hungarian criminal procedural legal institutions it is inevitable to analyze the written law, the legal practice and the international expectations for the all-round scientific research. According to the actual codification of the criminal procedural law the following topics are the most relevant: fundamental principles, legal guarantees in a broad sense, legal status of the subjects of criminal procedural law, rules of court-ordered supervisions limiting personal freedom and the scientific evaluation of principles and rules of probation and its international context. The need for comparative analysis is ambiguous based on the different criminal procedural law systems, different countries; furthermore its historical dimension is also relevant.
Dr. Sándor SZEMESI (PhD, habil.)	Human rights in the theory and practice of the Council of Europe and its organs and institutions	The research focuses on the recent developments of international human rights law, with special regard to the activity of the Council of Europe and its organs and institutions. It is possible to examine only the case-law of the European Court of Human Rights concerning one or more rights incorporated into the European Convention on Human Rights, and/or the theory and practice of other organs and institutions of the Council or Europe (e.g. CPT, Venice Commission, etc.), or to examine the similarities and interferences between the case-law of international judicial organs dealing with human rights cases (with special regard to the legal relationship between the European Court of Justice seated in Luxemburg and the European Court of Human Rights seated in Strasbourg).
Dr. Veronika SZIKORA (PhD, habil.)	System und Reform des Gesellschaftsrechts in Europa	Das Gesellschaftsrecht entwickelt sich zwar dynamisch, wobei diese Entwicklung im Hinblick auf die einzelnen Rechtsformen ziemlich unterschiedlich ist. Die Regelungen sind allerdings – auch historisch bedingt – durch Zersplitterung und dadurch gekennzeichnet, dass ein klar konturiertes Gesamtkonzept nicht ausgeprägt ist. In den verschiedenen europäischen nationalen Kulturen gibt es verschiedene Modelle der Gesellschaften und des Gesellschaftsrechts. Die Mitgliedstaaten der EU mit größten ökonomischen Macht forschend ist es festzustellen, dass die verschiedenen Modelle der einzelnen Länder, können die Gesellschaftsrechtsentwicklung beeinflussen.

	Entwicklungstendenzen des Gesellschaftsrechts in den 19-21. Jahrhunderten	Die historische Dimension des Gesellschaftsrechts. Eine umfassende Geschichte des Gesellschaftsrechts liegt nicht vor. Das könnte teils auf der problematischen Begriffsbildung, teils auf einem ahistorischen Zug der Gesellschaftsrechtsliteratur beruht werden. Die Gesellschaftsrechtswissenschaft so, wie wir sie heute verstehen, entstand im Wesentlichen erst im 19. Jahrhundert und hat vor allem im 21. Jahrhundert an Bedeutung und Ausdifferenzierung ständig zugenommen.
Dr. Gábor Attila TÓTH (PhD, habil.)	Comparative Constitutionalism	The research focuses on the recent global and regional developments of human rights and the constitutional checks and balances. Primary sources of the research are the judgments of the constitutional courts and other judicial bodies. The most important fields of the comparison are the problems of the neutrality of multicultural states and the freedom of religion, and the clash between freedom of speech and human dignity. With the help of comparative perspective, the constitutional answers on the hard cases of human rights could be revealed.
Dr. Márton VARJU (PhD)	The national interest in EU law	The research theme covers the theoretical and practical dimensions of the possibility for Member States to pursue national political and social interests and policy priorities within the EU. Proposals from candidates are invited in the areas of a) conceptualizing the place and role of the national interest in EU law, b) vindicating the national interest in EU law and its legal and governance boundaries or c) value-conflicts, the national interest and the EU constitutional order. Proposals may focus on individual policy areas, such as services of general economic interest, public finances, state monopolies and state ownership, education and social services etc. Candidates are expected to develop an institutional and/or normative analytical framework for their selected area. The use of interdisciplinary research approaches is encouraged.
	Human rights as legal and policy instruments in the European Union	The research theme covers the multifaceted use of human rights in the EU polity and invites proposals from candidates concerning (a) the conventional and unconventional uses of human rights by EU courts, (b) the human rights boundaries of EU governance and regulation or (c) the protection of human rights as an internal and external policy objective for the EU. Candidates are expected to develop an institutional and/or normative analytical framework for their selected area and to pursue research to identify and discuss the legal, constitutional, political and/or regulatory/governance rationales of legal and/or institutional developments. Both doctrinal and interdisciplinary (e.g. law and politics, law and governance) research approaches are welcome.

Prof. Ernő VÁRNAY (CSc, habil.)	The infringement procedures under Articles 258-260 of the Treaty on the functioning of the European Union (TFEU)	Motives of the European Commission, the Member States and the European Court of Justice in the procedures, discretion in the course of the procedures, access to documents, relationship between the procedures under 258-260 TFEU and the procedure under Article 7 of the Treaty on the European Union
	Preliminary ruling procedure under Article 267 TFEU	Motives of the references to the Court of Justice, substantial characteristics of the references, obligation to refer, judicial control of the breach of the obligation to refer
	Institutional-legal aspects of the European Monetary Union	Tasks, functions, powers of the European Central Bank (ECB), independence and accountability of the ECB, relationship between the monetary policy and the economic policy in the actual financial-economic crisis